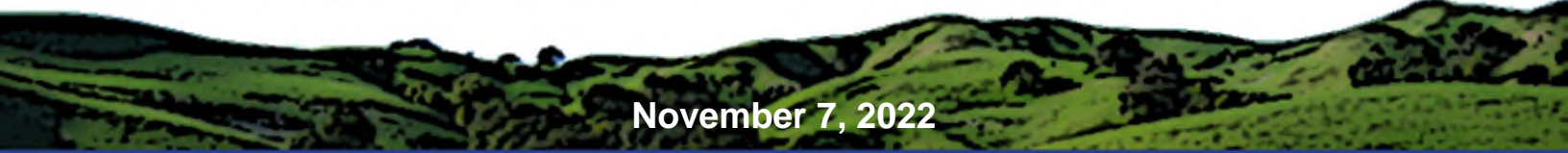




Promoting accountable, cost-effective and efficient government and opposing unnecessary taxes and spending



November 7, 2022

CoCoTax Vice President's Report October 28, 2022

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PRESENTATION BY DISTRICT ATTORNEY DIANA BECTON

Diana Becton has had a long career as an attorney in private practice and as a judge for 22 years. She was appointed by the Contra Costa County Supervisors to be the District Attorney in 2017, then was elected in 2018, and re-elected in 2022. She has served as DA for about 6 years. The office has a staff of 225 people and operates on a budget of \$49 million annually with about 92% of the budget allocated to staff. The office is comprised of 150 attorneys, 35 staff members, an investigative arm, support teams serving 1.5 million residents and 35 law enforcement agencies in 19 cities across Contra Costa County.

In 2020 there were 3,300 felonies and 4,600 misdemeanors charged. When a crime is committed and a suspect is apprehended there is an arrest and a case comes into the DA's office. The matter is reviewed and a case may be charged and handled in court or addressed in a diversion program through the DA's office.

Her office has specialized investigative departments that investigate everything from human trafficking to consumer fraud and coordinate and collaborate with other California counties. There are specialized teams in the DA's office, including Law and Motion, mental health, environmental, consumer and real estate fraud, a juvenile justice a Homicide, a family violence unit, hate crimes unit, government corruption, and a sexual assault team. There is a County violence team and specialized attorneys working with the FBI task force. The DA's office also has an office of trained investigators run by a chief. Their work includes transporting witnesses and investigating how cases have been handled. The office also works on old unsolved murders with the newest technology.

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### LUNCHTIME SPEAKER (continued)

The DA's office has received a \$1 million justice grant to look at outcomes and for diversion programs that deal with youth, and received \$1 million post-conviction program funding to look at old crimes that no longer exist today. In 2019 she established a "Youth Restorative & Diversion Program" and a "Post-Conviction" review program to potentially reduce charges in cases where current prevailing criminal charges and sentences have been lessened. For example, Prop. 64 decriminalized "small amounts of marijuana and a program was created.

DA Becton says the office now does more communication with the public so there is more transparency, shedding light on investigations. Previously, there were no reports released if a crime was not charged. Now, if charges are not filed, a publicly accessible report is filed to achieve greater transparency. Their goal is to do a complete and thorough and investigation. They are concerned about integrity and progress.

The office also does training of other departments and chiefs of police to improve accountability on all crimes. With the numbers of misdemeanors, it is difficult to get cases clogging the courts out to trial. The County administrator has a concern about the cost of public defenders and conflicts of interest cause the county to provide private counsel to defendants. They are finding ways in our courts to resolve low level cases—using panels which investigate the crime, the root cause, talk to victims about remedies which benefit all parties. People who have time can be trained and sit on the panels of three. These are considered low level cases, like graffiti painted on a building. They seek out the needs of the victims and fashion a remedy. There must be a minimum of 15 people to conduct the training.

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### Luncheon Speaker (continued)

Questions raised:

1) There was an article in the paper today (10/28) about a police shooting. The DA indicated there are protocols in Contra Costa County when there is a fatality at the hands of law enforcement. The responsibility is to determine whether there is evidence of a crime. A case is filed only if it is believed that it can be proven. Factors include the officer's intent at the time of the use of force. What was the person's mental state? Did the officer feel his life was at stake? Was the action reasonable? Circumstantial evidence is checked against the belief. Experts are routinely hired to review the evidence. In the Tyrell Wilson case, we consulted three experts. Ethical obligations must be fulfilled, and the office must report out and acknowledge when there is not enough evidence to get a conviction.

2) A capital punishment question was asked. "Will we ever see the death penalty used again?" DA Becton responded that This current Governor has a moratorium on it. but the next Governor may not. Many people do not feel that the fear of the death penalty does not deter or cause the offender to not commit the crime. With a life sentence many feel it gives closure that the offender will never be out of jail to re-offend. In the case of the Golden Gate killer there were many victims statewide including 4 rapes in Contra Costa County. Halfway through the process 66 prosecutors met, and based on the costs of trials, the death penalty was taken off the table. The case was concluded and families were comforted that the defendant would not be free again.

3) There was a question regarding crime-like the Nordstroms looting. Large scale looting attacks are organized crime and when apprehended, are charged as serious offenses. In reality, very few are caught. With Nordstroms, there were 90 people involved who all ran out of the store at the same time. Three were charged. After several incidents, a coalition has been formed with prosecutors and offices from other counties sharing our resources with other law enforcement agencies. During the pandemic Contra Costa was one of 4 out of 58 counties with the lowest murder rates and crimes per capita.

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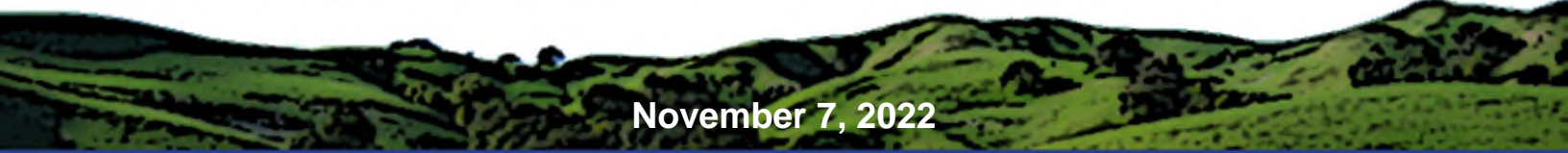
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Luncheon Speaker (continued)

4) Regarding petty theft with retail and shopping carts. most businesses have no security presence and none are armed. The crime must be over \$950 to be charged as a felony. A lack of police response happens often because by the time police were called, the offenders have left the premises.

5) With regard to Mental health problems. In the question posed, a tenant got trapped in the premises by the mentally ill person and the landlord was asked to provide additional security at an increasing business expense, as the police are reluctant The DA reported much of crime is related to mental health problems and the Governor just signed a bill to fund a program called the "CARES Act," to better deal with mental health problems. The Cares courts are not yet funded or operating. The legislation just came out It's directed toward very mentally ill people. DA Becton believes that before we can solve these problems, we need a system of collaboration with judges and other resources. Very chronically ill people are on the street. Similar programs for veterans have previously been in place- The Chief of the Investigation Unit added that If a crime is committed the police are supposed to respond and investigate and document it. If a homeless person is on the street is one issue, but if they come onto your property you can call the police. If police do not respond, call and talk to their superiors. Penalties in court will not solve the problematic behavior. The goal of doctors is to see and treat those who have mental illness. The problem is how to reach them to get them treatment and services.

6) Another question was raised regarding the case of two 17 year old's arrested for robbery of a husband and wife who were charged as juveniles when they had extensive records and were gang members. The DA responded their office cannot initially charge a youth under 15 as an adult. A judge determines if a juvenile 16 to 18 will stand trial as an adult. Contra Costa County has a team of experienced attorneys who apply factors to determine how to charge the offense. But the discretion is the ultimately only with the judge.

7) A question was asked about George Soros' election funding in her campaign. DA Becton indicated she has not had any direct contact with Mr. Soros. However, she said all such funding is through "independent political action committees" that look to fund "progressive" prosecutors across the US. James Pezzaglia

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