

Contra Costa County District Attorney's Office Election: 2018
Contra Costa County District Attorneys' Association
Forum Questionnaire

1. *Why do you want to serve as District Attorney in Contra Costa County?*

I want to keep our communities safe. I believe that public safety and the efficient prosecution of cases go "hand in hand." For example, there are too many cases not being timely filed due to the antiquated system of screening that the DA's Office utilizes. The simple, efficient, organization of the work that needs to be done will result in increased productivity.

The current practice of not timely filing complaints when a defendant is in custody or issuing citations and not having complaints on file have resulted in some perpetrators returning to the community only to commit more crimes. Sometimes almost one year lapses until the person appears in court. This is an unacceptable risk to the public. The complaint and initial discovery need to be ready whether the person appears in custody or is cited out.

2. *What do you believe are the major issues or problems in Contra Costa County's Criminal Justice System?*

While this response is not an exhaustive list of all of the issues, again I believe that efficiency is lacking. Not only is the filing of complaints as stated-above a problem, the way cases are being processed results in wasting valuable court resources.

For instance, I have always requested that the Contra Costa District Attorney's Office make an offer on my misdemeanor cases that I handle when I send a request for informal discovery. Rarely, do I receive an offer prior to a PTC. In many of my cases, I do not receive timely discovery.

The inefficiency results in the continuation of cases at the PTC and/or the filing of motions to compel discovery. The Court's, victims', witnesses', defendants' and attorney's time are wasted.

Another inefficiency that I have noticed is the resolving of criminal cases. Sometimes offers do not seem to be based on “progressive discipline” principles. Too much custody time is being demanded. In one case that I handled, the offer was 60 days and the defendant after trial was sentenced to 2 days. He was at least 50 years old, had no criminal convictions, and no prior contacts with law enforcement. Failing to resolve the case resulted in a three or four day jury trial thereby wasting valuable judicial resources.

Another issue is the processing of mental health and substance abuse cases. Unless the individual is constantly being arrested for violations, the person should be diverted out of the court system. As a Deputy Prosecutor, I worked with the Community Behavioral Health Director and would release defendants to his custody and control. Rarely, would I see them return to court.

3. *How do you plan to restore the public’s confidence in the District Attorney’s Office?*

In order to restore confidence, the District Attorney and Deputy District Attorneys need to be active and visible in their communities. Through participation and discussion, a commitment to public safety and trust can be established.

As District Attorney, I would attend Board of Supervisor meetings, City Council meetings, PTA meetings, business and homeowner groups, and community spiritual services. I would make an appearance at all high schools and colleges in our community. I would visit every law enforcement agency in Contra Costa County and speak with the men and women who keep our community safe. Finally, I would like to have victims of crime along with myself or a representative of the office speak at the jails as to the impact of the defendant's actions.

In addition, if I were elected, I would donate at least one week of my salary as District Attorney to charitable organizations such as battered women's shelters, victims' rights groups, substance abuse programs, and mental health treatment resources. I hope that all of the candidates will commit to this important principle of charitable giving.

4. *Do you believe Contra Costa suffers from a Mass Incarceration problem? If so, how would you make attempts to solve it?*

The United States has less than 5% of the world's population yet we have almost 25% of the world's total prison population. To some extent, our county does suffer from a Mass Incarceration problem.

Having worked as an appointed attorney for the Board of Parole Hearings for almost eight years, I have become familiar with rehabilitative programs that seem to reduce recidivism levels. These programs do not have to take place in a custodial setting as long as there are safeguards such as review dates and electronic monitoring devices, if necessary. Recidivism levels can be reduced by individuals taking responsibility for their actions, providing incentives to pursue vocational training, educational opportunities, and self improvement programs.

5. *During the interim appointment process some people said the rank and file prosecutors are part of the problem when it comes to the culture of this office. Do you agree with that statement?*

The District Attorney should have a vision as to how the office should be run, how cases should be prosecuted, and the work environment. The managerial prosecutors have to know what that vision is so that the goals can be achieved. Office culture is a result of leadership. It starts from the top position.

What happens sometimes in a government job is complacency sets in. People are hesitant to try different techniques or alternatives. Innovation is not pursued for fear of failure. As District Attorney I would have an “open door policy” to allow input from all employees. If somebody has an idea, I would encourage him/her to share it.

Living in Hawaii and working as a Deputy Prosecutor on Kauai, I was exposed to a different culture than exists on the mainland. I soon adopted to that culture. The work environment was positive and I was extremely productive in that setting.

6. *There was discussion during the interim appointment process of charging decisions made by Deputy DAs in this office. Do you believe that our members routinely overcharge criminal defendants? If so, what practices would you implement to ensure that this practice no longer continues?*

The decision to charge a criminal complaint is whether the DDA believes he/she can prove the case beyond a reasonable doubt. Overcharging a criminal defendant is unethical. I don't think there is a conscientious practice of overcharging criminal defendants although in some of the cases that I handled, in my opinion, the wrong charges were filed.

If a defense counsel or judge believes that a case is overcharged, I would investigate. If the same attorney is being accused of overcharging cases, I would temporarily remove the attorney from the screening unit and provide additional training and support to recognize what charges should be pursued.