

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: Diana Becton Address: [REDACTED] El Sobrante, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone:
Email: ds4dreams@aol.com

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Master's Degree

Preferences

Preferred Salary: \$700.00 per hour; \$258,000.00 per year
Are you willing to relocate?
I currently reside in Contra Costa County.
Types of positions you will accept: Regular , Temporary
Types of work you will accept: Full Time
Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

Objective

District attorney

Education

Graduate School

Pacific School of Religion
8/2013 - 5/2015
Berkeley, California

Did you graduate: Yes
College Major/Minor: Theology
Units Completed: 48 Quarter
Degree Received: Master's

Graduate School

Golden Gate university School of Law
9/1980 - 5/1984
San Francisco, California

Did you graduate: Yes
College Major/Minor: Law
Units Completed: 68 Semester
Degree Received: Master's

Work Experience

Judge

11/1995 - Present

Contra Costa Superior Court
cc-courts.org
725 Court Street
Martinez, California 94553
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$15,000.00
of Employees Supervised: 3
Name of Supervisor: Jill Fanin - Presiding Judge
May we contact this employer? Yes

Duties

Interpret law, assess evidence, control hearings and trials.

Reason for Leaving

Accept a different position.

Certificates and Licenses

Type: Real Estate Broker
Number: 00657872
Issued by: Bureau of Real Estate

Skills

Office Skills

Typing:

Data Entry:

Additional Information

References

Professional

Jenkins, Martin

Associate Justice, 1st District Court of Appeal

[Redacted]

Professional

Glenn-Davis, Janeith

Deputy Chief BART (Ret.)

[Redacted]

Professional

McIntosh, Lesa

Attorney/EBMUD Board of Directors

[Redacted]

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Redacted Application	Diana Becton_Redacted	Other	LaShonda Smith

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the

closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

4. Q: Are you currently a Contra Costa County employee?

A: No

5. Q: If yes, please enter Employee Number.

A:

6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Contra Costa County Website

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A:

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United

States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: I have over 30 years of experience in the administration of justice and the practice of criminal law. For the past 21 years I have served as a judge of the Contra Costa Superior Court. During this time I have provided continuing education instruction, presided over cases, and participated in the appellate review of decisions in criminal cases.

My role as a judge requires knowledge of and sensitivity to the functions of everyone in the courtroom: prosecutors, defense counsel, witnesses, jurors, the defendant, the victim and the public. To effectively administer justice I must be respectful, courteous, and fair to everyone in the courtroom.

I interpret criminal laws, assess the strengths and weaknesses of evidence presented, and control how hearings and trials unfold in the courtroom. Most importantly, I serve as an impartial decision maker in the pursuit of justice.

I have presided over misdemeanor, felony, mental health, and juvenile cases. I have handled diverse criminal cases including, but not limited to violent crimes, such as criminal homicide, rape, aggravated assault, robbery, domestic violence, gangs, sexual assault, burglary, and arson. I have also presided over larceny/theft, motor vehicle theft, white-collar crimes, fraud, forgery, conspiracy, and mental health. I served in law and motion, presided over and managed jury trials and bench trials, and conducted both misdemeanor and felony plea bargains. My experience includes discovery motions, motions to suppress evidence, civil and criminal contempt, grand jury, preliminary hearings, motions in-limine, pre-trial motion rulings, pre-trial offers on misdemeanors and felonies (plea bargains), speedy trial motions, jury trials, post-trial motions, arraignments, sentencing, settlement, instruction of the jury, and presiding over hearings to ensure that victims receive adequate and fair restitution. I presided over a committee of court personnel and justice partners to review victim restitution procedures. In brief, my experience is broad and diverse, both in regard to the types of cases I presided over, and with regard to the types of court procedures.

I have also served as an appellate judge, both for the Contra Costa Superior Court, and as a judge pro tem for the First District Court of Appeal. My evaluation of appellate criminal cases has included traffic, misdemeanors, felony and juvenile cases. In this role I reviewed the findings and evidence from lower courts, to determine if there was sufficient evidence to support the determination made by the lower court, and to determine if the lower court correctly applied the law.

Prior to serving as a judge, I practiced law as an attorney for 9 years. In this role, I served on the criminal conflicts panel. I was responsible for both criminal and juvenile cases. I appeared at arraignments and bail hearings, analyzed cases, talked to witnesses to determine what happened, identified strengths and weaknesses, participated in plea bargaining and resolution, developed trial strategies, conducted jury selection, opening statements, questioned witnesses, prepared law and motion, and presented closing arguments.

5. Q: Describe your organizational and management experience.

A: My organizational and management experience spans over most of my professional career.

Presiding Judge of the Contra Costa Superior Court.

In 2009 I was elected Assistant Presiding Judge of the Contra Costa Superior Court, and I was elected Presiding Judge of the Contra Costa Superior Court in 2011. Contra Costa Superior Court has jurisdiction over the following types of cases: criminal, civil, family, probate, mental health, juvenile, small claims and traffic. The presiding judge is responsible, with the assistance of the court executive officer, for leading the court, establishing policies, and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair administration and expeditious resolution of disputes, maximizes the use of judicial resources, increases efficiency in court operations, and enhances service to the public.

As Presiding Judge I was responsible for: (a) oversight of judicial officers; (b) providing general direction to and supervision of the court executive officer; (c) budget and fiscal management; (d) assigning judges to departments and designating supervising judges for divisions and branch courts; (e) serving as a liaison between the court and the Judicial Council; (f) apportioning the business of the court, including assigning and reassigning cases to departments; (g) calling meetings of the judges; (h) appointing standing and special committees of judges; (i) acting as the spokesperson for the court; (j) authorizing and directing expenditures from the Trial Court Operations Fund.

Over the years my management and organizational experience as a judge included Assistant Presiding Judge, Supervising Judge of the Civil Fast Track Division, and Supervising Judge of the Felony Criminal Calendar, which included the management of post preliminary hearing felony cases, pre-trial motions, plea negotiations, and probation violations. I also served as Presiding Judge and Supervising Judge of the Richmond Municipal Court (The Judge George Carroll Courthouse).

While serving as Presiding Judge, I led the court through one of the most difficult budgetary challenges in the court's recent history. Constant cuts to the courts funding on a statewide basis, forced the court to reduce staff by 27%. The court also implemented several methods in order to reduce the budget, and then we began the difficult process of considering measures that would have significant impact on the public.

The changes, although difficult, were discussed openly, with transparency, and through a collaborative process.

Our employees were informed and involved in the process, and allowed to share their thoughts and feelings. I identified leaders in the organization to help orchestrate the changes. I concentrated on effective delegation, and designated working teams representing different departments, and levels to discuss ideas about how to manage the change effectively. To assist in communications a short presentation was developed describing the future, and the impact of the changes, thus creating a process for open and transparent communication. Finally, I expanded the communication channels and maintained visibility with judges, staff, justice partners and legislators, as major decisions were considered. At every juncture we solicited ideas, comments, suggestions, input, thoughts and other feedback. We managed change during a very difficult and challenging time, in an open, fair, and transparent way.

I have gained the respect of my colleagues, as well as the public we serve. I have received many honors, including, Judge of the Year, from the Trial Lawyers Association. The National Bar Association, Judicial Counsel, recently selected me from a pool of jurist all over the country, to receive the Justice Thurgood Marshall Award. In 2012, I was the recipient of the California Women Lawyers' Rose Bird Award for excellence as a jurist. I have taught Judicial Education and served as a seminar leader at the Judicial College. I received recognition from Channel 7 for a Community Service Salute in 2012.

Starting in 1998, I served as Chair and Vice-Chair of the Strategic Planning Committee for the Contra Costa Superior Court. I managed the process to develop the courts inaugural Strategic Plan. This effort required the involvement of leaders from all aspects of the county to spend long hours in meetings, collaborating and brainstorming establishing the core values, the mission, and the vision for the court. We acquired

data, exchanged ideas and built consensus, in an atmosphere where every idea was respected and valued. Through this process the court adopted strategic goals, and measurable outcomes. The Strategic Plan, with periodic updates, still guides our court today.

President of the National Association of Women Judges.

In 2016, I was elected President of the National Association of Women Judges (NAWJ), the nation's leading voice for women in the judiciary.

As President of NAWJ, I am the principal executive officer of the organization, and I supervise and control all of the business and the affairs of the organization. I preside at all meetings of members and at all meetings of the Board of Directors. I appoint chairpersons, vice chairpersons and members of all committees. I am the spokesperson for the organization, and principally responsible for dealing with the public, including the media. I act as liaison with the Conference Committee for the Annual Meeting held during my tenure. I also chair the Midyear Meeting and Leadership Conference Committee.

NAWJ membership includes trial and appellate, administrative, tribal and military judges, on federal, state and tribal courts at every level of the judiciary throughout the country, and international tribunals, as well as attorneys, law clerks, law students and law professors committed to our mission. NAWJ founded the International Association of Women Judges (IAWJ), and we meet and interact with judges from all over the world. Prior to being elected president of NAWJ, I served as President-elect, Vice-President of Publications, and District Director.

Chair-Elect, State Bar Council on Access & Fairness (COAF).

I am Chair-elect of the State Bar Council on Access & Fairness (COAF). I preside over a 25-member council that serves as the State Bar Diversity "think tank" and consists of judges, lawyers and public members from diverse practice settings and constituencies. We create, focus upon, and implement initiatives that have an impact on all aspects of the pipeline that lead to careers in the legal profession, and the diversification of the legal system.

Alexander & Becton (Brown) Law Offices.

In private practice I was a partner/owner of the law firm. Our office staff included up to nine lawyers and a paralegal/secretary.

Law Office of Diana Becton

Prior to my appointment as a judge, I was the sole proprietor of a law practice in Richmond, California. I employed one lawyer. The practice focused on litigation in real estate, business, landlord tenant, personal injury and criminal cases.

City of Richmond, Housing Finance & Development Supervisor.

I served as Supervisor of Housing Finance & Development. I supervised four Housing Counselors whose responsibilities included counseling in the area of FHA mortgages, and Landlord Tenant law. The department also received and administered grants to assist with affordable housing opportunities in the City of Richmond.

Manager, Housing Finance Corporation

I completed an intensive management-training program where I was equipped with innovative management tools, and I learned the best practices for building a productive team through effective planning, coaching and decision-making. I served as the manager of a consumer finance office.

Access and Fairness Advisory Committee (PAF).

As Chair of the Women of Color Subcommittee, I supervised the development of a Statewide Mentoring Program for court staff and managers.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: When the architects of our republic wrote the magnificent words of the constitution and the Declaration of Independence, they were signing a promissory note, to which every one of us falls heir. Every one of us is guaranteed the unalienable rights to life, liberty,

and the pursuit of happiness. Our justice system was designed with a promise: to treat all people equally.

There is a growing national consensus that America's criminal justice system has problems that need to be addressed in order all Americans to enjoy equal access to life, liberty, and the pursuit of happiness. We lead the world in the use of incarceration, and as we know the US has just 5% of the world's population, but 25% of its prison population. The use of mass incarceration is expensive, and has been proven to be ineffective for achieving the most important goal, which is public safety.

In Contra Costa County, we must focus on how to use our time and resources most productively. We all recognize the need to reduce violence and serious crime, and to maintain a relentless and intense focus on the prosecution of violent criminals. But we can't stop there. We must also look at the rate at which convicted offenders re-offend. In 2006, the bipartisan Commission on Safety and Abuse in America's Prisons, found that 52% of former prisoners were re-convicted. This high rate of recidivism is a problem that needs fixing. While prison can be used to punish criminals and isolate them from society, it is also important to pursue strategies that are proven to reduce recidivism because these strategies improve public safety.

In recent years, programs focused on rehabilitation, have proven a success in several states. Why not look to programs in other jurisdictions that show success in reducing recidivism. Eventually, most offenders are released from prison. If we can successfully rehabilitate offenders, then we have a more positive impact on the community, than if we focus on incarceration alone. Our attention must also focus on reducing racial disparities, and improving the investigation of misconduct, on behalf of all citizens, not just a select few.

Drug use is a contributing factor when it comes to recidivism. The bulk of crimes that we handle are nonviolent offenses. Therefore, we would do well to consider those programs that are proven to reduce criminal behavior for people with drug problems. We might do well to consider the expansion of programs such as the Law Enforcement Assisted Diversion (LEAD), a pilot program developed with the community to address low level drug crimes.

Pretrial detention is another area that needs our attention. Statistics from the California Sentencing Institute, indicate that bail reform is a significant problem, because we have a high percentage of offenders in our local jails who are un-sentenced.

Our justice system promises to treat all people equally. Yet that doesn't happen for many of the 450,000 Americans who sit in jail today awaiting trial because they cannot afford to pay bail. Whether someone stays in jail or not is far too often determined by wealth or social connections, even though just a few days behind bars can cost people their job, home, or custody of their children.

People awaiting trial account for 95 percent of the growth in the jail population from 2000 to 2014, and it costs roughly \$38 million every day to imprison these largely nonviolent defendants. That's about \$14 million dollars per year. Instead of focusing solely on bail schedules, Contra Costa could benefit from exploring practices that rely on detailed individualized hearings to determine whether a pretrial defendant may be suitable for release, and if so on what conditions.

We need to reexamine how we view and treat youth in the criminal justice system. With the annual cost of keeping a teen in juvenile detention topping \$100,000 in many states, there is an increased focus on community-based programs for youths who commit less serious crimes. The states that have pursued alternatives to lockup are seeing fewer repeat offenders and are saving money, according to a new analysis by the Pew Charitable Trusts.

Finally, we must work towards bringing law enforcement, prosecution and communities together. Preventing crime involves working with the community to create meaningful partnerships to improve public safety. We are safer together when community members and law enforcement work together to identify public safety issues and solutions.

A: When I think about why I want to serve as District Attorney for Contra Costa County, I am reminded of a quote by Justice Thurgood Marshall: "We must never forget that the only real source of power that we...can tap is the respect of the people." I care deeply and passionately about our county's criminal justice system. Throughout my legal career I have sought to promote equality, fairness, and confidence in the court and the legal system.

Having served as a judge for over twenty years, I am poised to seek new opportunities that will allow me to fight for reforms, justice and safety for all citizens of our community. Equal access to justice under the law is an American value that is embedded in the fabric of our legal system. I will apply my leadership, legal skills, knowledge, and experience in a fresh way, in order to lead the effort for fair, and just reform of the criminal justice system in Contra Costa County.

I am uniquely qualified for the position of District Attorney, and would like to share three passions that drive me: (1) a belief that the law should protect both the weak and the strong; (2) a belief that the criminal justice system works best when the diversity of legal professionals reflects the diversity of the people we serve; and (3) a passion for the law itself.

I hope to lead with integrity as we explore opportunities for criminal justice reform. If appointed as District Attorney I will apply the Constitution equally to all, and work diligently, and fearlessly, to demand fair treatment and justice for Contra Costa residents of all backgrounds. I will do everything within my ability to "tap the respect of the people".

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: A Japanese proverb says, "The reputation of a thousand years may be determined by the conduct of one hour." It is imperative that the next District Attorney of Contra Costa County work to restore public trust in the office, and to ensure fair treatment and justice for all residents in Contra Costa County. I will work with integrity, implement strategic goals with measurable outcomes, and provide a voice of accountability to the community that we serve.

Around the country, prosecutors and their offices are adopting a community-oriented strategies to bring about confidence in the District Attorney's Office – one that focuses the attention and efforts of prosecutors not only on processing cases presented to them by police, but on quality of life, crime prevention, problem solving, building partnerships with citizens in the community, and incorporating the priorities of citizens into their mission and operations.

Community involvement is a way to build confidence. From educating young people, to participating in neighborhood meetings and senior citizen informational gatherings, the District Attorney's Office should place a high value on interaction with all members of the Contra Costa community.

As a judge, I have successfully engaged the community in the legal process, and if elected DA, I would continue to promote community involvement. For example, I have also worked in and with the community, earning the respect of the residents of Contra Costa County. In collaboration with the court, public defenders, district attorneys and the faith community, I convened Clean Slate Days to help residents overcome barriers to employment, housing, education, public benefits and civic participation. I worked collaboratively with the public schools, public defender, district attorney, law enforcement, and the faith community, in order to convene "Know Your Rights, so that our youth understand how to interact during encounters with law enforcement. I participate in Ceasefire night walks, bringing a message of hope, and to stop the gun violence in our communities.

As District Attorney, I would encourage the office to reach out to the various school, religious and community groups through a Speakers Bureau, and host regular community forums. Neighborhood Crime Prevention is another model to consider, where Community Prosecutors are assigned to a particular community to build a technical team of law enforcement and government partners, to work together with the community to improve public safety and coordinate with local government and community based organizations in the effort. A Community Prosecutor can also be

assigned to work on Truancy Abatement in their area of the county.

Establishing District Attorney Advisory Groups is another method that can be used to restore trust and confidence. Preventing crime involves working with the community to create meaningful partnerships to improve public safety. We are safer together when community members and law enforcement work together to identify public safety issues and solutions.

Lastly, I would promote diversity within the office. The authors of a Stanford report contend that diversity in prosecutorial agencies is important because diversity improves decision-making within any organization, and may help dispel some concerns about injustice. Diversity within the office is also important because it allows for diverse perspectives in decision-making, and makes the office more reflective of the community that it serves.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: The increasing number of individuals with mental health and substance use conditions in the criminal justice system has enormous fiscal, health, and human costs. Mental Health courts present a growing opportunity for prosecutors to reach better, safer and more humane criminal justice outcomes for offenders with mental illnesses.

To maximize this opportunity prosecutors need to fully engage in the planning and operations of these problem-solving courts, and play an active role on mental health court teams. Diverting individuals with mental health and substance use conditions away from jails and prisons and toward facilities that are better equipped to treat mental health issues is an essential component of national, state, and local strategies to provide people the support they need, and to eliminate unnecessary involvement in criminal justice systems.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No.

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: I convened a committee to review the procedures for establishing and collecting victim restitution. I worked through discussions of a diverse group of judges and staff, the public defender, district attorney, private bar, probation, and non-profit agencies. Everyone came to the table with different interests, and a desire for different outcomes. Through strategic planning and thinking, we defined and streamlined the work of each agency. We developed procedures that clearly set forth each entities role in the process. The committee also set up methods to streamline communications between the various justice partners, and reached consensus on a final procedure that will result in greater efficiencies for collecting restitution for crime victims.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: I presided over a first-degree homicide trial, where the defendant, shot his best friend since childhood. The relationship deteriorated because of defendant's drug use, and suspicion that the victim was having an affair with his wife.

On the morning of the shooting, witnesses heard gunshots. A neighbor saw a truck, and then a body lying on the sidewalk in front of the house. The defendant appeared at a friend's house with blood on him, and his truck had fresh blood and flesh all over the interior. The defendant said, "I did it, I put ten slugs in him," and then solicited help to clean up and hide the truck.

The defendant testified at trial claiming self-defense. The case was unique because in a prior case, the defendant was charged with the homicide of a childhood friend, while sitting in a truck, and then claiming self-defense, and the jury found the defendant not guilty.

It was a high profile case, with a high volume of pre-trial publicity. The court and the jury had to sort through many complex legal issues involving the admissibility of evidence, attorney misconduct, and impeachment of witnesses. There was a delicate balance considering the defendant's rights, and the probative value, versus the prejudice and materiality of the evidence.

There were days of pre-trial motions and rulings, inflammatory photographs, as well as crime scene photos, and "in life" photographs. Then there were the logistics of arranging transportation for the jurors, the defendant, the lawyers, and the courtroom staff to visit the scene of the shooting. The defendant was difficult to manage, and his attorney had difficulty controlling the statements that the defendant made while testifying before the jury.

The jury found the defendant guilty. The appellate court upheld my rulings and the Supreme Court declined to review.

13. Q: What is the size of the population/client base served by current employer?

A: The Superior Court serves the citizens of Contra Costa County, which has a population of 1,049,025, according to the 2010 census.

14. Q: To whom do you currently report, by title?

A: I currently report to the Hon. Jill Fannin, Presiding Judge of the Contra Costa Superior Court.

15. Q: What number of staff are employed by current employer?

A: Contra Costa Superior Court has a staff of 325.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: I currently oversee a staff of three, the clerk, court reporter and bailiff.

As President of the National Association of Women Judges I oversee directly and indirectly a staff of two (2), and an additional number of contract employees.

17. Q: What is the largest number of staff you have overseen, and where?

A: The largest number of staff that I have overseen is approximately 450, and that was with the Contra Costa Superior Court.

18. Q: What is your current employer's operating budget, in dollars?

A: The approved budget for Contra Costa Superior Court at the beginning of 2016-17 was \$56.963 million.

19. Q: For what portion of budget are you responsible, in dollars?

A: When I served as Presiding Judge of the Contra Costa Superior Court, I was responsible, along with the CEO for oversight of the court's entire budget for the fiscal years of 2011 and 2012. Also while serving as Assistant Presiding Judge (2009-2010), I worked closely with the Presiding Judge on issues concerning the court's budget. I am not currently responsible for any portion of the court's budget.

As President of the National Association of Women Judges, I serve as the principal executive officer of the organization, and along with the Executive Director, I supervise all of the business and affairs of the organization, which has a budget of \$1,038,250.

20. Q: What is the largest budget you have ever been responsible for, and where?

A: The largest budget that I have been responsible for is approximately \$56 million for the Contra Costa Superior Court.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: David G Brown Address: [REDACTED] Suisun, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone: [REDACTED]
Email: tajoco@hotmail.com

Personal Information

Driver's License: Yes, California , [REDACTED] , Class M1
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$90,000.00 per year
Are you willing to relocate? Yes
Types of positions you will accept: Regular
Types of work you will accept: Full Time , Part Time
Types of shifts you will accept: Day

Objective

Prosecute criminals!

Education

College <i>Bradley University</i> 8/1974 - 7/1979 Peoria, Illinois	Did you graduate: Yes College Major/Minor: B.S. Business Management Units Completed: 124 Semester Degree Received: Bachelor's
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Work Experience

Deputy District Attorney 7/1986 - 3/2013	Hours worked per week: 40 Monthly Salary: \$13,000.00 # of Employees Supervised: 23
Contra Costa County 900 Court St Martinez, California 94355	Name of Supervisor: Paul Sequeira - Assistant Chief Deputy District Attorney May we contact this employer? Yes

Duties

Prosecuted all major cases including homicide, sexual assault, crimes of violence and gang cases. Supervised the Richmond branch of the office for 8 years. Prosecuted Workers Compensation cases, Child Abuse and Elder Abuse cases. Tried over 20 Homicide cases including several death penalty cases. Worked as liaison between district attorneys office, courts, police departments as well as community organizations. Set up training program for young attorneys and monitored their progress.

Reason for Leaving

Retired

Certificates and Licenses

Type: California State Bar
Number: 123771
Issued by:
Date Issued: 5 /1986 Date Expires:

Skills

Office Skills

Typing:

Data Entry:

Additional Information**References**

Professional
Sequeira, Paul
Chief Deputy District
attorney
[REDACTED]

Resume**Text Resume****Attachments**

Attachment	File Name	File Type	Created By
David G Brown Application_Redacted	David G Brown Application_Redacted	Other	Alex Johnson

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

4. Q: Are you currently a Contra Costa County employee?

A: No

5. Q: If yes, please enter Employee Number.

A:

6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Other

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: Newspaper article, members of the Contra Costa County District Attorneys office .

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: No

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A:

Over 25 Years as a Deputy District Attorney in Contra Costa County. Senior Deputy District Attorney for 8 Years. Head of the Richmond District Attorneys office for 8 Years. experience trying all major felony cases.4 years as a criminal defense attorney practicing in Bay Area

5. Q: Describe your organizational and management experience.

A: 8 years as head of the Richmond Branch of the Contra Costa County District Attorneys Office. Established training program for newly hired deputy district attorneys. Owner and sole practitioner of private law firm.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: Equal access and treatment of all citizens of the county. Ethical decision making in filing and prosecuting cases. Promotions and advancement of employees based solely upon merit and an understanding and appreciation for how the justice system is viewed by the public in general.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: I was a deputy district attorney for over a quarter of a century. I know how important it is that the citizens of the county have faith in the prosecution and non-prosecution of cases. i know that it is the job of the District Attorney to lead by example which includes acting morally, ethically and fairly at all times. I know I can bring trust in the office back not only to those outside the office but also those inside the office.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: Promoting those who have demonstrated the ability to fairly,ethically and morally file and prosecute crimes. By making sure that those who are hired have not only a passion for the career of deputy district attorney but also a passion to see that justice is done for everyone,including defendants. Training is extremely important, not only training in the law but also training in the application of the law.There must also be a willingness to listen to opposing viewpoints and a willingness to engage in dialogue with an open mind.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: There is no one answer to that problem. i do believe that psychological treatment is the only way to stop the cycle of recidivism. The question becomes who is in the best position to make the determination of which treatment is best. That is why I believe an open dialogue is required. I was in the Mental Health unit of the district attorneys office and had many opportunists to discuss cases with the Mental Health Unit of the County as well as doctors in the state hospitals where mentally ill defendants are housed. I am aware of the divergent opinions of how best to serve the defendants interests and still protect the community.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: A complaint was made to the state bar concerning my jury selection in a murder case. No action has been taken.

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: I was contacted to represent a crrminal defendant who made allegations against a police officer I had worked with as a prosecutor. I knew the officer personally and had questions as to the accuracy of the perspective clients allegations. I advised him that I knew the officer and that it would be best if he hired another attorney, I did not want it to appear that I had a conflict of interest between my duty to my client and any possible personal bias I may have had toward the officer. I did not believe it would be the proper moral or ethical thing to represent him in court unless I had complete trust and faith in any action I would have to take.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: The most complex matter was prosecuting a Richmond murder case where the defendant was 16 at the time he murdered a prominent athlete from De La Salle High School that had just recently received a college scholarship to play football at the University of Oregon. The issue was the fact that based on the nature of the crime the defendant was charged as an adult. He was convicted of 1st degree murder.

13. Q: What is the size of the population/client base served by current employer?

A: Bay Area

14. Q: To whom do you currently report, by title?

A: Sole proprietor of own law firm

15. Q: What number of staff are employed by current employer?

A: 1

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: 1

17. Q: What is the largest number of staff you have overseen, and where?

A: 16. Contra Costa County District Attorneys Office. That included attorneys, investigators and clerical staff.

18. Q: What is your current employer's operating budget, in dollars?

A: N/A

19. Q: For what portion of budget are you responsible, in dollars?

A: All

20. Q: What is the largest budget you have ever been responsible for, and where?

A: Current office.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: John Delgado Address: [REDACTED] Hercules, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone: [REDACTED]
Email: johnjdelgado02@gmail.com

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Master's Degree

Preferences

Preferred Salary: \$258,180.61 per year
Are you willing to relocate? Yes
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

Objective

To seek justice, protect the rights of crime victims, and prevent crime. To seek and implement initiatives and preventative programs that will reduce crime and enhance the lives of our residents.

Education

Professional
UC Hastings College of the Law
www.uchastings.edu
8/1995 - 5/1997
200 McAllister Street, California

Did you graduate: Yes
College Major/Minor: Law
Degree Received: Professional

College
UCLA
www.ucla.edu
9/1986 - 5/1991
Los Angeles, California

Did you graduate: Yes
College Major/Minor: Electrical and Electronics Engineering
Degree Received: Bachelor's

Work Experience

Assistant District Attorney
8/2000 - Present
San Francisco District Attorney's Office
sfdistrictattorney.org
850 Bryant Street Suite 322
San Francisco, California 94103
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$14,000.00
of Employees Supervised: 0
Name of Supervisor: Jean Roland - Managing Attorney - Juvenile Division
May we contact this employer? Yes

Duties

I have served in various units throughout my career at the San Francisco District Attorney's Office which include Domestic Violence, Narcotics, Special Prosecution and the Juvenile Division.

I have tried over 100 jury trials and thousands of evidentiary hearings.

Reason for Leaving

Incredible opportunity.

Councilman

11/2010 - 11/2013

City of Hercules
111 Civic Drive
Hercules, California 94547

Hours worked per week: 40

Monthly Salary: \$800.00

of Employees Supervised: 1

May we contact this employer? Yes

Duties

Served on the City Council of Hercules in the capacity of Council Member, Vice Mayor and Mayor. Participated in the hiring of five City Managers and one City Attorney. Served on various regional boards such as the West Contra Costa Integrated Waste Management Authority and WestCat Board.

Reason for Leaving

Promised to leave after accomplishing three things; 1) Financial Stability 2)

Certificates and Licenses

Type: California State Bar

Number: 191587

Issued by: California State Bar

Date Issued: 1 /2017 Date Expires: 1 /2018

Skills

Office Skills

Typing:

Data Entry:

Additional Information

References

Professional

Roland, Jean

Managing Attorney

San Francisco District Attorney's

Office



Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Redacted Application	John Delgado	Other	LaShonda Smith

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

- 2. Q:** If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

- 3. Q:** Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

- 4. Q:** Are you currently a Contra Costa County employee?

A: No

- 5. Q:** If yes, please enter Employee Number.

A:

- 6. Q:** If yes, enter Merit System job title:

A:

- 7. Q:** Check the appropriate box that describes your high school education.

A: High School Diploma

- 8. Q:** Where did you hear of this position?

A: Other

- 9. Q:** If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: LinkedIn

- 10. Q:** I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

- 11. Q:** May we contact your present employer?

A: Yes

- 12. Q:** REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

- 13. Q:** Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

- 14. Q:** Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on

the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A:

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: Prosecutor for the past 17 years

5. Q: Describe your organizational and management experience.

A: Served on the City Council of Hercules for four years and which unfortunately required massive budget cuts and reorganization. Formed citizen committees for finance and conflicts of interest.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: Overextension of public resources, gang related crime and the uptick of property crimes.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: To protect the community that i live in, to achieve the highest position, and to shorten my commute.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: Establish, extend, and maintain relationships with the community, its leaders, and law enforcement.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: Explore the creation of mental health courts and support the expansion of the community's safety net.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: I have spent a majority of my career working in the domestic violence unit. Often, the victim and witnesses to the crime do not want to cooperate for a myriad of reasons. I had to try a case where the victim and witness hid from us and refused to cooperate. I had to prove the case by using a 911 recording and the past acts of the defendant. The victim showed up to testify for the defendant but the jury fortunately saw the truth of what had occurred and convicted him. The difficulty was to be creative in showing the jury how all the facts, despite the lack of testimony of any eyewitnesses for the prosecution, showed that the defendant committed the crime. You learn to prepare, to present evidence effectively, and to trust in the system.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: I had case where the DUI defendant had lost control of his car and pinned an elderly woman against a concrete support. This essentially severed the victim's legs at knee level. Under the law, the more serious crime of Mayhem was not a viable legal authority. However, I was able to analogize the theory that a second time DUI driver can be prosecuted for murder to this situation and the preliminary hearing Judge agreed. I had to analyze a federal regulatory statute to obtain the defendant's past DUI class records. The trial attorney was able to secure a plea. I received recognition from MADD for my work in that case.

13. Q: What is the size of the population/client base served by current employer?

A: 864,816 at night.

14. Q: To whom do you currently report, by title?

A: Jean Roland, Managing Attorney of the Juvenile Unit

15. Q: What number of staff are employed by current employer?

A: Normally 120 attorneys with support staff.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: 3

17. Q: What is the largest number of staff you have overseen, and where?

A: 3

18. Q: What is your current employer's operating budget, in dollars?

A: 43,000,000

19. Q: For what portion of budget are you responsible, in dollars?

A: 0.00

20. Q: What is the largest budget you have ever been responsible for, and where?

A: 0.00

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

2KA1-2017A - DISTRICT ATTORNEY**Contact Information -- Person ID:** [REDACTED]

Name: DANIELLE DOUGLAS Address: [REDACTED] PLEASANT HILL, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone:
Email: ddouglas38@att.net

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$258,000.00 per year
Are you willing to relocate? Yes
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

Objective

I am seeking an appointment to the position of Contra Costa County District Attorney.

Education**Professional**

McGeorge School of Law, University of the Pacific
8/1996 - 5/1999
Sacramento, California

Did you graduate: Yes
College Major/Minor:
Degree Received: Professional

College

Missouri Western State University
8/1993 - 5/1996
St. Joseph, Missouri

Did you graduate: Yes
College Major/Minor: Criminal Justice/Legal Studies
Degree Received: Bachelor's

Work Experience**Judge**

8/2014 - Present

Superior Court of California, Contra Costa County
Richmond, California

Hours worked per week: 40
Monthly Salary: \$0.00
May we contact this employer?

Duties

Preside over jury trials, preliminary hearings, motions, unlawful detainers, small claims, and restraining order hearings

ASSISTANT DISTRICT ATTORNEY

8/2013 - 8/2014

San Francisco District Attorney's Office
San Francisco, California

Hours worked per week: 40
Monthly Salary: \$0.00
May we contact this employer?

Duties

Assignment: Homicide
Litigated three homicides to verdict

DEPUTY DISTRICT ATTORNEY

1/2000 - 8/2013

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer?

Contra Costa County District Attorney's Office
Martinez, California

Duties

Assignments included: Gangs/Homicide, Sexual Assault, Calendar, Domestic Violence; Felony Trial Unit; Juvenile Unit; Welfare Fraud Unit; Misdemeanor Unit

53 felony jury trials litigated to verdict; offenses included: gang homicide, homicide, rape, child molestation, arson, corporal injury to spouse, robbery, possession of drugs for sale, vehicle theft, vehicular manslaughter, and driving under influence.

Litigated more than 30 Juvenile Contests to decision; offenses included: rape, child molest, robbery, grand theft, vehicle theft, possession of drugs for sales, and burglary.

Presented more than 75 preliminary examinations; offenses included: homicide, gangs, attempted murder, stalking, torture, mayhem, welfare fraud, identity theft, and residential burglary.

Litigated complex legal issues. Issues included Forfeiture by Wrong Doing, Crawford, Evidence Code section 1109

Certificates and Licenses

Skills

Office Skills

Typing:

Data Entry:

Additional Information

Professional Associations

Graduated with Order of the Barristers honor

Professional Associations

of McGeorge's Mock Trial Competition Team

Professional Associations

California Judges Association, member of Compensation and Benefits Committee

Professional Associations

California Association of Black Lawyers - Judicial Section, Secretary

Professional Associations

Community Violence Solutions, Former

Professional Associations

California District Attorneys Association, Former

Professional Associations

Contra Costa County District Attorneys Association, Former

Professional Associations

Antioch Planning Commission, Former Commission

Honors & Awards

Dean's List, 1995, 1996

Honors & Awards

Honors & Awards

CASA - Court Appointed Special Advocate

References

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Danielle's resume 3.doc	Danielle's resume 3.doc	Resume	Job Seeker
Redacted application	Danielle Douglas	Other	LaShonda Smith

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

4. Q: Are you currently a Contra Costa County employee?

A: No

5. Q: If yes, please enter Employee Number.

A:

6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Contra Costa County Website

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A:

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: I have spent seventeen years working in the criminal justice system, fourteen of those as a prosecutor in both the Contra Costa County District's Attorney and the San Francisco District Attorney's Office. As a prosecutor I handled cases ranging from driving under the influence allegations to gang murder charges. I litigated over sixty criminal jury trials. I served in almost every unit within a district attorney's office, including homicide, gangs, sexual assault, domestic violence, and welfare fraud.

I left the Contra Costa County District Attorney's Office for the San Francisco County District Attorney's Office in 2013 for personal and professional reasons. The San

Francisco District Attorney hired me to be a homicide prosecutor. During my time in San Francisco, I saw the office experimenting with many innovative approaches to reduce recidivism, including a broad array of collaborative courts and the restorative justice programs of their Neighborhood Court program.

I was appointed to the Contra Costa County Superior Court of California by Governor Brown in 2014 and for the last three years I have served as a judge handling mostly criminal matters in the George D. Carroll Courthouse in Richmond. I relish the opportunity to interact with attorneys, litigants and jurors, not as an advocate, but as a fair and neutral arbiter. I have presided over sixty criminal jury trials and I have presided over every non-trial aspect of a criminal case from arraignments, motion and preliminary hearings, to sentencing and probation violation hearings.

5. Q: Describe your organizational and management experience.

A: During my career as a judge I have supervised the Richmond Branch of the Superior Court of California, Contra Costa County. As the supervisor of the Richmond Courthouse, I managed over 28 employees and two judges. I was responsible for creating the weekly schedule assigning judges to particular tasks, summoning 50 to 200 jurors a week for trials, and handling day to day tasks. The day to day tasks varied from reassigning staff, counseling judges, to handling a one day interpreter strike.

As a judge I also supervise my courtroom staff. I am responsible for making sure my courtroom operates efficiently. I am in charge of making sure the courtroom is secure, minute orders are done correctly, the transcript of the proceeding is being accurately recorded, and the attorneys behave in a professional manner. Often I preside over jury trials, which requires that I manage every aspect of the jury selection process, and that I also manage the attorneys' and litigants' expectations for trial. My role, in addition to being an umpire ruling on the legal issues that arise during a trial, is akin to that of a director of a stage play. Before and during the trial I confer with all parties to organize and adhere to a schedule for pretrial motions, pre-instruction of the jury, opening statements, the presentation of witnesses and other evidence, closing legal instructions, closing arguments and all matters required to be heard outside the presence of the jury. A good judge manages a trial so that it seems as if each part of the trial follows naturally one after another, like scenes in a seamless theatrical production.

Of the five basic styles of leadership discussed in modern business programs (*laissez faire*, autocratic, participatory/democratic, transactional, and transformational), the style of management I employ as a judge is mainly transformational with elements of participatory/democratic. I believe that by valuing the input of employees, the democratic management style works to increase their motivation and to raise morale. However, the democratic management style can become slow and burdensome without the transformational management approach, in which leaders and supervisors lead with clear communication and visibility.

When serving as the Supervising Judge in Richmond, I learned that being a supervisor or manager of a court is an entirely different job from that of being a judge assigned to an individual courtroom. When faced with a decision, I sought input from other judges, court administrators, court supervisors, court employees and any stakeholders relevant to the issue. When I made decisions, I met with those affected to ensure they were "on board" and motivated to support the organizational goals.

In applying for the position of District Attorney, I am fully aware that being the District Attorney is fundamentally different from being a deputy district attorney. My experience as a judge and line prosecutor give me a solid foundation to lead the office through a much needed culture change.

In addition, I possess the following qualities that will be of benefit should I be selected as your District Attorney:

- > I am a good listener and have the ability to synthesize differing views of others;
- > I am ultra-organized and detail-oriented and will use these skills to keep efficiency in the office at a high standard;

> I have good instincts about people and will work with the varying factions to unify the District Attorney's Office;
> I am an out-of-the box manager, always looking for new approaches to increase success; and
> lastly, I am interested in looking for budget-saving approaches that have proven effective in other offices throughout the State.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: In Contra Costa County too many misdemeanor cases go to trial. In recent statewide measures, Contra Costa County ranked second highest in California in number of misdemeanor trials as a percentage of cases filed. There are several factors that contribute to this, some of which are due to the management and policies of the prosecution, and some of which are outside the control of the District Attorney's Office. However, the office's focus on punishment rather than rehabilitation when handling low level misdemeanor violations of the law has resulted in an extraordinary number of misdemeanor cases unnecessarily going to trial. The cost associated with misdemeanor jury trials could be better spent on victims of violent crimes, assisting the mentally ill, or rehabilitative services that would lessen the recidivism rates.

One structural reason for the high number of misdemeanor trials is that deputy district attorneys are expected to conduct a certain number of trials in order to receive promotions within the office which in turn incentivizes prosecutors to unnecessarily force cases to trial. Further, relatively inexperienced deputy district attorneys make the filing decisions and negotiate dispositions in misdemeanor cases.

For the past ten years the Contra Costa County District Attorney's Office has also struggled with retention of attorneys. There has been high attrition from the ranks of both veteran prosecutors and young lawyers. Losing veteran prosecutors is obviously problematic; it forces younger attorneys to handle serious matters for which they lack the proper experience. At the same time, the office has lost many promising attorneys to other Bay Area offices. From personal experience, I can attest that the significant reasons for the high turnover has been a lack of integrity, direction and leadership within the District Attorney's Office.

The Contra Costa District Attorney's Office has been marked by an old-fashioned authoritarian management style, tainted with nepotism and favoritism. The headline grabbing stories about the unprofessional culture within the office are indicative of a dysfunctional office environment.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: I cannot answer the question of why I want to serve as District Attorney for Contra Costa County without first explaining my background and experiences. I grew up in an upper middle class neighborhood in Redwood City, California. My mother, caucasian, and my father, African-American, worked blue collar jobs living paycheck to paycheck so they could afford to live in a neighborhood where their three children could attend good schools. When we first moved into that "good neighborhood", our next door neighbor stated he was going to get a rope to hang my black father because he was married to a white woman. Fast forward eight years, that same neighbor shook my dad's hand stating he had a good family and was raising decent children. On that day I learned diversity was one way to combat ignorance.

Living in an affluent neighborhood, my family did not have much contact with law enforcement. However, I recall my father lecturing my brother about how to behave if he were ever contacted by the police. My father warned my brother to follow all instructions given by a police officer without any hint of an attitude. At that time, I did not really understand the gravity of my father's words. I am not suggesting my father or family had any animosity against law enforcement. As a matter of fact, I equally remember my grandfather, a pastor, giving a sermon one Sunday in church about race and the police. My grandfather was explaining how he had been stopped in Texas by a state trooper for speeding. My grandfather recounted that he told the officer he was speeding because he was trying to get back to California before a storm hit. What my grandfather explained he did not do was accuse the officer of only pulling him over because of the color of his skin. Although there was not a cloud in sight, the officer

gave my grandfather a warning and sent him on his way. My grandfather told his congregation if you want to get past racial prejudice then you have to overcome your own bias as well. On that day I learned everyone should be judged on their own character and merit.

The road to becoming a Deputy District Attorney was not easy for me. I had my first child in my senior year of high school. Against all odds, I graduated high school and finished college. In fact, I was the first person in my family to go to college. Needless to say, as a teenage single mom I did not have the normal college experience. I had to pay my own way through college with a young child. There were times I did not know if I was going to be able to pay my bills that month. I remember being in the grocery store, making sure no one I knew was around before I pulled out the food stamps I needed to buy groceries. Fortunately, I had a college professor who believed in me and encouraged me to go to law school. At the age of 26, after graduating law school and passing the bar, I was sworn in as a Deputy District Attorney. I cannot tell you how proud I was, as a 26 year old mother of two daughters who had just recently been on public assistance, to hold the title of Deputy District Attorney. On that day I learned there is nothing more fulfilling than overcoming adversity and at the same time being able to give back to the community.

Supreme Court Justice Sonia Sotomayor famously said, "I would hope that a wise Latina woman with the richness of her experiences would, more often than not, reach a better conclusion [than a white male judge.]" Let me be clear that I do not think I am a better judge or would be a better District Attorney than a white male merely because I am a biracial woman who has overcome obstacles to reach my current position. The advantages of diversity are not that facile.

The qualities that would make a great District Attorney have little if anything to do with one's race, gender or background. These qualities include:

A willingness to see both sides of an issue before deciding.

The ability to understand and empathize with people who are different from oneself.

Compassion for those who have suffered, who are disadvantaged, or are unable to provide for themselves.

A rigorous dedication to the rule of law, fairness and justice.

Recognizing when an individual's situation requires an exception to the rules.

My background has burned these values into me, and I would bring these qualities to the position I now seek.

I want to be the Contra Costa County District Attorney to ensure the office instills pride within Contra Costa County prosecutors and the community. I want to be the Contra Costa County District Attorney to ensure justice is applied equally to all no matter their background, race, gender, sexual orientation, or socioeconomic status. I want to be the Contra Costa County District Attorney to increase diversity within the office because that would increase awareness about the differing perspectives and challenges of all Contra Costa citizens. Finally, I want to be the Contra Costa County District Attorney because I can do the job well and with integrity.

I would especially like the opportunity to work with County Supervisors, our Deputy District Attorneys, law enforcement, and individuals in our varying communities to make this District Attorney's Office the best in this region and in our state.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: I would implement the following strategies to restore and maintain public confidence in the District Attorney's Office:

I would establish an integrity unit within the District Attorney's Office. The integrity unit

would be responsible for investigating allegations of Brady violations, prosecutorial misconduct, and other ethical violations. I have seen this concept implemented at the San Francisco District Attorney's Office and have found this to be an excellent strategy in maintaining the highest ethical standards within a District Attorney's Office. The integrity unit would, also, be tasked with providing ethical advice to prosecutors within the office.

I would implement a data driven approach to measure the performance of the office and individual Deputy District Attorneys. A data driven approach is necessary to ensure that the criminal justice system is being administered fairly and that the office and its employees are performing well. I envision that performance data would be posted on the Contra Costa County District Attorney's website as well as presented at the annual state of the office delivered to the community.

I would give an annual state of the office address to the public. Years ago, District Attorney Robert Kochly implemented a state of the office address delivered annually to the members of the office. I would expand this idea giving a state of the office speech annually to the community in all five regions of Contra Costa County. I would conclude the public address by answering questions and garnering input from the community.

I would establish a conviction review unit. Conviction review by prosecutors is one of the major currents of reform in the criminal justice system, and stems from the recognition that prosecutors more than anyone should be working to exonerate the wrongfully convicted. The conviction review unit would investigate claims of actual innocence based upon newly discovered evidence. A credible conviction review unit is vital to maintaining the public's confidence in its prosecution agency.

Lastly, a leaders success depends on his or her ability to know what is going on and to deal early-on with challenges before they become serious problems. If I am honored with your trust, I will be a "present" District Attorney, tuned into what is going on in the office.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: All Deputy District Attorneys would receive training to recognize indicators suggesting a defendant may be suffering from mental illness. Once a defendant has been so identified, a highly and specially trained deputy district attorney would be assigned to handle the case until resolution.

I would hire a social worker on staff whose job would be to identify services, connect the defendant to those services, and provide assistance to the defendant's family. The Deputy District Attorney assigned to the case and the social worker would follow the case until probation or diversion was completed.

The District Attorney's Office would support and expand Behavioral Health Court which is a program that emphasises outpatient and residential treatment for those suffering from co-occurring disorders as an alternative to jail.

Further, I would work closely with law enforcement in identifying best practices for first responders to deploy when they come into contact with the mentally ill in our county. I would initiate a program to provide free training to first responders on how to safely de-escalate situations involving the mentally ill.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No.

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: One of the very first murder cases I handled was an extremely difficult case where all the witnesses were uncooperative. When I first met with the murder victim's family, I

explained the court process to the family but did not explain all the difficulties of the case. After the preliminary hearing, the District Attorney's Office decided to offer the defendant a manslaughter plea, a reduced charge. In compliance with Marcy's Law, I invited the family to my office to explain the proposed resolution of the case. The mother of the victim, upon learning the office was going to offer a manslaughter charge to the defendant, began to sob hysterically. I sat next to the mother quietly and let her digest everything I had just said. When the mother stopped crying she asked me "what would you think of this offer if it was your child who had been murdered?" I was taken aback but explained how I would feel as a mother and then I explained how I feel as an attorney. On that day I learned when explaining the process and potential resolutions to victims and their families you cannot sugar coat the potential outcomes. Victims and their families deserve and need to know the whole picture at the earliest possible time. While I thought I was sparing their feelings and potential needless anguish by not discussing the problems with the case at our first meeting, I only made the outcome more difficult to grasp.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: One of the most significant and complex legal matter I handled as a prosecutor was a gang homicide that occurred in Antioch. A sixteen year old male, a suspected Sureño, was at a birthday party when a group of rival gang members, Norteños showed up. During the party the Norteños began beating the sixteen year old victim. Then one of the Norteños pulled out a gun and shot the victim. The case was sent out to jury trial against five defendants. Two defendants immediately pled guilty and I went to trial against the three remaining defendants. Before the trial began there were many legal issues that had to be litigated. A determination had to be made as to what hearsay statements could be introduced, what evidence the gang detective could rely on in forming his opinion, whether certain evidence was too inflammatory for a jury to hear and whether witnesses' addresses would be disclosed when there was a real possibility the witnesses were in jeopardy of retaliation. The trial went reasonably well but the jury hung 11-1 on two defendants and 10-2 on the third defendant.

The second time the case went to trial I offered one of the three defendants a deal if he testified against the shooter and the person who instigated the fight. He agreed and pled. So I went to trial again but this time against the last two defendants. Again there were numerous issues to litigate including how my new witness could be impeached. Even with the difficulties of having a defendant turned witness, the trial went remarkably well. Both defendants were convicted of murder. After the verdict the victim's mother sobbed and thanked me. It is worth noting that the victim's mother never missed a day of either trials.

The decision to give one defendant or some defendants a plea offer while prosecuting other defendants to the fullest extent of the law is always complicated. In making this decision I always look to two factors, culpability and redemption. I try to find defendants who are not only the least culpable but also defendants who have a chance at being rehabilitated.

13. Q: What is the size of the population/client base served by current employer?

A: 1.111 million residents of contra costa county are responsible for electing Superior Court judges in Contra Costa County.

14. Q: To whom do you currently report, by title?

A: Honorable Joni Hiramoto

Honorable Jill Fannin

15. Q: What number of staff are employed by current employer?

A: My current employer employs approximately 325 people.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: I directly supervise 3 people.
I indirectly supervise 28 people.

17. Q: What is the largest number of staff you have overseen, and where?

A: The largest number of staff I have overseen was/is 28 staff members at the Richmond Courthouse.

18. Q: What is your current employer's operating budget, in dollars?

A: Approximately 56 million dollars.

19. Q: For what portion of budget are you responsible, in dollars?

A: I currently serve on the jury and facilities committees. While there is no specific budget for those two committees, I am responsible for ensuring the two committees operate in a cost efficient/effective manner. Of the 56 million dollar court budget approximately 1.5 million dollars of the budget is/was spent on jury services and court facilities.

20. Q: What is the largest budget you have ever been responsible for, and where?

A: 2 million dollars while serving on the board of Community Violence Solutions.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

██████████ PLEASANT HILL, CA ██████████
PHONE ██████████ E-MAIL ADADOUGLAS40@GMAIL.COM

DANIELLE DOUGLAS

PROFESSIONAL SUMMARY

Over seventeen years of professional experience working in the criminal justice system as both a fair and neutral arbiter of the facts and as an ethical advocate.

PROFESSIONAL EXPERIENCE

JUDGE

Superior Court of California, Contra Costa County, Richmond Courthouse

- Preside over jury trials, preliminary hearings, motions, unlawful detainers, small claims, and restraining order hearings.

ASSISTANT DISTRICT ATTORNEY, August 2013 – August 2014

San Francisco District Attorney's Office, San Francisco, CA

- Assignment: Homicide
- Litigated three homicide cases to verdict.

DEPUTY DISTRICT ATTORNEY, Jan. 2000-Aug. 2013

Contra Costa County District Attorney's Office, Martinez, CA

- Assignments included: Gangs/Homicide, Sexual Assault, Calendar, Domestic Violence; Felony Trial Unit; Juvenile Unit; Welfare Fraud Unit; Misdemeanor Unit
- 53 felony jury trials litigated to verdict; offenses included: gang homicide, homicide, rape, child molestation, arson, corporal injury to spouse, robbery, possession of drugs for sale, vehicle theft, vehicular manslaughter, and driving under influence.
- Litigated more than 30 Juvenile Contests to decision; offenses included: rape, child molest, robbery, grand theft, vehicle theft, possession of drugs for sales, and burglary.
- Presented more than 75 preliminary examinations; offenses included: homicide, gangs, attempted murder, stalking, torture, mayhem, welfare fraud, identity theft, and residential burglary.
- Litigated complex legal issues. Issues included: Forfeiture by Wrong Doing, Crawford, and Evidence Code section 1109.

EDUCATION

JURIS DOCTOR, 1999

McGeorge School of Law, University of the Pacific, Sacramento, CA

- Graduated with *Order of the Barristers* honor
- Member of McGeorge's Mock Trial Competition Team, 1998, 1999

BACHELOR OF ARTS, Criminal Justice, 1996

Missouri Western State University, St. Joseph, MO

- Dean's List, 1995, 1996

BOARDS AND COMMITTEES

California Judges Association, Current member of Compensation and Benefits Committee

California Association of Black Lawyers - Judicial Section, Current Secretary

Community Violence Solutions, Former Board Member

California District Attorneys Association, Former Board Member

Contra Costa County District Attorneys Association, Former Secretary

Antioch Planning Commission, Former Commission Member

COMMUNITY SERVICE

High School Mock Trial Coach/Judge

CASA – Court Appointed Special Advocate

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: Paul J. Graves Address: [REDACTED] Martinez, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone: [REDACTED]
Email: pj_graves@msn.com

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$190,000.00 per year
Are you willing to relocate? No
I currently live in Contra Costa County, so would not need to relocate in order to accept a position
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day

Objective

To become the next District Attorney of Contra Costa County

Education

Graduate School

McGeorge School of Law
<http://www.mcgeorge.edu/>
8/1992 - 6/1995
Sacramento, California

Did you graduate: Yes
College Major/Minor: Juris Doctor
Degree Received: Doctorate

College

Loyola Marymount University
<http://www.lmu.edu/>
8/1987 - 6/1991
Los Angeles, California

Did you graduate: Yes
College Major/Minor: History/ Philosophy & Political Science
Degree Received: Bachelor's

Work Experience

Senior Deputy District Attorney

7/1995 - Present

Contra Costa County District Attorney's Office
<http://www.co.contra-costa.ca.us/203/District-Attorney>
900 Ward Street
Martinez, California 94553
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$15,000.00
of Employees Supervised: 16
Name of Supervisor: Tom Kensok - Assistant District Attorney
May we contact this employer? Yes

Duties

I have been employed at the Contra Costa County District Attorney's Office for 22 years. During that time I have been assigned to the following divisions: (1) misdemeanor trial team (one year); (2) felony trial team (two years); (3) homicide trial team (three years); (4) Superior Court Calendar Deputy (one year); (5) Felony Filing Deputy (three years); (6) Law and Motion (one year); (7) Juvenile Division (3 months); (8) Sexual Assault Unit prosecuting under a grant

specific to Child Sexual Assault crimes (three years, 6 months); Felony Expeditor (2 years); Homicide Supervisor (2 years); Senior Deputy District Attorney (one and a half years)

Certificates and Licenses

Skills

Office Skills

Typing:

Data Entry:

Additional Information

Honors & Awards

Victim Witness Outstanding Service to Victims of Crime 2007

Nominated for State Prosecutor of the Year 2010

References

Professional

Canepa, Honorable Theresa

Contra Costa County Superior Court Judge

[Redacted]

Professional

Gleason, Colleen

Deputy District Attorney Advanced Level

[Redacted]

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Paul Graves References.pdf	Paul Graves References.pdf	References	Job Seeker
Redacted Application	Paul J Graves	Other	LaShonda Smith

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A: N/A

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the

closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

4. Q: Are you currently a Contra Costa County employee?

A: Yes

5. Q: If yes, please enter Employee Number.

A: XXXXXXXXXX

6. Q: If yes, enter Merit System job title:

A: Senior Deputy District Attorney

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Other

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: I work in the Office of the District Attorney

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United

States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: For twenty-two years, I have been honored to represent the people of Contra Costa County as a prosecutor with the District Attorney's Office. Because of this experience, I understand our justice system and the Contra Costa District Attorney's Office inside and out. I have prosecuted approximately 70 jury trials involving nearly every type of crime: rape, drug possession and sales, identity theft, assault, attempted murder and murder, robbery, carjacking, domestic violence, child molestation, and gang cases.

PRACTICING VICTIM-CENTERED JUSTICE FROM MY FIRST POSITION IN THE MISDEMEANOR UNIT:

After completing law school, I was hired by the Contra Costa County District Attorney's Office in 1995 and spent my first year in the Misdemeanor Unit. This early experience taught me a central principle that has guided my career as a prosecutor and will guide my approach as our District Attorney: that while all crimes, even misdemeanor crimes, can devastate lives, each presents an opportunity for a prosecutor to change and improve lives through victim advocacy.

For example, in 1996 I prosecuted a domestic violence case where the victim was a heroin addict who was so desperate for her fix that she would prostitute herself in exchange for drugs. The situation was tragic, but also presented an opportunity. I made sure the victim knew that I was her advocate and wouldn't let the system fail her. While ensuring that the defendant was held accountable for the horrendous abuse, I worked with both law enforcement and community agencies to make sure the victim received support services. Through our combined efforts, she was able to get control over her life, remain drug free, and regain custody of her children.

IMPLEMENTING PREVENTATIVE AND PROACTIVE JUSTICE IN THE JUVENILE UNIT:

I joined the Juvenile Unit in 1997, during which time I was responsible for handling all stages of cases where the defendants were under age 18. Trying cases in our Juvenile Unit showed me that while misdirected young people often make negative choices that harm their community and themselves, each situation presented an opportunity and responsibility for me to try to make positive change. During every case disposition, I learned who the offender was and how his or her life circumstances influenced their choices. I also saw to it that, whenever possible, their sentences could be structured towards getting the offender on a path to become a productive member of the community.

As our District Attorney, I would maintain a strong focus on preventative and proactive approaches to keep our community safe. If we can truly rehabilitate someone while keeping the public safe, we have the responsibility to consider alternative methods of punishment.

TWO YEARS PROSECUTING DIVERSE AND COMPLEX CASES ON THE FELONY TRIAL TEAM:

From 1997-1998 and 2000-2001, I completed two separate placements on the felony trial team where I conducted preliminary hearings, jury trials, and grand jury cases.

Because the cases dealt with almost every crime imaginable, I have a broad knowledge base on how we should prosecute offenses ranging from identity theft, vehicle theft and possession/sale of drugs to more serious felonies such as assault with a deadly weapon, vehicular manslaughter, robbery, gang cases, carjacking, kidnapping, and attempted murder.

This breadth of experience will serve me well as District Attorney, as I would oversee the prosecution of all crimes in our county.

THREE YEARS PROSECUTING GANGS AND HOMICIDES IN THE HOMICIDE UNIT:

After my fifth year in the office I was entrusted with my first murder case, and shortly thereafter, I spent three years in the Homicide Unit prosecuting numerous murder cases involving gang members, child and elderly victims, domestic violence murders, and felony murders. In 2007, I was awarded the Victim Witness Award for Outstanding Service to Victims of Crime for my work in the Homicide Unit.

PROSECUTED TWO COMPLEX CAPITAL CASES:

Capital cases are some of the most complex cases a DA will prosecute; I have prosecuted two of them. The responsibility involved combined with the multifaceted set of unique legal issues allowed me to grow as both a prosecutor and a legal practitioner.

My first capital case was *People v. Fregia*, in which the defendant set his ex-girlfriend and two children on fire in a moving car, killing the children and leaving their mother burned over 85% of her body. After a complex, emotional, and lengthy trial, this case resulted in two consecutive sentences of life without parole. While the jury did not render a death verdict, I appreciated their thoughtfulness and respected that they represented the voice of our community.

My second capital case was *People v. McNew*, in which the defendant brutally raped and murdered a 90 year old woman. Right before the trial was scheduled to begin, the defendant pleaded guilty for a sentence of life without parole. This plea agreement was successful as it spared the victim's family the emotional trauma of a trial, saved county resources, ensured that the community would be kept safe from the defendant, and respected the wishes of the victim's family that we not seek the death penalty.

As these experiences with capital cases demonstrate, it is imperative that prosecutors listen to the voices of those most impacted by criminal conduct, while keeping in mind the overarching goals of protecting the community and enforcing laws.

PROTECTING OUR MOST VULNERABLE VICTIMS IN THE SEXUAL ASSAULT UNIT:

Later in my career, I spent over three years in the Sexual Assault Unit, working under a grant for prosecution of cases involving child victims. During this time I prosecuted some of the worst child molesters in our county. These are extremely emotional and disturbing cases for all involved, but I know I have met true heroes when I watch a child point out his/her abuser in court, see a human trafficking victim stand up to her trafficker, or witness some resolution and healing for a rape victim.

Based on my deep commitment to this area of law, I have become recognized by law enforcement and prosecutors as the resident expert in how to properly investigate and prosecute these type of cases, and how to ensure that victims are not retraumatized by the criminal justice system. In 2010, my peers nominated me for the 2010 State Prosecutor of the Year for my work on sexual assault cases.

As District Attorney, I would ensure that we continue to bring justice for our community's most vulnerable victims.

MAKING THE RIGHT DECISIONS AND OFFERS, INNOVATIVE SENTENCING IN PLEA NEGOTIATION AND ETHICAL CASE FILING:

In addition to my trial experience, I also served one year as the Felony Calendar Deputy, where I was responsible for making plea and sentencing offers on all felony

cases prior to trial. This interaction with the court and defense attorneys required negotiating and disposing of cases and coming up with creative solutions to address problems unique to a particular situation.

I also served as the Felony Filer in both Central County and West County. It was my responsibility to review all potential felony cases that were not assigned to a "special unit" (such as Sexual Assault or Homicide). My role was to determine if charges could ethically be filed and what charges were appropriate under the circumstances, taking into account the suspect's prior record and the nature of the offense.

Both of these assignments were rewarding as well as challenging. For example, police detectives were sometimes frustrated when I wouldn't file charges against a suspect because I believed the evidence did not support the charges or we could not prove the case beyond a reasonable doubt. I believe a leader must have the strength of character to do the right thing whether the decision is popular or not. As District Attorney, I would always live by this principle.

5. Q: Describe your organizational and management experience.

A: In the last six years, I have held several management positions in the office, each one providing invaluable experience and insight into the complexities and responsibilities of overseeing the casework of other prosecutors, both junior and senior. I believe that a District Attorney needs to be accessible and responsive not only to the attorneys they supervise, but also to the law enforcement community, community partners, and victims of crime.

SUPERVISING OUR PRELIMINARY HEARING TEAM AS FELONY EXPEDITER:

From 2012 to 2014, as the Felony Preliminary Hearing Expediter, I supervised the newer attorneys conducting preliminary hearings, helping them develop and grow in areas of skill and judgement. In this role, I made plea/sentencing offers to the defense attorneys in advance of the preliminary hearings, reviewed cases after the preliminary hearings to determine if the case should be sent on for trial, and, if so, what further investigation needed to be done, and ensured that the charges were accurate and fairly reflected the defendant's conduct and the facts of the case.

HOMICIDE SUPERVISOR, WORKING WITH VETERAN PROSECUTORS:

I was promoted to lead the Homicide Unit in 2014. For two years, I reviewed every homicide case and determined whether or not charges should be filed, whether further investigation needed to be done before filing, or whether charges should not be filed because of lack of evidence. I always made myself available to explain to the victim's family the reasoning behind each decision.

Once a case was filed, I worked with the assigned attorney to determine what further investigation needed to be done, provided guidance on a multitude of details, and developed trial strategy. My management responsibilities also included making any pre-trial offers. This required identifying any potential issues that might result in a jury returning a lesser verdict, as well as listening to the defense attorney's presentation of evidence in mitigation and their theory of the case. Using my experience and judgement, my goal was to propose a reasonable offer that was based on case law, and which reflected the potential risks of going to trial, the probable verdict, and the likely sentence after trial.

As a manager, I encouraged the unit's prosecutors to also remain victim-focused throughout the process. I always included the victim's family in discussions, and whenever possible, would hold in-person meetings where I or the assigned attorney explained the reasoning behind any offer. As District Attorney, I would continue to emphasize this victim-focused approach.

SENIOR DEPUTY DISTRICT ATTORNEY, FAMILY VIOLENCE/SEXUAL ASSAULT UNIT:

In 2016, I was promoted to Senior Deputy District Attorney in charge of the Family Violence/Sexual Assault Unit, a position I currently hold. I supervise 15 attorneys,

including another supervisor. I am responsible for: seven sexual assault attorneys, two attorneys who staff the interviews at the Children's Interview Center, the Domestic Violence Unit Supervisor, the four Domestic Violence prosecutors, the Human Trafficking Deputy, and the Elder Abuse prosecutor.

The Family Violence Unit is one of the largest and busiest units in the office and serves some of our most vulnerable victims: children, domestic violence victims, and the elderly. The complex challenges faced by this unit go far beyond just filing and prosecuting cases. Every day we are faced with horrific crimes and with deeply traumatized victims who need special attention throughout the process. We work closely with our community partners (Community Violence Solutions, Alliance to End Abuse, and STAND) and our Victim Witness Advocates to make sure the victims get the support services they need throughout the criminal justice process and beyond.

In addition to supervising and advising the prosecutors in my unit on trial strategy, I am responsible for reviewing approximately 500 cases per year and making filing determinations on offenses involving sexual assault, distribution and possession of child pornography, indecent exposure, failure to register as a sex offender, and child abuse. I am responsible for any pre-trial offers, making sure those offers are communicated to victims and their families, and ensuring that all input is considered prior to finalizing any offer.

I believe that the responsibility of a manager is not just to do their own job, but to be proactive in ways that help others do their jobs effectively and which further the larger goals of the entire office. That's why in addition to these management roles, I have taken a proactive leadership role in several other areas and would continue to do so as District Attorney.

BUILDING A NEW COALITION TO FIGHT HUMAN TRAFFICKING IN CONTRA COSTA COUNTY:

When I became Supervisor of the Family Violence/Sexual Assault Unit, I saw that our treatment of human trafficking crimes is woefully inadequate. This is a priority area for me, and I have been working with nonprofit organizations and community partners to create a strategy to address the high incidence of local human sex trafficking. This "industry" victimizes a huge number of women and girls, particularly from marginalized communities.

A key element of our strategy is educating law enforcement so they can both properly investigate the cases and avoid criminalization of the victims. I have been working with law enforcement to focus them on new strategies that target the exploiters, and to work towards a joint agency task force that will conduct targeted enforcement around the county.

In addition, I work with our community partners to ensure we have adequate resources to provide the housing, job training, and counseling services that are vital to helping exploited persons get their lives back. I'm proud that our efforts to proactively approach the investigation of these crimes resulted in a case where we were able to identify, arrest, and build one of the largest sex trafficking cases in Antioch's history.

TRAINING LAW ENFORCEMENT:

My organizational and management experience has been further honed through my training of our law enforcement agencies. After assuming charge of the Family Violence Unit, I have participated in several trainings for law enforcement detectives in sexual assault investigation and corroboration. The portion of the training that I lead includes: how to properly conduct investigations in child and adult sexual assault cases; how to treat victims; the services that are available for victims of sexual assault; how to conduct interviews of children, adults, and suspects; the use of the Children's Interview Center for interviews; collection of evidence; and protocols for Sexual Assault examinations. I also provided a training to local law enforcement on the investigative technique of "pretext phone calls" that is a useful tool in obtaining corroboration necessary for a sexual assault investigation.

I have also been an instructor at the Law Enforcement Training Center since 2005, instructing prospective officers in areas such as Crimes Against Persons, Presentation of Evidence, Property Crimes, Search and Seizure, and Miranda Rights.

As a teacher, instructor, and manager, I've learned to be responsive to my audience while attempting to inspire them to take ownership of their individual role in the process. As District Attorney, I would continue to embrace this responsibility.

PROACTIVE PREVENTION PROGRAMS AND COMMUNITY OUTREACH - COMBATting ONLINE PREDATORS AND EDUCATING OUR YOUTH:

I strongly believe that the District Attorney has a responsibility to not just prosecute crime but to work on prevention. Accordingly, as a manager, I have implemented several internal and external programs that proactively intervene and educate in order to prevent more people from being victimized.

I created and had investigators trained in the use of an online predator identification program which targets individuals seeking out underage children for sexual acts. My vision is that individual police agencies will partner with us and will then replicate this proactive approach for their own use.

As head of our Family Violence Unit, I believe that we can and should appropriately educate our youth in the area of sexual assault. I have developed a Sexual Assault Awareness and Intervention Program that I am working to bring to all high school seniors and community college students in Contra Costa County. The rates of sexual assault are staggering. My program works to change the way we view each other and treat each other, bystander intervention techniques, the importance of reporting to law enforcement, and the services available to survivors of sexual assault. We began by presenting to Diablo Valley College and Campolindo High School and are reaching out to other schools to arrange additional presentations. After the presentation at Campolindo, we had three separate disclosures from survivors of sexual assault.

Additionally, I have established a team to provide Internet Safety presentations for high school freshmen and their parents aimed at reducing cyberbullying and online victimization. Our District Attorney must prioritize crime prevention and community outreach. I will seek to better connect our prosecutors with our community, fostering transparency, trust and public safety.

ORGANIZATIONAL MANAGEMENT AND RESOURCE COORDINATION THROUGH MULTIDISCIPLINARY TEAMS:

I actively participate in several Multidisciplinary Teams that bring together county agencies, law enforcement and community partners. These include: 1) the Child Death Review Committee, which examines all of the child deaths that occurred in Contra Costa County to determine trends, identify means of preventing future deaths, and determine if there was any criminal conduct involved; 2) the Sexual Assault Response Team, which tracks the number of victims served, the examination and counseling services provided, and the number of prosecutions, with the goal of improving service to victims and increasing the number of successful prosecutions; and 3) the Children's Interview Center Team, which reviews the number of children interviewed at the center, addresses any issues that arose between Children and Family Services, law enforcement, and the center, and identifies means of improving services.

Coordinating complementary resources as well as bringing together points of view from different backgrounds and perspectives are both key components to effective management. As District Attorney, I would work to foster the synergy that occurs when people and organizations with shared goals are brought together.

TECHNOLOGICAL INNOVATION - SUPERVISING THE NEW CASE MANAGEMENT SYSTEM:

I have been tasked with supervising the implementation of our case management system (Prosecutor by Karpel). I monitor implementation progress, make policy decisions regarding how information will be reflected in the system, determine work flow for the data input, design statistical reporting structures, and supervise the clerical

staff member who manages the database.

We must bring our office into the 21st century in terms of technology and innovation, and become more environmentally friendly in the process.

GAINING INSIGHT INTO THE RANK AND FILE PROSECUTORS AS PRESIDENT OF THE DISTRICT ATTORNEYS' ASSOCIATION:

I was elected as the President of the Contra Costa District Attorneys' Association and served for three years. In that role, I helped to reshape our Association Board into a more diverse group where different viewpoints and perspectives are valued. The Board that was ultimately created included some of the most dedicated and talented attorneys with whom I have had the privilege to work. I am proud to see that the diversity of the Board and the quality of Association services has continued beyond my tenure as President.

Together, we worked to transform our Association into a professional organization that not only advocated for its members, but also served the community. Under my leadership, we formalized and significantly expanded our tradition of chairing our Community Violence Solutions Fundraiser, an annual event that now raises over \$30,000 every year for a community partner that struggles to meet the demand for services. My role as President of the Association helped me further understand the needs of all our prosecutors and helped me gain their trust in my ability to lead the office.

LEADERSHIP SUMMARY - WIDE RANGING, INNOVATIVE EXPERIENCE:

The experiences and insights provided by my years as a prosecutor and a supervisor are vital to the success of a new District Attorney. I believe our community would benefit greatly by having this experience put to work on their behalf. As I describe in other sections of this application, by unifying groups both inside and outside our office, I aim to restore public trust in the office, rebuild bridges to the community through transparent, proactive and victim-centered approaches, and facilitate justice at every level.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: Contra Costa County faces major challenges in both the administration of criminal law and the pursuit of justice. The most pressing of these is the need to restore the trust and faith in the District Attorney's office, which I address directly in that section of this application. As part of rebuilding this trust, Contra Costa County's criminal justice system must always be working harder to improve our relations with all communities. The strength of these bonds directly impact the administration of justice. As District Attorney my office would implement a thorough, wide-ranging and systemized outreach effort to make sure all of our diverse communities are heard and feel represented and served by our system. Without these bonds of trust, the other issues cannot be effectively addressed.

As District Attorney, my approach to meeting all the challenges facing Contra Costa County would be to take a fresh look and use an evidence-based method to evaluate what has been working and what has not been working in our County. Just because "it's always been done that way" doesn't mean it should be. It is through this lens that I would assess both the internal workings of our office as well as the external factors that continue to evolve and affect the administration of justice.

Some examples of opportunities for reform are (1) reducing the delay in bringing criminal cases to resolution in an efficient manner; (2) eliminating the existence of trial quotas as a basis for promotion; and (3) ending the one-size-fits-all mentality that leads to the misallocation of resources in an age of evolving challenges.

INSTITUTIONAL DELAY IN THE ADMINISTRATION OF JUSTICE:

Justice delayed is justice denied. Imagine being a victim of crime and having to wait for

justice through all the stages of a criminal case. Imagine getting subpoenaed to come to court multiple times, only to find out the hearing wasn't happening that day. Imagine the toll that it takes, especially with the more serious crimes, having to put your life on hold before your case is resolved.

At the misdemeanor level, one rarely takes a case to trial that is less than a year old, and at the felony level, delays are even worse. It is unjust to both the victim and the defendant to have to endure unreasonable delays in the pursuit of justice and resolution. As officers of the court, there is much we can do to prevent these delays and inefficiencies.

When I first came into the Sexual Assault Unit, I was assigned a case in which the 13 year old victim had disclosed to law enforcement that she had been repeatedly molested by her father since she was 6 years old. When I received the case, it had been almost five years since the case was first filed. The unit had been run by the previous District Attorney, and the case had changed hands three times before it was assigned to me. Fortunately, I was able to bring the case to trial within that year.

In all of the departments I have supervised, I have personally worked to make sure those delays do not happen under my watch. I keep track of each case assigned to my attorneys and do regular check-ins to make sure that their cases are progressing appropriately. While some of the causes of the institutional delays are beyond the control of the Office of the District Attorney, we must work collaboratively with other agencies (Office of the Public Defender, private defense bar, and the Courts) to streamline case disposition through consistency in pre-trial treatment of cases and sentencing, and with incentives for early acceptance of responsibility. As we modernize our office, discovery processes will become more efficient, attorneys will be able to maximize their time and justice will prevail.

PROMOTING ATTORNEYS BASED ON QUALITY AND JUDGEMENT, NOT TRIAL QUOTAS:

One of the huge flaws with the prior administration was that a newer attorney's merit and promotional opportunities were based on the number of cases that they took to trial. It didn't matter what the true value of the case was, or whether the defendant was willing to accept a reasonable offer. If an attorney wanted to be promoted, they had to reach a certain number of jury trials.

The majority of the office viewed this as unethical, contradictory to justice, and a waste of court resources. Decisions on whether or not a case should go to trial should never be made based on a quota system, or because an attorney needs trial experience.

As District Attorney, I will not base promotions simply on the number of jury trials an attorney has done, but on the quality and effectiveness of their overall work. I will eliminate whatever is left of the quota system that was promulgated by the previous administration.

ONE-SIZE-FITS-ALL DOES NOT WORK - SHIFTING RESOURCES TO MEET NEW CHALLENGES:

The Contra Costa District Attorney's Office has had essentially the same structure for over twenty years; however, the laws and issues have changed and we have not kept up with new challenges and developments. Our units are organized around crimes rather than on victims and the needs of the community.

Internally, as I have learned in my 22 years as a Deputy District Attorney, no case is the same as another, no victim is the same as another, and no defendant is the same as another. We must evaluate the way our office is organized, so it not simply crime-driven, it is victim-centered.

A change in leadership provides an opportunity to evaluate our current distribution of resources and shift them to more proactively address criminal justice issues that I believe deserve additional attention and resources. These issues include the treatment of mentally ill defendants, the aggressive prosecution of sexual assault and human trafficking, the increase in property crimes and violent crimes, and effective

rehabilitation services and strategies.

In allocating this additional attention and these additional resources, a one size fits all approach will not work for our diverse and evolving county. For example, the needs of our communities in the East County should not necessarily be assessed through the same lens as the West County, but they should be prioritized in the same way. Accordingly, as District Attorney, I will work towards ensuring that critical services are available to all our communities, including the creation of a Family Justice Center in East County. As a staunch victim advocate who has seen first-hand the dramatic impact our Central County and West County centers have had in those communities, we need to extend the reach of services to our East County residents.

While staying mindful of these evolving challenges, we must continue to be vigilant with our longstanding commitment to end gang violence. People should not be afraid on our freeways or in their homes. As we look for innovative alternative methods of increasing safety in our community, we must think outside the box for new ways of combatting this persistent problem.

Together, I'm confident we can meet these challenges and emerge as the strongest criminal justice system in the state.

COMBATting HUMAN TRAFFICKING:

An essential part of my philosophy of victim-centered prosecution will be our approach to human trafficking. Human trafficking is a serious problem in our community and this modern day slavery cannot be tolerated. Because this issue has not received adequate attention, I have been working to strengthen our efforts by educating law enforcement and creating systems that target the trafficking market and provide services for exploited persons.

I have already been working with law enforcement to focus their efforts on the source of the problem and to conduct operations that identify and arrest the exploiters. It is my vision to have a Human Trafficking Unit where all cases regarding exploited individuals, regardless of whether they are classified as a victim or a defendant, are connected with services (housing, job training, counseling, and drug treatment) aimed to get them out of that life. As District Attorney, I will seek to have a truly vertical prosecution unit in this area, where cases can begin and end with the same prosecutor.

My commitment to prevent human trafficking is just one example of how as District Attorney, I would reorganize the structure of the office to better serve our victims of crime and use crime strategies to actually go after the root of the problem.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: The people of Contra Costa County deserve experienced, effective, unifying leadership that is beyond reproach. As someone who is already recognized as a trustworthy and effective leader in the office, I will fill the leadership void that has existed for far too long and be a visible and accessible presence in the office and in the community. We need someone intimately familiar with our office, our partners, and our community who can immediately get to work on the reforms and changes needed to restore community trust in the District Attorney's office.

HIT THE GROUND RUNNING TO ACHIEVE IMMEDIATE IMPACT:

I can and will get to work on day one. As a result of my 22 years of service in this office, I have existing productive relationships with community agencies and partners, as well as the institutional knowledge of our office, the criminal justice system, and the community which will allow me to make an immediate positive impact.

I am grateful for the overwhelming support I have received from our community partners, my co-workers, law enforcement and county residents. They have supported me not for political purposes, but because I have already proven myself to them, and they know what defines me as a prosecutor and as a person. I look forward to working with them in this new role.

CONTRA COSTA IS MY HOME AND I HAVE SERVED THIS COMMUNITY FOR MY ENTIRE CAREER:

Over my 22 years as a prosecutor, Contra Costa County has been my home, and its residents have been my neighbors; their concerns are my concerns. My entire career has been dedicated to serving the members of this community. I have been touched by the experiences of community members, victims of crime, and also defendants. I have worked in every city and in each of the many diverse communities in Contra Costa County from east to west, and am deeply knowledgeable about the unique criminal justice issues associated with our county.

I have a real sense of pride in this county. As District Attorney, I believe that pride would help me unify and make our communities safer.

A FRESH START WITH THE EXPERIENCE NEEDED TO BE AN EFFECTIVE LEADER - OUR ROLE IN CRIME PREVENTION AND REHABILITATION:

Our office is ready for fresh, innovative, and experienced leadership from someone who truly understands the workings of our office. With this knowledge and experience, a District Attorney can think outside the box while marshalling the support of our excellent and dedicated line prosecutors, some of whom I have worked with for two decades. Successfully implementing needed reforms will allow us to focus on redirecting the office to make our community safer.

I am committed to not only effective representation of victims and prosecution of crimes, but also to the creation of proactive strategies that keep the community safe by preventing crime and rehabilitating offenders. We can no longer afford to be a reactionary office. As prosecutors we must go into the community to meet crime at the crossroads, using strategies and resources that can help potential offenders take their lives in the right direction.

As I learned from my very first cases, every person with whom the DA's office comes in contact presents a unique challenge and opportunity. Being a prosecutor is not just about the number of trials you win, it is about the potential to change lives while ensuring that justice is served. As District Attorney, my goal would be that the entire office reflects this ideal.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: Over the last several years there has been a cloud over the office based on the actions of a few individuals. However, the actions of a few do not define the entire office. The vast majority of prosecutors in our office are highly ethical men and women who work tirelessly in the service of the people of Contra Costa County. Having someone leading the office who has dedicated himself to this community, has the trust of the office, has productive and collaborative relationships with the key county agencies and community partners, and has always held himself to the highest ethical standards will immediately have an impact on the public's confidence in our office. I would work continually to further engage the community, listen to their ideas, create a transparent and diverse administration, and make a visible and direct investment in our community.

PEOPLE IN OUR COMMUNITY MUST FEEL SAFE:

First, and foremost, people need to feel safe and be safe. The main roles of the District Attorney's Office are to prevent and prosecute crime. I have the experience and institutional knowledge to put the correct people in supervisory positions who are qualified, capable, and share my proactive approach to assisting law enforcement and serving the community. We will continue to hire and train the best prosecutors and change the culture of the office away from reactionary prosecution to a more proactive, crime strategies office. When a crime does happen, we will treat the victims, witnesses, and defendants fairly and justly through the criminal justice process and whenever possible be available to answer questions. I firmly believe that it is our obligation as prosecutors to make sure that victims of crime understand the criminal justice system

and are included in decision making.

Instead of measuring success by trial statistics, we need to shift our focus to the impact our office is having on crime prevention through proactive law enforcement, and rehabilitation. Programs like freeway cameras and license plate readers have already resulted in a drop in crime, and have increased the solve rate when a crime does occur.

TRANSPARENCY - ENSURING THAT ALL REPRESENTATIVE GROUPS IN THE COMMUNITY FEEL THE SYSTEM IS WORKING FAIRLY FOR THEM:

The District Attorney's Office represents "The People" regardless of race, gender, age, income, or sexual orientation. We all are invested in ensuring that the system is fair and just, therefore, the concerns of implicit bias and disparate treatment must be addressed directly and openly. Prosecutors must hold themselves to the highest ethical standards and only file cases they believe are based on truth, hard facts, and legally obtained evidence. Our office can be a resource for collaborating with law enforcement on proper and ethical investigation techniques, and can be a bridge between various community groups.

It is essential to have a transparent administration that is willing to meet with community groups and victims to have open dialogue. As District Attorney, my door will be open as much as possible to our community to address their concerns and explain the decision making process. After all, how can we represent "The People" if we don't listen to them?

INCREASING OFFICE DIVERSITY:

The community should be able to look at our office and be confident that the diverse viewpoints and backgrounds of our county are reflected in the staff and represented in the decision making process. I will ensure that we support diversity in hiring by establishing relationships with the student associations for women and students of color at a wide variety of law schools to encourage them to consider a career in our office. Toward this end, we also need to maintain our successful Prosecutor's Academy, a training program taught by the lawyers in our office which provides first-year law students a valuable insight into our office and the field of criminal prosecution.

I have always reached out to the students I come in contact with, and offered them the opportunity to spend a day shadowing me in the office. Many have gone on to be effective prosecutors. My interest in facilitating the hiring of the best prosecutors will continue in my role as District Attorney, doing my best to be mindful of the richness diversity can bring to an organization.

ENGAGING WITH COMMUNITY GROUPS AND LAW ENFORCEMENT:

My work has shown me that diverse communities in the county have unique issues and concerns. The District Attorney must be visible and accessible to all of these groups. As District Attorney, I would recommend holding meetings or forums with community groups, concerned citizens and law enforcement in the same room. Through a respectful exchange of ideas and concerns, we can work towards a common ground that furthers everyone's joint interest in keeping the community safe, addressing concerns of bias, deterring future crime, and rehabilitating those who have entered the criminal justice system.

VICTIM-CENTERED PROSECUTION:

As District Attorney I will take a good hard look at our organizational structure that has been largely the same for 22 years. Because of my intimate knowledge of our office, I am confident I can identify ways to more effectively, efficiently, and fairly serve the public. I will modernize the office by shifting priorities and resources towards a more "victim-centered" approach.

To more effectively serve the community, we need to have more direct interaction between assigned prosecutors and the victims throughout the duration of the case. Our commitment to victims must go beyond just disposing of the cases that come across

our desks. It is our obligation to 1) educate law enforcement on appropriate handling of cases and ensure that all victims are treated with dignity and respect; 2) work within our office and with community partners to create preventive programs and provide victim support services; and 3) proactively go out into the community to educate residents, increase awareness, encourage appropriate intervention, and change the culture of victim blaming.

As I first learned in my assignment on the misdemeanor team, all crimes can devastate lives and we must make every attempt to change and improve lives through victim advocacy. Together, we can refocus the office and be more accountable to the people we serve.

PROACTIVE OUTREACH TO YOUTH:

The statistical evidence of the relationship between education and the crime rate has been well documented. Particularly in under-resourced communities, if a child is not reading at grade level by the third grade, they are much more likely to later drop out of high school, which subsequently increases their likelihood of engaging in criminal behavior. Our existing anti-truancy efforts are a start, but I would have the office be more proactive with the schools and community organizations to address juvenile graduation rates, facilitate career paths, and build community trust in our office.

I also feel strongly about expanding my Internet Safety and Sexual Assault Awareness and Intervention programs for students. By appropriately educating both children and parents, we can decrease the number of victims who are victimized by these predators and more effectively prosecute cases when crimes do occur.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: Mental illness and the danger it poses to both the public and the individuals suffering from it, is a serious, county wide issue. My plan to address these challenges involves a combination of early intervention while working together to enhance mental health infrastructure.

EARLY INTERVENTION:

It is clear that the criminal justice system is not currently equipped to solve mental health issues and the treatment of mentally ill offenders in a one-size-fits-all system is ineffective. Many mentally ill individuals are frequent visitors to the courts on minor misdemeanor cases like trespassing, loitering, disturbing the peace, and theft. It is at this time that a coordinated response would be the most useful, yet when the courts offer lenient "credit for time served" sentences and short probation periods, the person who needs help is soon back on the street with no attempt to resolve the underlying mental health issues. This pattern is partly reinforced because a person facing misdemeanor charges has no incentive to engage in a longer term program on probation when they can get out of custody and return to the street. We need more flexibility for early intervention to assist those with mental health problems before their illness worsens and/or they commit a serious felony.

I am committed to working with our community partners to find effective solutions. Throughout my career, I have been known to take the initiative when the court and the mental health system have failed, and I have structured sentences that avoided custody time in lieu of a proactive treatment plan with a variety of targeted services. Under my supervision, the District Attorney's office would begin by building on existing multi-disciplinary team approaches like the Mental Health Evaluation Team currently in place (as well as look to other successful strategies used in other counties). Under this method, when law enforcement responds to a potential mental health call, they can immediately engage mental health workers who can intervene and provide services before the criminal process is ever begun.

Through early intervention, we can attempt to prevent future crime while at the same time giving offenders the help they need.

ENHANCING INFRASTRUCTURE - MENTAL HEALTH JUSTICE CENTER AND BEHAVIORAL

HEALTH COURT:

I would also advocate for a Mental Health Justice Center modeled after our very successful Family Justice Center. By paring mental health professionals, drug counseling, access to housing, and job training in one location, we can increase treatment effectiveness. We must be open to finding solutions outside of the criminal justice system, particularly when operated in conjunction with additional community prosecutors and proactive law enforcement teams.

Finally, the Behavioral Health Court needs to have more flexibility in the types of misdemeanor and felony offenses that qualify for services. For example, I had an arson case in which it was evident that the defendant would benefit from the services of Behavioral Health Court. However, when the defense and I agreed to send the case to BHC for screening, we were told that arson crimes don't qualify for this system. Too often, a repeat visitor to the criminal justice system on minor misdemeanor cases will go ignored with no treatment plan until a serious felony is committed against a member of our community. At that point, it can be too late, as we now have a victim who has suffered as a result of the offender's conduct and is looking to the criminal justice system for restitution and justice.

State and Federal funding sources are needed to provide the amount of services (including housing, treatment, and job training) that are necessary to effectively address these issues in our county. As District Attorney, I will provide our office's support toward these efforts while working with law enforcement, the Public Defender's Office, and community partners to advocate for resources. With proper commitment from all involved players, we can obtain the necessary facilities and treatment professionals who are equipped to immediately recognize and address mental health issues and to create individualized programs to get people the services that they need.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: As a new Deputy District Attorney on the Felony Trial Team, I was faced with a situation in which I had to take an ethical stand and challenge a supervisor. I was still a new second-year "contract" attorney, meaning that I still had to go through the hiring process in my third year to become a permanent attorney. I was assigned a robbery case the day before it was set for trial. In reviewing the evidence, I came across an answering machine tape which apparently no one else had listened to. What I heard cast serious doubt on the suspect's involvement in the crime despite the fact that he was identified by the victim of the robbery.

After reviewing all of the other case evidence, I was convinced that the individual in custody was innocent. I also knew that under the rules of evidence, it was highly unlikely that the jury would get to hear the tape and could convict the defendant based on the victim's identification. I wanted to dismiss the case immediately. But as a contract employee I needed my supervisor's approval.

I recognized that my future career could be on the line if my supervisor didn't agree with me. Nonetheless, I advised him that I could not prosecute the case because I believed that the man on trial was innocent. After some back and forth, he listened to the tape and agreed.

I then informed the defense attorney that I was going to immediately go to court and add the case on to that day's calendar so it could be dismissed and the defendant could be released. Shockingly, the private defense lawyer asked me to delay to another day because he had other appointments and wanted to be there for the dismissal. I would not leave the innocent defendant in custody for an additional hour, let alone a day, so I immediately went to court and dismissed the case without the defense attorney

present.

Then and now, that is the only way I would handle such a situation, regardless of any consequences to my career. Honesty, integrity, and justice are the founding principles that this office must adhere to at all times. This experience reinforced in me the belief that the role of a prosecutor is not just to hold people accountable for their crimes, but that it is equally important to make sure that innocent people are not wrongly convicted.

In this light, I intend to create a Conviction Integrity Unit within our office. This unit would exist to facilitate the investigation of allegations of wrongful conviction. As District Attorney, I will create an environment where conversations about possible innocence as well as guilt are encouraged in the pursuit of the truth.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: People v. Mark Fregia was a capital case that was complex legally, factually, and emotionally. I was the sole prosecutor assigned to the case and handled it from inception to resolution.

The defendant and surviving victim (Jane Doe) had been in a long term relationship and had a 2 year old son. Jane Doe also had a 6 year old daughter from a previous relationship. The defendant had repeatedly abused Jane Doe over the years and both of them had issues with drugs. As with many domestic violence victims, Jane Doe was caught up in the cycle of violence and often times would recant at restraining order hearings or decide not to pursue charges. However, at the time of the crime that I prosecuted, the defendant was out of custody awaiting trial on serious domestic violence charges against Jane Doe. Shockingly, Solano County Family Court had still approved visitation rights with his son despite the long history of abuse.

The defendant and Jane Doe had separated, but shortly before Christmas in 2003, the defendant called Jane Doe and after much persistence, persuaded her to bring the two children to shop with him for their Christmas presents. After picking them up, the defendant started driving in a different direction. Jane Doe sensed something was wrong and pleaded with the defendant to pull over and let them out. Instead, the defendant doused her with gasoline that had been concealed in a soda bottle and lit her on fire. Immediately consumed in flames, Jane Doe was able to grab the steering wheel to pull the car off the freeway exit. She got out, and as she tried to extinguish herself, watched in horror as the defendant fled and the burning car rolled down the embankment towards the freeway with the two children trapped inside, burning to death. While Jane Doe ran to the car and tried to save the children, the defendant carjacked a good samaritan who had stopped to help. Both children died at the scene, and Jane Doe was burned over 85% of her body, remaining in a coma for over a month.

After a massive manhunt, the defendant was arrested and charged with murder with special circumstances, attempted murder, aggravated mayhem, arson, kidnapping, and carjacking. After the preliminary hearing and extensive pretrial motions, the trial began in 2007 and lasted four months. I coordinated complex evidence and numerous witnesses to support the multiple charges, including law enforcement officers from three counties, civilians, defense experts, arson experts and victim impact statements. It was a very involved and emotional trial. Each witness was suffering from secondary trauma due to the horrors of what they had seen, and it was very challenging to support them through their testimony. As a parent, seeing the autopsy photographs of the murdered children and listening to their mother's anguish was one of the most disturbing and emotionally draining experiences I have ever had, but I owed it to all three of the victims to find them some justice.

The trial ultimately resulted in the defendant being convicted and sentenced to two consecutive sentences of life without parole. However, the complexity of this case did not end with the sentence. As prosecutors, it is our responsibility to continue to serve the victims and witnesses and do everything in our power to help them get their life back. The unimaginable trauma Jane Doe had endured, plus her history of drug addiction posed an enormous challenge. Over the following years, I worked with a team

of dedicated individuals to make sure that Jane Doe got the necessary support services, and I continued to be available to her whenever needed. This year, I received a special phone call, in which Jane Doe let me know that she was still doing well in her recovery, was getting married, and had a baby on the way. Her success serves as a reminder of how a victim-centered approach to prosecution can make a huge difference in our community.

As District Attorney, the victim-centered approach I used in that case is the model I will seek to use for all prosecutions in our county.

13. Q: What is the size of the population/client base served by current employer?

A: According to the California Department of Finance, Contra Costa County's population is just over 1.1 million.

14. Q: To whom do you currently report, by title?

A: Assistant District Attorney

15. Q: What number of staff are employed by current employer?

A: 206 employees

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: I oversee a total of 16 staff.

As the Senior Deputy District Attorney in charge of the Family Violence unit, I directly supervise seven sexual assault prosecutors, two attorneys who staff the interviews at the Children's Interview Center, the Domestic Violence Supervisor and four domestic violence prosecutors, and the Elder Abuse attorney. I also supervise the clerical staff member who manages our new case management system.

17. Q: What is the largest number of staff you have overseen, and where?

A: 16 staff, in my current assignment as Senior Deputy District Attorney where I supervise the Family Violence Unit and the case management system implementation.

18. Q: What is your current employer's operating budget, in dollars?

A: The operating budget for the fiscal year 2017/2018 is \$19,500,000.

19. Q: For what portion of budget are you responsible, in dollars?

A: Under the former District Attorney, individual units were not given direct control over their budgets. However, I routinely have to make budget decisions regarding approval or denial of unit expenditures with consideration for the overall office budget.

I also spent over three years as the assigned District Attorney for a Child Sexual Abuse grant, and was responsible for ensuring financial compliance with the terms of the grant.

20. Q: What is the largest budget you have ever been responsible for, and where?

A: As mentioned earlier, under former leadership, individual units were not given direct control over their budgets. However fiscal accountability is central to my current role. I am responsible for making numerous responsible operational spending decisions within the overall budget.

Fiscal stewardship and proper allocation and management of resources is critical to the health of any organization, big or small. From 2013 - 2016 I served as the President of the District Attorneys' Association and was responsible for a \$60,000 annual budget. Previous to my tenure, the Association had not had a formal budget. The Board and I worked to formalize a budget plan for each year. We made the difficult decisions on what we needed to cut and prioritized our spending with an eye towards creating a

reserve for future unexpected expenditures.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

Paul Graves References (Cont.)

- 3. Honorable Mary Ann O'Malley**
Judge, Contra Costa County Superior Court

[REDACTED]
[REDACTED]
[REDACTED]

- 4. Roberta Brooks**
Private Defense Attorney

[REDACTED]
[REDACTED]
[REDACTED]

- 5. Michael Markowitz**
Private Defense Attorney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- 6. Cynthia Peterson**
Executive Director, Community Violence Solutions

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- 7. Kabu Adodoadji**
Deputy District Attorney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- 8. Ilean Baltodano**
Contra Costa County Public Defender's Office

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9. Pat Mori

Director, Children's Interview Center

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10. Dan O'Malley

Private Defense Attorney

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. Mary Knox

Senior Deputy District Attorney

Contra Costa County

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: William H Green Address: [REDACTED] Martinez, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone:
Email: greenbill@pacbell.net

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary:
Are you willing to relocate? No
Types of positions you will accept: Regular
Types of work you will accept: Full
Time
Types of shifts you will accept: Day

Objective

Improve the criminal justice system in the County through fairness, fiscal responsibility, improving the office culture in the DA's office and making communities safer in the short and long term.

Education

Graduate School

University of California, Hastings College of the Law
9/1984 - 5/1987
San Francisco, California

Did you graduate: Yes
College Major/Minor:
Degree Received: Doctorate

College

University of California, Berkeley
9/1980 - 5/1984
Berkeley, California

Did you graduate: Yes
College Major/Minor: Computer
Science and Philosophy Double
Major
Degree Received: Bachelor's

High School

Miramonte High School
9/1976 - 5/1980
Orinda, California

Did you graduate: Yes
Highest Level Completed: Other
Did you receive a GED?
Degree Received: High School
Diploma

Work Experience

Director

8/2015 - Present

Criminal Conflict Program of the Contra Costa Bar
Association
<https://www.cccb.org/attorney/build-your-practice-paying-criminal-conflict.php>
820 Main Street, Suite 1
Martinez, California 94553
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$11,666.66
of Employees Supervised: 98
Name of Supervisor: Theresa
Hurley - Executive Director, Contra
Costa Bar Association
May we contact this employer? Yes

Duties

The director administers a \$5,000,000 annual contract with Contra Costa County for legal representation of indigents, ensuring the Criminal Conflict Program (CCP) attracts and maintains a sufficient number of attorneys to staff cases in courts throughout the county; ensures participating attorneys comply with Rules of Professional Conduct and CCP's rules and regulations; and develops educational programs and resources for participating attorneys.

The majority of CCP cases are criminal, where the Public Defender's Office and Alternate Defender's Office have a conflict-of-interest because they cannot represent more than one defendant per case. The CCP also appoints attorneys—within 30 minutes—to represent witnesses testifying in court who may incriminate themselves. The CCP also appoints attorneys to represent: minors in probate guardianship cases, conservatees in conservatorship cases, alleged court contemnors, and criminal defendants facing potential immigration consequences.

Attorneys submit applications for funding authorization for such services as investigation, interpreting foreign languages and expert consultations. The CCP director reviews and makes decisions on such requests. The CCP submits monthly fiscal and caseload reports to the Contra Costa County Administrator's Office for reimbursement.

Liaison between Superior Court Judges, District Attorney, Public Defender and County Administrator. Supervises two full-time employees and 96 attorneys (independent contractors).

Reason for Leaving

Current

Attorney

1/2007 - Present

Hours worked per week: 10

Monthly Salary: \$0.00

May we contact this employer?

Law offices of William H. Green
Martinez, California

Duties

General practice including white collar criminal defense and civil litigation in state and federal courts. Outside general counsel for software companies in a variety of transactions, including negotiating and structuring licensing, distribution and professional services agreements. Advise companies on employment law and compliance with U.S. and international privacy and data protection laws.

Founder, CEO and Judge

1/2004 - Present

Hours worked per week: 5

Monthly Salary: \$0.00

May we contact this employer?

FantasyDispute.com
<http://fantasydispute.com/>
Martinez, California

Duties

Founded fantasy sports arbitration website resolving disputes between fantasy teams; featured on the front page of the Wall Street Journal, E:60 (ESPN news broadcast) and ESPN the Magazine

Attorney

1/2004 - 12/2006

Hours worked per week: 40

Monthly Salary: \$0.00

May we contact this employer?

Donahue Gallagher Woods LLP
Oakland, California

Duties

Intellectual property litigation in State and Federal Courts, white collar criminal defense, probate litigation, technology licensing, breach of contract and employment matters; civil discovery, arbitrations and mediations

Reason for Leaving

Started my own law practice

**Head of Legal Affairs (General Counsel) and
Worldwide Director of Sales Operations**

10/2000 - 12/2003

Narus, Inc.
Palo Alto, California

Hours worked per week: 40
Monthly Salary: \$0.00
of Employees Supervised: 20
May we contact this employer?

Duties

Managed \$4,000,000 annual budget for legal and worldwide sales department for a cyber security company utilizing software for real-time internet traffic and analytics monitoring; advising board of directors on corporate governance; drafting and negotiating licensing contracts, sales compensation plans, professional services agreements; experience with government contracts. Company was later acquired by Boeing.

Reason for Leaving

Joined law firm in Oakland, closer to family in East Bay

Deputy Public Defender

10/1987 - 12/2000

Public Defender of Contra Costa County
Martinez, California

Hours worked per week: 40
Monthly Salary: \$0.00
May we contact this employer?

Duties

Litigated virtually every type of criminal case, including homicides, juvenile delinquency and dependency, contempt hearings, LPS Conservatorships, competency hearings, complex DNA hearings, insanity pleas and related trials and hearings; internal resource for sentencing, search and seizure, and ethics issues. Over 80 jury trials.

Reason for Leaving

Offered in-house counsel position

Certificates and Licenses

Type: Private Pilots license, glider rating

Number:

Issued by:

Date Issued: 12 /1976 Date Expires:

Type: Law License

Number: 129846

Issued by: State Bar of California

Date Issued: 12 /1987 Date Expires: 12 /2017

Skills

Office Skills

Typing:

Data Entry:

Additional Information

References

Professional

Hurley, Theresa

Executive Director, Contra Costa Bar Association



Professional
Markowitz, Michael
Chairman, Criminal Conflict Program Committee

Professional
Ewell, Tim
Senior Deputy County Administrator

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
William H Green_Redacted	William H Green_Redacted	Other	Alex Johnson

Agency-Wide Questions

- Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No
- Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:
- Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No
- Q: Are you currently a Contra Costa County employee?

A: No
- Q: If yes, please enter Employee Number.

A:
- Q: If yes, enter Merit System job title:

A:
- Q: Check the appropriate box that describes your high school education.

A: High School Diploma
- Q: Where did you hear of this position?

A: Other
- Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: Legal community

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: I have 30 years' experience in criminal law. I was a deputy public defender in Contra Costa County for 13 years. I've spoken with thousands of criminal defendants and understand the root causes that lead to the cycle of crime. I've tried over 80 cases to juries.

I've worked for the county, in the private sector for a business, for a law firm, as a sole practitioner, and for the last two years as an administrator. During my 17 years in private practice, I've had criminal clients in all of the bay area counties and been able to compare policies. I've practiced indigent criminal defense and white collar criminal defense, civil litigation, and corporate law.

5. Q: Describe your organizational and management experience.

A: Working for a software company in Silicon Valley, I was promoted to Head of the Legal Department and Worldwide Director of Sales Operations where I managed 20 employees. I have been the Director of the Criminal Conflict Program of Contra Costa County for the last two years, supervising 96 strongly opinionated attorneys. When I accepted this position, the Conflicts Program was in turmoil with the attorneys at war with the Bar Association and refusing to accept appointments on cases in protest of my predecessor's termination without their consultation. Two years later, the Program is better than ever and the attorneys are better trained due to seminars I organized, more productive due to resources I acquired such as a legal "brief bank" and on-line legal research resources, and happier due to a supportive environment. I focus on the quality of results, not the number of cases processed.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: There is fear of police in disadvantaged communities rather than cooperation to make communities safer. There is implicit racism due to unconscious biases when making judgments about people from different racial and ethnic groups. There are too many unnecessary jury trials, which wastes public resources and community productivity (juror time, peace officer time, etc.), as well as expensive and unnecessary appeals. There is a lack of collaboration between the District Attorney, Public Defender, probation, police agencies, community organizations, and drug and mental health treatment programs. There are too few teen support groups and after school activities which data shows reduce crime.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: My goal is to have safer communities, fairness in the courts, and a healthy and positive office culture, while being fiscally responsible. I believe that using data driven policies and focusing on long term solutions and the reduction of violent and serious crime instead of low level drug cases, all of this is achievable. Because I am not politically active or politically connected, I am fiercely independent. I do not feel indebted to any particular special interest group. I want to do what is right, not what may be politically expedient.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: I would value fairness over victories, and encourage collaboration between all the stakeholders in the justice system-- judges, defense counsel, prosecutors, probation officers, peace officers, drug programs and mental health service providers-- to find long term solutions to reduce criminal behavior. I would not foresee much personnel churn, because it would be fiscally irresponsible to terminate trained, talented and devoted people. I would address "senior cynicism" and encourage a fresh start. I would publicize programs that attack the root causes of crime such as unemployment and mental illness. I would attempt to build trust between law enforcement and the community by emphasizing the prosecution of violent and serious crimes, corruption, white collar crime, consumer fraud, and pollution instead of low level drug offenses. I would promote transparency by acquiring and sharing data with researchers that study crime and recidivism.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: Unfortunately, today's problems are due to offenders that were incarcerated for many years without treatment and then released back into the community that had nothing for them: no jobs, no treatment, no housing. This led to drifting, homelessness, substance abuse, further mental decline and the chronic reoffending we see today. State law has criminalized many common psychiatric disorders, especially substance abuse which psychiatry's diagnostic handbook, DSM, categorizes as a true psychiatric disorder. In many ways, our jails and prison system function in substantial part as the successor to our shuttered mental institutions. The problems are compounded when we mix disordered inmates, whose disorders tend to make them vulnerable, with nondisordered inmates who may be predators. Statistics show that mental health court participants and those treated during incarceration are less likely to reoffend, especially for violent crimes.

The justice system needs to ensure public safety by providing mental health services designed to interrupt the cycle of homelessness, addiction, and criminal activity. We need a system of interconnected components that creates a seamless continuum of mental health care services. This requires mental crisis intervention training by peace officers, emergency mental health reception centers and respite beds, short term transitional housing, long term residential dual diagnosis treatment, as well as secure inpatient transitional care units.

From a prosecution standpoint, efforts to collaborate with criminal defense attorneys, probation, and mental health professionals will be more effective than the current culture of simply trying to get the most convictions and the longest period of incarceration.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: One of the most vibrant Conflict Program attorneys committed suicide [REDACTED] in the midst of a multi-defendant homicide jury trial. [REDACTED] Apparently she was overwhelmed by a combination of factors:

[REDACTED]

[REDACTED] As the new Director of the Conflict Program, there were multiple concerns such as the lack of civility and compassion among the prosecution, defense counsel and the courts, Conflict Program attorneys over-burdened with serious cases and the stress of pending trials, as well as finding another attorney for the court to appoint, announcing the death to others, and dealing with the anguish of her colleagues. The situation reinforced my values of the importance of civility and respect between all those involved-- attorneys, judges, defendants, victims and their families. I reviewed the number and gravity of cases assigned to each of the Program's most senior attorneys, and counseled those attorneys about mindfulness, even if it meant fewer assigned cases and less income. The Conflict Program will always remember and miss the attorney we lost, but hopefully learned the importance of balancing personal life with the workload.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: As a public defender, I represented a U.S. postal worker that killed an unarmed co-worker due to schizophrenic delusions that the co-worker had been plotting to kill him for many years. There were issues of competency to stand trial, psychiatric records dating back to his discharge from the Army during the Vietnam war and court-appointed psychological evaluations. There were two separate phases of the jury trial in front of Judge Arnason-- the "guilt" phase and the "sanity" phase. The jury acquitted the defendant of 1st degree murder, but found him guilty of second degree murder. Although the evidence of mental illness was undisputed, the district attorney's office fought the case none the less. During the second phase, the jury decided he was "not guilty by reason of insanity." He was committed to a state mental hospital for the rest of his life, an inevitable result that could have been reached much earlier without the expense of years of contested litigation.

13. Q: What is the size of the population/client base served by current employer?

A: The Contra Costa County Bar Association has approximately 1,700 members serving 1,100,000 Contra Costa County residents. The Criminal Conflict Program appoints attorneys on approximately 2,500 cases per year, which consists of approximately 1,600 clients annually. Approximately 1,500 are adult criminal cases, 150 are juvenile delinquency cases, 30 are representation of witnesses, 50 involve immigration

consequences of criminal convictions, 300 are conservatorship cases, 400 are probate guardianship cases and 10 are contempt cases.

14. Q: To whom do you currently report, by title?

A: Executive Director of the Contra Costa County Bar Association and the Board of Directors of the Contra Costa County Bar Association.

15. Q: What number of staff are employed by current employer?

A: My employer, the Contra Costa County Bar Association, has nine employees. The Criminal Conflict Program, which is operated under the auspices of the Bar Association pursuant to a 2-year renewable contract with Contra Costa County, has 3 employees including myself and 96 member attorneys who are independent contractors.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: in my current position as Director of the Criminal Conflict Program, I oversee two full time employees and 96 attorneys (independent contractors) that are members of the Criminal Conflict Program. At least 13 attorneys are ex-district attorneys, and at least 11 are ex-public defenders.

17. Q: What is the largest number of staff you have overseen, and where?

A: in my current position as Director of the Criminal Conflict Program, I oversee two full time employees and 96 attorneys (independent contractors) that are members of the Criminal Conflict Program. At Narus, Inc, a Silicon Valley cyber security company, I oversaw 20 employees in the United States, Europe and Japan as Head of Legal Affairs and Worldwide Director of Sales Operations.

18. Q: What is your current employer's operating budget, in dollars?

A: \$4,950,000

19. Q: For what portion of budget are you responsible, in dollars?

A: \$4,950,000

20. Q: What is the largest budget you have ever been responsible for, and where?

A: \$4,950,000 in fiscal year 2016-17 at my current position as Director of the Criminal Conflict Program for Contra Costa County

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: Thomas J. Kensok Address: [REDACTED] Martinez, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone: [REDACTED]
Email: tkensok@contracostada.org

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary:
Are you willing to relocate? Yes
I will reside and establish domicile in Contra Costa County, as required.
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

Objective

District Attorney

Education

Graduate School

Univ. of Calif. Hastings College of the Law
8/1984 - 5/1987
San Francisco, California

Did you graduate: Yes
College Major/Minor: Law
Units Completed: 90 Semester
Degree Received: Doctorate

College

Saint Mary's College
9/1976 - 5/1980
Moraga, California

Did you graduate: Yes
College Major/Minor: Business Administration
Units Completed: 120+ Semester
Degree Received: Bachelor's

Work Experience

Assistant District Attorney

10/2012 - Present

District Attorney
900 Ward Street
Martinez, California 94553
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$17,000.00
of Employees Supervised: 100
Name of Supervisor: Mark Peterson - District Attorney
May we contact this employer? Yes

Duties

Supervise Homicide, Gang, Sexual Assault, Domestic Violence, and Community Violence Reduction Units. Leadership role in several office initiatives, such as employee training and evaluations, Richmond Cease Fire, Community Corrections Partnership, DOJ Violence Reduction Network, attorney recruiting, law clerk program, and modern organizational best practices.

Senior Deputy District Attorney

2/2011 - 10/2012

Hours worked per week: 40
Monthly Salary: \$14,000.00
of Employees Supervised: 30

District Attorney
900 Ward Street
Martinez, California 94553
[REDACTED]

Name of Supervisor: Mark Peterson -
District Attorney
May we contact this employer? Yes

Duties

Supervise Homicide, Gang, Sexual Assault, Domestic Violence, and Community Violence Reduction Units. Leadership role in several office initiatives, such as employee training and evaluations, Richmond Cease Fire, attorney recruiting, law clerk program, and modern organizational best practices.

Reason for Leaving

Promotion to Assistant District Attorney

Deputy District Attorney

12/1987 - 1/2011

District Attorney's Office
900 Ward Street
Martinez, California 94553
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$12,000.00
of Employees Supervised: 11
Name of Supervisor: Mark Peterson -
District Attorney
May we contact this employer? Yes

Duties

1987 -1989: Misdemeanor prosecution in Concord and Richmond

- 1989: Felony Law and Motion
- 1990: Felony Trial Team
- 1990 -1991: Richmond Preliminary Hearings
- 1991: Juvenile
- 1992: Felony Trial Team - set all time record for most trial days in one year
- 1993: Drug Team - filed all drug cases for East and Central County and secured first grand jury indictments for large number of defendants (more than 35 in an Antioch buy program)
- 1994: Misdemeanor Team Leader in Richmond
- 1995 - 1996: Three Strikes Team – tried most cases on team
- 1996 – 1997: Insurance Fraud – convicted Ray Robinson in what was largest East Bay auto insurance fraud ring in history at that time
- 1997: Trial Team – took over as expeditor when Mark Peterson was in trial
- 1998 – 2004: Gang Homicides – prosecuted West County gang members including notable gang leaders such as [REDACTED] and [REDACTED]. Pioneered use of conspiracy charges and grand jury in Contra Costa gang prosecutions and led the office in most trial days per year several times.. Networked with and trained all West County police departments in gang expert testimony, as well as lectured on the subject.
- 2005 -2007: Misdemeanor Supervisor - supervised team of up to 11 beginning prosecutors in all aspects of misdemeanor prosecutions. Worked closely with Mark Peterson.
- 2007-2009: Gang Homicides - first supervisor of newly formed gang homicide unit. Continued to carry case load and supervised most gang prosecutions in office. Planned and oversaw 11 defendant Vario Frontera Locos prosecution for 4 separate homicides and conspiracy. Using co-conspirator liability, convicted several gang members for all murders, including those which they were not present for. Personally prosecuted case involving the Sinaloa Cartel, Aryan Brotherhood, and Richmond Sur Trece, 2 murders, and 1 attempt, and several defendants.
- 2010: Sexually Violent Predators – Handled mental health cases and SVP prosecutions.

Reason for Leaving

Promotion to Senior Deputy District Attorney

Certificates and Licenses

Type: Attorney

Number: 133257

Issued by: State Bar of California

Skills

Office Skills

Typing:

Data Entry:

Additional Information

References

Professional

Billeci, Todd

Chief Probation Officer, Contra Costa County

[REDACTED]

Professional

Delaney, Lara

Director, Office of Re-Entry and Justice

[REDACTED]

Professional

Brown, Allwyn

Richmond Chief of Police

[REDACTED]

Professional

Jones, Donnell

Richmond Civilian Review Authority and Ceasefire
Coordinator

[REDACTED]

Professional

Aikins, Andre

Operations Manager, Omega Boys Club - Alive and
Free

[REDACTED]

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Phillips, Coby San Quentin Letter.pdf	Phillips, Coby San Quentin Letter.pdf	References	Job Seeker
Redacted Application	Thomas J. Kensok-Application	Other	LaShonda Smith

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

- 2. Q:** If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

- 3. Q:** Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

- 4. Q:** Are you currently a Contra Costa County employee?

A: Yes

- 5. Q:** If yes, please enter Employee Number.

A: [REDACTED]

- 6. Q:** If yes, enter Merit System job title:

A: Assistant District Attorney

- 7. Q:** Check the appropriate box that describes your high school education.

A: High School Diploma

- 8. Q:** Where did you hear of this position?

A: Other

- 9. Q:** If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: Internal Office Communications

- 10. Q:** I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

- 11. Q:** May we contact your present employer?

A: Yes

- 12. Q:** REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)

- 13. Q:** Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

- 14. Q:** Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: No

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: My experience in the practice of criminal law goes back more than 30 years. I tried my first jury trial while still in law school. I have served in a wide variety of assignments - from misdemeanor prosecutions to gang homicides. I have tried more than 100 jury trials, including more than 20 murder trials. I have also conducted juvenile, narcotics, drug and sexually violent predator prosecutions.

I was the first supervisor of the of Gang Homicide Unit in the District Attorney's Office and have had a hand in nearly every large gang prosecution for the past 20 years. I am known on sight on some of the toughest streets of our county 's toughest neighborhoods, including North and Central Richmond. Defendants in the jail follow my cases, just as I follow and address their exploits.

My trial experience numbers greatly exceed those of any prosecutor in the county. In 1992, I set the record for most jury trials in a year, which still stands to this day. I have trained police on expert testimony and I've taught grand jury procedures to prosecutors. I pioneered using conspiracy charges in our office and I was the first in the office to apply the concept to auto insurance fraud cases. In 1997, I used that strategy to win a guilty verdict in what was at that time, the largest auto insurance fraud case in East Bay history.

There is, however, another side to my criminal law experience. In the last decade, I have focused on changing the dynamics of the relationships in the criminal justice system. Trials are interesting events. For a seasoned prosecutor, the trappings are exciting, yet comfortable nevertheless. However, gang murder trials are also a reminder that something is terribly amiss in our society. I often tell people there are no winners in my trials. We all lost before any trial started. I deliver this message at Ceasefire call-ins and I repeat it at social gatherings. I would be happy to never have to hug a mother outside the courthouse as we part ways after the trial of her son's murderer. This is the experience that also needs to be conveyed.

My three decades of prosecutorial experience have impressed upon me the gravity of our need for moving in a different direction. My promotion into management gave me a real chance to work on policy. My duties include responsibility for the Homicide, Gang, Sexual Assault, Community Violence Reduction, and Domestic Violence Units. However, the bulk of my work has been on policy issues for the District Attorney's Office. I interface with police departments, multi-disciplinary teams, and community based organizations. My work in this area led to my receipt of the Board of Supervisors' initial Crime Prevention Award, given during Crime Victims' Week in 2013.

I lead office initiatives to reduce crime and recidivism. I oversee our office's efforts around AB 109 and the Community Corrections Partnership (CCP) and I co-chair the Contra Costa Human Trafficking Coalition. I am a member of Richmond's Ceasefire working group and our office's liaison to the U.S. Justice Department Violence Reduction Network. I am gratified to work with so many others who share my outlook and priorities. I am also excited by the potential of using my experience to make direct change in the relationship between communities and the criminal justice system.

This coming academic year, I will teach a course at U.C. Berkeley's law school on Prosecution Policy. This will give me the opportunity to share my experience in criminal law at one of our nation's top law schools.

5. Q: Describe your organizational and management experience.

A: For more than 61/2 years, I have served as a Senior Deputy District Attorney, and then as an Assistant District Attorney since 2012. This means I have been third in command in the office. Even before my promotion into upper management, I was already serving as a member of the school board for the Napa Valley Unified School District. I have been a member of that board for 15 years. Thus, my organization and management experience is extensive.

I graduated from Saint Mary's College with a Business Administration degree and I worked as deputy executive director of a housing authority in rural Alaska before law school. I also served in the Jesuit Volunteer Corps for a year after college. Thus, I already had organizational and management experience before joining the Contra Costa County District Attorney's Office. In addition, I had already gained experience working in community outreach with underserved populations.

When the District Attorney's Office needed healing after the bruising election of 2010, I advocated for an inclusive management style, as opposed to the previous top down style. Under my supervision, attorneys have been given considerable autonomy and voice, being treated like professionals rather than subordinates, in order to develop and use their skills for the office. Most have thrived in this relationship.

Using my unique background, I have lead efforts to make the District Attorney's Office more responsive to the public's wishes and the changing nature of the criminal justice system. This has often meant being a dissenting voice in a conservative room. However, I've been able to bring a sense of strategic thinking and outreach to the office. None of these advances have come easily. It's clear to me that we need a district attorney who buys into the concept of modern servant leadership. Put more simply, the leader must make sure that the highest priority is service, not power or reward. This is the only legitimate power.

Since 2011, I have spearheaded a revamping of the employee evaluation process from a bookkeeping exercise into a meaningful conversation between supervisors and attorneys that focuses on growth and improvement. In addition, I pushed to modernize the office to adapt to modern organizational practices by bringing in experts to train on alignment and trust. The next step was my introduction of systems thinking and learning organizations. This also includes after action reviews to establish a base of lessons learned.

In addition, I have been deeply involved in all aspects of office management, including budgeting, hiring, resource allotment, policy, evaluations, and planning. Despite internal opposition, I have led collaborative efforts such as Ceasefire, increased diversion programs, pretrial services, and re-entry efforts.

Beginning in 2008, I was named supervisor of the newly formed Gang Homicide unit to tackle violence in West County. That year Richmond suffered 47 murders. Through a concentrated and cooperative effort, we have cut that number by more than half. Much of that work was accomplished through high leverage actions such as Ceasefire and impact prosecutions. Teamwork with the community and police was at the center of it

all.

I have also served 15 years as a school board trustee, which is much like a county supervisor position on a smaller scale. We oversee a budget of \$150 million, with 1500 employees serving 18,000 students daily spread across 30 sites. We deal with budget, security, discipline, personnel, transportation, property, health, and construction issues on a regular basis. We interface with different city governments as well as the county. This experience has given me exposure to different managerial styles as well as cutting edge thinking in organizational theory. I've studied the management theories of Steven Covey, Peter Senge, and Daniel Pink. In addition, I was chairman of the Board of Directors for Community Action, Napa Valley, which oversaw the food bank, homeless shelters and day center, and meals on wheels.

I already work in strategic planning in both the criminal justice and educational sector. While the education community has been at the forefront of systems thinking and learning organizations, that approach has great utility in both the District Attorney's Office and the county as a whole. I have worked with project managers through the U.S. Justice Department Violence Reduction Network as well as local initiatives. I have been forging collaborative relationships with academic partners for our office and I am regular panel participant in public forums. My career shows a proven commitment to criminal justice reform and I am comfortable communicating with high-level administrators and officeholders, including members of Congress and the State Legislature. I work with budgets in many capacities and because of my experience, I am well suited to elevate best practices.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: Major issues or problems confronting the administration of criminal law and justice in Contra Costa County include the insular nature of the District Attorney's Office, disparate contact with minorities, perceptions of unfairness and a lack of alternatives to arrest and prosecution. I am already the leader in changing the insular nature of our office and will accelerate the pace as District Attorney. I am already addressing the issues of disparate contact and fairness perceptions through the Racial Justice Task Force and an internal emphasis on focused deterrence. I already have commissioned an internal study with U.C. Berkeley on disparate contact and proposed actions, which is available in draft form.

The issues can be divided into internal issues in the District Attorney's Office and those confronting the system as a whole. However, because of its central position in the criminal justice system, internal issues in the District Attorney's Office do affect the larger system. One major problem that the Contra Costa County District Attorney's Office faces is resistance to change.

For decades, the Contra Costa District Attorney's Office has operated in an insular manner, only grudgingly changing when forced to do so by the courts or Legislature. Our prosecutors function largely as a passive element within the broader criminal justice system, primarily managing their inbox of cases presented by the police. They take these cases, make charging and plea decisions within a narrow statutory and discretionary framework, and then hand defendants over to the courts and corrections. We have built an office of fine trial lawyers that sees little reason to change. The office will continue to mold strong trial lawyers for an adversarial system.

For the most part, prosecutors have not taken independent responsibility for addressing core serious crime problems. This should change with recent structural changes in the criminal justice system, especially in California. Offices are being asked to partner with other actors in a more collaborative way. However, efforts to steer arrestees away from the criminal justice system and diverting into rehabilitative programs are not yet seen as part of the job. I have pushed for this, but without buy-in at the top level, progress will come only in isolated pockets. Changes in the bail system are fought because of a firm belief that the way we have always done it is the right way.

Without a forward thinking District Attorney, the Office will demand more money for more attorneys to continue to clog the trial courts with cases that could resolve with

more cooperation from both sides. Rather than taking a leading role in serving the public, the office will fight a rear guard action to ensure as little change as possible. Trial victories and lengthy prison sentences will continue to be celebrated, while compromise and rehabilitation efforts will be scorned. This is a cultural attitude instilled by previous district attorneys and engrained through generations of prosecutors.

This era needs an additional skill set in its District Attorney's Office. We have only begun to consider how we might hold ourselves accountable for performance in key areas such as crime reduction and recidivism. Our own crime prevention and control strategies are not fully realized and we have conducted our own crime analysis. Only a few of us are discussing our role in addressing community concerns about intrusive and illegitimate criminal justice practices, and we give little thought to the damaging community impact of concentrated arrest, prosecution, and incarceration. When I say only a few, I mean only a few. There is little if any sense that the office could play a more significant role in public safety. In fact, until a year or two ago, most prosecutors would have been hard pressed to cite any studies or figures regarding criminology and public policy. Without an open minded District Attorney, these discussions will die.

Long-standing practices within our office have contributed to public perceptions of unfair, unsupportive, and badly motivated law enforcement. Success on widely accepted metrics, such as conviction rates, can in fact signal overly cautious and self-serving internal standards and procedures. Office management has to consider more than managing case flows. Our Office should ask and assess what impact we're having on crime. We need to show both a correlation and causation effect between these metrics and community safety, or we need to abandon them. This is especially true in minority communities that have been subject to the most damaging effects of the prison boom.

Outside the Office, disparate contact with different racial and socioeconomic groups continues to plague our criminal justice system. We are working on that issue through the Racial Justice Task Force, but it will be a long struggle. Of course, lack of money is a constant problem. There are proven approaches to crime reduction, but they take a financial investment. Limited housing and treatment options leave many people with nowhere to turn for help. Band-Aid solutions will not solve underlying problems. We need treatment for drug addiction, mental illness, and trauma.

It is important to remember the criminal justice system does not exist in a vacuum. The lack of services contributes to a reliance on the criminal justice system to solve problems it can't solve through incarceration. Prosecution and incarceration should not be the default option for every violation of the law. We cannot arrest and imprison our way out of society's problems. In fact, sometimes arrests can exacerbate a problem for those that are barely making it. Even a few days in jail can disrupt a person's life to the extent it goes into a downward spiral.

The Community Corrections Partnership (CCP) is a great start, as are the pretrial services, bail reform efforts, and re-entry services. However, we need to do more, such as the Law Enforcement Assisted Diversion (LEAD) grant from BSSC, which the county won. I participated in the development of that grant and will likely be a member of its steering committee. Needless incarceration of the mentally ill continues to be a problem, as are the lack of readily available detox centers, treatment beds and stable housing situations. Finally, we need to evaluate the effectiveness of all our approaches, including jail and prison sentences. All of these problems serve to exacerbate other problems in the criminal justice system.

The intensified effort by the federal government around deportation is also a significant problem without an easy solution. Matters that previously reached a quick resolution have become quite complicated because of the looming deportation threat. Both the state and our office have given guidance to our prosecutors, but the problem seems intractable.

We need to be on watch for emerging problems. We are in the midst of an opioid crisis, but the criminal justice system has been slow to react. I have had two people close to me die of overdoses. While I don't want to return to a war on drugs, I am not comfortable with the current situation. Domestic Violence is a persistent and stubborn problem, as is human trafficking. None of these are problems that the criminal justice

system can solve alone. Actually, they may be solved elsewhere, but we need to act as a collaborative partner and use the most effective methods available.

Another looming issue is the spate of Ransomware attacks, in which perpetrators infiltrate and take over computer networks, holding them hostage from their owners for ransom. This is another problem we can't solve locally, but we need to participate. Identity theft also continues to be a problem. Staying ahead of the curve will not be easy. None of these problems will be solved without a recognition they exist. That will not happen without a responsive District Attorney.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: The last 40 years have seen an unbroken string of conservative district attorneys. That approach no longer reflects county residents' outlook. I want to be District Attorney to bring the focused deterrence, crime prevention, and management projects I have been working on to fruition. I will be an engaged district attorney for all county residents. My interests do not stop at the office doors or at the edges of affluent communities. In fact, the district attorney's engagement is needed most in the underprivileged communities where I have spent my career. I will provide organizational excellence by merging innovation and partnerships that will enable all our residents to enjoy a safe, healthy, and prosperous life.

In keeping with this aim, I have led a push for our office to adapt to changes in our communities. We have made some headway, but I have too often been relegated to providing a dissenting voice to the "business as usual" approach. Those efforts that have actually begun need to be protected, nourished, and expanded. I need to continue my work as a member of the county's Racial Justice Task Force, of the Community Corrections Partnership (CCP), of the Pretrial Services Committee, of the Re-Entry Committee, and in helping secure the \$5.8 million grant for Law Enforcement Assisted Diversion (LEAD) in Antioch.

I have overseen gang violence prosecutions for the last decade. I have been a member of the Ceasefire effort in Richmond since its inception. I originated the push for the creation of Ceasefire in East County, which is now up and going. Our office has made considerable progress in reducing gang violence. We played an integral part in reducing the murders in Richmond from 47 in 2009 to 11 in 2014. 2009 was the first year of my supervision of the fight against gang homicides in Richmond. I actively sought partnerships, and still remain very active in those efforts. Through my work in these partnerships, I have gained considerable goodwill for the office from the residents and from the community based organizations that would like to see these efforts continue.

We are using some of these same tools in the fight against other criminal organizations. I am co-chair of the County Human Trafficking Coalition. I have forged a partnership with the Naval Postgraduate School in Monterey to lend academic assistance in our work in both gang and human trafficking prosecutions. This will give us insight and allow us to focus our prosecution efforts.

Our office is particularly well suited for this endeavor because of our central position in Contra Costa County's criminal justice system. In this county of 1.1 million people, we interact with approximately 25 different law enforcement agencies across 17 cities. We house an FBI Safe Streets Task Force here in the District Attorney's Office, which is comprised of district attorney inspectors and police detectives working side by side with federal and state special agents. We are the only district attorney's office in California that houses such a task force.

In addition, we collaborated with the Richmond and Oakland Police Departments and the Alameda County District attorney's Office for the inaugural United States Department of Justice Violence Reduction Network. It was through this network that we were first introduced to the concept of social network analysis.

This approach enables us to focus our resources on deterring and incapacitating the subset of criminals who are responsible for a disproportionate amount of violent crime. We have conducted intelligence-driven surges to target violence in Richmond, the community response has been quite positive. For example, after Richmond's Operation

Exodus in 2013, many community groups were glad to see that we were "going after the right people and leaving the others alone." Reduction of our enforcement footprint in the communities we serve is progress.

Our intention is to focus on the "Hot Groups, Hot Places, and Hot People" that drive our street violence. This is part of an overall focused deterrence crime reduction strategy; it incorporates an intelligence driven prosecution approach. The Northern California Regional Intelligence Center (NCRIC) will aid this effort.

The success of these partnerships depends upon continuity and sustained effort. We have also explored other alternatives in order to protect vulnerable residents. The Coalition Against Human Trafficking and the Coalition Against Domestic Violence continue to grow stronger. The second problem area for focus is human trafficking. This includes both sex and labor trafficking, which sometimes overlap. We are already partnering with national groups Polaris and Equitas, who lend us technical expertise in human trafficking for both investigative and prosecution efforts. Another area needing continued support and expansion is our work in the area of truancy.

A district attorney with a long track record of supporting partnerships is paramount for moving forward. I can be a tough prosecutor when needed and I've tried as many or more significant cases as any other attorney in our office. My last three trials have resulted in multiple life terms for each defendant. These were complex gang murder prosecutions. but I am not driven by a quest for power or glory. Nor am I am not driven by a desire to put people away. The office will always conduct and win trials. I would like for us to seek more win-win resolutions short of trial. Conducting an excessive number of trials in an effort to obtain ever decreasing marginal returns squanders our scarce resources and detracts from our mission. We must do more in the area of prevention.

I grew up in Contra Costa County, beginning at Pleasant Hill Elementary in the Fall of 1963 and graduating from De La Salle High School in 1976. I attended Saint Mary's College and then Hastings College of the Law. My mother owned and operated Contra Costa Awards and Embroidery in downtown Concord, while my father commuted from our Central County home to Kaiser Aluminum in Oakland. I have worked in the Contra Costa County District Attorney's Office for 30 years, rising through the ranks to the senior management position of Assistant District Attorney. I know the office and this county intimately. I know the lay of the land firmly believe I can make a difference. I want to continue the crime prevention and focused deterrence efforts that I've been working diligently on for more than 10 years.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: The District Attorney's Office has been rocked by several scandals over the last decade, from a rape allegation to a fistfight between high ranking attorneys. This was followed by revelations that veteran [REDACTED] attorneys had been quizzing younger coworkers on preferred sexual practices, and then the resignation and conviction of the District Attorney.

I will restore and maintain the public's confidence in the District Attorney's Office by placing an emphasis on the behavior of individuals we employ, taking care to ensure we are pursuing prosecutions which actually protect public safety, and bringing in partners to increase transparency.

It is also true that, except for the District Attorney's campaign reporting, these events took place nearly a decade ago and those earlier perpetrators are no longer in the mainstream of the office's functions; most are no longer with the office. Moreover, nearly 70% of our attorneys were hired after 2007. They had no relationship to the office when these events occurred. Nonetheless, we must acknowledge that although the outside perception of our office differs greatly from the inside reality, this outside perception still demands attention.

In giving careful thought to why we continue to struggle with our reputation, we can see the issues have not been dealt with in a forthright manner. Neither of our two

preceding district attorneys publicly apologized and resolved to address these issues in any meaningful way. They failed to set clear expectations. I will do both.

When I am the District Attorney, we will expand our efforts to serve the county as a collaborative partner, with a special focus on our underserved communities. We will become more transparent in our activities. These are two things I have championed over the last decade and as District Attorney, I will bring them to fruition.

The Office Will Shape Individuals' Behavior

We will act from a position of integrity and we will instill that in our culture. We have learned that these things do not just blow over. It's a platitude, but we should do the right thing. Organizations should not be in denial. Those that have tried to hide these things in the past have paid a much higher price in terms of loss of trust. We have suffered that loss of trust.

Our veteran attorneys will acknowledge their role in shaping organizational ethics and seize this opportunity to create a climate that can strengthen the relationships and reputations on which our success depends. The once familiar picture of ethics as individualistic, unchanging, and impervious to organizational influences has not stood up to scrutiny.

An integrity-based approach to ethics management combines concern for the law with an emphasis on managerial responsibility for ethical behavior. This strategy can help prevent damaging ethical lapses, while tapping into powerful human impulses for moral thought and action. We have those attorneys in place. In recent years, I have hired attorneys with an eye to the quality of moral thought and action. The first thing I look for in hiring a new attorney is the moral compass that points to good decisions on behalf of the public. The second quality I look for is a commitment to public service. Only after the first two are satisfied do I then I look for prosecutorial ability. We need all three qualities in our attorneys: morality, commitment, and ability. Then an ethical framework becomes no longer a burdensome constraint within which organizations must operate, but the governing ethos of an organization.

There is no question concerning the necessity of a sound, well-articulated strategy for legal compliance in an organization. After all, employees can be frustrated and frightened by the complexity of today's legal environment. And even managers who claim to use the law as a guide to ethical behavior often lack more than a rudimentary understanding of complex legal issues.

Managers would be mistaken, however, to regard legal compliance as an adequate means for addressing the full range of ethical issues that arise every day. "If it's legal, it's ethical," is a frequently heard slogan. But conduct that is lawful may be highly problematic from an ethical point of view.

Success in creating a climate for responsible and ethically sound behavior requires continuing effort and a considerable investment of time and resources. Creating an organization that encourages exemplary conduct may be the best way to prevent damaging misconduct and better serving the public.

Prosecute the Right People for the Right Reasons.

We will expand our efforts to serve the community with a focus on underserved communities. This is our mission and we need to be known as reliable and trustworthy partners. Good deeds don't cancel out the bad ones, but we can be known for reasons that don't include the word 'scandal'.

Protecting the most vulnerable people starts with understanding who they are and how they're connected. Evidence and experience show that a small number of people in street groups—gangs, drug crews, and the like—drive the majority of violence in troubled neighborhoods. Group members typically constitute less than 0.5 percent of a city's population, but they are consistently linked to 60 to 70 percent of the shootings and homicides. The internal dynamics of the groups and the honor code of the street drive violence between those groups and individuals.

Research has shown that focused deterrence is far and away a prosecutor's best tool to prevent crime and recidivism. Police, probation officers, and prosecutors will identify the most dangerous offenders. Officers target a specific criminal behavior committed by a small number of chronic offenders, such as gang members. Then, working together with gang intervention workers, local clergy and people from other service agencies can deliver a message to those offenders: "We care about you. We're going to help you, and we'll follow up with an offer of help from social service providers for those who want it."

Those at risk can be identified. "Gunshot violence follows an epidemic-like process of social contagion that is transmitted through networks of people by social interactions," concludes a study published by the Journal of the American Medical Association in 2016. Researchers, using police records of people arrested together for the same offense, they mapped a network of 138,163 subjects and looked at the spread of violence within it. Their model, based on the ones epidemiologists use to understand contagion, assumed that shootings were likely to spread between co-arrestees, who would have close social ties and engage in risky behavior together. When they ran probabilities on people linked to a shooting victim, what they found was staggering: 63% of the 11,123 total shootings in the network were part of a longer chain of gunshot victimization. The closer someone was to a victim, the greater the risk of being shot.

I have already enlisted the help of the Contra Costa County Public Health Department to aid us in this area. We have also partnered with the Naval Postgraduate School to aid us in this area.

Bring in Partners to Increase Transparency

The most powerful actor in the criminal justice system, the District Attorney's Office, is also the least studied and examined of the components. Courts, corrections, law enforcement and defense attorneys are often studied, but not so for prosecutors. One reason for lack of trust is lack of transparency. The best way round that is to make ourselves as transparent as possible. We can bare our soul and invite others, including media and researchers into our office to look around. the media to look around. I have already started the ball rolling by commissioning two Berkeley researchers to study and make recommendations. One looked at East County Focused Deterrence and the other at Racial Disparity. I will also form separate community advisory panels for both youth and for those released from incarceration. I understand that being silent or slow to communicate with the outside world can do more harm than good to our office. We can and we will start a dialogue with our local communities.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: I would address the mentally ill who are cycling through our justice system by participating in the Stepping Up Initiative, which provides leadership on a state and national level. I was a member of the Contra Costa County team at the California Summit last January and I will commit the office to wholehearted participation in this initiative. As addressed above, the criminal justice system cannot solve all of society's problems through prosecution and incarceration.

The Stepping Up Initiative has devised six questions county leaders need to ask:

- 1: Is your leadership committed?
- 2: Do you have timely screening and assessment?
- 3: Do you have baseline data?
- 4: Have you conducted a comprehensive process analysis and service inventory?
- 5: Have you prioritized policy, practice, and funding?
- 6: Do you track progress?

We need to identify and recruit a champion for the work. This should be someone close enough to the Board of Supervisors to hold agency administrators accountable for participating in the meetings as well as implementing the plans developed by the various criminal justice stakeholders. While our office can supply someone to become knowledgeable and committed to this project, I think we should remain in a partner role offering input.

We need to develop pre-arrest and pre-bookings diversion alternatives to help reduce the number of mentally ill people entering jails in the first place, and connecting them to treatment and other resources when they do encounter the justice system. This means partnering with community-based organizations and advocacy groups to provide Crisis Intervention Team (CIT) training to law enforcement officers. Richmond, through its RichMinds Network is already working on this. Behavioral health departments and providers are partnering with law enforcement agencies to staff mental health co-responders or jail mental health coordinators to help divert people from jails and connect them to treatment.

Funding is always difficult, but it can come from diverse and often blended sources. Enrolling individuals into health coverage and connecting them with care is crucial. Many counties are enrolling individuals with mental illnesses into Medicaid or other health care coverage whenever possible. Particularly in states that have expanded Medicaid, many justice-involved individuals with mental illnesses will qualify for coverage. Medicaid coverage can connect individuals to the care they need once they are in the community and can help lower health care costs by decreasing hospitalizations and emergency room visits. It can also decrease recidivism. In Monterey County, for example, a study found that individuals who received treatment for behavioral health disorders after release from the county jail spent an average of 51.74 fewer days in jail per year than those who did not receive treatment.

Data collection is important for analyzing both point-in-time data as well as to track progress on any reform efforts. For example, using a validated mental health screening tool at booking, and including the results in a format that allows them to be analyzed later in an electronic case management system, will help identify and count the number of people with mental illnesses coming into jail. Without knowing this basic baseline information about the population, it can be difficult to help pinpoint the source of the problem. Collecting and analyzing this data over time will help to show progress – or lack thereof – with initiative activities. This should be integrated into the current case management system for our office, as well as other partners.

We need to collect data on multiple system touch points for the individuals. For a complete picture, we should collect data for arrests, filing of charges, pretrial release decisions, case processing, disposition and community supervision. I am already a member of pretrial services and pre-release services teams working in these areas. Beyond that, incorporating data on diversion and linkages to treatment and other social services such as employment and housing supports can help to show the impact of these services on individual outcomes, including recidivism.

Obviously, reducing recidivism is a major interest for the District Attorney's Office. Ideally, this data would be collected for individuals with and without mental illnesses to provide a point of comparison for identifying disparities at each of these points. Along these same lines, we should collect data for key demographics such as self-identified race, ethnicity and gender for both populations to identify further disparities. Having this data at each touch point will not only help to identify disparities and gaps in the systems, but will also help to track people as they move through the system. This is not limited to mental illness. While mental illness is unique, many people passing through the system are suffering from their own trauma and could use help. Thus, the Stepping Up Model will also give us a framework for working with other populations as well.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: Changes in federal policy regarding immigration issues have had an effect on our local criminal justice system. In July of this year, as Assistant District Attorney, I was tasked with arbitrating a conflict between several prosecutors and several deputy public defenders regarding guilty pleas and immigration consequences. The law requires trial

courts to make an inquiry to satisfy themselves that there is a factual basis for guilty a plea. Until recently, this was a simple matter in which the defense attorney would simply stipulate that based on the police report or some other document, a factual basis for the plea existed.

Now, with the new focus on deportations, many defendants and their attorneys are wary of stipulating to any document for fear that it could be used against them in a deportation hearing. Instead, defense attorneys are offering a stipulation based on confidential communications, which the California Supreme Court says is legally permissible.

Stipulations based on confidential communications are meeting with resistance from many prosecutors because of distrust and because of political leanings. In fact, some prosecutors in our office have asked to be exempted from our office policy that requires that we follow California Law regarding adverse immigration consequences. The prosecution, in the interests of justice, is statutorily required to consider the avoidance of adverse immigration consequences in the plea negotiation process, as just one factor in an effort to reach a just resolution.

Some of our conservative prosecutors argue that the best practice would be best if the defendant was forced to state the facts amounting to the crime, but feel a stipulation to the police report, preliminary hearing transcript or grand jury transcript is sufficient compromise. Anything more is a dereliction of our duty.

While unpopular, I believe that to require such a stipulation ignores the direction given by our Legislature. Defense attorneys see a very real danger of adverse immigration consequences under President Trump. On the other hand, our prosecutors lose nothing by allowing the stipulations from defense counsel, because it has no effect on the outcome of our state prosecution.

The lesson learned is a repeat of a lesson I have learned many times: Good leadership is not a popularity contest. I will suffer resentment regarding my decision and be accused of not being able to stand up to the defense attorneys. This will come from some of my coworkers. Nonetheless, I am not able to decide otherwise. Both the courts and the Legislature have spoken on this issue and we must follow their lead. I took an oath to uphold the law. I'll do so even if it's unpopular.

This has been a recurring issue in our office. Many prosecutors have been resistant to AB 109 and to other changes in our criminal justice system. Without my leadership and collaborative efforts, we would not have been able to make near the gains we have thus far with Re-entry and with Ceasefire. This is why we need a forward thinking District Attorney for Contra Costa County.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: My most significant and complex legal matter was the successful prosecution of People v. Coby Phillips and People v. Jose Vega-Robles. The case is now a central part of the California District Attorneys' Association curriculum on how to prosecute gang murders and how to introduce expert testimony.

Geographically, this case arose from a narcotics operation centered in West Contra Costa County. It sprawled from Oregon in the North to Sinaloa, Mexico in the South before it finished. The case centered around the Family Affiliated Irish Mafia (FAIM) and the Sinaloa Drug Cartel, but it also included the Aryan Brotherhood and Nazi Lowriders prison gangs, as well as Hell's Angels and Sureno gang members. Crimes included two separate murders, an attempt murder, witness intimidation through disclosure of a prison debriefing, and a solicitation to kill a defense attorney when she visited her client in jail. There were also shanks secreted in jail cells and an overarching conspiracy to sell controlled substances. Please see the attached letter from Defendant Coby Phillips.

While I had been aware of Coby Phillips for several years, this case did not come to my attention until late 2007, nearly three years after the murders. To complicate matters more, the defendants, including Phillips and Vega-Robles were prosecuted in federal

court for a different crime before I filed my charges. This required me to deal with a meritless claim of double jeopardy. [REDACTED], the brother of Jose Vega-Robles, testified that he had paid Richmond Police Detective [REDACTED] as much as \$100,000 for confidential information, which included revealing the name of a confidential informant. Jose Vega-robles later shot that informant. We only learned that shooting had taken place when a codefendant debriefed us about it in late 2007. By that time, almost all the police reports recounting the shooting had disappeared.

I filed the charges, I made appropriate deals with witnesses and I authorized witness relocation. I personally did the legal research and wrote the motions. Finally, I took three of the defendants to jury trials and won multiple murder convictions. There were eight 8 defendants in all and each one suffered at least one felony conviction – even those who agreed to testify. Those placed in witness relocation are now self-sufficient success stories, proving that people can change their ways.

Initially, there was opposition inside the District Attorney's Office, with some claiming I did not have enough evidence to make the case. The naysayers did not understand the theory behind my plan and how the pieces would fall into place.

In the end, the California Court of Appeal affirmed the Vega-Robles conviction, concluding:

"Mexican methamphetamine to end-users in west Contra Costa County was more than sufficient to establish an overarching conspiracy to sell illegal drugs for profit, as charged. Here, the evidence showed defendant obtained the methamphetamine—from Mexico or from less savvy drug dealers—and distributed it to others ... who performed their parts in making sure defendant's product was delivered to various levels of middlemen between defendant and the end-users. Sometimes their duties involved pickups and deliveries, and sometimes they involved shooting people who got in the way of the operation, but all contributed in one way or another to the success of the criminal enterprise. ... [D]efendant was a large scale supplier of methamphetamine to others in west Contra Costa County who knowingly sold drugs to middle- and lower-level dealers in the distribution chain, so that everybody in the chain could make some money from the drug sales."

The Vega-Robles case has been to the California Supreme Court on the matter of expert testimony after the law changed in that area. Fortunately, I had spotted the issue in advance. I always conducted my expert witness examinations in accordance with the Supreme Court's Sixth Amendment interpretation. new view, and this was recognized by the California Appellate Court when the case was returned to them for further consideration. The court stated: "

... In our view, what the prosecutor did here is, by and large, exactly what Sanchez proposes prosecutors should do."

In the end, we had jury trial convictions for two murders, gang enhancements, witness intimidation, and solicitation of the murder of a codefendant's attorney. Not only that, we uncovered police corruption and made new case law.

13. Q: What is the size of the population/client base served by current employer?

A: 1.1 Million

14. Q: To whom do you currently report, by title?

A: Doug MacMaster, Chief Assistant District Attorney

15. Q: What number of staff are employed by current employer?

A: Approximately 205 employees of whom 103 are attorneys.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: I presently oversee 30 attorneys in my direct chain of command. , which comprises our special prosecution units. I indirectly oversee 205 employees as an Assistant District Attorney.

17. Q: What is the largest number of staff you have overseen, and where?

A: Directly 30 in my chain of command.. Indirectly 205 as Assistant District Attorney. As a school board member, I indirectly oversee 1500 employees.

18. Q: What is your current employer's operating budget, in dollars?

A: The Department's operating budget for Fiscal Year 2017/18 is \$19.5 million from the county general fund. However, because of grants and other funding sources, the total budget over \$39 million.

19. Q: For what portion of budget are you responsible, in dollars?

A: As Assistant District Attorney, I share in the responsibility for the entire budget. We do not assign responsibility for the budget to individual units in the office.

20. Q: What is the largest budget you have ever been responsible for, and where?

A: \$150 million as a Napa Valley Unified School District Board of Trustee Member.
\$39 Million as an Assistant District Attorney

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

6-25-17

Kensok~

I hope this finds you and yours doing great. I want you to know I have huge respect for you. I know your ethics and morals are true. I believe your #1 priority is keeping civilians safe and to get justice for victims. If you were a roll model for my kids I would be a fat, happy, white boy. I enjoy your sense of humor. You for sure one of the smartest men I've ever met. The best thing Co Co County could do is move you over here and you would be a great head DA.

There is some smart PDAs there but if anyone else had my case I would of been out long ago ~~is~~! You better stay sharp cuz we both know trial #3 will happen. Please tell Miss Knox she did an awesome job with turd bag.

Respectfully
cobx

RIP

2KA1-2017A - DISTRICT ATTORNEY**Contact Information -- Person ID:** [REDACTED]

Name: Richard A Madsen Jr Address: [REDACTED] Danville, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone: [REDACTED]
Email: rick@madsenlawfirm.com

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$258,180.00 per year
Are you willing to relocate? No
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Day , Evening , Night ,
Rotating , Weekends , On
Types of shifts you will accept: Call (as needed)

Objective

To promote sound and transparent law enforcement, inspire public confidence in the Contra Costa County District Attorney's Office, and to honorably serve the community of Contra Costa County in which I have been a resident for more than 50 years.

Education**Graduate School**

University of the Pacific, McGeorge School of Law
8/1985 - 5/1988
Sacramento, California

Did you graduate: Yes
College Major/Minor: Juris Doctorate
Degree Received: Doctorate

College

California Polytechnic State University
[Unspecified Start] - 1984
San Luis Obispo, California

Did you graduate: Yes
College Major/Minor: Political Science/Pre-Law Concentration
Degree Received: Bachelor's

Work Experience**Owner**

10/2011 - Present

Madsen Law Firm
www.madsenlawfirm.com
1655 North Main Street, Suite 240
Walnut Creek, California 94596
[REDACTED]

Hours worked per week: 60
Monthly Salary: \$0.00
Name of Supervisor: Self
May we contact this employer? Yes

Duties

Manage a successful Bay Area law practice, focusing on criminal defense and selective victim advocacy, civil rights, and personal injury matters.

Founding Partner

10/1996 - 10/2011

Hours worked per week: 60
Monthly Salary: \$0.00
of Employees Supervised: 7

Madsen & Wolch, LLP
2055 North Broadway
Walnut Creek, California 94596
[REDACTED]

Name of Supervisor: Self
May we contact this employer?

Duties

Managed well-recognized and respected law firm in downtown Walnut Creek. Areas of practice included statewide criminal defense, civil litigation, insurance defense, and family law.

Reason for Leaving

Downsized busy law office with multiple attorneys and areas of practice to a smaller, more tailored and focused law firm.

Associate Attorney

1/1993 - 10/1996

Law Offices of Terence Daniel Doyle
208 West El Pintado Road
Danville, California 94526
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$0.00
Name of Supervisor: Terence Daniel Doyle
- Owner
May we contact this employer? Yes

Duties

Managed hundreds of assigned insurance and civil defense files. Developed a criminal defense practice throughout the State of California. Managed/supervised associates and support staff.

Reason for Leaving

Left to establish my own law practice.

Deputy District Attorney

6/1990 - 9/1992

Contra Costa County District Attorney's Office
<http://www.co.contra-costa.ca.us/203/District-Attorney>
725 Court Street
Martinez, California 94553
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$0.00
Name of Supervisor: Robert Kochly -
District Attorney
May we contact this employer? Yes

Duties

Misdemeanor Trial Team
District Attorney Narcotic Enforcement team
Felony Preliminary Hearings
Animal Control Deputy, aka "Dog Deputy"
Victim and Witness Advocate

Reason for Leaving

County budget crisis.

Certificates and Licenses

Type: California State Bar License
Number: 146174
Issued by: State Bar of California
Date Issued: 6 /1990 Date Expires: 12 /2017

Skills

Office Skills

Typing:
Data Entry:

Additional Information

References

Professional

Gagen Jr Esq., William E

Partner, Gagen McCoy

[REDACTED]

Professional

Grossman, Esq., Elizabeth

Law Offices of Elizabeth Grossman

[REDACTED]

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Richard A Madsen, Jr. Resume 7.21.17.docx	Richard A Madsen, Jr. Resume 7.21.17.docx	Resume	Job Seeker
Cover letter to Board of Supervisors 7.21.17.doc	Cover letter to Board of Supervisors 7.21.17.doc	Cover Letter	Job Seeker
Redacted application	Richard A Madsen	Other	LaShonda Smith

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

4. Q: Are you currently a Contra Costa County employee?

A: No

5. Q: If yes, please enter Employee Number.

A:

6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Other

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A:

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: Former Contra Costa County Deputy District Attorney, with a record of trial success. Self-employed Contra Costa County criminal defense attorney for over 25 years, with proven results statewide. I have represented well over 3,000 individual defendants and worked with district attorneys offices up and down the State of California - I have seen what works, and what doesn't. I have established a career based on candor, integrity, truthfulness, and the ability to seek and find common ground with persons of diverse backgrounds and personal circumstances. My professional reputation within the legal community and the bench for tenacity and seeking and speaking the truth is long-established. In 2014, for example, I was retained at first glance, on a misdemeanor DUI case. My investigation of the facts led me to conclude that the arresting officer had unlawfully gained access to my client's cellular device and had transmitted personal and private photographs to himself and other CHP officers. In the interests of justice, I brought that information forward to the District Attorney's Office which initiated a criminal investigation and determined this was a widespread practice, and ultimately secured a felony conviction against the officer. My clients and I took a courageous stand, and the case has influenced police officer conduct and protocol within law enforcement agencies statewide and across the country.

5. Q: Describe your organizational and management experience.

A: In 1996, I established Madsen & Wolch, LLP, with one partner, one paralegal, and no cases. With hard work, a commitment to people and purpose, and honoring the practice of law, the partnership grew steadily over a period of fifteen years. Throughout that time, I hired and managed attorneys, paralegals, and support staff. I forecasted revenue and operating budgets, negotiated lease agreements and service contracts, and most importantly, fostered a working environment that was fun, tolerant, and respectful.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: Justice could be better served, victims more fully protected, and the conduct of offenders modified, by decreasing the delay between arrest, charging, and arraignment. Currently, standard law enforcement protocol is that cite-released offenders are given a court date 60 days post-arrest. More often than not, offenders are not charged within that period of time and it is common that mid-level felonies and misdemeanors are not charged until six months or more after arrest. That practice is dangerous, insensitive to victims, and completely misses an opportunity to impact and modify behavior. Although many factors contribute to this phenomenon, the fact remains that too many felony and misdemeanor cases are forced to jury trial, at significant expense to the County and without referral to proven alternatives to traditional sentencing. Quite simply, more cases should be referred to Drug Court, Domestic Violence Court, Mental Health Court, and Veteran's Court which serves the concurrent objectives of cost savings to the County and treatment and behavior modification for offenders. That's how we make our community safer and the system more equitable... early, aggressive, and comprehensive intervention.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: Serving with the District Attorney's Office, in whatever capacity, is an honorable calling. At its core, one can end each day saying: "I did something good today." Unfortunately, over the last 7 years, internal strife, physical altercations, and resentment have overshadowed the fine and honorable work of the professionals in that office. That can change. In my current capacity, I work every day with the D.A.'s of Contra Costa County and would consider it a privilege to promote the much-needed spirit of camaraderie. I started my career in public service, and always knew that I would return.... I just didn't know it was going to take 25 years, but truth be told, there's no

greater calling than serving and protecting the public and saying: "I did something good today."

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: Restoring confidence in the District Attorney's Office must start internally. On day one, I would move my office from the 4th Floor to the 1st Floor to instill and reinforce the principle that we work together in a common pursuit to do justice and protect the public. Just as importantly, I would continue to be myself: an attorney that works tirelessly, day in and day out, for the people I am sworn to serve. Within the District Attorney's Office, I believe my reputation speaks for itself: truth, honesty, and perseverance. Those qualities, which are shared by the overwhelming majority of Deputy D.A.'s, Investigators, and support staff, should be communicated more effectively to the citizens of Contra Costa County by way of more frequent press releases, news conferences, and social media engagement. Local law enforcement and the District Attorney's Office in particular, are ground zero in response to the sentiments and policies emanating from Washington D.C. Sound law enforcement must emphasize family stability and security and towards that end, I have worked to secure post-conviction AB 813 relief for immigrants and will continue to promote the rehabilitative effects and equitable principles embodied in that law. I pledge to work alongside the Public Defender's Office and immigrant advocates where appropriate to promote the values we share.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: AOT/Laura's Law (a California state law that allows for court-ordered assisted outpatient treatment) is still widely underutilized. Where appropriate, as District Attorney, I would work to facilitate further education and inter-agency cooperation to support citizens who are eligible for and would benefit from this type of assistance.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No.

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: As a Deputy District Attorney, I was assigned to trial on a religious-based hate crime. The trial commenced, and the purported victim testified regarding a series of threats and vandalisms against his person and property. During the course of the trial, the victim claimed that the defendant's hateful conduct was ongoing. Alarmed, and somewhat wary of that claim, I communicated with the investigating officer and asked for follow-up investigation. That evening, law enforcement confirmed that the "victim" was falsifying the occurrences and actually personally engaging in the conduct for which he had accused the defendant. With that information, I went to my Deputy District Attorney Supervisor and informed the court and dismissed the charges. The "victim" was ultimately charged and convicted of perjury. The lesson? Seeking justice is not necessarily the same thing as seeking convictions.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: Without giving away too many identifying details, Jane Doe, a pregnant 16-year-old ward of the court and victim of a violent knife attack at the hands of a close family member, walked into my office unannounced. She was referred by a colleague and needed immediate assistance. Preliminarily, I needed consent from the Juvenile Court for the appointment of a Guardian ad Litem and to serve as her counsel, which was granted over vigorous objection by a panel of county lawyers and representatives. Thereafter, I served as her Marsy's Law representative and intervened with the District Attorney's Office to ensure that the perpetrator of the offense would not be released from custody. Simultaneously, I filed an ex parte action in civil court to seize and preserve the defendant's substantial assets, and then moved forward with a civil personal injury action on a priority basis for my client. During this process, I identified

potential insurance proceeds, convinced the appropriate bodies that coverage applied, and successfully coordinated a complicated multi-party mediation that resulted in a substantial recovery for my client and her now-young son. Subsequently, I arranged for the creation of a Special Needs Support Trust and the appointment of a trustee and fiduciary to preserve capital on my client's behalf. I'm very happy to report that Jane Doe is enrolled in a nursing program, will soon graduate, and is living securely with her young son out of county.

13. Q: What is the size of the population/client base served by current employer?

A: Throughout my career, I have represented all manner of individuals, businesses, corporations, and bureaucracies throughout the state. At one point, I was the responsible/managing attorney for over 200 active files. The primary emphasis of my practice has always been criminal defense. I strive to make a positive impact on my clients, to influence their behavior and reduce the chance of recidivism. Similarly, while I advocate strongly on their behalf, I work in a spirit of efficiency and compromise that seeks a fair resolution given the unique qualities of each client and each case.

14. Q: To whom do you currently report, by title?

A: N/A; Sole Proprietor.

15. Q: What number of staff are employed by current employer?

A: In anticipation of a return to public service, I have intentionally downsized my practice and currently employ one full-time assistant.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: In anticipation of a return to public service, I have intentionally downsized my practice and currently employ one full-time assistant.

17. Q: What is the largest number of staff you have overseen, and where?

A: 7-10, in previous employment and partnership capacities.

18. Q: What is your current employer's operating budget, in dollars?

A: Varies drastically from year to year; budget management in 2016 was over \$1M.

19. Q: For what portion of budget are you responsible, in dollars?

A: 100%

20. Q: What is the largest budget you have ever been responsible for, and where?

A: Has varied from year to year; estimate largest budget years \$1.5M-\$2M.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

Richard A. Madsen, Jr.
Danville, California [REDACTED]
Rick@MadsenLawFirm.com • [REDACTED]

PROFESSIONAL EXPERIENCE

Madsen Law Firm – Walnut Creek, CA

2011 - Present

Sole Proprietor. Manage a successful Bay Area law practice, focusing on criminal defense and selective victim advocacy, civil rights, and personal injury matters.

Madsen & Wolch, LLP – Walnut Creek, CA

1996 - 2011

Founding Partner. Managed well-recognized and respected law firm in downtown Walnut Creek. Areas of practice included statewide criminal defense, civil litigation, insurance defense, and family law.

Law Offices of Terence Daniel Doyle - Danville, CA

1993 - 1996

Associate Attorney. Managed hundreds of assigned insurance and civil defense files. Developed a criminal defense practice throughout the State of California. Managed/supervised associates and support staff.

District Attorney's Office, County of Contra Costa - Martinez, CA

1990 - 1992

Deputy District Attorney. Misdemeanor Trial Team; District Attorney Narcotic Enforcement team; Felony Preliminary Hearings; Animal Control Deputy, aka "Dog Deputy;" Victim and Witness Advocate.

ACADEMIC ACHIEVEMENTS

University of the Pacific, McGeorge School of Law, Sacramento, CA

- Juris Doctorate – 1988
- Moot Court Honor Board
- Legal Writing Instructor

California Polytechnic State University, San Luis Obispo, CA

- Bachelor of Arts, Political Science – 1984
- Pre-Law Concentration
- San Luis Obispo Public Defender, Internship 1983-1984

OTHER AFFILIATIONS, INVOLVEMENTS, INTERESTS

- Admitted to, Member in Good Standing, State Bar of California, 1990 – Present
- Society of California Pioneers
- Multi-Million Dollar Advocates Forum
- Consumer Attorneys of California
- National Association of Criminal Defense Lawyers
- Supporter/Lecturer, San Ramon Valley School District and Mt. Diablo School District “Kids and the Law”
- Mustang Soccer Coach

July 21, 2017

Contra Costa County Board of Supervisors
651 Pine Street, Room 107
Martinez, CA 94553

RE: Contra Costa County District Attorney Appointment

Dear Members,

Please accept my submission and application for appointment to the Office of District Attorney of Contra Costa County. In order to preserve the integrity of the process, letters of recommendation will be forwarded under separate cover.

I am a criminal defense attorney with a demonstrated passion for serving the public. Towards that end, I work with prosecutors, judges, law enforcement representatives, and people from all walks of life on a daily basis. I believe I am uniquely qualified to serve, given more than 25 years of experience in the practice of criminal law, both as a prosecutor and as a criminal defense attorney. I am a consensus builder. I am a friend to justice. I am prepared to rise to the challenge of the Office, and look forward to actively participating in the appointment process.

Thank you for your consideration.

Respectfully,
MADSEN LAW FIRM

/s/ electronically submitted

Richard A. Madsen, Jr.

RAM: ss

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: Michael Martin Menesini Address: [REDACTED] Martinez, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone:
Email: michael.m.menesini@sfgov.org

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$250,000.00 per year
Are you willing to relocate? Yes
I have lived in Contra Costa all of my life and have resided at my current address for nearly forty
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day , Evening , Night , Rotating , Weekends , On Call (as needed)

Objective

My objective is to be appointed the District Attorney of Contra Costa County to fill the remaining term of that office.

Education

Graduate School
Golden Gate University
9/1972 - 6/1975
San Francisco, California

Did you graduate: Yes
College Major/Minor: law
Degree Received: Doctorate

Work Experience

Assistant District Attorney
11/1996 - Present
San Francisco District Attorneys Office
850 Bryant Street, Room 322
San Francisco, California 94103
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$0.00
Name of Supervisor: Rani Singh - Assistant District Attorney in charge of Alternative Courts
May we contact this employer? Yes

Duties

Currently, working with cases involving mental health issues including competency, sanity and grave disability. I also prosecute Sexually Violent Predators, Mentally Disordered Offenders and "Murphy" conservatorship cases where those charged with violent crimes such as murder remain incompetent to stand trial.

Reason for Leaving

still working

Certificates and Licenses

Type: California License to
practice law

Number: 66836

Issued by: State of California Bar Association

Date Issued: 12 /1975 Date Expires:

Skills

Office Skills

Typing:

Data Entry:

Additional Information

References

Professional

Clark, Andrew

San Francisco Assistant District
Attorney



Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Redacted Application	Michael M. Menesini_Redacted	Other	LaShonda Smith
Degree	Degree	Other	LaShonda Smith
News Article	News Article	Other	LaShonda Smith
Flyer	Flyer	Other	LaShonda Smith

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: Yes

4. Q: Are you currently a Contra Costa County employee?

A: No

5. Q: If yes, please enter Employee Number.

A:

6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Contra Costa County Website

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A:

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A:

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: I joined the Merced County Public Defenders Office in 1976 after having served as a San Jose Police Officer and a Santa Clara County Legal Aid attorney. I worked as a Deputy District Attorney in Contra Costa County from 1978 to 1991. I had a private practice from 1991 through 1994 where I defended death penalty cases. Subsequently, I joined the California Legislative Counsel where I worked to provide legal opinions in the area of Criminal law from 1994 through 1996. In 1996 I joined the San Francisco District Attorneys Office as an Assistant District Attorney and have been there for 21 years. I have tried every case imaginable from arson to murder to rape and child molestation. I have tried approximately 150 criminal jury trials.

I wrote the San Francisco pretrial diversion guidelines pursuant to Penal Code Section 1000 et. seq. and helped DA Hallinan set up a Community Court system in San Francisco. I became knowledgeable with regard to collaborative and restorative justice courts.

5. Q: Describe your organizational and management experience.

A: As a prosecuting attorney I have managed trial teams and the Juvenile Section in Richmond. These assignments involved assigning and monitoring cases as well as performance evaluation of team personnel.

I managed a private law practice that included the management of payroll and trust accounts for secretarial and investigative services.

As the Mayor of Martinez, I helped manage City services (including police services) for almost twenty years (six terms). As a council member and School District Trustee for another ten years I continued to have the responsibility to review budgets line item by line item in order to understand where the City and the School District could economize and/or fund new services.

As a twice elected Chair of the Contra Costa I not only managed the budget for the Conference, but I led the Mayors to approve in a special meeting called by myself to approve the governance structure for the Contra Costa Transportation Authority that was held in the City of Martinez Council Chambers.

As a newly elected member of the Local Agency Formation Commission I led the successful effort to reverse the decision to urbanize the Briones Agricultural Preserve and eventually to establish the Briones Hills Preservation Agreement approved by six cities and the County of Contra Costa.

Currently, I serve as the Treasurer for the Mission Language Vocational School, a non-profit that serves recent immigrants that has been a "sanctuary" school for a half century.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: Trust and transparency are the major issues in the administration of criminal law and justice in Contra Costa County. The District Attorney is the ultimate gate keeper and authority that must ensure equal justice and fairness for all under the law. No other entity with the criminal justice system has this responsibility. The District Attorney must

be willing to descend from the Ivory Tower and speak directly to victims, prosecutors, the Defense Bar and the public. I have had decades of experience doing just that.

Contra Costa can more effectively and economically prosecute misdemeanor crimes by establishing "problem solving" justice programs that embrace collaborative/restorative justice principles. Both the DA and the Courts in our county have provided a lack luster effort in this regard. We have one of the most expensive misdemeanor prosecution programs in the State. Our County has yet to establish a true pretrial diversion program pursuant to Penal Code Section 1000 et. seq. Our judges have not extended themselves in support of collaborative/restorative justice. "The truth is that too often judicial independence is used as an excuse for judicial ignorance." (Good Courts by Berman and Feinblatt). We must have a DA that is willing to engage the public with respect to criminal justice. We must have a DA that knows our communities and understands the impact that crime has upon them.

The establishment of effective collaborative courts and community courts infused with the principles of restorative justice will go a long ways towards reclaiming public trust. (see Smart on Crime by Kamala D. Harris).

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: Criminal law has been a life time passion. I have been a police officer, deputy public defender and a deputy/assistant district attorney. (A prosecutor for 35 years.)

I have a strong and deep connection to our County. I grew up here. My parents and grandparents were born and grew up in Contra Costa. My father spent many years in public service in Contra Costa retiring as a Vice Superintendent of Schools in Pittsburg and as a Board Member for the Contra Costa Sanitary District for twenty years amongst many other contributions.

I have spent decades in leadership positions within the County promoting the welfare of our citizens. As a result I have a considerable understanding of the many communities that comprise Contra Costa.

I should be the DA because I can improve the quality of life in our diverse and varied communities.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: Restoring and maintaining public confidence is about effective communication. Upon appointment I will immediately introduce myself by attending every City Council and MAC meeting in the County. I will immediately begin to establish restorative justice programs in each community. I will appear at the Mayors Conference and the Police Chiefs Association to listen and speak about criminal justice concerns. Accessibility and visibility will be key to effective communication.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: Collaborative Courts, such as the Behavioral Health Court in San Francisco, have proven to be effective in stemming the tide of recidivism by connecting those afflicted with mental health issues who find themselves in the criminal justice system with services and case managers. We should seek to improve upon this concept. Also establishing effective partnerships with the Public Guardian, Public Conservator and our County Hospital's Psych. Emergency for the purpose of introducing individuals caught in the criminal justice system to potential conservatorship could prove effective alternatives to criminal prosecution.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A:

I have never been sued or disciplined. I have never been the subject of a complaint to any Court or administrative agency. I have many letters, particularly from crime victims, that have complimented my efforts for professionalism and compassion.

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: Every case is a learning experience and unique in its own way. Cases involving crimes of violence, particularly domestic abuse, child abuse and sexual assault illustrate how vulnerable victims can be. In one instance where a very intelligent and accomplished woman was raped, I experienced her husband verbally abusing her during the trial, blaming her for the crime. His verbal abuse was difficult to understand. I was forced to excuse him from my office and found bolstering her self-esteem through victim services was critical to a successful prosecution. Prosecution often is not simply proving that a crime occurred but also coping with myriad social issues.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: I have handled many complex legal matters. Years ago, in front of Judge Pat Herron in Contra Costa County, I prosecuted a triple Defendant murder case that resulted in two first degree and one second degree murder verdicts. The case rested primarily upon circumstantial evidence. There were scores of exhibits from the crime scene. The case preceded the advent of DNA blood analysis and was based upon the ABO blood analysis. Of note, I was able to locate a young boy who had heard voices that he recognized while he was hiding and his mother was being cut to pieces.

I just recently completed a court trial where the Defendant was found competent after years of being deemed incompetent. He was found guilty of killing his mother, girlfriend and her baby and then found to have been insane at the time he committed these crimes. Competency and sanity are closely defined by the Penal Code and the DSM. Trials with regard to these matters can be very complex legally and factually.

In both of the above cases, I was the lead and only prosecutor and obtained justice for the victims.

13. Q: What is the size of the population/client base served by current employer?

A: The City and County of San Francisco population: approximately one million.

14. Q: To whom do you currently report, by title?

A: Assistant District Attorney Rani Singh who is responsible for overseeing all of our alternative courts.

15. Q: What number of staff are employed by current employer?

A: Approximately 200 support and prosecutorial staff.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: Currently, I do not directly oversee anyone but I am consulted by numerous attorneys with regard to competency, sanity and conservatorship issues.

17. Q: What is the largest number of staff you have overseen, and where?

A: Directly, as a prosecutor, approximately 20 individuals who were members of our Misdemeanor Trial Team and indirectly as a Mayor approximately 200 employees.

18. Q: What is your current employer's operating budget, in dollars?

A: Approximately \$30,000,000.00

19. Q: For what portion of budget are you responsible, in dollars?

A: The amount of money spent on alienists (psychologists and psychiatrists) varies considerably, but in my experience has not exceeded twenty five thousand dollars.

20. Q: What is the largest budget you have ever been responsible for, and where?

A:

As the Mayor of Martinez I oversaw an approximate twenty million dollar budget for our general purpose responsibilities and another twenty million dollars for the dependent special district for water.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

Honorable Discharge



from the Armed Forces of the United States of America

This is to certify that

MENESINI MICHAEL M

SP4

USAR

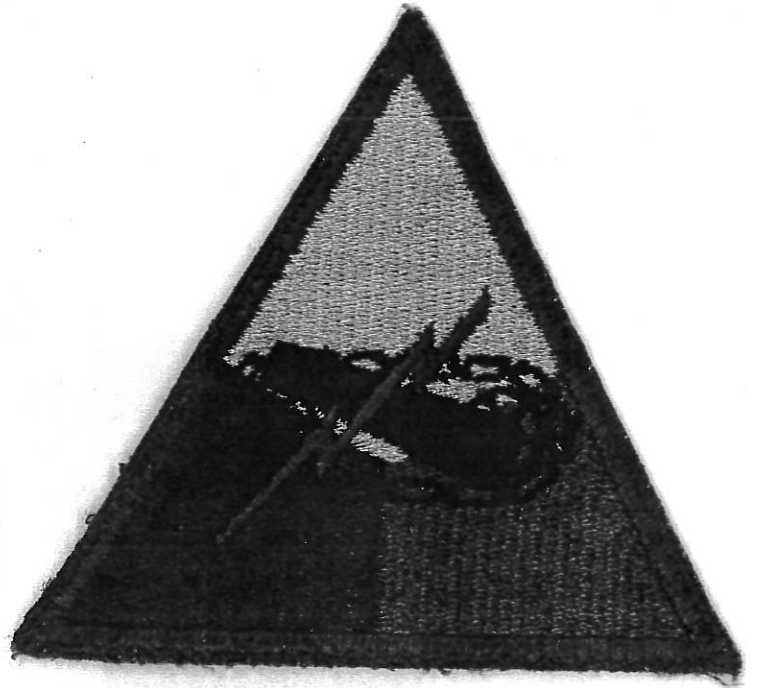
was Honorably Discharged from the

United States Army

on the 20TH *day of* OCTOBER 1976

*This certificate is awarded
as a testimonial of Honest and Faithful Service*

Robert S. Young
ROBERT S. YOUNG
BRIGADIER GENERAL USA



Served in the 48th Infantry, 3rd
Armored Division, USARV.

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*Council comments:
Upon leaving the employ
of the City of Martinez.*

Longtime councilman, former mayor Mike Menesini retires

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Menesini steps down from dais after nearly three decades of public service



Mike Menesini (far right) receives a standing ovation as he steps down from the dais at Martinez City Hall for the last time Tuesday night, Dec. 2, 2014. Menesini, Assistant District Attorney for the City and County of San Francisco, served in his hometown of Martinez as mayor and council member for a collective 26 years prior to an unsuccessful bid for reelection this November. (RICK JONES / Martinez News-Gazette)

MARTINEZ, Calif. – For 26 years, Mike Menesini has served the people of Martinez. Tuesday night was a chance to say thanks.

Menesini, who lost a re-election bid, will no longer hold public office in Martinez where he was mayor for 18 years and a city councilman for eight.

"I have served a long time," Menesini said from the dais at Tuesday's special council meeting. "Time does march on and things change. I am eternally grateful for the opportunity to have served on the Martinez City Council, also as mayor for almost 20 years.

"This old fellow who is retiring as of tonight wants to say to everyone, thank you, thank you very much. And to my fellow council members, we've had disagreements, but they are wonderful people who are extremely bright. I know the city is in good hands."

Menesini took time to mention a few of the many projects he is most proud of.

"I will say I am really happy we have moved the waterfront forward," Menesini said. "I am extremely happy East Bay Parks approved our plan to build a bridge that connects the east and west side of our waterfront. I think that is going to have a tremendous effect. And I think we've made some progress in getting rid of the debt of the marina."

Mayor Rob Schroder remembered it was Menesini who helped launch his career into Martinez public service when Menesini recruited Schroder to the planning commission.

“(Menesini) has been my mentor,” Schröder said. “He taught me a lot of politics and how to interact with fellow council members. It was amazing to see how Mike would handle very, very delicate matters at council meetings.

"I know you will continue being active in Martinez and I know you will continue to be my friend."

Councilmember Mark Ross, a former election foe of Menesini, also recalled the human element Menesini brought to difficult decisions.

"When the human matters came to the fore, budget cuts or personnel cuts, it was Mike who would always bring up the human element of the repercussion of the decisions we make," Ross said.

“You’ve been a valuable public servant. And I owe you a debt of gratitude. I was an upstart opponent of yours in 1994 and you very magnanimously and graciously appointed me to the planning commission where a lot of lesser human beings would have probably done what they could to squash me.”

Councilmember Anamarie Avila Farias thanked Menesini for his service, recognizing his legacy.

“You have left a fingerprint in Martinez, your legacy is here in Martinez,” Farias said. “But most importantly I think you’ve etched a permanent mark in people’s hearts and most political individuals seldom do that.”

Councilmember Lara DeLaney remarked that Menesini's influence will be felt for years to come.

"I know you have contributed vastly and enormously to Martinez for the past three decades," DeLaney said. "I can't think of one project or issue you haven't influenced here. You have left a legacy that will be remembered, maybe forever, here in Martinez."

Mike Alford, who ran against Menesini several times, admired Menesini for his openness.

“Mike always showed me and everyone he was a personable guy,” Alford said. “He was a great listener, hearing the other side. He would call me many times, and I’ve been to his house.

We didn't always agree, but you always knew Mike would listen to your side."

Menesini knows the new council will face several key decisions in the near future.

“They have some extremely big challenges ahead of them,” Menesini said. “They are going to have to appoint a permanent city manager, a permanent police chief. Those are no small things.”

After remarks from the councilmembers, Menesini left the dais to a standing ovation from the council, city staff and the overflow crowd gathered at City Hall. The meeting continued with the swearing-in of the elected officials, including Schroder, DeLaney and Debbie McKillop, who will now take over Menesini's seat on the council.

There was no other council business and the meeting adjourned to Wednesday's regular council meeting. A reception was held afterwards honoring Menesini and the newly elected members.

Tags: [featured](#), [Martinez City Council](#), [Mike Menesini](#)

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An investment in our quality of life

... and in the future of our community

Michael Menesini has earned our trust!

Through his visionary leadership over the past 14 years, Mike Menesini has created new opportunities for the citizens of Martinez. His *can-do* record has helped our city realize its tremendous potential as he has **taken a good place and made it great!**

He said he *could* and then he *did*...

ECONOMIC PROGRESS

- ★ **Quadruple** sales tax revenues
- ★ Achieve \$1 million budget surplus
- ★ Obtain \$12 million in outside funds to build a transportation hub downtown
- ★ Bring in new shopping centers, movie theaters, and restaurants
- ★ Develop business parks and job training centers
- ★ Recruit new business and increase job opportunities in the city

FAMILY FOCUS

- ★ Create new housing in beautiful and well-planned neighborhoods
- ★ Establish daycare at all elementary schools
- ★ Expand Leisure Services programs
- ★ Spearhead the building of the Senior Center and enhance senior programs
- ★ Promote family New Year's Eve festival
- ★ Create Police Activities League

COMMUNITY IMPROVEMENTS

- ★ Decrease crime rate
- ★ Raise the quality of drinking water
- ★ Create City/County coalition to preserve the State Theater
- ★ Renovate earthquake damaged City Hall using matching outside funds
- ★ Preserve historic sites and establish historic monuments

Mike Menesini has earned our trust ...and he has earned our vote.

*A leader we can trust
Experience we can count on*
Mike Menesini
★★★ *Making a Difference!*

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2KA1-2017A - DISTRICT ATTORNEY**Contact Information -- Person ID:** [REDACTED]

Name: Brad J. Nix Address: [REDACTED] US
Oakley, California [REDACTED]
Home Phone: [REDACTED] Alternate Phone: [REDACTED]
Email: bdnix@sbcglobal.net

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$120.00 per hour; \$250,000.00 per year
Are you willing to relocate? Maybe
I moved to Contra Costa County in 1979. I bought my current home in Oakley, in December of 1982 and
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day , Evening , Night , Weekends , On Call (as needed)

Objective

Become the District Attorney of Contra Costa County.

Education**Graduate School**

Hastings College of the Law
<http://www.uchastings.edu/>
8/1978 - 5/1981
San Francisco, California

Did you graduate: Yes
College Major/Minor: Law
Units Completed: 81 Semester
Degree Received: Doctorate

College

University of Southern California
<http://www.usc.edu/>
8/1976 - 5/1978
Los Angeles, California

Did you graduate: Yes
College Major/Minor: Business with an option in Finance
Units Completed: 64 Semester
Degree Received: Bachelor's

College

Pasadena City College
<http://www.pasadena.edu/>
8/1974 - 8/1976
Pasadena, California

Did you graduate: No
College Major/Minor: Business
Units Completed: 71 Semester
Degree Received: No Degree

High School

Pasadena High School
1/1973 - 5/1974
Pasadena, California

Did you graduate: Yes
Degree Received: High School Diploma

Work Experience**Deputy District Attorney V**

8/1987 - Present

Stanislaus County District Attorney's Office
<http://stanislaus-da.org/>

Hours worked per week: 40
Monthly Salary: \$11,250.00
of Employees Supervised: 0
Name of Supervisor: David P. Harris - Chief

832 12th Street, Suite 300
Modesto, California 95354

Deputy District Attorney
May we contact this employer? Yes

Duties

Currently: I vertically prosecute vehicle thefts in all criminal departments, arrange global settlements as practical, periodically I am on call for 187 calls (reported new murder cases), review and issue criminal cases, routinely work with special investigators, and handle other duties and special projects as needed. I also handle a number of 187 cases, currently 4. My past assignments have included most assignments in the office, for example felony trials, Drug Enforcement, Issuance (review of felony cases for filing or rejection), Consumer Fraud, Homicide trials, Juvenile, Worker's Compensation Fraud, Calendar, Real Estate Fraud, Vehicle Theft Unit. I've also handled three management assignments. Chief DDA in charge of Misdemeanors, Chief DDA in charge of Administration, and Chief DDA in charge of Family Support Division.

Reason for Leaving

I have not left. I will leave to accept the appointment I am applying for.

Deputy District Attorney

8/1982 - 8/1987

Hours worked per week: 40

Monthly Salary: \$3,166.00

of Employees Supervised: 0

Contra Costa County District Attorney's Office

[http://www.co.contra-costa.ca.us/index.aspx?](http://www.co.contra-costa.ca.us/index.aspx?NID=3145)

NID=3145

10 Douglas, Suite 130

Martinez, California 94553

Name of Supervisor: James Sepulveda - Senior

Deputy District Attorney - Consumer Fraud

May we contact this employer? Yes

Duties

A variety of assignments during my first five years as a DDA: Misdemeanor filing and prosecution, preliminary hearings, law and motion, felony trials, domestic violence, and Consumer Fraud.

Reason for Leaving

Take a job with Stanislaus County DA's Office.

Law Clerk

9/1980 - 12/1981

Hours worked per week: 15

Monthly Salary: \$360.00

of Employees Supervised: 0

Tinning & DeLap

1211 Newell Ave.

Walnut Creek, California

Name of Supervisor: Robert Bidlingmaier - Partner

May we contact this employer? Yes

Duties

Civil: legal research re a variety of legal topics, memos, civil discovery, other duties as assigned. (Note, this law firm dissolved years ago. Prior partners included Jay Sanders, Keith Howard, and Robert Bidlingmaier.)

Reason for Leaving

To take the California Bar Exam

Retail Clerk

7/1974 - 9/1980

Hours worked per week: 16

Monthly Salary: \$512.00

of Employees Supervised: 0

Lucky Stores Inc. / Ralphs Grocery Stores

1372 South California Blvd.

Walnut Creek, California 94596

Name of Supervisor: Ray Dillon - Asst. Store Supervisor

May we contact this employer? Yes

Duties

Stocked, checkout, morning crew, and various department assignments as needed.

Reason for Leaving

To take a law clerk job with Tinning & DeLap. Note the above store location closed many years ago and Mr. Dillon has retired.

Filer/delivery

2/1978 - 8/1978

La Follette, Johnson, Schroeter & Dehass
<http://ljdfa.com/>
865 South Figueroa Street, 32nd Floor
Los Angeles, California 90017-5431
[REDACTED]

Hours worked per week: 15

Monthly Salary: \$200.00

of Employees Supervised: 0

Name of Supervisor: Dennis Ames - Office
Manager

May we contact this employer? Yes

Duties

Filed legal documents in a variety of courts around Los Angeles Co., delivered subpoenas, and did some work in the law library.

Reason for Leaving

To attend law school

Certificates and Licenses

Type: State Bar License

Number: 103133

Issued by: California State Bar

Date Issued: 6 /1982 Date Expires:

Skills

Office Skills

Typing: 35

Data Entry: 0

Additional Information**Interests & Activities**

In 1998, I served on the committee to incorporate the City of Oakley. I also ran for City Council and served two terms from 1999 to 2008, including two one year terms as Mayor. While on the Council, I worked on many projects, including: I helped draft our first budgets, started our financial policies, wrote a contract to hire the Sheriff's Office, worked to expand Oakley's borders, hired two City Managers and two City Attorneys, and worked on numerous other City related activities.

From 1999 through 2008, I represented the City of Oakley on the regional Transportation Boards, (TransPlan, ECCF&FA, and the Highway 4 Bypass Committee) and then the County wide Board: CCTA. While on CCTA's board, I chaired one of the two standing committees and worked on a number of major transportation projections, including: renewing the county wide transportation sales tax, the expansion of Highway 4 to 8 lanes and bringing BART to East Contra Costa County.

Volunteer Experience

In High School I belonged to Key Club, a volunteer service organization. In junior college I joined Circle K. We did numerous services projects. During that period, I ran three blood drives and served as Service Projects Chair and President.

In law school, I joined Phi Alpha Delta, which had the copier concession for the school and donated half of our proceeds to charity. I served in several positions, ending as Justice of our club.

From 1992 to 1997, I was a member of the Modesto 500 Lions club and worked on a number of service projects. My favorite being the annual trip to Camp Jack Hazard to clean it up each spring.

From 1994 to 2001, I served on the Board of a 501(c)(3) non-profit, Consumer Credit Counselors of Mid Counties. During that time, I moved up to the vice Chair and then Chairman's position. We provided free or very low cost credit counseling, offered bill consolidation, and arranged for some loan forgiveness.

Miscellaneous

I have worked on a number of matters with other Stanislaus County Departments including: the Dove project, a joint lease for space with the Courts for FSD attorneys, the SO Icjis access for DDA's, SO production of priors for 969(b) packets. I have also presented matters to the Board of Supervisors, re: Additional positions at Family Support Division, Real Estate Fraud annual report, and an REF special report. I also served on the County wide Domestic Violence Task Force with then DA Don Stahl in 1995-1996.

Additional Information

I have worked in most assignments that a DDA can do within the Office. I have handled a number of complex cases both standard criminal charges and others, including corporate securities charges and civil consumer fraud cases. I have handled a number of murder cases and been through trial on one Death Penalty case, People v. Climer. I have also presented three cases to the Stanislaus County Grand Jury. I have written both a successful grant application and several annual grant reports. I have also worked on a number of projects both individually and with working groups on internal DA's Office projects.

References

Professional

Ferreira, Marlisa

Chief Deputy District Attorney

Stanislaus County District Attorney's Office



Professional

Salter, Timothy

Judge of the Stanislaus County Superior Court

Superior Court of California, County of

Stanislaus



Professional

Steffen, Scott

Judge of the Superior Court

Superior Court of California, County of

Stanislaus



Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
DOC011.pdf	DOC011.pdf	Cover Letter	Job Seeker
Brad Nix CV and DDA Assignments 1982 to 2017.docx	Brad Nix CV and DDA Assignments 1982 to 2017.docx	Resume	Job Seeker
DOC019.pdf	DOC019.pdf	References	Job Seeker
		Professional License	Job Seeker

Professional License Verification
Source California State Bar
Website.docx

DOC021.pdf

Brad J Nix_Redacted

Professional License
Verification Source California
State Bar Website.docx

DOC021.pdf

Brad J Nix_Redacted

Other

Other

Job Seeker

Alex
Johnson

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

4. Q: Are you currently a Contra Costa County employee?

A: No

5. Q: If yes, please enter Employee Number.

A:

6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Other

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: I saw a news story regarding the BOS meeting of 6/23/2017. From there, I went on online and watched that meeting and reviewed the County website information.

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A:

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: I have been a DDA since August of 1982 (nearly 35 years) when I joined the Contra Costa County DA's Office. In 1987, I moved to the Stanislaus County DA's Office. I have prosecuted nearly every type of crime a DA's Office can. I have held several management positions, and worked on numerous special projects involving the myriad issues that arise in criminal law. I have also presented to a BOS on several DA's Office issues.

5. Q: Describe your organizational and management experience.

A: As a Chief Deputy District Attorney in 1995, I first supervised the Misdemeanor Unit, next when the incumbent DA retired, I served the newly appointed DA as the CDDA in charge of Administration handling budget, policy, and numerous other issues. In that capacity, I wrote the DA's Office 1996/1997 budget and supervised it among other duties. Next beginning in November 1996, I served as CDDA in charge of the Family Support Division. That Division operated pretty much autonomously from the DA's Office. I supervised some 150 to 180 employees (we used a large varying number of temporary employees), wrote the 1997/1998 Division budget and administered it. I also dealt with the County CEO's Office, the BOS staff over complaints, and the DA's Office

regularly. Those management duties included hiring, firing, promotions, rotations, job changes, counseling problem employees, policy changes, and many other duties. As a City Council Member and Mayor, I served as an elected council member, overseeing first the development of the City of Oakley from nothing, then its operation for the first 10 years of the City of Oakley (11/1998-11/2008). I dealt with numerous issues including contracting for police services, establishment of city codes, setting up a public works, planning, and engineering departments, acquisition and development of parks, annexation of new land, development of fiscal policies, oversight of the budget. I helped hire two City Managers, etc.

I also served as Oakley's representative to TransPlan, ECCRFFA, the SR 4 Bypass Authority, and chaired the East County BART Advisory Committee in 2001. I worked many nights with fellow commissioners on many transportation issues. Next, I served as a Commissioner at CCTA and as Chair of the APC subcommittee. Over the years, we approved bonds, then plans, then ongoing work for some of the largest projects in Contra Costa, including the Highway 4 expansion and the Caldecott Tunnel Expansion. I also worked on the Measure C tax renewal. All this experience gave me far greater insight into the problems of management. I often reflected on the differences and the similarities between line staff, management, and electeds. All were trying to accomplish lofty needed goals to which I added my own experiences in rotating of those roles. I found that reflection to be a humbling and very eye-opening experience. I firmly believe that management must look for value every employee. In most employees, there is value to be found, albeit it may not be in their current position. It may require, no effort, or it may require minimal to great effort to get that value, but is an essential role of management to look for and try to get that value. Failing to do that, means that management is not paying attention to staff. Management's failure to constantly look, leads to problems, such as the ones a few years ago at the Office Sexual Assault Unit.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: First, a public perception of a DA's Office that is out of control, that engages in animal house behavior, seemingly without a responsible adult in charge. This is not fully true, but sadly the actions of a few employees over many years have tarnished the Office. Trust in the Office needs to be restored quickly. The flip side of the coin, is that the actions of those few, do need to be promptly and appropriately addressed by Office management so that other employees do not believe that nothing happens and feel free to engage in similar behavior. [REDACTED]

Second, several varying public perceptions from various segments of the county, of an Office that doesn't seem to care about their issues. This is most notably from some minority communities and populations with special problems which lead to criminal cases, especially drug users and the mentally ill. Prosecutors need to know of and have available to them, a panoply of options to deal with these issues. That requires enlightened Office management to work with the courts, defense bar, and local agencies to provide those options, and to train the prosecutors to use them. It also requires extensive ongoing outreach with various communities that feel shut out of the criminal law process. Part of that outreach also means hiring members of the various communities to the extent possible. I especially would like to work on development of an alternative track for the mentally ill and drug users for example, to get them out of the courts and into treatment, in a way that protects the public.

Third, discovery in criminal law cases is a huge problem, particularly Brady issues. The DA's Office has a statutory duty to provide all evidence listed in Evidence Code section 1054 et seq. It has much stronger constitutional duty to provide Brady evidence. (Brady is evidence in the possession of the prosecution team [DDAs and Law enforcement] that might lead to proof of innocence, or of a lesser crime, or in some other way might damage the People's case. Brady material must be discovered automatically. In many cases it is not.) This is a major issue statewide, which will get much worse if not addressed in a major way. Numerous news stories from around the state have shown that no DA's Office is immune from this problem. It requires development and implementation of very strict procedures to ensure compliance. One of my top priorities will be to meet regularly with the defense bar and courts to work together to address

discovery and make sure we are doing our mandated duty as it ought to be done. In my experience, this working together is one of the most important things an individual DDA and a DA's Office can do. Far too often, new DDAs see the adversarial process that criminal law by design is and miss the critical importance of starting with full and complete provision of all discovery. In doing that discovery, DDAs not only do justice, they also build bridges of trust that cause the defense to cooperate and lead to more just results. This occurs because both sides get a better view of what occurred and what a jury will see, we then reach more reasonable decisions. Conversely, where Brady violations become tolerated, such as in Santa Clara, Los Angeles, and Orange Counties, major damage is done to the DA's Office and to the Justice system.

Fourth. I am concerned with how the courts, defense bar, police agencies, and jurors feel about their day to day interactions with the DDAs. High volume caseloads degrade those relations. Yet those relations are critical to efficient handling of criminal case loads. A related issue to this same high volume is the morale of the DDAs and other Office Staff. The combination of bad news stories and high volume takes a toll on staff and leads to burn out and then to staff turnover. Prosecution is highly complex work and needs experienced attorneys and non-attorneys to be effective.

Fifth. Jail overcrowding and constrained county budgets generally are constant issues affecting criminal justice in the County. Each is outside of the direct control of the DA's Office, but these are critical constraining factors. As part of the County Department Management team, I would hope to be able to successfully advocate for innovative solutions to try and find alternatives that cost less and hopefully divert some of the reoccurring defendants from the courts.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: I have been a Contra Costa County resident for 38 years, a prosecutor for nearly 35 years, and was a member of the Contra Costa County's District Attorney's Office for 5 years. I am deeply troubled by and want to address what keeps occurring at the DA's Office. The DA's Office in any county, must always strive to take the highest moral position both professionally and personally, both in and out of court. Very sadly that has not been happening here. I doubt that this Board is aware of all the issues that have occurred over the years, since many of them did not make the news. From my varied experiences, I believe that I can restore respect to the Office and work to instill professional and personal pride in the staff, so that they work and act in a way that makes the public proud.

I also want to see problems I described above in question 6, fully addressed. Much of a DA's Office's time is spent on dealing with recycling of the same individual adults without dealing with the problem(s) that caused them to come to court in the first place. In contrast, in Juvenile Court, we take a holistic approach to the individual minor and try to rehabilitate them. We bring together various agencies to try and address the minor's issues. It doesn't always work, but the system works as a team to try.

I am a goal driven person, who wants to make a difference. DA's Offices tend to stand apart from other agencies because of their singular mission of prosecution. However, I am keenly aware from my non-DA's Office experience in City government and particularly as part of City/County Transportation committees that for the Office to succeed, we must strive to work collaboratively with other county departments, state & local agencies, and private organizations. In other words, we must look beyond law enforcement. In my career, I have tried to do this repeatedly. I commonly work when possible, with defense attorneys and the courts to fashion results that deal with the underlying problem. My caveat is first public safety must be protected and there must be some deterrence. Once those are provided for, we have room to work and can look for solutions.

This opening presents an opportunity to make a fresh start with this Office. I would very much like to help that happen.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A:

First, I will conduct a short (1 to 2 weeks) summary review or audit of the office's policies, practices, procedures, and people. Of particular importance, is how much is organized, written down, and followed and how much is simply office practice or tradition. Loose practices lead to bad results, particularly regarding personnel, discovery, and case handling issues.

Second, I will direct a more in depth longer review based on the findings of the first one. This review is two-fold, one part aimed at drafting solutions to obvious gaps in policy and procedures. (It is a very sad fact, but most problems any DA's Office faces have been addressed elsewhere successfully. Sometimes we only need to look around to find some better practices.) The other part is aimed at evaluating office management to see who is part of the solution and who is part of the problem. At the same time as that second review is occurring, I will meet with the courts, defense bar, and various community groups to let them tell me what problems and or issues they have seen or experienced with the Office. I will ask each group for their recommendations regarding how we are handling various issues.

Third, I and a small team will then begin to work on addressing those issues internally.

Fourth, I will go back to the public and to the various community groups regularly, to let them know what we are doing and why. I will also ask them for their continued suggestions and comments and set up a regular dialog. It is a basic principle to me, that the public has an ongoing right to know what steps are being taken to fix problems and to know that their concerns are being addressed.

As the above is going on, I will also meet with Office staff, both attorneys and non-attorneys in small groups to get their input. However I list this last, because traditionally in most DA's Offices, that has been the problem: we look internally and circle the wagons. That practice cannot occur any longer. This Office has long been far too insular. To give some perspective, that insular attitude was in part what led to the appointment decades ago of William O'Malley, yet to this day it persists.

As a long time prosecutor, many times I have watched first-hand and heard of other counties second-hand go through large unnecessary problems and turmoil, due primarily to bad internal management practices. Attorneys are smart professionals, but they also are normal people with all of the usual issues and problems. When anyone is put in a very high stress job, problems can and do easily occur. Management must watch for signs of stress and move people or otherwise adjust work-loads as needed. Good management understands that and plans for it with rotations to burn out positions, time off, even suggested vacations. Good management also requires solid rules for behavior, that are laid out and explained in advance. These rules must be fairly and evenly enforced. Lastly and most importantly, management must care about the well-being of employees and demonstrate that care to the employees every day. One of the most effective management tools to do that, is simply to walk around daily and see how people are doing and listening to them, not talking at them. I will do that and make sure management staff does it as well.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: In question 6, I described the need for an alternative track for the mentally ill and a panoply of options for the prosecutors and courts. The mentally ill are a particularly tough problem for the criminal justice system. Their illness itself can cause bad behavior resulting in criminal charges. Compounding the problem, the mentally ill often refuse their prescribed medication and instead take illegal substances resulting in drug addictions and multiple criminal cases. They are also easily victimized on the streets and then due to their mental illness, many times are not able to testify well or at all as victims.

As an alternative track, most counties now have a mental health court which is used to divert criminal offenders with clear mental illness issues. However funding for these courts remains an issue, because like drug courts, they require much more work from probation officers and mental health professionals. Many times, the charges that are eligible for Mental Health court are also limited. I am very much in favor of expansion of Mental Health Court to include as many defendants as possible, so long as public safety is not jeopardized. I also would like to work with mental health professionals and private groups to work on development of placement programs, particularly for those living on the streets. We are constrained by case law terms of what we can force the mentally ill to do, but their need is great and growing. This is an area crying out for legal reform.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No.

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: After more than 3 decades of prosecution experience, I can safely say that prosecution of criminals results in innumerable difficult situations. After a while, you realize that is the norm, you get used to it, you deal with it, and most importantly, you move on, for example:

It might be a shooting victim of a carjacking who nearly died, who will never admit that the entire incident was over a drug deal gone bad and who when the trial is about to start years later has committed several new felonies to add to his 20-year history of prior felonies and is currently in jail. It was the allegation that he was staking out churches on Sundays so that he could burglarize the attendees' homes, that I found the most troubling. This case was settled just prior to trial for a plea to 26 years in state prison.

It might be the discovery that a criminalist at the Department of Justice that you and your office have worked with for years has a drug habit and has been secretly using cocaine from the evidence submitted to him for testing. We set up a in-house mini taskforce, to review all of his cases (several hundred) and unwind numerous convictions dismissing many if not most of his cases. This was a classic Brady issue. There are many more possible examples.

The situation that haunts me is this: When we learn of Brady information on a police officer, we discover that information in the current case where they are a witness. Thereafter we are obligated to discover the information in all of that officer's cases. In one such instance, thereafter that same officer became a witness in another case and when I asked for that same material a manager said we are not to discover that information any more. In that case, what I was being told to do, was Brady error. As a professional, I cannot do that. Instead, I went back to the first file, dug out the report and discovered it again. Several of us now watch for cases involving several officers to make sure that our fellow deputies comply with Brady. Since that occurred, intentional Brady error was made a crime as of January 1, 2017. The lesson is simple, as professionals and more importantly as prosecutors we must always obey the law. If we fail to do that, everything else that follows in that case is tainted. Worse, not only is it an injustice in that case, it taints the Office and hurts the public as defense attorneys, judges, and jurors start to doubt law enforcement and convictions drop. Brady issues do come up often and many times out of blue, causing people to react poorly in their surprise. We must be vigilant to prevent Brady error.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: People v. Climer was a special circumstance death penalty case that I tried in 1993. I had never handled a death penalty case before. In those days, we had very few special circumstance cases and the office policy was to charge them and let the jury decide. I spent quite a bit of time simply learning the law of Special Circumstance Prosecution and very intricate trial procedures. All designed to make sure that the defendant got a fair trial and that any conviction was upheld on appeal. These cases are much more complex than any other type of criminal prosecution.

In this case, Mr. Climer attempted to rob an approximately 78-year-old man named [REDACTED]. Mr. [REDACTED] lived in an illegally built shack on railroad right of way south of Modesto. He lived on a small social security check and by selling legal products to local hookers and drug users. Mr. Climer (aka Mad Dog) was well known on the streets for his 20 history of robbing drug users and other folks unlikely to complain at gun point and occasionally shooting them. Mr. [REDACTED] refused to open his door and Mr. Climer shot him with a shotgun thru the door and took off running. Mr. [REDACTED] lived long enough to call 911. The gun was never recovered but wadding was found in Mr. [REDACTED] along with some of the BBs from the shell. Two days later, Mr. Climer hitched a ride out

of town to Keyes and told the parolee giving him a ride that he had shot Mr. [REDACTED]. The parolee dropped off Mr. Climer and promptly found and told a nearby deputy. The Sheriff's Office surrounded the house and arrested him when he ran out the back door. When first questioned, Mr. Climer asked the Detective if Mr. [REDACTED] was alive. Detective Silva responded, 'well Dog I gotta tell you, he didn't make it.' The audio tape ended a minute or so thereafter with lots of retching by Mr. Climer. Aside from the last bit, the parolee was the only tangible evidence I had against Mr. Climer.

I had the parolee put in a live-in drug program until the preliminary hearing. Unfortunately, his parole officer rewarded him for his good behavior and let him a few days early. The day before the preliminary hearing, I got a call that the parolee was found dead with a needle still in his arm. I.e. someone gave him a hot shot, or killing dose of drugs. (We never found out who.) I managed to get a holding order, but had little hope for guilty verdict.

Before trial, Detective Silva and I took Mr. [REDACTED] front door, the detective's shotgun collection, a variety of shells, several sheets of 4' by 8' plywood and went to a gun range. After lots of shooting, we were able to determine brand and gauge of shotgun shell used, the gauge of the shotgun used. Next, we determined the approximate distance from the door and from that could show that it was a deliberate shooting, not a stumbling on Mr. [REDACTED] steps. At trial, we brought in the door, the plywood, and put on that evidence along with his flight from the house, his retching, and Mr. [REDACTED] last words about being shot.

The defense mistakenly put on an alibi witness, which led to questioning about how well he knew Mr. Climer. That led to answers about Mr. Climer, which revealed his criminal occupation of shotgun robber. After six weeks of trial, Mr. Climer was found guilty of murder with a special circumstance of murder during a robbery. After a week's break, we started the penalty phase of the trial. During this phase, the jury decides between life in prison without parole LWOP, or the death penalty. Over seven weeks, we covered approximately 5 of 20 prior crimes of Mr. Climer, heard from two his still in prison brothers about his childhood head injury, heard about brain scanning (a phony science) heard from his psychologists and mine, and heard from one very special witness.

During his many visits to prison, some ten years before Mr. [REDACTED] murder, Mr. Climer was at a work camp in the mountains during fire season. While he worked alone watched by the guard, a nearby burning tree fell on the guard. Mr. Climer was free to run. Instead he ran to the guard and dug him out. The witness was that guard.

A death penalty decision requires consideration by the jury of numerous factors. The case law on this subject is highly complex and the arguments are very moving. When all was said and done, the jury chose LWOP. I had no problem with their verdict and understood it completely. I completed that case a changed man. So were the defense attorney and the judge. The magnitude of what you are doing is a very heavy weight on every participant in the trial.

The death penalty is an appropriate verdict for a very small number of cases. One cannot help, but understand that, if one reads the very horrific crimes that in which the courts have upheld it. That said, very few murders come anywhere close to that level. In the years since, I have not had a murder case that came close to justifying the death penalty. Special circumstance murder cases are much more common now, but we almost never fail to drop the death penalty early on, once we have all the reports. It is very difficult to convey the enormity of the emotional impact of a case like that has the participants. What I can say, is that impact made me a far better prosecutor. (Mr. Climer's appeals were denied.)

13. Q: What is the size of the population/client base served by current employer?

A: Approximately 540,000

14. Q: To whom do you currently report, by title?

A: Assistant District Attorney, David Harris.

15. Q: What number of staff are employed by current employer?

A: 139 approximately.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: None.

17. Q: What is the largest number of staff you have overseen, and where?

A: Approximately 150 to 180. From November of 1997 to February of 1998, I was the CDDA in charge of the Stanislaus County Family Support Division. FSD was located at a separate site and we had a constantly varying number of temp workers as well as regular staff.

18. Q: What is your current employer's operating budget, in dollars?

A: Including grants about \$20,000,000

19. Q: For what portion of budget are you responsible, in dollars?

A: None.

20. Q: What is the largest budget you have ever been responsible for, and where?

A: About \$11,000,000 Stanislaus County DA's Office Family Support Division from November of 1996 to February of 1998.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

Brad J. Nix

[REDACTED] bdnix@sbcglobal.net
[REDACTED]

Oakley, CA

Board of Supervisors
Contra Costa County
651 Pine Street
Martinez, CA 94553

Dear Members of the Board:

I have applied for the interim appointment to the Position of District Attorney of Contra Costa County. I do so for the following reasons.

First, I have a very strong connection to Contra Costa County and because of that I care very much about what happens here. I have lived in Contra Costa County for over thirty-eight years. I moved to this county just after my first year of law school. While waiting for the state bar results, I clerked for the Honorable Judge Martin Rothenberg for several months, then went to work for the Contra Costa County District Attorney's Office as a contract DDA. After five years I left to work for the Stanislaus County District Attorney's Office, where I still work. I have been very active in local community affairs, helping to incorporate the City of Oakley, and serving two terms on the City Council. I helped form the City Government from nothing. I also served on several regional Transportation Boards: TransPlan, ECCRFFA, SR 4 Bypass Authority Committee, and the E-Bart Study Committee. I was also appointed to and served several terms on CCTA from 2002 to 2008. During those years, we engaged in many major transportation projects around the county.

Second, I believe that I have the knowledge and ability to address the Office's internal issues. I was well aware of several issues at the DA's Office when I worked there as a young DDA. Over the last three decades, I have continued to follow ongoing issues and been disheartened by them. Issues such as the DDA with repeated frontpage alcohol related incidents, a multi-year personnel battle in the courts between the DA and a top murder trial (187) DDA. The mishandling of the termination and prosecution of another DDA in the past few years. A nasty office fight between two other DDAs over politics. The recent issues with the prior incumbent and other issues. I want to improve the situation and to provide **both the public and the members of the Office**, the leadership they deserve and that is so badly needed. Continuously throughout my career as a line Deputy, as a Chief Deputy, and as a Director of FSD, I have followed the problems of various DA's Offices around the state and worked to improve my own office to avoid those problems. There are core principles of behavior that have been ignored in each of the above incidents. There is also an underlying bad value that permeates each incident and the Office and it's been a problem for a long time. That is the value of 'management motivation for affinity'. Simply put, this is management looking out for its friends and own interest as opposed to 'management motivation for merit'. In the latter case,

management seeks to accomplish a series of goals to improve the organization, not to reward its friends. There are many clear issues (and from those goals) that constantly need to be addressed in every DA's Office, but management by affinity interrupts the logical process of addressing them by causing management to overlook problems to protect the favored ones or itself.

Once that process starts in management, it quickly corrupts the culture of an organization. It must be opposed vigorously. That opposition requires a strong expectation of good behavior, clear previously announced rules, firm even handed application of those rules, fair due process, and making sure friends don't do favors for friends. At the same time, management must be truly concerned about the welfare of all staff. Staff always knows when management is merely mouthing concern. One of the best DA's around (a former Monterey DA) practiced this by strongly following the adage of 'management by walking around'. Reportedly, he walked the hallways around 5 pm every night he could, to see what his attorneys were doing and how they were doing. I have outlined in the supplemental answers how I would follow this strategy. It is needed, but it requires a calm, level headed approach by a very experienced prosecutor. That is because District Attorney's Offices are, by their nature, very stressful places.

Third, I do have the legal experience needed to run the Office. I have been a DDA for just under thirty-five years in two counties. I have tried a number of cases of many types of charges from DUIs to murders and handled thousands more cases. (On average 1% of all cases issued, actually go to trial. Depending on their assignment, the bulk of a DDA's time is spent on the 99%.) That work required constant working together with other DDAs, defense attorneys, and Judges. I have attached letters of recommendation from senior DDAs, defense attorneys and Judges, that I have worked with to show that I do have the legal knowledge, ability, integrity, and personal skills to be a good choice for Contra Costa County's District Attorney. Please review those letters and call the references. I can easily get more, but the time constraints of this application limited me.

Fourth, I have a demonstrated ability in Contra Costa County to work with others throughout the county to try and reach consensus or at least progress. For years, I worked extensively with members of this Board, City Councilmembers, and staff on Contra Costa transportation issues. During that period, I worked very hard to be fair, reasonable, accommodating to all, to reach consensus wherever possible on the sometimes contentious issues before us. This was particularly true at CCTA, where I served for six years and as APC Chair for three terms. This was a particularly rewarding time for me as we achieved some truly great goals, including funding and then beginning construction on the expansion of Highway 4, the same with the Highway 4 Bypass, reaching consensus, getting funding and beginning eBart, the Measure C renewal campaign, subsequent funding for the Caldecott Tunnel expansion, and many smaller projects. In listening to the advocates address the Board at your June 23rd meeting, it is clear that the incoming District Attorney must work with both the general public and various communities that have specific needs. Many issues (such as the mentally ill charged with crimes) are broader than the jurisdiction of the District Attorney's Office, but that does not mean that we can't play a part in working with others to try and address ongoing issues.

In closing, I look forward to working with the Board and staff as you navigate this seldom taken path of making an interim appointment. (If you were able to look back at the notes of the process of appointing William O'Malley, I suspect you would find that Board had very similar concerns to your own.) Please feel free to contact me with any questions or concerns you have.

Yours Truly

A black rectangular redaction box covering the signature of Brad J. Nix.

Brad J. Nix

BRAD J. NIX

HOME

██████████
Oakley, CA ██████████
██████████
bdnix@sbcglobal.net

WORK

Stanislaus County DA's Office
832 12th Street, Room 300
Modesto, CA 95354
██████████
brad.nix@standa.org

WORK EXPERIENCE

Stanislaus County District Attorney's Office: Deputy District Attorney August 1987 to the present. Assignments have included (several assignments have occurred multiple times): Felony Trials, Felony Filing, Drug Unit, Consumer Fraud, Juvenile, CDDA Misdemeanor Unit, CDDA Admin, CDDA Family Support, Special Crimes Unit, Worker's Compensation Unit, Calendar in a Department, Real Estate Fraud Unit, Vehicle Theft Unit. On Call for Homicides and Homicide Prosecution as adjuncts to the other assignments. ~50 Felony jury trials and 30 to 50 Jurisdictional hearings.

Contra Costa County District Attorney's Office: Deputy District Attorney, August 1982 to August 1987. Assignments included: Misdemeanor trials, issuance, and appeals, Preliminary Hearings, Felony Law & Motion, Felony Trial Team, Consumer Fraud/Securities Violations, Domestic Violence/Rape, Family Support. ~15 Misdemeanor jury trials and 17 Felony jury trials. Left to join the Stanislaus DA's Office.

Contra Costa County Superior Court Department 7: Volunteer Research Assistant to the Honorable Judge Martin Rothenburg. Reviewed civil law and motion cases, researched and discussed with them daily with the Judge. Left to join the DA's Office.

Tinning and DeLap: a Walnut Creek, California Civil Law firm, since disbanded. Law clerk then associate. September 1980 to December 1981. Duties included research, writing memos, drafting civil pleadings, correspondence, and all phases of civil discovery. Left to take the California Bar Exam.

Lucky Stores, Inc. / Ralphs Grocery Co. Walnut Creek, California. Retail Clerk July 1974 to September 1980. Left to take job with Tinning and Delap.

La Follette, Johnson, Schroeter & DeHaas, a Los Angeles, California Law Firm. Office Assistant February 1978 to August 1978. Duties included filings, serving subpoenas, some research, and general office work. Left to attend law school.

CRIMINAL LAW TRAINING /EDUCATION

CDAAs and non CDAAs schools attended include the following: Middle Level Prosecutor's Seminar Advanced Prosecutor's Seminar, Arson Investigation, Adult Sexual Assault Seminar,

Consumer Fraud/Economic Crime Seminar (multiple times), Preparation of Search Warrant Class, Officer involved Shooting Class, Mentally Disordered Violent Offenders Seminar, Narcotics Prosecution Seminar, Northern California Fraud Investigator's Association Conference. Numerous in office training, webinars, etc.

POLITICAL EXPERIENCE IN CONTRA COSTA COUNTY

1998	Member of Oakley Incorporated, seeking to incorporate the community of Oakley.
1999	Oakley City Council elect until July 1, 1999.
1999-2008	Oakley City Councilmember, Vice Mayor twice, and Mayor twice. Two terms.
1999-2008	TransPlan member representing the City of Oakley
1999-2008	SR 4 Bypass Authority member representing the City of Oakley
1999-2008	ECCRFFA member representing the City of Oakley
2000-2001	East County Bart Advisory Committee member and Chair
2002-2006	Contra Costa Transportation Commission, Commissioner (Three terms as APC Subcommittee Chair)

OTHER EXPERIENCE

MMB Labor negotiator for the Stanislaus County Attorney's Association several times.

EDUCATION

Hasting's College of the Law, San Francisco, California, Class of 1981, J.D. with emphasis in Tax Law.

University of Southern California, Los Angeles, California. Graduated June 1978. B.S. in Business with an option in Corporate Finance.

Pasadena City College, Pasadena, California. Attended from August 1974 to August 1976.

Pasadena High School, Pasadena, California. Graduated in 1974.

PERSONAL

Married with two sons. I have lived in Oakley since December of 1982. Prior to that, I lived in Walnut Creek. Prior service membership in Phi Alpha Delta, Alpha Kappa Psi, Circle K, (all in Southern CA.) Lions 500 (Modesto, CA) BSA Troop 298 Oakley CA.

[illegible]

Brad Nix DDA Assignments 1982 – 2017

CONTRA COSTA COUNTY DA'S OFFICE

8/24/1982 Hired by Contra Costa DA as a two-year contract DDA

9/1982 After training, assigned to Concord Office: Misdemeanors

2/1983 Started doing Preliminary Hearings

7/1983 Assigned to Felony Law & Motion Unit in Martinez

~12/1983 Converted to three-year contract DDA

1/1984 Felony Trial assignment

7/1/1984 Assigned to Richmond DA's Office: Misdemeanors and Preliminary Hearings

~1/1985 Hired as a permanent DDA

2/1985 Assigned to Concord Office: Misdemeanors and Preliminary Hearings

6/1985 Consumer Fraud, civil and criminal prosecutions (Major case: Tom Yamashita)

6/1987 Domestic Violence and Sexual Assault Unit

8/1987 Left Contra Costa Count for Stanislaus County DA's Office

STANISLAUS COUNTY DA'S OFFICE

8/1987 Felony Trials and Felony Issuance

 (Major cases: Investigation of TPD Sgt. Ferreira and Jarrell 245 w GBI, Clampers case)

1/1988 Drug Unit (Then SCDEU now SDEA. Did approx. 26 JT's.)

9/1988 Promoted to DDA V

11/1988 Consumer Fraud, civil, criminal, and environmental crimes)

 (TQ left for Modesto City Atty. Picked up Mantz case.)

 Youkhanna JT, 2 ½ weeks, (Insurance fraud)

11/1989 Felony Issuance (TQ returned to the DA's Office.)

5/1990 Felony Trials with rotations to Preliminary Hearing Unit and Issuance

6/1991 Mantz JT, 7 weeks. (Modesto Auto Center: corporate security fraud, etc. Guilty 33 counts.)

3/1992 Eickhorst JT, 2 & 1/2 weeks. (Salida stabbing of a 15-year-old 21 times. Guilty of torture. etc.)

~6/11/1992 Harris 187 JT, 2 weeks.
(Codef. Utter killed himself 4 days prior to JT in 11/1992.)

~6/1993 Climer Death Penalty JT, 13 weeks. (Guilty SC and LWOP.)

9/1993 Juvenile Division as senior DDA

3/1994 Lira 187 Juris, 30-day hearing. Vol. Manslaughter +

4/1995 Promoted to CDDA, assigned to head Misdemeanor Division

Medeiros phony attorney prosecution, ended by plea.

4/1996 DA Don Stahl retired, assigned to CDAA Administration

6/1996 Assigned to investigate series of employee complaints at Family Support Division

7/1996 Assumed second contemporaneous assignment of Acting Family Support CDDA

11/1996 Assigned to CDDA/Director of Family Support Division

Supervised 180 to 200 employees, hired, fired, managed variety of issues.
Worked on implementation of SACCS, switched from FACTS to Alameda Co. FSD computer system. Worked on reorganization and security issues.

2/1998 Transferred to Criminal Division as a DDA V.

4/1998 Specially assigned cases, most notably:

Mouser 187, prepared it for JT, later reassigned.

Francis Brothers R&T Fraud, collected over \$300,000 in unpaid taxes.

Benson 187 JT. ~3 weeks. Hung J.

1/1999 Worker's Compensation Fraud Unit

1/2001 Felony Issuance

6/2002 Miller JT, 5 weeks. (187 covered up to look like a suicide.)

2003 Rotated to Juvenile (~15-20 juris. hearings),
(2004 ~ 3 week 187 Juris, Jeffery S. Victim Cody D., Judge McFadden)

2006 Assigned to Calendar in Dept. 3, Judge Whiteside
2006 ~4 week Juris Andrew L. 507685 (Double vehicular death case, Judge Shaver)
2006 ~ 4 week JT, Angel Cabanillas 187 (14 year old gang def, Judge Salter)

2008 Assigned to Calendar in Dept. 6, Judge Ashley
(2009 ~3 week JT, Isidora Mata 187 (17 year old Driver for Mata, JT with Judge Salter)

9/2009 Real Estate Fraud Unit (REF) + collateral 187 on call duties and 187 cases

9/2012- Pres. Vehicle Theft Unit (VTU) + collateral 187 on call duties and 187 cases
(3 short VTU JTs)
2014 ~6 week JT, Joseph Dixon 187 JT with Judge Steffen)

In addition to my VTU assignment, I currently have 4 open 187 cases:

I. Stafford and L. Oldham 1466458 Special Circ. Pending JT
C. Clayton 499237 Pending Preliminary Hearing
W. Smith 1490121 Special Circ. Pending Preliminary Hearing
A. Naranjo 1473100 Special Circ. Pending JT

Approx. 82 JTs 15 misdemeanors ~67 felony.

+Approx. 30 - 50 Jurisdictional (about 1 a month over two multi-year assignments to Juvenile. I did not keep a list of them. That number does not include a number of Fitness Hearings.)

List of Major Trials & Juris, Murder and others, to verdict (# of others handled up to JT):

Mantz, Thomas	JT	25401+ (40 cts)	G	1991	190577co
Eickhorst, Charles	JT	206/208	G	1992	236587co
Harris, Clay	JT	187	G	1992	243543co
Climer, James	JT	187, Spec. Circ.	G / LWOP	1993	150476
Lira, Anthony	Juris	187	G Lio 192(a)	1994	Juv. #
Benson, David	JT	187	Hung	1998	322720
Miller, Robert	JT	187	G	2002	1023510
Steven, Jeffery	Juris	187 2 nd	G	2004	5071468
Andrew L.	Juris	192(c)(3) 2 cts	G	2006	507685
Cabaniallas, Angel	JT	187	G	2006	121925
Mata, Isidoro	JT	187	G	2009	121925
Dixon, Joseph	JT	187	G	2014	1403615

END



Office of the District Attorney Stanislaus County

Birgit Fladager
District Attorney

Assistant District Attorney
Dave Harris

Chief Deputies
Doug Raynaud
Annette Rees
Marlisa Ferreira

Bureau of Investigation
Lt. David Hutchinson
Lt. Froilan Mariscal

July 21, 2017

Board of Supervisors
Contra Costa County
651 Pine Street
Martinez, CA 94553

Re: Mr. Brad Nix- Candidate for Appointment

Dear Members of the Board:

Please let me introduce myself. I am the District Attorney of Stanislaus County and have held this position since 2006. I currently serve as the First Vice President of the California District Attorneys Association and look forward to serving as its president beginning in 2018. I began as a prosecutor while serving in the U.S. Navy as a JAG officer in 1986. The purpose of this introduction is to let you know that I have been around a long time and have seen a lot of prosecutors—and District Attorneys—come and go.

With that as a backdrop, I write in support of the Mr. Brad Nix's application for appointment to the position of District Attorney of Contra Costa County. I have known Brad as a fellow prosecutor in this office for 27 years. He is smart, hardworking, efficient, productive, pro-active and professional. In his time in this office, he has had experience in virtually every unit: Misdemeanors, Felonies, Juvenile, Case Review, Drug Unit, Workers Compensation Fraud, Real Estate Fraud, Family Support (when it was still part of the D.A.'s office). In addition, he has prosecuted many jury trials and, notably, several murder cases. He has also served as a supervisor and member of the management team.

In short, Brad is a well-rounded, very experienced career prosecutor. He has never wavered in his dedication to the profession and has always adhered to our office mission statement of "Seek Justice, Serve Justice, Do Justice." I am very proud of the prosecutors and support staff in my office; we have endeavored to instill a spirit of teamwork and cooperation as we seek to protect our community while maintaining the highest professional and ethical standards. Brad is fully capable of bringing all those attributes to the Contra Costa County District Attorney's Office and I urge you to give very serious consideration to his application for appointment to this most important position of leadership in your criminal justice system. His commitment to Contra Costa County is evident by his dedicated and expansive community activity there.

Please do not hesitate to contact me if I can be of additional assistance.

Very truly yours,


Birgit Fladager
District Attorney

Jeffrey M. Laugero



July 19, 2017

Board of Supervisors
Contra Costa County
651 Pine Street
Room 107
Martinez, California 94553

To the Honorable Supervisors of Contra Costa County,

It is my honor to recommend Brad Nix to you for the position of interim District Attorney for Contra Costa County. I have had the pleasure of working with Brad for more than ten years and have found him to be a valued colleague and reliable resource. His education and experience have prepared him to be a successful and respected leader.

Mr. Nix is recognized as one of the most experienced attorneys in Stanislaus County. He has an established reputation as a fair and ethical prosecutor, and has handled all areas of practice in the District Attorney's office, including real estate fraud and the most complex criminal cases. Brad has filled the role of supervisor, mentor and teacher for the office.

Mr. Nix has not only distinguished himself as a respected lawyer, but he has effectively represented our bargaining unit in negotiations. His tenacity and thoroughness have led to fair and balanced contracts. His intelligence and ability to get the job done have been highlighted by his supervisors and co-workers of all experience levels seek his counsel. He undertakes his duties and assigned tasks with a can-do attitude. These attributes make Brad an excellent candidate.

I recommend Brad Nix to you without reservation. He is an exceptional person that will serve your county honorably and admirably. Having worked with him as a colleague in the District Attorney's office, been mentored by him as a new deputy district attorney, compared and contrasted our experiences as city council and regional transportation board members, and discussed our commitment to our communities, I recognize his passion for public service and his capabilities to lead by example. Please do not hesitate to contact me if you need anything further.

With every good wish

A black rectangular redaction box covering the signature.

Jeff Laugero
Deputy District Attorney, Stanislaus County
Mayor, City of Escalon

July 20, 2017

The Board of Supervisors for Contra Costa County
951 Pine Street
Martinez, CA 94553

Dear Board members:

I am a Senior Deputy District Attorney with Stanislaus County. Mr. Nix and I have been colleagues in that office for the twenty-nine years I have worked for Stanislaus County. Although Stanislaus County's District Attorney's Office has almost doubled in size since I was hired in 1988, it remains a relatively small office with forty-four attorneys, thus we are a close knit group.

I have daily contact with Mr. Nix and have observed him both in the office and in court frequently through the years. Although I have never been supervised by Mr. Nix personally, I did observe his performance when he was assigned to supervisory roles in the office.

Mr. Nix was elected by colleagues on two separate occasions, once in the mid-nineties and then again last year, to represent us in negotiations over salary and benefits with the Board of Supervisors here in Stanislaus County. I voted for him on both occasions.

Mr. Nix is and always has been a very hard working prosecutor. He is an effective advocate in Court, fearless and successful in trial, but pragmatic and realistic about the need to settle many cases.

Mr. Nix currently is responsible for the vehicle theft unit for our office and he additionally is prosecuting several murder cases. He has also prosecuted the most complex fraud cases for our office.

Mr. Nix is a valuable resource to me when I'm confronted with complex legal issues in my own murder cases as well as my more complex and serious cases. I've observed that other deputy district attorneys seek his advice as well. What has impressed me most in the last several years is his advocacy for and mentorship of junior deputy district attorneys just beginning their careers, he freely devotes his time to helping them develop into successful and ethical prosecutors.

Mr. Nix as a negotiator for the attorney's bargaining unit has been both effective and pragmatic, skillfully balancing the needs of the County with the wants of his fellow employees. He's been effective in communicating the realities of the County's budget to his fellow lawyers. I attribute this skill to his experience as an elected official in Contra Costa County.

Although his departure from this Office would be a great loss, I believe he is well suited to lead the District Attorney's Office in Contra Costa County and thus recommend him to you for appointment to that post.

Please feel free to contact me at [REDACTED] if I can be of further assistance.

Sincerely,

[REDACTED]
Sandra L. Bishop
Senior Deputy District Attorney
Stanislaus County District Attorney's Office
832 12th Street, Suite 300
Modesto CA 95354



McCORMICK
BARSTOW LLP
ATTORNEYS AT LAW

Hon. Hurl W. Johnson (Ret.)
hurl.johnson@mccormickbarstow.com

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Denver, Colorado 80202
Telephone (720) 282-8126
Fax (720) 282-8127

LAS VEGAS, NV OFFICE
8337 West Sunset Road, Suite 350
Las Vegas, Nevada 89113
Telephone (702) 949-1100
Fax (702) 949-1101

July 19, 2017

Re: Appointment of Mr. Brad Nix as Interim District Attorney for Contra County

To Whom it May Concern:

I am writing this letter on behalf of Mr. Brad Nix who I have known since he began his employment in 1987 with the Stanislaus County Deputy District Attorneys Office.

I retired from the Stanislaus County Superior Court September 2014 and, during my twenty years on the bench, Mr. Nix appeared before me numerous times. Mr. Nix handled every type of criminal case in front of me from a misdemeanor to murder trials and it was always a pleasure having him in my courtroom. Mr. Nix is an excellent prosecutor possessing high intellectual skills, integrity and has always conducted himself with the highest ethical standards. As a prosecutor he is a vigorous advocate on behalf of the People of the State of California while being mindful of his ethical obligation to seek justice, not just convictions.

In addition to criminal matters, Mr. Nix also headed the Consumer Fraud Division while I was in private practice. I represented several private clients for alleged civil consumer violations and Mr. Nix demonstrated the same qualities mentioned above.

Mr. Nix, while I was on the bench, due to his abilities in civil areas also appeared before me handling Consumer Fraud and Real Estate Fraud matters. Mr. Nix is well versed in every aspect of a District Attorney's office and can handle any assignment with competency and professionalism. His work ethic is tremendous and he is one of the best Deputy District Attorneys I have had the pleasure to get to know.

A large component of running a District Attorney Office requires excellent management skills, in particular, skills dealing with budgetary matters. Mr. Nix has an undergraduate degree in business and finance, and his law school electives had a strong emphasis in tax law.

Mr. Nix has all the tools necessary to be an effective and competent District Attorney and it is without reservation that I recommend him for the interim position of District Attorney for Contra Costa County.

I am certain he will be well received by members of the District Attorney's Office, the Public Defender's Office, criminal bar and members of the Contra Costa Bar Association, judges and law enforcement agencies of Contra Costa.



McCORMICK
BARSTOW LLP
ATTORNEYS AT LAW

July 19, 2017
Page 2

If you have any questions regarding Mr. Nix please feel free to telephone me as

[REDACTED]

Yours truly,

1
[REDACTED]

Hon. Hurl W. Johnson (Ret.)
McCormick Barstow LLP

HWJ:tlm

99930-09215 4616519.1

John G. Whiteside
Judge of the Superior Court
Retired

July 17, 2017

Board of Supervisors
Contra Costa County
651 Pine Street
Martinez, California 94553

To Whom it May Concern:

I am writing this letter in regard to the application of Brad Nix for the position of District Attorney of Contra Costa County.

I have known Brad for in excess of 25 years. For 21 of those years I was an active Judge on the Stanislaus County bench. Brad was a Deputy District Attorney for all of that period. He has appeared before me many times during that period and I have had ample opportunity to observe the manner in which he has conducted himself and carried out his duties.

I can state without hesitation that Brad has always conducted himself as with the highest moral and ethical standards. He was always prepared. He knew the facts and the law and always adhered to the right as he saw it. He was a dedicated career prosecutor who believed in the prompt, fair and efficient administration of justice. He was zealous in his advocacy of the interests of the public and the victims of crime, but he was also careful to see that those accused of crimes were treated fairly and that their rights were respected. He has continued to grow in wisdom and maturity over his many years of service, and has gained the perspective that long experience awards to those who are willing to learn.

Should you decide to select him for the position of District Attorney of your County I believe that you would be rewarded with a dedicated, honest and faithful public servant who would bring honor and respect to the office.

Should you have any questions or concerns you may contact me at (209) 556-8354 or at my email address, jgwhiteside@sbcglobal.net. Thank you for your attention.

John G. Whiteside

Judge of the Superior Court, Retired.

July 20, 2017

The Board of Supervisors for Contra Costa County
651 Pine Street
Martinez, Ca. 94553

Dear Board of Supervisors:

I am writing this letter at the request of Brad Nix recommending him for the position of Interim District Attorney of Contra Costa County.

I am a retired Superior Court Judge from Stanislaus County (1979-2002) and I continue to frequently sit on assignment, primarily in Stanislaus County.

I know Mr. Nix professionally from his position as a deputy district attorney with the Stanislaus County District Attorney's Office from 1989 to the present. Over the years I have presided over criminal calendars where he was responsible for numerous cases at one time, criminal law and motion matters where he was responsible for presenting evidence, written briefs and arguing that the law and evidence supported the positions of the People of the State of California, settlement conferences where he represented the interests of the People in attempting to resolve cases short of trial and representing the People in prosecuting court trials and jury trials. I have always found him to be an ethical, well-prepared, no nonsense and reasonable deputy district attorney. Mr. Nix has appeared before me primarily in adult criminal matters and some juvenile court matters. I note he also was Director of the Stanislaus County District Attorney's Office Family Support Division. While I was never involved in those matters I also never heard of any complaints about how he directed that division.

In requesting me to write this letter of recommendation Mr. Nix informed me of his twice being elected to the to the Oakley City Council and serving two terms as mayor of that city and being a commissioner on the Contra Costa County Transportation Committee. I have to believe that serving in those offices required the management skills that one would need to be district attorney.

In view of the above and my knowing Mr. Nix for the past nearly 30 years, I recommend him for position of Interim District Attorney of Contra Costa County.

Respectfully yours,

Edward M. Lacy, Jr.

Judge (Retired)

E-mail address:

JOHN P. GRISEZ
ROBERT ORENSTEIN
MARY ELLEN HERTLE

LAW OFFICES OF
GRISEZ, ORENSTEIN & HERTLE
724 TENTH STREET
MODESTO, CALIFORNIA 95354

AREA CODE (209)
TELEPHONE 526-3121
FAX 526-5875

July 19, 2017

Selection Committee
Contra Costa County
Board of Supervisors

Re: Brad Nix
Letter of Recommendation
Contra Costa County
District Attorney Position

Dear Committee Members,

It is with great honor and uniquely and enthusiasm that I unequivocally endorse the candidacy of Brad Nix for this position.

Mr. Nix has lived in Contra Costa County I.E. Oakley for many years and is familiar with the political and social media of the region, In fact he has served with distinction on the Oakley City Council.

As an Attorney with the Stanislaus County District Attorney's office for 30 years Mr. Nix has served with unsurpassed excellence and honor. As a Criminal Defense Attorney and adversary of Mr. Nix I am uniquely aware of his professional abilities that would be an asset for the position.

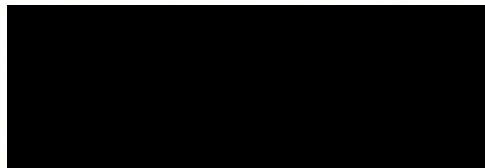
Mr. Nix has universally displayed a rare blend of intelligence and professionalism in his numerous positions within the DA's office. His organizational and ethical conduct throughout my hundreds of cases adversarial against him leaves me with profound respect to his abilities as a prosecutor. Never in my dealings with Mr. Nix have I ever felt him devoid of ethical or professional behavior.

I have observed his interaction with law enforcement, civilian witness and court staff for many years and always he has interacted with total respect and professionalism.

Your candidates has a unique blend of talents that will provide effective leadership and strength for your important position.

Thank you for providing me this opportunity to urge you to select Mr. Nix for the position. Mr. Nix will be a noteworthy addition to Contra Costa County Government.

Very Truly Yours,



Robert Orenstein –Partner
Grisez Orenstein & Hertle

RO/kp



OFFICE OF
THE PUBLIC DEFENDER
SONNY SANDHU
PUBLIC DEFENDER

1021 I STREET, SUITE 201
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Phone: (209) 525-4200
Fax: (209) 525-4244

July 20, 2017

The Board of Supervisors
For Contra Costa County
651 Pine Street
Martinez, CA 94553

Re: Recommendation of Brad Nix for the office of District Attorney

Dear Supervisors,

I am writing this letter to recommend Brad Nix for the office of District Attorney for Contra Costa County. I do so without hesitation and with complete confidence in the recommendation. Your county and its office of the District Attorney would be lucky to have a leader with the experience and integrity that he possesses.

I am currently the Chief Deputy Public Defender of Stanislaus County and have been with this office nearly 21 years. All of my career I have worked with Mr. Nix. I have worked with him on every type of criminal case up to and including trials. I currently have a number of cases with him, including a homicide. There are many reasons why he is the right choice to run the office in your county. He has more than the needed experience in the practice of criminal law with 30 years in the field, over 20 of which I have witnessed. In my experiences with him his knowledge is complete and his preparedness in court far exceeds those of most of his colleagues. I have never known him to be at a loss for the complete facts and circumstances, including the law, of every case we have discussed. It is one of the reasons he is a formidable adversary. Mr. Nix has a clear passion for the side of the law he is on, and I have never seen that waiver in all the years I have worked with him. I find him to be easy to communicate with, and open to listening when I have information I feel is important.

Again, having worked with him for so many years I can tell you with certainty that not only does he have my respect and recommendation, he has the respect of the legal community in this county. I know that the judges in our county have a great deal of respect for him and trust in his ethics and professionalism. I know that the defense attorneys in our county know the adversary they are up against when defending cases he is prosecuting.

To my knowledge he has for many years been a labor negotiator for our shared union. Both the attorneys from his office and mine have a good deal of confidence that if there is to be any movement on the part of the county to benefit us, he will get us there. I have had many discussions with him about the labor issues and know that he has put a great deal of his free time into researching and gathering data that will hopefully be of help to the members of our union.

Over the last several years I have witnessed a steep decline in the moral of the Stanislaus County District Attorney's Office. While I wouldn't presume to really know the exact reasons for that, and it isn't terribly important in the context of this letter, it has given me an opportunity to watch Mr. Nix with his colleagues both experienced and not. I have seen him continue to be a strong force in an office facing chaos. I have seen him be a mentor to the younger and new attorneys in his office. And, I have watched as he maintained a truly steadfast vigor in prosecuting cases in spite of that chaos.

I hope this letter is helpful in your consideration of Mr. Nix. I hope that my perspective as someone who has been his adversary for so long is particularly helpful. He is an ideal candidate to run your District Attorney's Office. He has the experience and every qualification necessary to maintain the integrity of the position you are considering him for. Please feel free to call me if you have any questions or need any other information.

Very truly yours

Maureen Keller
Chief Deputy Public Defender

Professional License Verification Source California State Bar Website

See also: <http://members.calbar.ca.gov/fal/Member/Detail/103133>

Attorney Search

Brad James Nix - #103133

Current Status: Active

This member is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number: 103133

Address: District Attorney Stanislaus County

832 12th St Ste 300

Modesto, CA 95354-2327

Map it Phone Number: [REDACTED] Fax Number: Not Available

Email: brad.nix@standa.org County: Stanislaus

Undergraduate School: Univ of Southern Calif; Los Angeles CA

District: District 5

Sections: None Law School: UC Hastings COL; San Francisco CA

Status History

Effective Date	Status Change
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Present	Active
---------	--------

6/10/1982	Admitted to The State Bar of California
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[Explanation of member status](#)

Actions Affecting Eligibility to Practice Law in California

Disciplinary and Related Actions

This member has no public record of discipline.

Administrative Actions

This member has no public record of administrative actions.



OFFICE OF
THE PUBLIC DEFENDER
SONNY SANDHU
PUBLIC DEFENDER

1021 I STREET, SUITE 201
P.O. BOX 3428
MODESTO, CALIFORNIA 95353-3428
Phone: (209) 525-4200
Fax: (209) 525-4244

July 20, 2017

The Board of Supervisors
For Contra Costa County
651 Pine Street
Martinez, CA 94553

Re: Recommendation of Brad Nix for the office of District Attorney

Dear Supervisors,

I am writing this letter to recommend Brad Nix for the office of District Attorney for Contra Costa County. I do so without hesitation and with complete confidence in the recommendation.

I am currently the Public Defender of Stanislaus County and have been with this office for over fourteen years. I have worked with Mr. Nix on a number of cases. Although, I have never gone to trial with Mr. Nix I have had several hearings with him. Mr. Nix is always well prepared and even tempered on his cases. His preparedness is always helpful in getting a fair and equitable resolution for our client. Mr. Nix is a tough prosecutor and is always seeking justice for his victims; however this pursuit of justice never comes at the expense of the humanity of our clients.

Not only does he have my respect and recommendation, he has the respect of the legal community in this county. The entire legal community, whether it be judges, defense attorneys or probation officers know that Mr. Nix is always prepared and has a keen sense of the law.

These past few months I have had the opportunity to see Mr. Nix lead attorneys' labor negotiation team. As a representative of the County I was on "the other side" of Mr. Nix. His negotiations in this arena were very similar to his conduct in the courtroom. The County representatives knew that Mr. Nix would be well prepared and had the attorneys' best interest

at heart. He spent hundreds of hours going through data and statistics to support his causes with the union.

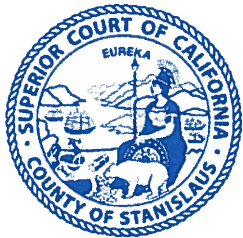
I have had the opportunity to discuss with Mr. Nix his many years of community service in Contra Costa County. As a member of the City Council of Oakley he spent years setting up the financing for the city, creating jobs and improving streets and parks. As a commissioner on the Contra Costa County Transportation Commission (CCTA) he took part in administering the county wide transportation ½ cent sales tax proceeds. In that capacity many large and small scale projects completed to serve the committee. He did this work during night meetings during the work week. All the while, handling some of the most serious cases in Stanislaus County and always being prepared.

Mr. Nix is an ideal candidate to run your District Attorney's Office. He has the experience and every qualification necessary to maintain the integrity of the position you are considering him for. Please feel free to call me if you have any questions or need any other information.



Sonny Sandhu
Stanislaus County Public Defender





Superior Court of the State of California

COUNTY OF STANISLAUS

P.O. Box 3488
Modesto, California 95354
www.stanct.org

KENNETH J. HARA, COMMISSIONER

TELEPHONE
[REDACTED]

July 20, 2017

To Whom it May Concern:

I recommend Mr. Brad Nix, without reservation, to serve as District Attorney of Contra Costa County.

I am currently the Child Support/AB1058 commissioner in Stanislaus County. However, I started my legal career as a member of the District Attorney's office in Stanislaus County. During part of that time Mr. Nix was my immediate supervisor. He was tough but fair. He was always available to discuss cases. He was an aggressive prosecutor but always put strict adherence to ethics at the forefront. Mr. Nix personifies the standard for a prosecutor described in *Berger v. United States*:

"...He may prosecute with earnestness and vigor – indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

Berger v. United States, 295 U.S. 78, 88 (1935)

Mr. Nix has worked with three different District Attorneys and has been a career prosecutor for the 25 years that I have known him. He knows what works in a prosecutor's office and what doesn't work. He has lead and managed large groups of people. He has been the lead negotiator for the County Attorneys Association. He brings a wealth of experience to the position of District Attorney. I have every confidence that Mr. Nix will run a highly ethical and effective District Attorney's Office.

I recommend, without reservation, Mr. Brad Nix for the position of District Attorney of Contra Costa County.

Sincerely,

[REDACTED]
Kenneth Hara

Commissioner

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: Michael James Roemer Address: [REDACTED] Orinda, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone:
Email: mikeroemer@gmail.com

Personal Information

Driver's License: Yes, California , [REDACTED] , Class A
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$258,000.00 per year
Are you willing to relocate? No
I live in Orinda, my children are happy in local schools, I don't need to relocate.
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day , Evening , On Call (as needed)

Objective

Service.

Education

Professional

Univ. of Calif. Hastings College of the Law
8/1978 - 5/1981
San Francisco, California

Did you graduate: Yes
College Major/Minor:
Degree Received: Professional

Work Experience

Deputy District Attorney

4/1985 - 4/2014

Alameda County District Attorney's Office
1225 Fallon St. Rm 900
Oakland, California 94563
[REDACTED]

Hours worked per week: 49
Monthly Salary: \$0.00
Name of Supervisor: Jon Goodfellow - Sr. DA
May we contact this employer? Yes

Duties

See linked in/resume

Reason for Leaving

Retired.

Certificates and Licenses

Type: Member in good standing California State Bar
Number: 100155
Issued by: California State Bar
Date Issued: 12 /1981 Date Expires: 2 /2023

Skills

Office Skills

Typing:

Data Entry:

Additional Information**References**

Professional

Many judges are ex colleagues, Submission on request

By request

Resume**Text Resume****Attachments**

Attachment	File Name	File Type	Created By
Michael James Roemer_Redacted	Michael James Roemer_Redacted	Other	Alex Johnson

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No

2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A: N/A

3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No

4. Q: Are you currently a Contra Costa County employee?

A: No

5. Q: If yes, please enter Employee Number.

A:

6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Contra Costa County Website

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A:

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A:

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A:

Approximately 30 year career with Los Angeles and Alameda Co. D.A. offices and as Special Assistant Attorney General in Contra Costa County jury trial.

5. Q: Describe your organizational and management experience.

A: Supervised Gang Unit, supervised young attorneys and law students. Instructed police officers especially gang experts in investigation, testimony, expertise.

6. Q: What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

A: Trial expertise. Compliance with Brady. Ethics. Public perception of misconduct and felony conduct by former DA.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: I'm not sure I do, to be candid with you. "Be careful what you ask for, because you might get it." Lord Acton warned us that "power corrupts" so if one wishes to preserve one's soul one should eschew power, correct? The office certainly needs improvement, and preferably by leadership from outside. I am happy with doing volunteer work on Legislative analysis on climate issues, and with Lamorinda Community Emergency Response, and if rejected, I may be relieved. I submitted this application because people have suggested that I do so, and I feel obligated to do what I can to improve the office, whether as DA or otherwise.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: By making a concerted effort to make the office the most honest, courageous, ethical, professional DA office in the country. The Alameda Co. DA office has multiple elected DAs, congressional representatives, a senator, and a history of respected officials including US Supreme Court Justice Earl Warren. Why doesn't the CC office have that? The office needs an example of tenacious advocacy, insistence on compliance with Brady obligations, listening carefully to everyone, especially defense attorneys and judges and witnesses and anyone else who provides the opportunity to learn from opposing viewpoints.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: Same as above, but understanding their cognitive challenges, including with mental health courts.

10. Q: As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: Every trial I had during a 30+ year career involved multiple challenges, each of which I met and overcame, learning from my mistakes.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: Multiple defendant multiple victim gang murder trial conducted in security courtroom with threats against witnesses and defense attorney, rendered in code, decoded, and defused.

13. Q: What is the size of the population/client base served by current employer?

A: N/A

14. Q: To whom do you currently report, by title?

A: Self

15. Q: What number of staff are employed by current employer?

A: Self

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: N/A

17. Q: What is the largest number of staff you have overseen, and where?

A: I supervised the gang unit, and supervised law students doing motions.

18. Q: What is your current employer's operating budget, in dollars?

A: N/A

19. Q: For what portion of budget are you responsible, in dollars?

A: N/A

20. Q: What is the largest budget you have ever been responsible for, and where?

A: I wrote grant applications, but did not directly oversee budgets.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

2KA1-2017A - DISTRICT ATTORNEY

Contact Information -- Person ID: [REDACTED]

Name: Patrick Vanier Address: [REDACTED] San Ramon, California [REDACTED] US
Home Phone: [REDACTED] Alternate Phone: [REDACTED]
Email: pvanier88@gmail.com

Personal Information

Driver's License: Yes, California , [REDACTED] , Class C
Can you, after employment, submit proof of your legal right to work in the United States? Yes
What is your highest level of education? Doctorate

Preferences

Preferred Salary: \$258,000.00 per year
Are you willing to relocate?
Types of positions you will accept: Regular
Types of work you will accept: Full Time
Types of shifts you will accept: Day

Objective

To become the District Attorney for Contra Costa County.

Education

Graduate School

John F. Kennedy School of Law
www.jfku.edu
8/1994 - 5/1998
Walnut Creek, California

Did you graduate: Yes
College Major/Minor: Law
Degree Received: Doctorate

College

San Francisco State University
<http://www.sfsu.edu/>
9/1992 - 5/1995
San Francisco , California

Did you graduate: Yes
College Major/Minor: Business/Accounting
Degree Received: Bachelor's

College

University of California, Irvine
10/1989 - 5/1991
Irvine, California

Did you graduate: Yes
College Major/Minor: Political Science
Degree Received: Bachelor's

Work Experience

Deputy District Attorney

1/2006 - Present

Santa Clara County
<https://www.sccgov.org>
70 W Hedding St, San Jose
San Jose, California 95110
[REDACTED]

Hours worked per week: 40
Monthly Salary: \$17,916.00
of Employees Supervised: 23
Name of Supervisor: Brian Welch - Asst.
District Attorney
May we contact this employer? Yes

Duties

I am currently the Supervising Deputy District Attorney for the Narcotics unit within the District Attorney's office. My duties include but is not exhausted by:

- Currently supervise a team of 23 personnel - 17 deputy district attorneys, 4 support staff

members and 2 paralegals.

- * I train and mentor all new attorneys to my team.

- * I coordinate investigations as needed and support the attorneys in their investigations that they coordinate.

- * I manage all operational aspects of the team on a daily basis.

- * My team manages the drug court calendar, prosecute over 7000 narcotic cases per year - felony and misdemeanor, handling all trial responsibilities.

- * Oversee the specialized drug court.

- * Responsible for all Asset Forfeiture prosecutions.

- * Manage the team of 4 specialized attorneys involved in the Major Vendor Narcotics Program.

- * Oversee the Confidential Informant Management System.

- * I sit on several drug policy working groups in the County.

- * I collaborate on legislation with local governments regarding drug policy.

- * Train law enforcement on legal issues that affect the administration of justice.

See attached resume for a detailed listing of responsibilities.

Reason for Leaving

I have not left this position to date.

Deputy District Attorney

1/1999 - 1/2006

Office of the District Attorney, Contra Costa County

www.co.contra-costa.ca.us/203/District-Attorney

900 Ward St.

Martinez, California 94553

Hours worked per week: 40

Monthly Salary: \$10,000.00

of Employees Supervised: 0

Name of Supervisor: Jose Marin - Supervisor of the Drug Unit

May we contact this employer? Yes

Duties

I was a Deputy District in the following units within the office:

- January 2002 – January 2006 – Narcotic Prosecution Unit.

- July 2001 – December 2001 – Juvenile Prosecution Unit.

- July 2000 – June 2001 – Felony Trial Unit.

- January 1999 – June 2000 – Misdemeanor Prosecution Unit.

Reason for Leaving

I left this position for a position at the Santa Clara County District Attorney's office.

Certificates and Licenses

Skills

Office Skills

Typing:

Data Entry:

Additional Information

References

Professional

Welch, Brian

Asst. District Attorney

Professional

Rosen, Jeffrey

District Attorney - Santa Clara County

Professional
Carmichael, Dave
Chief of Police for Campbell Police Department

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Patrick Vanier Resume 2017.pdf	Patrick Vanier Resume 2017.pdf	Resume	Job Seeker
Jeff Rosen letter of support.pdf	Jeff Rosen letter of support.pdf	Other	Job Seeker
Carmichael Letter of Recognition .pdf	Carmichael Letter of Recognition .pdf	Other	Job Seeker
CDAA letter of recognition .pdf	CDAA letter of recognition .pdf	Other	Job Seeker
DEA letter of recognition .pdf	DEA letter of recognition .pdf	Other	Job Seeker
Supplemental questions - Patrick Vanier.pdf	Supplemental questions - Patrick Vanier.pdf	Supplemental Questionnaire	Job Seeker

Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?
A: No
2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.
A:
3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.
A: No
4. Q: Are you currently a Contra Costa County employee?
A: No
5. Q: If yes, please enter Employee Number.
A:
6. Q: If yes, enter Merit System job title:

A:

7. Q: Check the appropriate box that describes your high school education.

A: High School Diploma

8. Q: Where did you hear of this position?

A: Other

9. Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: I heard of this position through the County Supervisor meeting discussing filling Mark Peterson's vacated position.

10. Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

11. Q: May we contact your present employer?

A: Yes

12. Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)
SOUTH (Danville, San Ramon and Walnut Creek)

13. Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

14. Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

15. Q: If you select "other" please indicate the language you are fluent in speaking:

A:

Supplemental Questions

1. Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

2. Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

4. Q: Describe your experience in the practice of criminal law.

A: I have been a Deputy District Attorney since 1999. I am currently a Supervising Deputy District Attorney for the Santa Clara County District Attorney's Office Narcotics Prosecution Team. I have been a prosecutor with Santa Clara County since 2006 where I served on the Burglary, Assault and Theft (BAT) Team, Sexual Assault Team and the Narcotics Prosecution Team. Prior to coming to Santa Clara County, I was a Deputy District Attorney at the Contra Costa County District Attorney's Office for seven years (1999 to 2006) working on the Misdemeanor Team, Felony Trial Team, Juvenile Team and Drug Unit/Regional Anti-Drug Abuse Team.

I am an experienced trial attorney. Over the course of my career, I have prosecuted more than 50 jury trials that have included rape, child molestation, gross-vehicular manslaughter, major narcotic traffickers, methamphetamine laboratories, armed robberies, kidnapping and aggravated assaults. I have also prosecuted multiple complex conspiracy gang, organized crime and drug trafficking cases involving more than 20 defendants in a single litigation case through the use of various forms of technology including electronic surveillance or wiretaps. Throughout my many assignments I have also prosecuted thousands of cases that have included homicides, gang crimes, child abuse, domestic violence, major fraud, environmental crimes, weapon offenses and property crimes. I also work with defense attorneys to address immigration implications in the process of evaluating charged crimes and crafting immigration safe dispositions.

I have spent my career collaborating with law enforcement agencies to provide support in investigations to ensure the safety of the community, as well as to ensure the integrity of the investigation process. Together we have investigated and prosecuted major narcotic cases with a particular emphasis on Mexican National drug cartels operating within California, organized crime syndicates, and gangs. An area of expertise for me is in wiretap investigations. I have collaborated with federal, state and local law enforcement on more than 100 wiretap applications that resulted in the investigation and prosecution of major drug traffickers, street gangs and murderers.

In 2011, I was the Assistant Team Leader for the Narcotics Prosecution Team. In addition to prosecuting major narcotics cases and the associated violent and nonviolent crimes as part of the Major Narcotic Vendor Program (MNVP), I was also responsible for supervising and mentoring the new MNVP attorneys, while simultaneously managing the responsibilities of the MNVP unit. I was promoted to the position of Supervising Deputy District Attorney in early 2013. As one of only 15 supervisor positions for an office of 188 attorneys, I manage one of the two largest teams of lawyers in the Santa Clara County District Attorney's Office, tied only with the Gang Unit.

In addition to my prosecution and management duties, I have developed and implemented trainings for law enforcement agencies, including the following: the California District Attorneys' Association, the California Narcotics Officers' Association, Northern California High Intensity Drug Trafficking Area (HIDTA), as well as federal, state and local law enforcement agencies and local bar associations within Santa Clara County, including attorneys within my office. I have developed and delivered trainings for police and legal professionals on the subject of wiretap investigations, legal updates in search and seizure law, Confidential Informant Management, Complex Narcotics Investigations, California Electronic Communications Privacy Act, The Legal Use of Eavesdropping Devices in Barricade and Hostage Situations, and most recently Proposition 64 (Adult Use of Marijuana Act).

5. Q: Describe your organizational and management experience.

A: I am an experienced leader. I became the Assistant Team Leader for the Narcotics Prosecution Team in 2011 and Supervising Deputy District Attorney of the Narcotics Prosecution Team in 2013. As a Supervising Deputy District Attorney (SuDDA), I

mentor and directly oversee a staff of 17 lawyers, 4 support staff and 2 paralegals. The Narcotics Prosecution team maintains the largest attorney staff within the District Attorney's Office, tied with the Gang Unit. My attorneys leave my team with solid trial experience, practical courtroom knowledge, as well as an understanding of how to navigate complex cases successfully.

I have successfully managed the growth of several teams. When I was first transferred to the Narcotics Team in 2009, I was the only dedicated prosecutor to the MNVP mission. Three months into the assignment I completed my first collaborative investigation with DEA and San Jose Police Department entitled Operation Pato. The investigation netted 18 La Familia Cartel members and associates identified in the trafficking of more than 660 pounds of cocaine. This successful use of electronic surveillance (wiretap) resulted in the seizure of 422 pounds of cocaine, almost a million dollars and various firearms including an assault weapon. During the wiretap, the organization kidnapped and tortured an estranged cartel member. The victim was ultimately found, and the perpetrators were charged with aggravated kidnapping in addition to the drug and weapons crimes. At the time, this was the largest drug case coming out of Santa Clara County. It underscored the potential for working organized crime cases at a higher level and the impact such successful investigations have on the community. As I continued to pursue more investigations, the District Attorney committed more resources to the MNVP unit. Today, this specialized group is made up of four veteran prosecutors handling serious and violent felony crimes tied to the trafficking of narcotics.

The Narcotics Prosecution Team manages major narcotics investigations and prosecutions, all felony drug prosecutions, any non-drug felony and misdemeanor crimes accompanying the drug cases, as well as all misdemeanor drug prosecutions. The narcotics team vertically prosecutes about eight thousand felony and misdemeanor cases each year. During my time as the leader of the Narcotics Prosecution team my responsibilities also included overseeing the District Attorney's Office's involvement in the specialized Drug Treatment Court, Mental Health Treatment Court, developing policies, procedures and protocols related to issues pertaining to narcotics and law enforcement use of technology. I implemented and managed adjustments on the county level in response to changes to drug laws on the state level. My team, under my guidance, coordinates with federal, state and local governments, law enforcement agencies and community based organizations on legislative proposals, criminal investigations and public nuisance issues that improves the lives of the residents of Santa Clara County.

My management philosophy reflects a systems-oriented approach. When I took over the Narcotics team in 2013, I identified several systemic issues within the team that were impeding the judicial process. During the first year I conducted an audit of cases, as well as attorney, paralegal and support staff functions. From this audit I identified action points within our system that we then addressed to arrive at solutions to expedite cases. Using the data, I also reorganized team responsibilities and personnel objectives through written procedures, followed up by training that articulated clear expectations for each position unique to the team. Today this team is highly respected, collaborative, and functional.

Most recently, I reviewed the impact of Proposition 47 and other legislative changes on the six thousand plus newly affected misdemeanor drug cases. My analysis identified the cause for the lack of drug treatment outcomes to new drug misdemeanor cases. This issue was attributed to the fact that those cases were being heard in non-Drug Court courtrooms. The courtroom personnel lacked the understanding and commitment to finding drug treatment options for defendants. In December of 2015, I presented my findings to the Santa Clara County criminal justice partners resulting in the creation of a working group to reorganize Santa Clara County's Drug Treatment Court. This year I was the coordinator from the District Attorney's Office in charge of managing the transition of all misdemeanor drug cases to dedicated Drug Courts where treatment options are now prioritized. This court allows substances abusers who were habitual offenders of low-level drug offenses to receive a variety of treatment options – diversion, outpatient, residential, and transitional sober-living environments. This drug court process also involved the transition of all misdemeanor cases to a paperless system (the elimination of all paper case files).

I have managed and organized several major projects with successful outcomes. I have administered the District Attorney's Office wiretap program since 2009. The administration of the wiretap program is complex and requires an attention to detail as well as a thorough understanding of laws pertaining to a suspect's right to privacy and protections from illegal searches and seizures under the Fourth Amendment. I have coordinated, reviewed and/or drafted more than 100 wiretap applications involving murder, major narcotics and gang crime investigations. I have managed the investigations with the law enforcement agencies, filed detailed periodic reports with the Superior Court, coordinated the collection and reporting of statistical information to the California Department of Justice, managed budgets for these investigations, as well as trained law enforcement agencies on conducting these complex investigations.

Under my direction, Santa Clara County District Attorney's Office became one of the first prosecutor's offices in the State to have a permanently dedicated room for electronic interception (wiretap room). This was the product of a successful partnership with the High Intensity Drug Trafficking Area agency (HIDTA). I presented this investigative model at the 2013 California District Attorney's Association Winter Conference. Since then, several district attorney's offices, including Contra Costa County District Attorney's Office, have applied this model and have established their own wiretap rooms to improve the quality of those investigations.

I also created a system to manage confidential informants (CI) that allowed our attorneys to ensure that when they enter a courtroom their discovery obligations have been met. Santa Clara County is one of few DA's offices in the state that work with police agencies to track the use of CIs. Without such a database, informants cannot be crosschecked and information cannot be properly disseminated to the attorneys in a timely manner. By creating and implementing this new system, our office was able to ensure that we were complying with our discovery obligations and that defendants were receiving information to which they were entitled under the law.

I have collaborated with local government on local initiatives that impact the quality of life in Santa Clara County;

- In 2012, my office assigned me, based on my prior experience with wiretap law, to develop training and a countywide protocol for the use of surveillance technology in barricade, hostage and other crisis situations.
- In 2013, I served on behalf of the District Attorney on the Santa Clara County Marijuana working group. San Jose city and county leaders assembled a working group to propose local ordinances to zone and regulate marijuana enterprises within Santa Clara County. Through these laws, San Jose was able to reduce the number of unregulated dispensaries from 120 storefront operations to 16 licensed and registered businesses. These laws have helped to remove the lawless behavior of unregulated marijuana businesses while at the same time allowing for robust and safe access to medical cannabis to the people who desire it in Santa Clara County.
- In 2014, I rewrote and updated the Santa Clara County Child Abuse Protocol pertaining to hazards, investigative measures and the legal responsibilities for mandated reporters for drug exposed and drug endangered children.
- Beginning in 2015, I organized a pilot project that assisted in the creation of immigration safe dispositions for first time offenders of misdemeanor drug cases. This program provided options for defendants to enter into diversion programs without endangering their immigration status. It was eventually rolled out countywide.
- Since 2015, I have collaborated on several legislative initiatives written by Assemblyman Evan Low and Senator Jerry Hill. These bills have involved setting standards for individuals driving under the influence of marijuana, driving while consuming marijuana and sentencing enhancements for manufacturing methamphetamine near a school/day care center or inhabited dwelling. I also worked with the with the Court, Defense Bar, Probation and other Criminal Justice Partners to institute local policies to comply with Proposition 47, The Safe Neighborhood and Schools Act and Proposition 64, The Adult Use of Marijuana Act. These policies created a system to ensure that the defendants legally entitled to relief under the new laws were afforded expedited resolutions on their legal matters.

What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

- A: The Contra Costa County District Attorney's Office is an agency in crisis. Recent events epitomizes decades of poor leadership that has fostered a toxic culture which lacks diversity, emphasizes cronyism, and relegates the citizens of Contra Costa County to secondary players in the criminal justice system. This behavior requires seismic reform to properly and effectively transform this office into a respectful member in the judicial process.

I see three systemic deficiencies in the District Attorney's Office that has created or been a contributing factor to major problems in the administration of criminal justice. The first is racial disparity within the county's criminal justice system. This District Attorney's Office currently suffers from an absence of cultural competence amongst its staff to enable leadership in these areas. Second is the highly dysfunctional culture within the District Attorney's Office. The DA's office has created a lack of diversity in leadership positions and has entrenched the "good ol' boys" network that reinforces cronyism, supports a misogynistic environment, and sidelines talented attorneys who refuse to participate in that process. Lastly, the lack of innovation and implementation of best practices within the District Attorney's Office is a barrier to criminal justice reform. The impact to justice is the severe restriction of growth, and the inhibition of active, effective responses to critical community issues.

Contra Costa District Attorney's Office needs to be a leader in community building that is responsive to the legal and social needs of its residents. Cultural competence is a key component in satisfying this function as it drives the movement towards using the justice system respectfully and responsibly. This District Attorney's Office has repeatedly failed its constituency in advocating for social justice in and out of the courtroom. The current leadership had publicly rebuffed claims of racial inequalities. Recent responses to hate crimes in the community have reflected a lack of meaningful and swift action by prosecutors. Improving relationships between police agencies and communities of color should be a primary goal for any district attorney's office. A well functioning criminal justice system needs to be collaborative and responsive. This District Attorney's Office has leadership that is unable to respond to these realities in our community.

Recent data highlighting racial inequalities in Contra Costa County show that our justice system is not meeting the needs of its citizens. The disparities exist for many reasons, some of which can and should be actively addressed from within the District Attorney's Office. Questions regarding jury selection practices, prioritizing diverse jury pools, as well as addressing implicit biases in the filing of charges are areas of action that must be addressed.

A prosecutor's office should be a role model for professionalism and ethical conduct in the courtroom and the community. As a prosecutor I know and accept the fact that I am held to a strict standard. This belief has been lacking within the District Attorney's office executive management for far too long. The current culture within the District Attorney's office lacks sufficient leadership capacity to oversee a responsive and comprehensive evolution to 21st century practices. Over the past several decades this District Attorney's Office has defined success by the number of trials conducted, instead of the types of cases that should be tried. This archaic approach to criminal justice has exhausted county resources, compromised victims' rights, and forced those accused of crimes into a no-win trial situation. What happens in a courtroom should be about a person exercising her/his constitutional right to trial, not a training exercise for prosecutors to hone their craft. The win at all cost culture must end. The courts should be a place where all members of the community can find justice.

The notorious culture of the District Attorney's office has impacted the administration of justice in many other forms. Police agencies lament the waste of precious investigative resources by refusing to file chargeable cases or over-subpoenaing officers to court. The outcome is costly overtime and many times the officers are called off without testifying. Representatives from the defense bar, including the Public Defender's office, report a longstanding tradition of contentious dealings with prosecutors resulting in no effective communication channels for purposes of settlement negotiations. Populations of affected groups, undocumented and communities of color, have also

expressed feelings of being disenfranchised from the justice system based upon a lack of leadership presence by the District Attorney's Office in their neighborhoods. Overall, the culture of the District Attorney's office has undermined the public's trust in an institution that is supposed to champion the rights of all.

A critical reinforcer of the negative culture is the three-year contract system. This program of exclusively hiring personnel from a fixed-term/salary process trades prosecutorial experience for young lawyers with low-salaries. Instead of providing robust training for aspiring deputy district attorneys, it creates an automatic caste system within the office. The contract system supports an environment of toxic mentorship that allows unprofessional behavior to continue as means for young attorneys to ingratiate themselves to the establishment. As the sole source of hiring, the current contract system ensures that "business as usual" continues, as the closed system does not allow for the recruitment of experienced prosecutors from other district attorney's offices. When you bring in outside talent, those "laterals" often bring with them new ideas, expertise and knowledge of best practices from other offices that can drastically improve services in Contra Costa and over time, dilute the element of negativity. Furthermore, when "laterals" are brought in, attorneys are motivated to work harder, with greater professionalism, and less inclined to complacency. The contract system also misallocates resources within the office by creating unhealthy emphasis on trials over other vital prosecutorial functions.

The last critique to the administration of justice in Contra Costa County is the complete lack of innovation in law enforcement practices within the District Attorney's office. This office's leadership does not value benchmarking best practices in the administration of justice. Whether it's ignoring immigration safe resolutions in the criminal justice system, failing to promote community solutions to rising crime as an alternative to prosecution, lack of collaboration with justice partners to develop specialized courtrooms that support mental health and substance abuse positive outcomes or not addressing keystone issues such as bail reform, the previous Contra Costa County District Attorney refused to acknowledge criminal justice trends. Today, the District Attorney's office is operating from a myopic perspective, outdated systems, and policies that are inadequate and ineffective.

As a key player in Contra Costa County's criminal justice community, the District Attorney's office is standing in the way of effective, collaborative change. Our justice system is not static. Laws change. Communities change. The District Attorney's Office needs to be reflective of these changes while also maintaining focus on public safety. The District Attorney's Office needs to be active in the community assisting with crime prevention. The culture within the office should be dynamic, focused on collaboration, and most importantly respectful of all people involved the process. This District Attorney's Office needs to properly train its attorneys on best practices so that implementation is consistent throughout the office and is reflected in their practice. This includes building transparency throughout the judicial process, while still protecting the victims right to privacy and maintaining the integrity of the investigative process.

7. Q: Why do you want to serve as District Attorney for Contra Costa County?

A: I want to serve as the next District Attorney for Contra Costa County because I know that my career to this point has readied me for this step. I want it because I know this county is at a critical step that can go two ways. It can move in the direction of change that will begin to build the capacity of this office to be a leader in criminal justice practices, or it can stay weighted down by its past. I have evolved as a prosecutor throughout my almost two decades of service. My personal experiences have taught me that respect is earned through actions, not words. My professional experience has given me the broad field of knowledge and expertise that this county needs.

I believe that I have the right blend of skills, understanding of the role of the District Attorney, as well as the clarity of my convictions about what it means to be a positive community partner in law enforcement. As I began the process of seeking to be the next District Attorney, I engaged with community groups, government leaders and individual citizens to find out the concerns they have with their prosecutor's office. The frustration with the status quo was overwhelming. I saw an opportunity to use my skills, talents, and respect for law and order to impact a positive change in this office.

The past administrations of the District Attorney's office have had a uniquely negative affect on the office culture, relationships with other county leaders and criminal justice partners, trending crime rates, and not least, the administration of justice in Contra Costa County. For too long, this county has endured dysfunction at the helm. This era came to an end last December when the District Attorney admitted to violating his position of trust by breaking the law. It was clear to me that the county needed to be ready to transition into new and better models of leadership. It was the beginning of the end to the "good ol' boy" culture that Contra Costa County District Attorney's office epitomized and I wanted to lead that change.

As a 46 year county resident, a product of the local public school system and a parent of three daughters being raised in this county, I want to see a District Attorney's office managed with the same integrity as I, and my fellow prosecutors across the State, dedicate to this honorable profession. This encompasses many within Contra Costa County's District Attorney's Office who have been left behind in their own office, not because they couldn't or wouldn't do their jobs, but because they didn't play the game well.

As the District Attorney, I want to champion victims' rights, lower crime, and protect and serve the residents of Contra Costa County. I want to do this by promoting diversity and cultural awareness, bridge the divide between law enforcement and communities of color, and mentor and train a new generation of DA's in the best practices of their profession. I believe I am uniquely qualified from my work as a prosecutor within Santa Clara County District Attorney's Office, a State leader in criminal justice reform, as well as from my personal background to bring much needed change to our county's District Attorney's Office. My qualifications, management experience and litigation work detailed throughout this application have shaped who I am as a prosecutor and driven me to this place that I find myself today.

I have also spent the past 27 years being part of a large Latino family extending from Contra Costa County to all directions in the Bay Area and beyond the State of California. My in-laws emigrated from Guatemala in the early sixties. They came as political exiles and dreamers. They came to be better and do better than they could do in their home countries. What I witnessed in them framed my deep appreciation for the struggles facing the immigrant community. For them the "issue" of immigration policy wasn't an "issue," it was real life. These were realities I have never had to consider in my life. I understood these issues differently when I was seeing them through the eyes of my wife's family.

I am also a father of three Latina daughters living in Contra Costa County. Their experiences and interactions in our community have broadened my sensitivity to what it means to be different. As the next District Attorney, I see a platform to comprehensively address issues of race, gender, LGBTQ and immigration both within the office by promoting diversity but also within the community by partnering with others in the criminal justice system to improve outcomes that keep our communities safe for all.

I want to be the next District Attorney for Contra Costa County for all the reasons above and more. This job deserves to be regarded with respect and our residents deserve to be treated with respect. I want to be the person who makes that happen.

8. Q: How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

A: Restoring and maintaining the public's confidence in the District Attorney's Office will mean different things to different people. Overall, I believe the next District Attorney should build confidence with the community by demonstrating leadership committed to transparency, integrity and service to the community. As I have stated in this application, I will accomplish these objectives by protecting victim's rights, lowering crime, promoting diversity, repairing relations between law enforcement and communities of color, collaborating with law enforcement, implementation of best practices among prosecutors, as well as to become a leader in the community.

I believe the starting place for rebuilding public trust is through ethical and honest

leadership. I will hold myself, and the prosecutors in the office, to the highest ethical standards and run the department in an honest and impartial manner. To this end I will institute clear policies and procedures that will outline expectations for every Contra Costa County deputy district attorney. I will bring in best practices of District Attorney's offices from across California and the country.

My District Attorney's Office will reflect the diversity of its community. This includes addressing the hiring practices that have suppressed diversity and restricted the development of the office and its staff. Through these changes we can begin to address the issues of gender, LGBTQ, and many other equity issues within the office to create a vibrant, active, and healthy environment for the residents of Contra Costa County, as well as for the deputy district attorneys who honor their work every day.

I support transparency throughout the judicial process while still honoring victims' right to privacy. As of late the community has questioned the District Attorney's delayed response to hate crimes and other public safety matters. Now more than ever it is important that we take a strong stance against hate crimes. It is incumbent upon the DA to work with community leaders to build cultural competence within the office. This includes protecting religious symbols and places of faith/worship.

As District Attorney I will maintain law and order. I will enforce and prosecute laws fairly to ensure offenders who threaten public safety will be held accountable and not pose a danger to the community. Serious and/or violent felonies should be aggressively prosecuted to protect public safety. I will continue to work collaboratively with police agencies to investigate and prosecute organized crime, violent gangs, drug trafficking organizations, and murderers. I will do this through strategic planning with Federal, State and local law enforcement to use technology to solve crimes. Any collaborative work with federal agencies will not be at the expense of undocumented individuals.

I will modernize and standardize the charging process to better protect victims' rights, address rising crime rates and efficiently utilize police services. An office under my management will ensure objective and standardized criteria for filing charges for all crimes being prosecuted. It will acknowledge and address issues of implicit bias within that charging process. Police agencies will receive feedback as to how and why charges are being filed, as well as how to improve the law enforcement investigative processes to ensure proper prosecution of crimes. The office will track cases that are prosecuted to ensure that biases that exist are monitored and addressed in real time. I will maintain integrity in the charging process to ensure that the District Attorney's Office will honor victims of crimes and give them their day in court as outlined in Marsy's Law.

I believe the role of the District Attorney should extend beyond prosecution. My district attorney's office will be a leader in crime prevention utilizing the latest technologies, data analytics and community prosecution models to address the rising crime rates through crime prevention and enforcement. Contra Costa County needs a real neighborhood prosecution model. When law enforcement works with the community, it builds trust. A community that trusts law enforcement will work with law enforcement to reduce violence. I will advocate for programs that will coordinate Judges, Defense Bar, Prosecutors, local police agencies, and Community Based Groups to target at-risk populations to find these groups services and break the cycle of criminality.

Through such community programing I will work to implement a variety of alternative sentencing options, treatment and prevention solutions to reduce recidivism for low-level offenders. This is where the court system can become active participants in keeping individuals out of the criminal justice system. Substance Abuse Treatment courts and Mental Health courts are vital parts of a working justice system. Promoting a treatment intervention team within the courthouse can address a variety of root causes for why people find themselves in the justice system in the first place. Alternative sentencing options should include assessing immigration safe dispositions where it is appropriate. As the District Attorney, I believe in policies that provide an environment that supports and maintains the family unit. Restorative justice practices are a component of a successful criminal justice system that encourages positive collaborations between offenders, victims, marginalized communities and law enforcement.

As a county we must actively acknowledge drug abuse as a public health issue. We must build out-of-custody programs for homelessness and those suffering from mental illness in Contra Costa County. We must also acknowledge the need for early intervention for at-risk youth – truancy, gang crimes, substance abuse, cyber bullying, and hate crimes. I want to create alternative sentencing options to steer young adults and other affected populations who find themselves in the criminal justice system toward gang prevention, social services, vocational services, physiological/psychiatric services and much more.

Courts, community groups and local governments can be utilized to expand upon and create crime prevention programs and provide services for crime victims. The LEAD (Law Enforcement Assisted Diversion) program in Antioch has great potential for this level of collaboration. I have studied the success of the original LEAD program for low-level drug and sex trafficking victims in suburbs of Seattle, Washington. In Washington, the LEAD program demonstrated positive effects on recidivism through significant reductions in arrests and felony charges for those participating. Promoting the success of this new program in Antioch and expanding on such programs countywide will be a priority.

The collaboration will continue by providing services for victims of crimes. The Family Justice Center is a positive example of these services extending to victim populations. The District Attorney's Office should step up its leadership role by partnering with participating agencies to bolster programming services and investigative resources through a more robust financial and staffing commitment. The District Attorney's Office should also play an active role with local reentry programs to ensure individuals have the services and support to reenter the community successfully. I support AB 109 re-entry centers. These re-entry centers provide valuable services that support transition from correctional settings to the community. Programs such as REACH or No Wrong Door support positive outcomes for offenders.

To further gain the public confidence, I will be a leader in crime prevention by successfully using data analytics to study crime trends affecting the communities. That's why this county needs a Crime Strategies Unit (CSU). From New York to California, prosecutors' offices are using the crime strategies model. Under this approach, prosecutors work collaboratively with community and law enforcement to identify the places, groups, and people most impacted by crime. By using data-driven prosecution, resources can be best focused to solve, prosecute, and even prevent crimes from occurring. Both San Francisco County and Santa Clara County district attorneys' offices have implemented CSU units to coordinate anti-violence projects based directly on their recent crime trends.

Building and restoring public confidence will not happen overnight. Through comprehensive planning, preparation, leadership, and time, the next District Attorney can immediately demonstrate a commitment to extinguish the old culture and chart a new direction of progressive reform. I believe my ideas and proven leadership will effectuate the needed change in Contra Costa County. I respectfully ask for the opportunity to make this happen.

9. Q: How would you address the mentally ill who are cycling through our justice system?

A: Mental illness can and very often does, impact all aspects of a person's life. Unfortunately, some living with mental health disorders find themselves homeless, destitute and more likely to interact with law enforcement and the criminal justice system than receive necessary treatment and support. According to the Stanford Law School Three Strikes Project research report titled "When did prisons become acceptable mental healthcare facilities?" in May of 2017, an estimated 45% of the California prison population is mentally ill. During my career as a prosecutor, I have had direct, personal experiences working with issues of mental health in the criminal justice system. I believe it is possible for criminal justice professionals to actively engage in problem solving and be solution oriented. I would do this by being a proactive collaborator and partner with the law enforcement community, the court system, Department of Behavioral Health, as well as community-based programs to improve positive outcomes for persons with mental illness who interact with the criminal justice system.

As the District Attorney I will actively collaborate with criminal justice partners to support a treatment team, which can provide treatment services in a courtroom environment. This is the Mental Health Court and Drug Treatment Court model. As a supervisor in the Santa Clara County District Attorney's Office, I have direct experience working with such a team. My team and I have worked collaboratively with treatment experts to identify services for individuals with dual and single diagnosis. I have also used data to highlight the needs of the community in transitioning cases involving people with substance abuse illness in the formation of dedicated drug courts that prioritize treatment options.

Mental health and substance abuse is a public health issue. While this county has made positive steps in offering Crisis Intervention Training to law enforcement and forming the Mental Health Evaluation Team by partnering with police agencies and the Department of Behavioral Health, more must be done. The current Contra Costa County Behavior Health court model that services only 20 patients can be improved upon to better serve the needs of the community. A robust understanding of mental health issues with our criminal justice partners must exist. Treatment teams should work together to offer services and support. The goal should be to reduce and eliminate recidivism that is mental health and/or addiction related. The Mental Health and Drug Treatment court models exist throughout the country. I would benchmark best practices and immediately begin working on establishing those practices in Contra Costa County. In addition, I intend to collaborate with the Court, the Probation Department, and the Public Defender's office, to create a pre-trial services system, which includes mental health assistance, for those defendants who are released on bail or their own recognizance, and who would benefit from such services. Aiding defendants in maintaining mental health while their cases are pending will reduce the likelihood of recidivism.

Training for prosecutors in my office on best practices in the understanding of mental health issues and its impact on interactions with the criminal justice system is an absolute critical step in this process. This would involve identifying cases and defendants who can benefit from mental health services to look for outcomes that support positive mental health. This begins with understanding how crime and mental health are linked. Understanding that chronic substance abuse often leads to mental health diagnosis later in life helps to frame options early in the life of a drug user or person with mental illness. While it may not change every path for every person, it will impact the community positively as the system works to divert further interactions with the criminal justice system when possible.

Creating an open dialogue between prosecutors and defense counsel on the subject of dual and single diagnosis mental health disorders to explore alternative sentencing options is also critical. A commitment to collaborative evaluations of cases with a full treatment team (e.g. psychiatric, psychological, social, and drug treatment services) within the criminal justice system can provide individual "wrap around" intervention support. Prosecutors' active evaluation with the facts of a case, while acknowledging perspectives and disciplines beyond their area of expertise, will reform the "crime focused" lens in prosecution. Yes, prosecution of crimes is our role in the Office of the District Attorney, but it is equally important to prevent future crimes by understanding and addressing underlying issues that impact positive life decisions.

The District Attorney's office is not the first responder in the community. Addressing the needs of the mentally ill requires that the DA's office partners and actively collaborates with police agencies on how to identify and interact with people with mental illness. This will include trainings, collaborating on policy, as well as being daily partners in the community. Community prosecution models, expanded training, and fostering a vigorous judicial environment will support improving the criminal justice response to the mental health crisis in our system.

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- 10. Q:** As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No, I have never experienced or been the subject of any of the above-mentioned situations.

11. Q: Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: The hallmark of an effective prosecutor is their ability to encounter difficult situations, prepare for and consider all options, and be ready to try that case under any circumstance. As a prosecutor and supervisor I have encountered many situations that on their surface appeared straightforward but upon further review were more challenging and complex. One such case happened when I was assigned to the Santa Clara County District Attorney's Office Sexual Assault Team. These cases are among the most difficult and challenging to prosecute as they primarily rely upon the testimony of a single witness version of what happened; usually that person is also the victim. In many cases there is no DNA, no additional eyewitness, no video recording capturing the event and no confession by the perpetrator. Long after the healing for the physical trauma ends, the psychological trauma is just beginning. Unfortunately, it is this trauma that poses the greatest obstacle for prosecuting sexual assault cases and as a prosecutor it was my job to manage all aspects of each case to conviction. One case that I handled, between 2006 and 2007, underscored these challenges.

In 2006 I was assigned a case involving a male perpetrator who was charged with multiple counts of rape. The victim in the case, Jane Doe (a pseudonym to protect her anonymity), was a 17 year-old girl who was a habitual runaway. She lived with her elderly grandparents, her legal guardians, in Santa Clara County. In addition to the sexual assault in this case, she was also previously sexually victimized as a young child. As a result, Ms. Doe suffered from post-traumatic stress and mental health issues. One day in her senior year of high school, Ms. Doe again ran away from home. Ms. Doe spent about three months living on the streets and staying in shelters with 21-year old Smith (a pseudonym to protect confidential information), a friendship she made just prior to running away.

While living on the street, Smith and Ms. Doe became romantically involved. Initially, the relationship involved typical dating behavior but over the course of several weeks in the three-month period Ms. Doe was a runaway, Smith violently raped and sexually assaulted Ms. Doe multiple times. Fortunately for Ms. Doe, Transit Authority Police rescued her during an encounter in which Smith and Ms. Doe attempted to ride the light rail without payment.

Shortly after Ms. Doe's return to her family, she disclosed the nature of her victimization. Ms. Doe's motive for disclosing was based upon Smith engaging in a pattern of stalking behavior that made Ms. Doe fear for her life. Law enforcement investigated and arrested Smith. In the more than one year that followed, Ms. Doe became a reluctant victim. The trauma of the assault coupled with her previous mental health diagnosis made it difficult for her to participate. The case also became a constant reminder of her earlier molestation.

Prior to Ms. Doe turning 18, she remained living with her grandparents. She attended meetings and court hearings with me, investigators and victim advocates. There were points during Ms. Doe's testimony when she would emotionally break down necessitating interruptions in her testimony to allow her to compose herself. Ms. Doe also had trouble remembering details of the events. Ultimately, Ms. Doe's testimony alone was sufficient to hold Smith over for trial. There was no DNA, no physical evidence and no other witnesses to corroborate her testimony.

The challenges of prosecuting a violent sexual assault case based upon the testimony of a single witness who suffers from severe emotional trauma predating the crime and is experiencing memory blocks regarding specific aspects of their abuse would make any case tough to prosecute. In the months that followed, this case became exponentially more difficult when Ms. Doe's whereabouts became unknown. Following the preliminary hearing Ms. Doe turned 18 and moved out of her grandparents' house. Unbeknownst to investigators or myself, Ms. Doe left the State and the only lead we had on her location at the time was that she had family in the Portland, Oregon area. With an upcoming trial date, investigators and I focused on two tasks, finding Ms. Doe and investigating the crimes further to corroborate her sexual assault.

Throughout the ensuing months, my DA investigator and I used phone records from telephone numbers Ms. Doe used to periodically check in with family. We used the phone records to identify people and places in the greater Portland area where she was staying and associating. We were always days behind her last known sighting. The investigation finally yielded a valid connection and contact was made. We were able to persuade Ms. Doe to return to California. Eight weeks out from the trial, I obtained special permission from my office to access special witness funds to cover witness travel costs, per diem and lodging at a nearby hotel until after the trial. My investigator and I maintained daily communication to ensure we did not lose Ms. Doe again.

As the location search continued we also proceeded with our investigation of Smith. Contributing to our exigency to find Ms. Doe was a previously undiscovered and startling fact about Smith. Through subpoenaed court records, I discovered that Smith had previously sexually assaulted a close family member. The original investigating detectives were not aware of this fact. This provided the corroboration for Ms. Doe's testimony. We located the second victim and arranged a meeting to discuss the need for her/his testimony. While initially reluctant to be in the same room with Smith again, after our meeting the second victim understood the importance of coming to court and agreed to share his/her story of abuse to a jury.

In the fall of 2007, Smith's sexual assault case went to trial. As the trial unfolded and Ms. Doe courageously testified against Smith, reliving the trauma became too much and Ms. Doe came under the emergency care of a doctor who declared her unable to resume the trial. A mistrial was declared and my office made the decision not to retry the case because of Ms. Doe's fragile emotional state moving forward. However, realizing the potentially devastating testimony of Smith's second victim in conjunction with Ms. Doe's emotional testimony during the trial, Smith agreed to admit to the sexual assault of Ms. Doe and accepted a 25-year prison sentence. Prior to Ms. Doe's testimony and without the corroboration of the second victim, Smith was unwilling to accept any settlement offer.

The lessons that I learned from this case are life long. I believe that most DA's offices would have abandoned this case when Ms. Doe testified initially, as she was such a shaky victim, or when she left the State at age 18. I learned to trust my training. It helped me to understand how to work with victims who suffer from psychological trauma and how critical it was to her for the system to not give up on prosecuting this case. Whether or not she was able to see this case through to the end, it was important that it did have an end for her. It was also vitally important to protect the community from a serial sex offender. I cannot underscore the impact this case has had on the responsibility I feel in my job.

12. Q: Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

A: Throughout my 19-year career as a prosecutor, I have found myself involved in many significant cases (e.g. homicides and sexual assault crimes), as well as complex legal matters (e.g. multi-codefendant gang and major drug trafficking investigations). Combining the two criteria for purposes of this question, the most significant and complex legal case I have handled while a prosecutor was the investigation and prosecution of *People v. Apolinar Dagio Huerta*, also known as Operation Poly.

In November of 2010, agents with the San Jose Resident Office of United States Drug Enforcement Administration and detectives with the San Jose Police Department contacted me as a member of the MNVP unit and coordinator of the District Attorney's office wiretap program to initiate a joint state wire investigation into a violent large scale methamphetamine manufacturing and distribution cell led by Apolinar Dagio Huerta. This case was titled Operation Poly, "Poly" being the moniker for Huerta. This group was directly linked to the Mexico-based Javier Valencia drug trafficking organization (DTO), which in turn was allied with the powerful Michoacan-based "La Familia" drug cartel and its splinter organization, the Los Caballeros Templarios "Knights Templar" cartel. Huerta was based in Mexico, where he orchestrated large-scale methamphetamine shipments through Los Angeles to drug labs in the Central Valley and on to destinations throughout Northern California and other states. Huerta

was in regular contact with the leaders of the Valencia DTO, which is believed to be one of the largest methamphetamine suppliers to California.

As I was drafting wiretap applications with the case agents in January of 2011, our investigation revealed that Huerta was tasked by the cartel to collect a million dollar drug debt owed to the organization by a local nightclub owner, an associate drug trafficker. Huerta planned a kidnapping of the bar owner and hired multiple gunmen to effectuate the abduction. During the intended kidnapping, the bar owner resisted and a shootout occurred in the nightclub resulting in the death of three individuals. Given the rarity of such violent cartel activity in San Jose, the SJPd was under pressure to solve this case. Following the incident, Huerta fled to Mexico, where he continued his drug trafficking operations from afar.

In February of 2011, the first of a series of wiretaps prepared by the case agents and myself went live involving Huerta and one of his top lieutenants. The intercepted wiretap calls provided immediate valuable intelligence into the drug trafficking activities, as well as evidence to Huerta's involvement in the bar shooting. Within the first 12 hours of the wiretap, we learned of a 22-pound shipment of methamphetamine, valued at over \$250,000. During many of the early intercepted telephone calls, Huerta admitted to his role in the triple-murder and implicated additional co-conspirators involved in the bar shooting. Prior to the wiretap, case agents and I initially developed our investigation with surveillance, phone records analysis, and through extensive interviews of Confidential Informants (CI).

Early on, the use of our comprehensive investigative techniques, including the wiretap technology assisted us in identifying numerous criminal associates, vehicles, phones and suspected "drug stash" locations. We also passed along leads to the DEA Los Angeles Field Division to expand the scope of the investigation and seized multiple drug shipments based on wire intercepts and other intelligence. Throughout the investigation, the case agents and I coordinated extensively with SJPd, DEA Special Operations Division (SOD), Homeland Security Investigations (HSI), and the DEA offices in Fresno, Modesto, Los Angeles, and Mexico City.

The investigation lasted nearly a year and the case involved wiretapping 10 separate phone lines from Santa Clara County used by nine different drug traffickers in Huerta's organization. A total of 16 wiretap applications, which included several thirty-day extensions for the phones, were employed. Search warrants and subpoenas were used to obtain phone records for extensive phone call analysis, cell tower and GPS phone tracking information, installation of GPS vehicle trackers, and historical research through extensive record checks on housing, credit card information and utilities. With these methods, as well as extensive coordination with allied agencies, case agents and I were able to identify numerous cartel members, phones, vehicles, addresses, their distribution networks and methods, and ultimately interdict substantial quantities of drug and money shipments while in transit from Southern California to Fresno, Modesto, San Jose, and Fremont.

We identified several of Huerta's customers who, in an attempt to evade law enforcement, used fictitious addresses and monikers. During the investigation, Huerta tried to further evade law enforcement by continuously changing his phone numbers. Through a variety of investigative measures and legal processes, we continually conducted routine phone analysis to repeatedly identify Huerta's new phone numbers. This investigation dealt a serious blow to Huerta's cell and its operations, as well as to the Valencia's cartel network. The drug seizures themselves equaled nearly \$700,000.00 in lost revenue for the cartel. In addition, the vehicle seizures and arrests of the numerous cartel members who were involved in either the transportation, manufacturing, or distribution of drugs, the collection and transportation of drug proceeds, or enforcement for the cartel, are believed to have dealt a massive blow to the cartel's bottom line. This was reflected in intelligence gathered during the investigation that indicated Huerta's superiors in Mexico were growing increasingly frustrated with the repeated seizures of his drug shipments, Huerta's botched kidnapping to collect the owed drug debt and that Huerta was becoming increasingly more desperate. Further, the seizure of the methamphetamine laboratories would have further impeded the cartel's ability to generate income by forcing it to find replacement locations and re-establish the laboratories.

As mentioned above, the case agents and I worked many nights and weekends for about one year to investigate the homicide and drug investigation. In preparing the wiretap applications, I drafted and reviewed prior to the court's review all 16 wiretap applications, wiretap extension applications and wiretap progress reports for the court's approval. These legal documents totaled several thousand pages justifying probable cause for the electronic surveillance. I also drafted and reviewed dozens of search warrants and probable cause affidavits for GPS location information for suspect's telephones, GPS vehicle trackers for suspect's vehicles, and various other record information assisting the investigation.

In October of 2011, the DEA, San Jose Police Department, Santa Clara County District Attorney's Office and other assisting agencies coordinated a planned takedown of the investigation by servicing search warrants on twelve different locations. About two weeks before the scheduled takedown, I worked with case agents to comb through thousands of pages of police reports for the drug/homicide investigation to review autopsy records, photographs, wiretap telephone calls, and/or surveillance records on all identified suspects to determine the appropriate crimes to charge and seek arrest warrants. Prior to takedown, I filed criminal charges against fourteen people for drug trafficking offenses and five people for the triple murder. I also reviewed all of the same information for purposes of generating a comprehensive search warrant for eleven different locations for the takedown day. The logistics surrounding the simultaneous service of the search warrants was extremely labor intensive. After the takedown, law enforcement executed fourteen arrests, the seizure of over 60 pounds of methamphetamine, four methamphetamine laboratories, various quantities of cocaine and other drugs, six vehicles with hidden compartments, and a little more than \$137,000.00 in US currency.

Two of the five murder suspects were also arrested at the time of the takedown. Huerta, and two additional co-conspirators for the murder were outstanding after the investigation ended. In addition to being the investigative legal partner to the case, I was also responsible for seeking extradition of Huerta and his associates on the murder charges from Mexico. Prior to the takedown I coordinated with the U.S. State Department in Washington DC and the United States Attorney in the Northern District to obtain a Provisional Arrest Warrant (PAW) for Huerta in Mexico. This PAW had to be obtained quickly in order to have it in place in time for DEA Mexico City Country Office to arrest Huerta at the same time. Once again, I had to distill thousands of pages of investigative documents, reports, and wiretap calls in formats unique to the extradition process to be review by U.S. and Mexico officials. While we were successful in obtaining the PAW, Huerta slipped through our fingers and we were unable to arrest him in the Fall of 2011.

Following the successful investigative results, the prosecution of the arrested fourteen defendants on the drug case and two in custody defendants on the murder case, *People v. Apolinar Dagio Huerta et al. (Operation Poly)* was still awaiting me. I spent the first few months organizing and distributing hundreds of thousands of pages of discovery to all of defendants on the bifurcated cases. This included investigative reports, all affidavits, wiretap documents, and DVD's that included days of video surveillance. It also included CDs containing thousands of telephone call intercepts, transcripts for the telephone all intercepts, photographs, lab reports, crime scene reports, witness interviews, autopsy/coroner reports and much more.

Between October of 2011 and May of 2013, I made several dozen court appearances on the case litigating bail reduction motions on sixteen defendants. There were discovery motions, and preliminary challenges to the car stops, probable cause searches, searches pursuant to search warrants, wiretaps and ping orders. By itself, this case by scope, complexity and seriousness was a full time undertaking. At the time I was also managing a full time caseload of other complex narcotic conspiracy cases, including the 18-defendant cocaine and aggravated kidnapping case entitled *Operation Pato* discussed earlier in this application.

After successfully resolving a few of the fourteen defendants charged in the drug case, in October of 2012, I presented the remaining defendants to the criminal grand jury. I made the decision to go by way of grand jury to avoid an even more lengthy and

arduous preliminary hearing, which would waste judicial resources and occupy a criminal courtroom for an extended length of time. This was an ambitious presentation to the Grand Jury. The compositions of the remaining defendants were among the most serious. In a three-week presentation, I called fifteen witness and presented days of wiretap evidence to the grand jury. I ultimately received an "as charged" indictment return on all seventeen counts for the remaining defendants. Ultimately, the Grand Jury decision resulted in all of the defendants pleading guilty leaving only Huerta and other homicide defendants remaining for prosecution. Huerta's top lieutenants running the cartel cell in Santa Clara County received sentences of 10 years in state prison.

During that same time I also handled all court appearances and hearings for the two defendants charged with murder. I prosecuted the bar-shooting homicide case until my promotion to management in May of 2013. In August of 2013, while transitioning the case to the newly assigned prosecutor, I received word from the U.S. State Department that Huerta was arrested on crimes committed in Mexico and on the Santa Clara County murder charges. When a suspect is arrested on a PAW, the prosecuting agency only has 60 days from the date of arrest to conduct a "trial on paper" to the Mexican authorities for purpose of extradition.

A "trial on paper" is essentially submitting sworn witness affidavits, photos and other evidence to a magistrate in Mexico for purposes of determining Huerta's guilt to approve the extradition back to the U.S. I had to prioritize Huerta's extradition over my other responsibilities to meet the extradition timetable. This labor intensive process required me to again distill all facets of the triple homicide case – investigative reports, autopsy/coroner and wiretap calls – to establish Huerta's role as the orchestrator of the attempted kidnapping of the bar owner. The more difficult part of the "trial on paper" process involved summarizing California criminal law for the Mexican judge and having all of the generated documents translated into Spanish. After two months of coordination with U.S. and Mexican officials, Huerta's extradition to the U.S. was approved. Presently, the in custody murder defendants are still awaiting trial.

While an MNVP attorney, I prosecuted many complex conspiracy, gang, cartel and violent criminal gangs. Each case I handled was uniquely complicated and significant in its own right. Both the investigation and the prosecution of Operation Poly required extensive coordination with law enforcement personnel, use of technologies, legal processes and substantial litigation in and outside of the court.

13. Q: What is the size of the population/client base served by current employer?

A: I currently work for the District Attorney of Santa Clara County. The county seat is in San Jose, the country's 10th most populous city, and the 3rd largest in California. According to the US Census Bureau, the County's estimated 2015 population is 1,918,044 residents. It is the sixth largest county in California.

14. Q: To whom do you currently report, by title?

A: I work for the elected District Attorney of Santa Clara County Jeffrey F. Rosen. I currently and directly report to Assistant District Attorney Brian Welch by chain of command and ADA Welch reports to Chief Assistant District Attorney Jay Boyarsky.

15. Q: What number of staff are employed by current employer?

A: The District Attorney's Office of Santa Clara County is made up of a total of 602 personnel – 185 attorneys, 154 support staff, 124 bureau of investigation personnel, 36 paralegal, 63 crime lab personnel, 29 victim witness personnel, 9 management information systems personnel, 1 public information officer and 1 graphic designer.

16. Q: What number of staff do you currently oversee (direct and indirect)?

A: I currently oversee 17 attorneys, 4 support staff, and 2 paralegals as part of the Narcotics Prosecution Team.

17. Q: What is the largest number of staff you have overseen, and where?

A:

The largest number of staff that I have overseen is in my current position as the Supervising Deputy District Attorney for the Narcotics Prosecution Team in Santa Clara County.

18. Q: What is your current employer's operating budget, in dollars?

A: The District Attorney has \$138 million dollar budget.

19. Q: For what portion of budget are you responsible, in dollars?

A: The Narcotics Prosecution Team has a personnel budget of approximately \$6 million dollars. While my team has access to the bureau of investigation, business services, victim-witness services, crime lab and management information services, the personnel and budget do not fall under my purview.

20. Q: What is the largest budget you have ever been responsible for, and where?

A: I have been responsible for many budgets since 2009. The Asset Forfeiture Prosecution Team manages over 4 million in assets. The team budget for the Narcotics Prosecution team is about \$6 million, of which I manage the personnel within the budget, not the budget itself. Between 2009 -2014 I managed the Santa Clara County Anti-Drug Abuse Grant for the SCCDA's Office Narcotics Team. That budget changed yearly however during that 5 year period, the average budget was about half a million dollars. Most recently, I managed a budget for the county sponsored Silicon Valley Marijuana Awareness Conference that had a budget of \$70,000.

21. Q: I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes

Patrick John Vanier

San Ramon CA

Objective	To secure the Board of Supervisors' appointment for the vacant position of Contra Costa County District Attorney.
Education	Juris Doctorate – John F. Kennedy University School of Law – 1998. Bachelor of Science, Business/Accounting – San Francisco State University – 1995. Bachelor of Arts, Political Science – University of California, Irvine – 1991.
Professional Experience	<p><u>Deputy District Attorney – Office of the District Attorney, Santa Clara County, California.</u></p> <p><u>January 2006 – present.</u></p> <ul style="list-style-type: none">▪ May 2013 – Present – Supervisor Narcotics Prosecution Team.▪ January 2009 – April 2013 – Narcotics Prosecution Team/MNVP Unit.▪ May 2006 – January 2009 – Sexual Assault Unit.▪ January 2006 – May 2006 – Burglary, Assault & Theft (BAT) Team. <p><u>Deputy District Attorney – Office of the District Attorney, Contra Costa County, California.</u></p> <p><u>January 1999 – January 2006.</u></p> <ul style="list-style-type: none">▪ January 2002 – January 2006 – Narcotic Prosecution Unit.▪ July 2001 – December 2001 – Juvenile Prosecution Unit.▪ July 2000 – June 2001 – Felony Trial Unit.▪ January 1999 – June 2000 – Misdemeanor Prosecution Unit.
Prosecutorial Experience	<p><u>Narcotics Prosecution Team:</u></p> <ul style="list-style-type: none">▪ Supervising Deputy District Attorney May 2013 – present.▪ Assistant Team Leader January 2011 – May 2013.▪ MNVP Unit prosecutor January 2009 – May 2013.▪ Currently supervise a team of 23 personnel - 17 deputy district attorneys, 4 support staff members and 2 paralegals.▪ Created and implemented a confidential informant management system – 2013.▪ Managed Drug Treatment Court from 2013 to present.▪ Managed Mental Health Treatment Court from 2013 to 2015.▪ Updated Santa Clara County Child Abuse Protocol pertaining to drug endangered children – 2014.▪ Organized Immigration Safe Drug Diversion Program Pilot Project – 2015.▪ Managed DA's Office wiretap program January 2009 to present.▪ Managed Anti-Drug Abuse Grant from 2009 to 2014.▪ Coordinated, reviewed and/or drafted more than 100 wiretap applications since 2009 involving murder, major narcotic and gang crime investigations.▪ Reviewed and drafted more than 500 search warrants and other legal processes permitting the use of technology to further law enforcement investigations.

**Patrick Vanier
Prosecutorial
Experience
(Continued)**

- Managed a variety of data collection projects – 2013 Audit and reorganized team responsibilities and personnel objectives; 2013 Analysis of Preliminary Hearing Settings and Continuances in Drug Court; 2014-2015 Statistics on Marijuana Prosecutions in Santa Clara County; 2015-2017 Inequitable Implementation of Prop 47 in HOJ Misdemeanor Departments and the Effect on Drug Treatment.
- As a supervisor and/or line prosecutor I have worked with the following teams, units or task forces within Santa Clara County: Santa Clara County Specialized Enforcement Team, Unified Narcotics Enforcement Team, U.S. Drug Enforcement Administration San Jose, California Department of Justice South Bay Metro Task Force, Department of Homeland Security Investigations San Jose, Federal Bureau of Investigation Campbell Office, Alcohol Tobacco and Firearms San Jose, Santa Clara County Violent Gang Task Force, San Jose PD METRO Team, San Jose PD Gang Intelligence Unit, San Jose PD Gang Suppression Unit, Santa Clara County Human Trafficking Task Force, REACT Task Force, RATTF Task Force, Santa Clara County Department of Probation, Santa Clara County Sheriff's Office Marijuana Eradication Team and Multi-Jurisdictional Methamphetamine Enforcement Team, Santa Clara County SAFE Task Force, Gilroy PD Anti-Crime Team, Santa Clara PD Special Crimes Action Team (SCAT) and Special Enforcement Team (SET), Northern California High Intensity Drug Trafficking Area (HIDTA)/Northern California Regional Intelligence Center (NCRIC).
- As a supervisor and/or line prosecutor I have worked with a variety of local, state and federal agencies outside of Santa Clara County.
- Developed county protocol for Use of Eavesdropping Devices in Barricade and Hostage Situation pursuant to Penal Code 633.8 - 2012
- Directed the creation of the District Attorney's Office wire room – 2012.
- Managed the Santa Clara County Anti-Drug Abuse Grant for the SCCDA Office Narcotics Team – 2009 to 2014.
- Successfully implemented Prop 47 for the Narcotics Team – 2015-2017.
- Participated in the County Marijuana Working Group, which drafted and advocated for ordinances regulating marijuana collectives, cooperatives, personal use cultivation and dispensaries in the city of San Jose and unincorporated Santa Clara County – 2014 to 2017.
- Assisted with office sponsored legislative proposals regarding marijuana DUI and sentencing enhancements for drug labs near occupied buildings.
- Coordinated the investigation and prosecution of the largest and most serious narcotics cases ever prosecuted in the District Attorney's Office.
- Trained law enforcement and prosecutors in the following areas: Wiretap law, Legal Updates, Cal ECPA, Informant Management, County Protocol for the Use of Eavesdropping Devices for SWAT and Hostage Negotiators, Basic and Complex Narcotic Investigations and Proposition 64.
- Organized the Santa Clara County Marijuana Awareness Conference September 8-9, 2016, Santa Clara Convention Center.
- Prosecutorial responsibilities as a DDA on the team included prosecuting vertically assigned cases from issuing to trial including presenting cases to grand jury, preliminary hearings, law and motion for vertically assigned cases, drafting and review of search warrants and coordination of discovery and follow-up investigation.

Sexual Assault Unit

- Prosecuted sexual assault cases involving adult and child victims from preliminary hearing to trial.
- Most of the cases involved life top charges or allegations under Penal Code sections 269, 288.7 or 667.61 (b)-(e).
- Other responsibilities on the team included case issuing, liaison with victims and witnesses, law and motion for vertically assigned cases, drafting and review of search warrants and coordination of discovery and follow-up investigation.

Burglary, Assault & Theft (BAT) Team

- Prosecuted a variety of general felony crimes from preliminary hearing to trial.
- Cases included the following: gross vehicular manslaughter, home invasion robbery, bank robbery, robbery involving the personal use of a firearm, arson, felony driving under the influence and PC 245 related offenses.
- Other responsibilities included case issuing, preparation of search warrants, ERCs, and law and motion.

Professional Awards

San Jose Police Department George W. Kennedy Excellence in Prosecution Award – 2017.
California Narcotics Officers' Association 2015 State Prosecutor of the Year.
Santa Clara County Employee Excellence Award April 2011 – Board of Supervisors.
California Narcotics Officers' Association 2010 Region 1 Prosecutor of the Year.

Professional Memberships

National Asian and Pacific-Islander Prosecutors' Association
California Bar Association.
California District Attorneys' Association.
California Narcotics Officers' Association.
Contra Costa Bar Association.

County of Santa Clara

Office of the District Attorney

County Government Center, West Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-7400
www.santaclara-da.org



Jeffrey F. Rosen
District Attorney

July 3, 2017

Contra Costa County Board of Supervisors
Supervisors Candace Andersen, Diane Burgis,
John Gioia, Federal Glover and Karen Mitchoff
651 Pine Street
Martinez, California 94553

Re: Appointment of Patrick Vanier as Contra Costa County District Attorney

Dear Supervisors,

As the elected District Attorney of Santa Clara County, I strongly support the appointment of Patrick Vanier as Contra Costa County District Attorney.

I have known Mr. Vanier since he joined the Santa Clara County DA's Office as a Deputy District Attorney in 2006. He had previously worked for seven years in the Contra Costa DA's Office. Mr. Vanier is an outstanding prosecutor – honest, smart, hardworking, tough, and compassionate.

In 2013, I promoted him to Supervising Deputy District Attorney of the Narcotics Team where he currently leads a group of more than a dozen prosecutors and support staff. Under Mr. Vanier's leadership, the Narcotics Team has cracked down on large scale drug traffickers, while working with the court and public defender's office to provide more treatment options for drug addicts.

Mr. Vanier enjoys an excellent reputation throughout the criminal justice system. He is a fair, pragmatic and progressive leader who listens to everyone, and brings people together to tackle difficult problems and make things better.

If you have any questions, please contact me. I'd be happy to chat about Mr. Vanier.

Sincerely,

Jeffrey F. Rosen
Santa Clara County District Attorney



CITY OF CAMPBELL
Police Department

May 23, 2017

District Attorney Jeff Rosen
Santa Clara County District Attorney's Office
70 West Hedding Street, West Wing
San Jose, CA 95110

Dear DA Rosen:

I would like to take this opportunity to recognize and thank Deputy District Attorney Dana Veazey and Supervising District Attorney Patrick Vanier for their outstanding work and determination in the successful prosecution of Dr. Jasna Mrdjen.

This complex case involved a medical doctor illegally prescribing Oxycodone and other prescription drugs, and whose actions directly resulted in the death of one of her patients. As you can imagine, this was a complicated investigation and prosecution, but Dana and Patrick were absolutely stellar throughout the entire process.

The case started in 2011, when a Campbell Police officer conducted a vehicle stop and obtained information regarding the illegal acts of Dr. Mrdjen. The case was turned over to SCCSET and Dr. Mrdjen was subsequently arrested for conspiracy to sell controlled substances, overprescribing, and manslaughter for the overdose death of one of her patients.

This was a complicated case for a variety of reasons, not the least of which were the legal hurdles involved with searching a medical office. From early on in the investigation, SuDDA Vanier and DDA Veazey worked closely with investigators and provided assistance with search warrants, legal issues related to privacy and physicians, the filing of the case, and other questions that arose along the way.

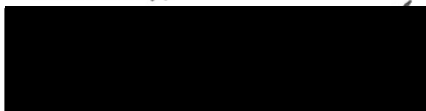
Over a period of six years, DDA Veazey demonstrated amazing dedication by keeping in contact with investigators who changed assignments, tracking down witnesses who had moved, and working closely with coroner's offices in two

different counties. DDA Veazey managed to keep this case organized with hundreds of medical records and expert witness testimony of a highly technical nature. Most importantly, DDA Veazey served as the constant point of contact for the family of the deceased victim. It is clear that her skill in this capacity made a true difference for a grieving family.

SuDDA Vanier displayed incredible knowledge and guidance in this case over many years. His expertise and abilities were apparent throughout, and our investigators commented that his steadfast determination and support were instrumental in ultimately bringing justice to the victim(s) and their families. The prosecution of this case came to a conclusion on Friday May 19th, 2017, with the sentencing of Dr. Jasna Mrdjen, who pled to all counts as charged.

I would like to personally thank both SuDDA Vanier and DDA Veazey for some impressive work and their commitment to this case over many years.

Sincerely,

A large black rectangular redaction box covering the signature of Dave Carmichael.

Dave Carmichael
Chief of Police



CITY OF CAMPBELL
Police Department

October 6, 2016

District Attorney Jeffrey Rosen
Santa Clara County
District Attorney's Office
70 W. Hedding Street, West Wing
San Jose, California 95110

District Attorney Rosen,

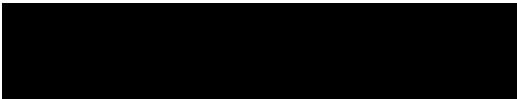
I am writing to express my appreciation for the assistance that Supervising Deputy District Attorney Patrick Vanier provided this past Tuesday evening. With less than one week's notice, Patrick was able to clear his schedule and prepare a special presentation for a Campbell City Council Study Session.

As you may be aware, there is currently a ballot initiative being proposed that would allow medical marijuana dispensaries to operate within the City of Campbell. I thought that it would be beneficial for the Campbell City Council to be presented with all the relevant information prior to making a decision on how the City should proceed. We immediately thought of Patrick, knowing that he is a leader within the County when it comes to the various issues associated with medical marijuana.

The presentation that Patrick gave was both informative and impactful. His willingness to make this happen on a Tuesday evening for our city is truly a testament to his dedication and commitment to the region. As a result of his impressive performance, the Council came away with a clearer perspective of the issues associated with medical marijuana.

Patrick is an outstanding representative of your office, and I truly appreciate you allowing him to be a part of the dialogue in Campbell.

Sincerely,


David Carmichael
Chief of Police



CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION

921 11th Street, Suite 300 • Sacramento, CA 95814 • (916) 443-2017 • www.cdaa.org

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W. SCOTT THORPE

February 8, 2013

Patrick Vanier

Santa Clara County

Deputy District Attorney

70 West Hedding Street West Wing

San Jose CA 95110

Dear Mr. Vanier:

On behalf of the California District Attorneys Association, I wish to thank you for presenting at the 2013 Winter Workshop in Indian Wells last month. Your presentation entitled *The Strategic Use of Wiretaps* contributed to an exceptional educational experience for workshop attendees.

CDA relies heavily on the willingness of its members to contribute their time, experience and expertise by presenting at our programs. Thank you again for being one of them.

Sincerely,

W. Scott Thorpe

Chief Executive Officer

WST:lh

cc: The Hon. Jeff Rosen
District Attorney
Santa Clara County



U. S. Department of Justice
Drug Enforcement Administration
San Francisco Field Division
450 Golden Gate Avenue, 14th Floor
San Francisco, CA 94102

www.dea.gov

Ms. Dolores Carr
Santa Clara County District Attorney
70 West Hedding Street, West Wing
San Jose, CA 95110

APR 1 2009

Dear Ms. Carr:

On behalf of the Drug Enforcement Administration (DEA), I want to express our sincere gratitude to your office and staff for the hard working and outstanding support provided to the DEA San Jose Resident Office (SJRO) during the Jose Vargas-Alvarez investigation, as well as all the other investigations worked jointly between our two agencies. Specifically, I'd like to commend Assistant District Attorney (ADA) Karyn Sinunu-Towery, Supervising Deputy District Attorney (DDA) Frank Carrubba, DDA Patrick Vanier, and DDA Merle Frank.

ADA Sinunu-Towery fostered the strong relationship between our two organizations, she has developed an excellent relationship with all the SJRO agents, and was always willing to assist us on any cases we brought to your office. Despite her heavy work load, ADA Sinunu-Towery gave each case the necessary attention, applying her outstanding legal skills in every investigation. ADA Sinunu-Towery also initiated interest from your office regarding the Vargas-Alvarez investigation and subsequently brought it to your office.

During the Vargas-Alvarez investigation, DDA Merle Frank was helpful in assisting with the wire intercept affidavits and DDAs Vanier and Carrubba were outstanding in their enthusiastic and steadfast support of the investigation. DDAs Vanier and Carrubba were completely dedicated to the investigation and demonstrated their superb legal skills while assigned to the case. They worked tirelessly and never quit when faced with operational or logistical obstacles. During the takedown operations, in addition to carrying out their own duties, they effortlessly assisted the agents in the office, even with the most mundane and tedious tasks. They helped whenever they saw a need. We are truly honored to work with such an outstanding team and we look forward to working future investigations with them.

Sincerely,

A black rectangular box redacting the signature of Anthony D. Williams.

Anthony D. Williams
Special Agent in Charge