

OFFICE OF THE  
DISTRICT ATTORNEY

COUNTY OF YOLO

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DISTRICT ATTORNEY



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## **DISTRICT ATTORNEY'S COMPREHENSIVE BUDGET RESPONSES**

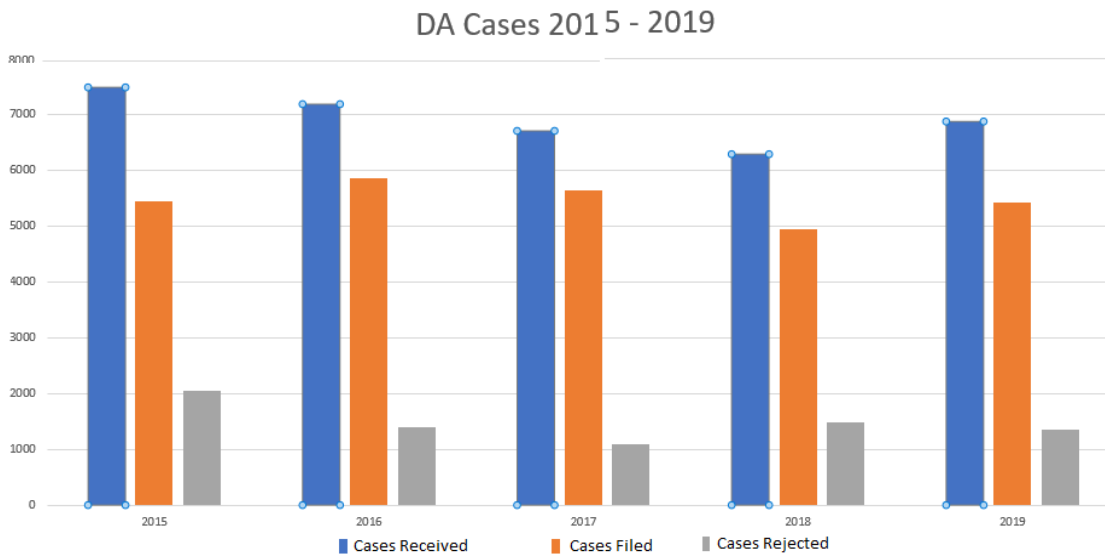
The comprehensive 29 page report, submitted far in advance of the September 29, 2020, Board of Supervisors (BOS) Budget meeting, was prepared with the input from numerous District Attorney staff in response to a multitude of questions posed by Board of Supervisors member Don Saylor in preparation for the September 29th BOS budget meeting. These questions covered areas relating to a number of District Attorney Divisions and Programs, the District Attorneys budgets from FY 18/19 to FY 20-21, the District Attorney's fund balances, Outcome Measures, and Data and Disparate Impacts. We would be happy to respond to additional questions from BOS members or the CAO's office.

Jeff Reisig, District Attorney  
Jonathan Raven, Chief Deputy District Attorney  
John Ehrk, Chief Investigator  
David Marshall, Assistant Chief Investigator  
Kevin Skaife, Supervising Investigator  
Nikki Abaurrea, Chief of Finance  
Melinda Aiello, Chief Assistant Deputy District Attorney - Criminal Division  
Ryan Couzens, Chief Assistant Deputy District Attorney - Criminal Division  
Will Ferrier - Chief, Innovation Division  
Kyle Gohn, Program Developer  
David Irely, Assistant Chief Deputy District Attorney - Consumer Fraud & Environmental Protection Division  
Rachel Hilzinger, Deputy District Attorney - Consumer Fraud & Environmental Protection Division  
Ashely Harvey, Deputy District Attorney - Consumer Fraud & Environmental Protection Division  
Laura Valdes, Program Manager - Victim Services Division  
Cameron Handley, Director - Multi-Disciplinary Interview Center  
Cecilia Lopez, Program Manager, Multi-Disciplinary Interview Center  
Chris Bulkeley, Supervising Deputy District Attorney – Neighborhood Court  
Nicole Kirkaldy, Program Coordinator, Neighborhood Court

The primary charge of the District Attorney’s Office is **criminal prosecution**. When Jeff Reisig took office 14 years ago, approximately 95% of the focus at the Yolo County District Attorney’s office involved traditional criminal prosecution. Gradually over that time frame, that has changed dramatically and we have consistently been evolving with respect to our focus. Currently, criminal prosecution encompasses approximately 2/3 of the work.

During the time frame of 2015-19, law enforcement agencies submitted 34,520 to this office requesting that criminal charges be filed. This office filed charges in 27,262 cases with the remaining 7,258 cases being rejected or rejected for follow-up investigation by the referring law enforcement agency (LEA). Our office files cases based on a “reasonable doubt” standard where the question asked is “do we feel there’s a likelihood of a conviction at trial by a jury. Over the past five years, this office rejected over 21% of the cases referred from LEAs for a charging decisions.

	2015	2016	2017	2018	2019
Cases Received	7482	7181	6702	6285	6870
Cases Filed	5443	5849	5630	4932	5408
Cases Rejected	2038	1398	1098	1481	1357



The criminal division has a **Bureau of Investigations** which is comprised of 14 full-time and 6 part-time investigators with over 480 years of prior law enforcement experience. These investigators' duties include: general criminal investigations and trial preparation, Conviction Integrity, Public Integrity, Cold Cases, assisting local law enforcement with major incidents, High Tech, fraud, child abduction, and Human Trafficking. Notable activity in 2019 included:

- Responding to the murder of Davis Police officer Natalie Corona and assisting with the investigation;
- Supporting the trial attorneys with hundreds of cases;
- Investigating 5 cases to exculpate the charged individual which resulted in findings of factual innocence;
- Participating in a countywide operation to locate and remove firearms from prohibited persons in conjunction with the CA Department of Justice;
- Taking the investigative lead in 3 Human Trafficking cases;
- Identifying numerous homicides and sexual assaults that had been classified as “cold cases;”
- Through the High Tech unit, analyzing 465 digital devices for local law enforcement, CHP and the Sheriff; and
- Participating in the “Shop with a Cop” event at Walmart in West Sacramento where youths of lower socio-economic status were provided gift cards to buy holiday gifts for their loved ones and friends.

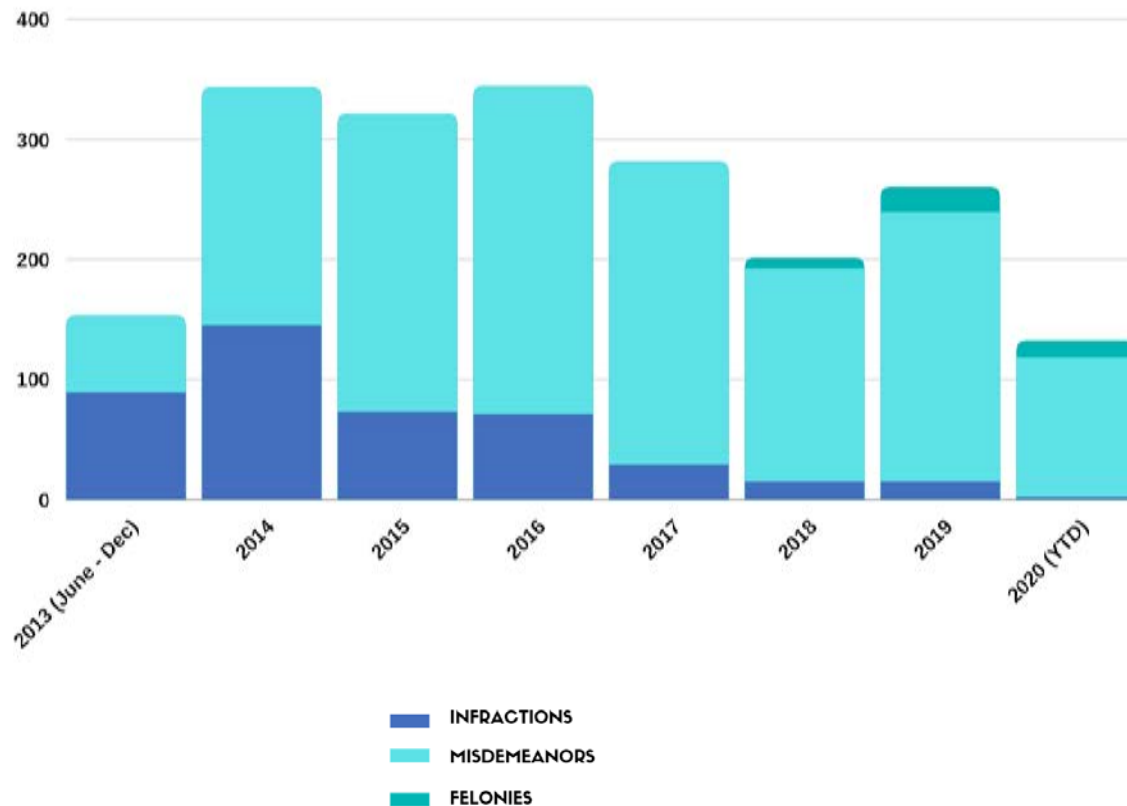


**DA Investigator Matt Villareal, Chief John Ehrk and Lt. Kevin Skaife attend “Shop with a Cop”**

The remaining 1/3 of the work that does not involve traditional criminal prosecution is comprised of **innovative and progressive programs** with the goals of reducing recidivism, decriminalizing those committing crimes due to their mental illness or substance use disorder, attaining long lasting positive outcomes through Restorative Justice, protecting renters, protecting consumers, protecting the environment, working with victims (including child victims of sexual assault) so they aren't re-traumatized, and increasing transparency. Some examples of these programs include Neighborhood Court (NHC), collaborative courts such as Mental Health Court, Addiction Invention Court and Steps to Success, Victims Services, the Multi-Disciplinary Interview Center, the Consumer Fraud and Environmental Protection Division, and a groundbreaking project to build a transparency portal with Measures for Justice that the public can use to see how race and ethnicity interplays with the criminal justice system. We have been asked many budgetary questions regarding these divisions and programs relating to the FY 20/21 budget. Following is a brief description of these programs and then responses to the questions on the subjects of "Increased Expenditures" during the past three years and "Fund Balances."

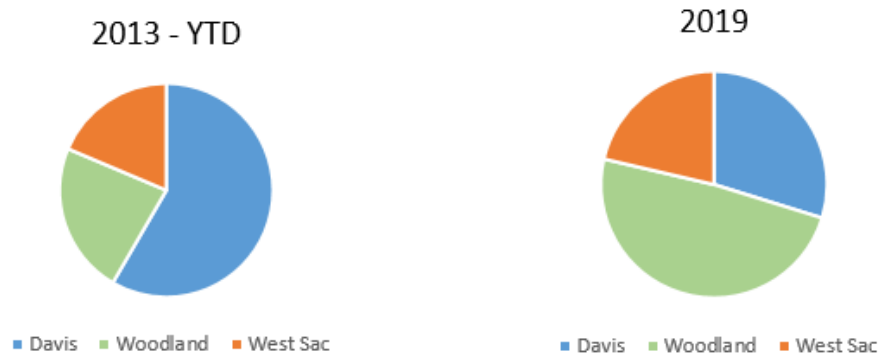
## Neighborhood Court

Neighborhood Court (NHC), established in 2013, continues as one of the District Attorney's benchmark innovative programs. NHC provides an alternative to the traditional judicial system for an average of 200-300 participants per year, with over 2030 conferences held and 1750 successful completions to date. Were it not for NHC, these participants would suffer the long-lasting negative effects of a criminal conviction. Since its inception, NHC has expanded far beyond the pilot stage, and now regularly diverts felony-level offenses. The program has a current goal of diverting 5% of filed felonies in 2020 and 10% of filed felonies by 2022.

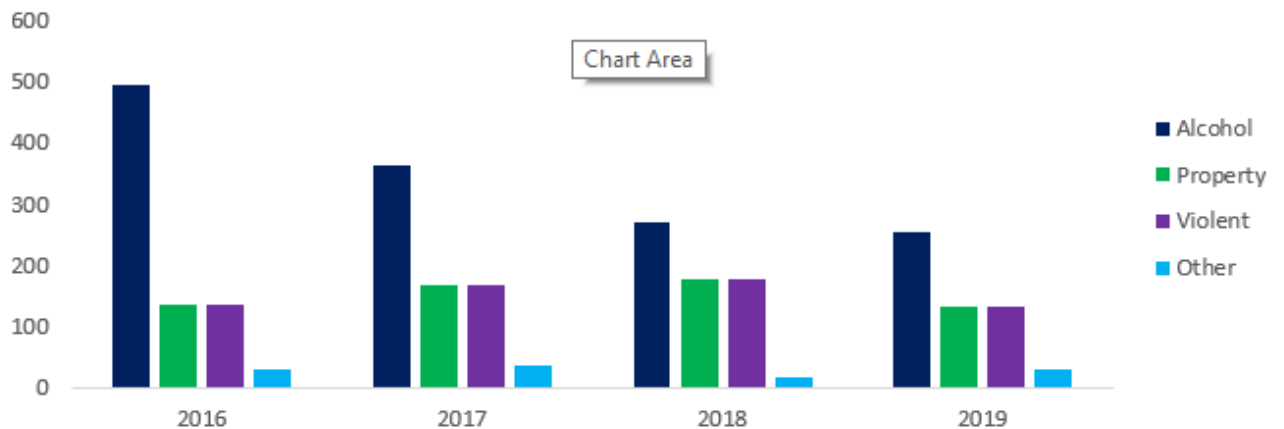


Eligibility determinations for NHC are made using criminal history criteria which do not take race, gender, or other protected factors into consideration, and instead provide an unbiased opportunity for diversion to all. Utilizing the principles of restorative justice, NHC ensures participants are held accountable for their actions through non-punitive means which promote changes in behavior.

NHC uses a unique community-centered model which employs volunteers from the citizenry as panelists and facilitators to hear and resolve criminal cases in their local jurisdictions. While the program began in Davis, NHC currently operates in Woodland and West Sacramento as well, and has seen average caseloads shift over time. Crime types include alcohol related crimes, property crimes, and violent crimes.



**Breakdodwn of cases referred by the 3 participating cities in Yolo County**



**Crime Types in NHC**

NHC's volunteer-based case processing model posed unique challenges during the onset of the **COVID-19 pandemic**. The program has worked hard to remain operational, while making appropriate adjustments to protect the health and safety of all involved. **All conferences are now held virtually using Zoom videoconferencing**. Primary contact with participants and volunteers is accomplished by digital methods such as phone and email. Trainings, meetings, outreach, and other engagements are held via Zoom or other virtual platforms. This increased communication with training partners and program volunteers has ensured continued adherence to the ideals of restorative justice. NHC staff have accomplished this significant pivot by adapting and making quick adjustments to operations.

As the program has evolved to handle increasingly serious offenses, internal staffing needs and responsibilities have also grown. While volunteers are integral to NHC operations and the program model, the program could not operate without the dedicated staff members who work to maintain and grow the program.

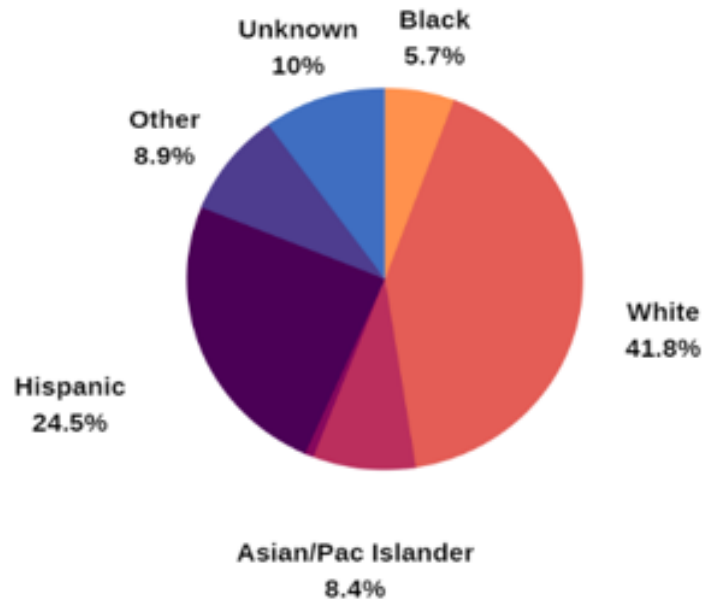
Staff must track and manage updates for the courts, engage defense attorneys and participants, coordinate various social services for participants, track and support agreement completion, prepare materials for conferences and events, recruit, onboard and support volunteers, and coordinate community outreach and engagement opportunities.

The majority of NHC staffing and funding needs are covered by grant funding. NHC was recently awarded a 3-year Justice Assistance Grant which provides monies for equipment, professional services, consultants, contracts, volunteer training, and salaries & benefits for 8 paid staff positions, 6 of which are currently filled (2 are in the interview phase). The program is overseen by a Supervising Deputy District Attorney (funded through the Community Corrections Partnership), while day-to-day operations and grant reporting are managed by the Program Coordinator. There is a significant cost in services and supplies which is grant funded. There is also a significant cost in personnel to fund the Health and Human Services for a Social Worker Practitioner and an Assistant Social Worker (also grant funded). There is also a significant cost to train volunteers. Yolo Conflict Resolution Center provide this training (grant funded) to our volunteers. We are required, through the grant, and we must set aside grant funds, to have an "Local Independent Evaluation" by a professor at a local university. The remaining costs are for everyday operating expenses such as office supplies, cell phones, copier, etc.

The NHC program's impact on the general fund of \$115,540, is only a small portion of its overall operating costs, and covers the salary and benefits for NHC's Program Coordinator. This position has historically been funded by the general fund. Funding this position with grant monies in lieu of its traditional county funding would qualify as supplanting, which is illegal. A reduction of the budget by the aforementioned amount, would therefore equate to the removal of a key position integral to program operations and stability. If the position was unfunded, we would likely reduce staffing on criminal prosecution would reduce our ability to prosecute all misdemeanors. Nearly all of our

fund balances are restricted and cannot be used to fund this position. To use the remaining account (CALMET) would result in a depletion of this fund in short order.

Outcome measures are part of the Independent Local Evaluation. Data is reported to the grant-funded Local Evaluating Partner, who tracks and reports on overall program efficacy and delivery on program goals and objectives. This built in accountability aligns with the DA's high regard for innovation with measurable results and the office's overall commitment to transparency. The program has seen promising outcomes including reduced recidivism and high rates of completion of the program. Participants who completed the program were 37% less likely to reoffend than similarly situated individuals. On average over 90% of participants complete the program. The data also allows us to track participants in the program by race/ethnicity as shown in the pie chart below.



**NHC % of participants by ethnicity for the life of the program**

## Victim Services

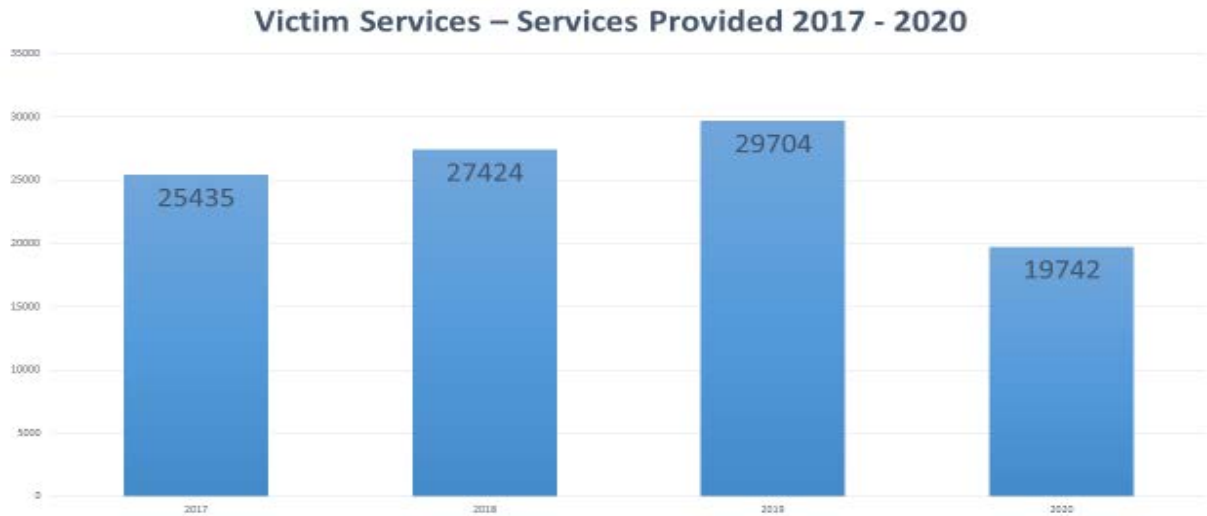
Victim advocates are trained to support victims of crime. They offer emotional support, victims' rights information, help in finding needed resources, and assistance in filling out crime victim related forms. Our advocates frequently accompany victims and their family members through the criminal justice proceedings. Advocates work with other organizations, such as criminal justice or social service agencies, to get help or information for the victims we serve. Victim advocates' responsibilities vary depending on the victim's situation. Victim Services heavily relies on volunteers. Some of our volunteers are survivors who have chosen to help others who are going through their own healing process.



**Victim Advocate Laura Valdes with Victoria Hurd, Survivor of Homicide.  
Her parents, Claudia Maupin and Chip Northup, were killed by Daniel Marsh while they  
slept in their Davis home**

The Yolo County DA attorney/advocate ratio is currently 38:7. Advocates averaging 225 open cases and 45 non prosecution cases for an average of 270 assigned cases per advocate.





**Number of contacts of victims. 2020 is partial data.**

Yolo County Victim Services receives grant funding every year. This grant funding covers a percentage of the funds required to staff the program and is used for salaries/benefits. Without General Funds or Public Safety Funds, Victim Services would be at a great disadvantage and unable to continue with their already heavy workload.

Funding through non-general fund dollars:

- CalOES Victim Services Grant Funding (5 staff members)
- CalOES XE Grant Funding (2 staff members)
- CalOES VAWA Funding (1 staff member)
- CCP Funding (1 staff member)
- Personal Donation Funding (Aloha – Comfort Dog)

**CalOES, CCP, and donations do not fully fund the Victim Services.** CalOES. Victim Services relies on general funds and the public safety tax to fund the operating expenses and benefits of the following staff: a Legal Process Clerk; 2 Program Assistants; a Senior Social Worker's; a Program Manager. Also, 6 Extra help Program Assistants are fully funded with general fund dollars.

General Funds also assists VS with:

- Events (National Crime Victims Crimes week, Domestic Violence Awareness Month, Outreach in Migrant communities, Youth Academy)
- Transportation for victims
- Petty cash for lunches/gas/transportation for victims
- Supplies for the staff
- Training for advocates
- Printing of brochures/resources
- Space to house all staff and ability to provide a Victim Quiet Room

- Mileage/per diem for advocate training/presenting
- Covers the excess salaries/benefits not covered by the grants



**Victim Advocate Heather Blair teaching Victimology 101 to parolees and probationers at the DRC**

Yolo County Victim Services strives to be innovative, a trail blazing provider, and a shining example for programs in other counties. Innovative work developed and implement by VS include:

- Annual participation at the Migrant Housing events
- Bi-annual Domestic Violence Awareness tailored to the Latino Culture with visuals
- Partnering with HHSa to place service kiosks throughout the county for rural victims
- Annual Victim Recognition Ceremony
- Clothes, diaper and cellular phone drives to benefit victims of crime
- Victim Grieving rooms at the DA's office and the Courthouse
- Youth leadership Academy
- Victimology 101 at the DRC
- Victim Rights information to all victims in county, including cases not charged
- Training and Presentation to Statewide Nurse Examiners Conference on Victim Services
- Collaboration with Empower Yolo and 4<sup>th</sup> and Hope for a homeless victim program
- Hands-on prison tours for advocates
- Second-to-none, internship program for future leaders in the CJS
- Elder Abuse Program
- Parole Hearing accompaniment

- Restorative Justice Advocacy
- Survivor Panels for community awareness of victim rights

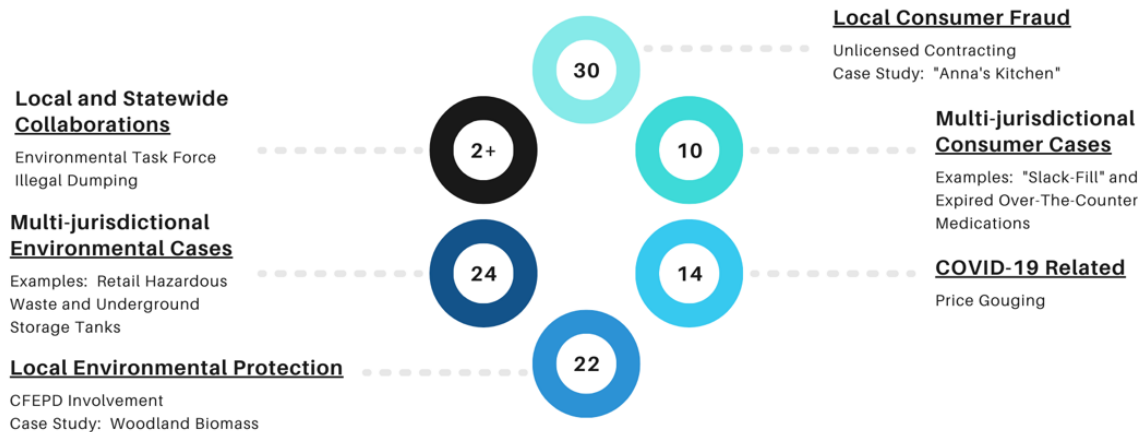
## Consumer Fraud and Environmental Protection Division

“Compliance with the law” is the goal of Consumer Fraud and Environmental Protection Division (CFEPD) and oftentimes this goal is accomplished without the need for litigation. CFEPD focuses on the community and victims of environmental and consumer crimes. The CFEPD protects the environment and Yolo County’s more vulnerable populations. Currently, CFEPD has 102 active cases.

As of June 5, 2020, CFEPD had a fund balance of \$9,772,552 in statutorily restricted fund balance as of 6/5/20. The annual expenditures of CFEPD is \$3.2 million dollars, which increase \$80,00 to \$150,000 annually due to PERS, OPEB, Merit increases and COLAs. No new settlements (revenue) are predicted for 19/20. Future settlements may not be legally planned or reliably predicted. If CFEPD receives zero settlements in FY20/21, FY21/22, and FY22/23, they would exhaust their fund balance in less than 3 years.

*CFEPD is self-funded through settlements in cases being prosecuted by the division. CFEPD funds are restricted and pursuant to Business and Professions code section 175369(c), funding shall be exclusively used by the DA to enforce consumer protection laws.*

### NUMBER OF ACTIVE CASES BY TYPE



**Consumer Fraud:** CFEPD actively investigates and pursues cases against businesses and individuals that “harm” consumers in Yolo County. Between 2017-2020, CFEPD reviewed 100+ consumer case referrals, accepted 65+ for further investigation, and settled 30+. Examples of consumer “harm” that CFEPD has addressed and stopped include:

- Unclean or unpermitted restaurants or other food service businesses posing a threat to public health and safety;

- Individuals contracting without a license **defrauding local homeowners or property owners;**
- Corporations utilizing **false or misleading advertising** on products offered for sale in Yolo County;
- Corporations offering products for sale in Yolo County containing **excessive “slack fill;”** and
- Corporations offering **expired over the counter medications** for sale in Yolo County.

**Contracting without a license:** Some individuals and businesses advertise and operate without the state mandated licensing. Poor workmanship causes heavy financial burden on victim home/property owners to correct. Types of home improvement projects involved here can include:

- concrete installation;
- laminate and wood flooring removal and installation; remodeling;
- exterior and interior painting; landscaping; and
- roofing.

As a term of settlements, individuals and businesses are enjoined from contracting without the required licensing and advertising for projects which require a license.

**UC Davis and Yolo County Environmental Health** received multiple complaints from UC Davis students who reported becoming sick after eating food ordered from Anna’s Kitchen - an illegal home kitchen delivering Chinese food to exchange students via the popular WeChat app. With the help of UC Davis and Environmental Health, CFEPD successfully resolved a case in December 2019 against Anna’s Kitchen. As a term of settlement, Anna’s Kitchen was ordered to stop operating without first obtaining the necessary Yolo County permits and passing the required health inspections - thereby protecting the health and safety of both UC Davis students and the Davis community at large.



**Anna’s Kitchen served poorly refrigerated food to UC Davis students**

**COVID-Related Price Gouging:** Under California law, price gouging is illegal during a declared state of emergency, including the current emergency due to COVID-19. Within two days of receiving a citizen complaint regarding the advertised pricing of protective face masks at two Davis stores, CFEPD was able to complete the investigation resulting

in the owners correcting the pricing at all stores statewide, without any enforcement action or litigation.



Sales of mask before (L) and after (R) CFEPD's enforcement action

**Protecting the Environment:** CFEPD actively protects Yolo County's natural resources from pollution, degradation, and environmental harm.

Between **2017-2020**, CFEPD reviewed 40+ environmental case referrals, accepted 35+ for further investigation, and settled 25+. Examples of just a few of the ways CFEPD protects the environment and public safety include:

- Stopping individuals and businesses from sending **hazardous wastes to the Yolo County landfill**;
- **Preventing damage to local streams and creeks** through unpermitted construction activity;
- **Requiring site cleanup** where applicable as part of settlements;
- Penalizing those that **jeopardize their workers** and public health through **improper or unlawful use of pesticides**; and
- Ensuring businesses properly maintain and operate **underground storage tanks**.

CFEPD conducted a multi-year investigation involving a local business that was placing ash on a farm just a mile north of Davis on County Road 102. CFEPD investigators found that this company was **intentionally falsifying their records** to make it appear that the toxicity of their ash was under the legal limit. The company was ordered to **implement improved ash-management procedures** designed to prevent future violations of hazardous-waste laws; and **pay for and oversee cleanup of agricultural lands** where company disposed their toxic and corrosive ash.



**Contaminated ash with high levels of arsenic was spread on farm land just north of Davis**

**Retail Hazardous Waste:** In California, all hazardous wastes must be appropriately stored and labeled, and must be transported offsite by a licensed hazardous waste hauler for proper disposal. However, many retail products containing hazardous components – from antifreeze to non-empty aerosol cans—were ending up in ordinary landfills throughout the state after being placed by businesses in their on-site dumpsters. In conjunction with other District Attorneys’ Offices and sometimes the Attorney General’s Office, CFEPD has investigated cases against major corporations such as Target, Home Depot, O’Reilly’s, and Auto Zone to prevent them from disposing of thousands of pounds of retail hazardous wastes into local landfills each year. These case settlements usually require the corporation to take extra steps to ensure it follows all hazardous waste laws, including, hiring or designating a qualified employee responsible for hazardous waste oversight and implementing a rigorous employee training program.



**Hazardous Waste from a big box store in Yolo County**

**Illegal Dumping:** CFEPD is joining efforts with the Yolo County Central Landfill to combat illegal dumping throughout our County. CFEPD regularly attends a statewide illegal dumping task force call hosted by Alameda County Supervisor Miley's office aimed at addressing the socioeconomic influences, health and safety impacts, and environmental degradation associated with illegal dumping.



**Illegal dumping in Yolo County**

## **Collaborative Courts**

**Mental Health Court and Addiction Intervention Courts** are a minimum 18-month court-based treatment and monitoring systems for adult offenders with a serious mental illness or substance use disorders. Mental Health Court is designed to increase the treatment engagement of the participants while reducing both arrests, hospitalizations, and jail time both during and after their involvement and participation in the program. The program is a collaborative effort between the Probation Department, Health and Human Services Agency, Yolo County Superior Court, the Public Defender, and the District Attorney. Mental Health Court follows the Forensic Assertive Community Treatment model where participants get intense services two hours per week or meet with staff four times per week. The team provides participants with wrap-around treatment which includes a focus on mental health, substance abuse, housing, vocational training and school, and physical health. **The goal is to address the criminogenic factors and reduce recidivism. When a participants are close to graduation, they participate in a Restorative Justice conference.**



**Graduation from Mental Health Court**

**Outcome measures** were analyzed by the team for FY 19/20. The results were astounding. When comparing the 12 months prior to participants starting Mental Health Court to the 12 months after Mental Health Court, **there was a 69% decrease in arrests, a 48% decrease in jail bed days, a 100% decrease in local hospital bed days, and a 100% decrease in state hospital bed days** (see graphic below).





# Yolo County Mental Health Court

## FY 19/20 Exited Participants Outcomes

### EXITS

# 10

Exits During Fiscal Year  
2019-2020



### OUTCOME NUMBERS BY EXIT TYPE

Graduated		Transitioned		Opted Out		Terminated	
# OF ARRESTS	0	# OF ARRESTS	0	# OF ARRESTS	0	# OF ARRESTS	2
# JAIL BED DAYS	0	# JAIL BED DAYS	70	# JAIL BED DAYS	0	# JAIL BED DAYS	48
# LOCAL HOSPITAL BED DAYS	0	# LOCAL HOSPITAL BED DAYS	0	# LOCAL HOSPITAL BED DAYS	0	# LOCAL HOSPITAL BED DAYS	0
# OF DSH BED DAYS	0	# OF DSH BED DAYS	0	# OF DSH BED DAYS	0	# OF DSH BED DAYS	0
<b>100% REDUCTION IN ARRESTS</b>		<b>100% REDUCTION IN ARRESTS</b>		<b>100% REDUCTION IN ARRESTS</b>		<b>75% REDUCTION IN ARRESTS</b>	
<b>100% REDUCTION IN JAIL BED DAYS</b>		<b>7% REDUCTION IN JAIL BED DAYS</b>		<b>100% REDUCTION IN JAIL BED DAYS</b>		<b>89.9% REDUCTION IN JAIL BED DAYS</b>	
<b>100% REDUCTION IN LOCAL HOSPITAL BED DAYS</b>		<b>100% REDUCTION IN LOCAL HOSPITAL BED DAYS</b>		<b>100% REDUCTION IN LOCAL HOSPITAL BED DAYS</b>		<b>100% REDUCTION IN LOCAL HOSPITAL BED DAYS</b>	
<b>100% REDUCTION IN DSH BED DAYS</b>		<b>100% REDUCTION IN DSH BED DAYS</b>		<b>100% REDUCTION IN DSH BED DAYS</b>		<b>100% REDUCTION IN DSH BED DAYS</b>	

Currently, there are 14 participants in Mental Health Court. There are 19 participants in Addiction Intervention Court. **The District Attorney receives no grant funding for its team members. Four district attorneys contribute significant time to this program. While a Supervising DDA is funded by the CCP, the Chief Deputy and two DDAs are compensated through general fund dollars.** The team is now implementing a grant of \$747,280 from the Federal Bureau of Justice Assistance. As a result, Mental Health Court will double from 15 to 30 participants. Funds will support hiring staff to provide services to these additional participants. The Health and Human Services Agency will add a Clinician and a Peer Support Worker, and the

Probation Department has already added a Probation Officer to supervise participants. This grant proposal was prepared through a collaborative team which was coordinated by the District Attorney's Office which will be the grant administrator.

Additionally, the team received a \$1.1 million dollar grant from the Department of State Hospitals. This grant will allow justice partners to divert some individuals who are deemed incompetent to stand trial or are at risk for being incompetent to stand trial. This will allow the team to treat these individuals within the County and avoid sending them to a State Hospital. The District Attorney coordinated the drafting and submission of this grant and also will administer the grant. This grant will fund a Forensic Team Clinician, a Forensic Team Case Manager II, a Peer Support Worker, and 10% Forensic Team Supervising Clinician. Grant-funded staff will work at Health and Human Services.

During COVID-19, the team has been conducting all meetings, court sessions and graduations by Zoom.



**Virtual graduation (as a result of COVID-19) from Addiction Intervention Court. The graduate's daughter (middle right) was able to attend the graduation from Hawaii.**

**Steps to Success** is a voluntary diversion program that uses **restorative justice and trauma-informed care** principles and practices to provide treatment and wraparound services. The program serves Yolo County residents who are facing misdemeanor or low-level felony criminal charges related to their mental health and/or substance use condition. The program is implemented collaboratively by the Yolo County Health and Human Services Agency, District Attorney's Office, Probation Department, and Public Defender's Office and three community-based organizations (CommuniCare, Empower Yolo, and Legal Services of Northern California).

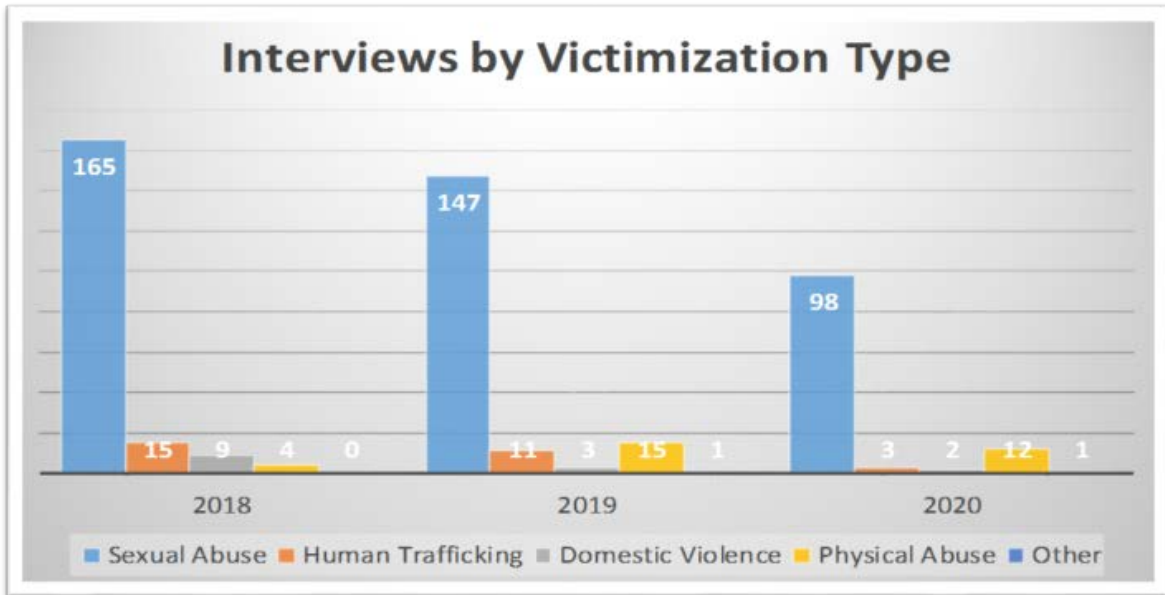
The main goals of the S2S program are to:

- Assist participants in gaining access to medical treatment so they can begin the road to recovery.
- Develop a case plan with a case management team designed to connect the participant with assistance and public programs that can offer relief to their current situation.
- Help participants to reintegrate themselves within the larger community.

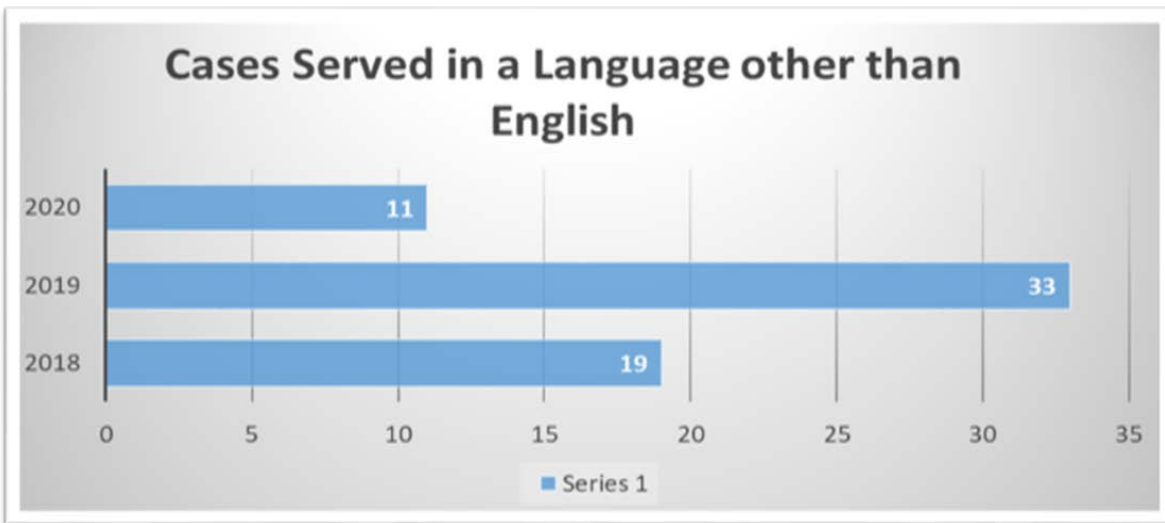
Health and Human Services Agency administers the grant which funds S2S and is responsible for preparing periodic reports based on data compiled by Probation and CommuniCare. The last Outcome Measures, conducted by HHSA and Probation, covered the time frame from June, 2018 to March, 2019. These outcome measures include: 48 participants received intensive case management and wraparound support; 5 participants completed facilitated restorative justice conferences 42 participants received legal services to address non-criminal barriers to housing, employment and public benefits; 43 participants received housing support services, with 24 placed in temporary housing and 8 placed in permanent housing. We haven't received any additional reports from HHSA or Probation.

## **Multi-Disciplinary Interview Center**

A Children's Advocacy Center (CAC) is a child-focused center that coordinates the investigation, prosecution, and treatment of child abuse while helping abused children heal. The MDIC is Yolo County's CAC, a county collaborative between agencies responsible for responding to child abuse and Commercially Sexually Exploited/Trafficked (CSEC) youth in our community. CACs reduce the trauma children have to endure when having to repeat the story of their abuse to multiple agencies. CACs maximize community resources, while eliminating duplication of efforts, and improve outcomes for the community, families, agencies, and public safety, by mounting a coordinated response to allegations of child abuse. CACs help ensure that when a child discloses abuse, they are not re-victimized by the very systems designed to protect them. The MDIC helps coordinate care and investigation from first report to conviction and beyond, while keeping the child at the center of everything the team does. At its core, the model is about teamwork - bringing the agency professionals involved in a case together on the front end-and about putting the needs of the child victim first. The MDIC provides an array of compassionate, professional, trauma-informed services to children and their families. Additionally, the MDIC facilitates successful outcomes in BOTH the criminal justice and the child welfare systems through shared fact-finding and strong case development.



MDIC provide services to clients who speak numerous languages, as shown below.

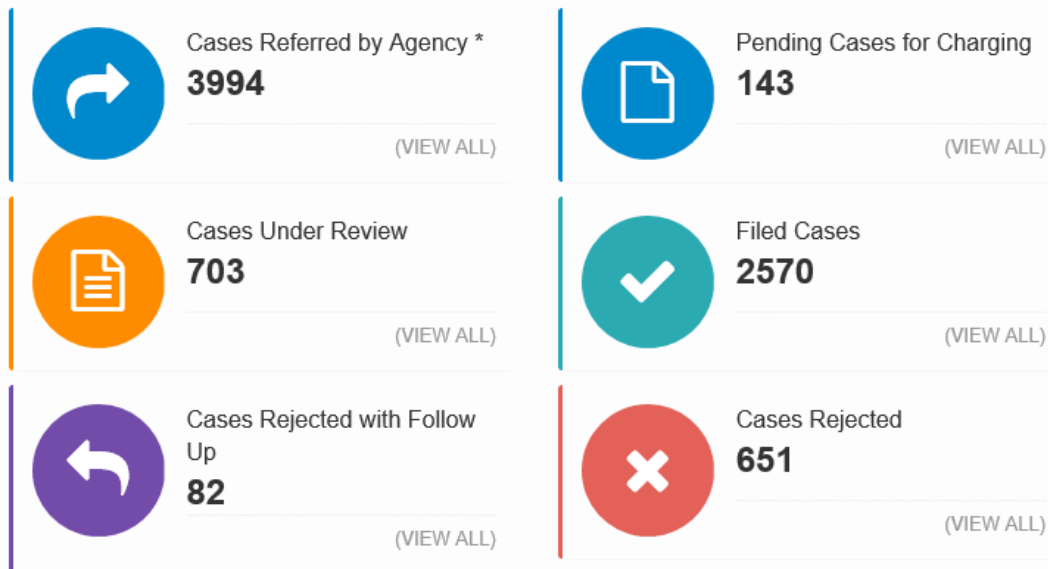


## Data & Disparate Impacts

**Transparency Dashboard Portal:** The District Attorney’s Office is working with the non-profit [Measures for Justice](#) (MFJ) to build a transparency dashboard portal for the public so they will have access all our data. Among other areas, they will be able to view arrests and charging by race and ethnicity. The MFJ team has called this project “unprecedented” and has stated Yolo DA will be the “most transparent” DA’s office in the nation. They have said this will be a model they will take to DAs across CA and the nation.

## Breakdown of Complaints Submitted

Total annual number of complaints broken down by status.

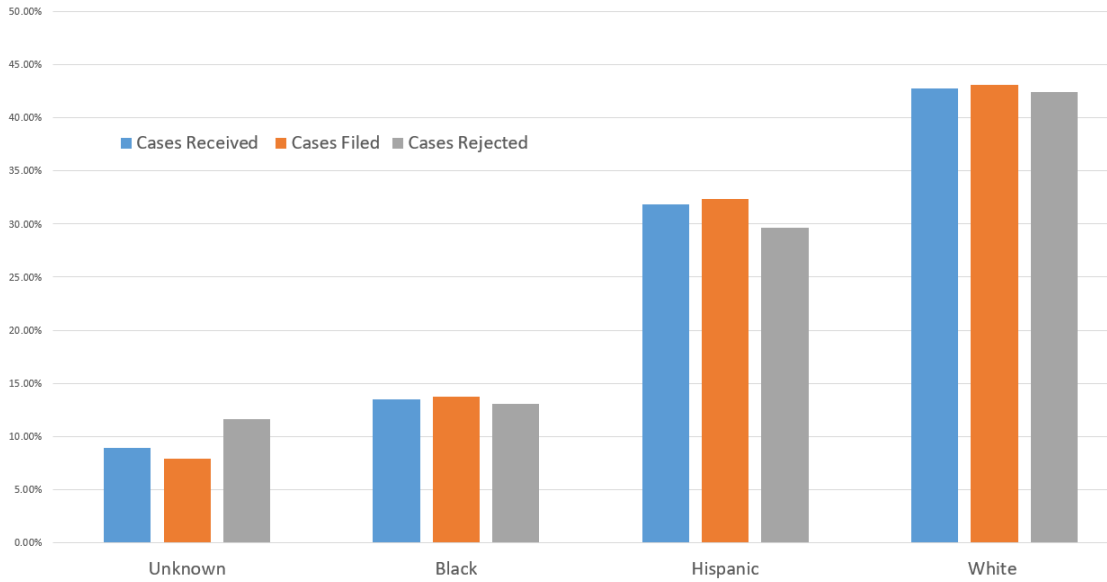


### Sample Yolo DA Transparency Portal

The above graphic is a sample of the Yolo DA Transparency Portal that the public can view. The public can link to any of the areas to see data and graphics by race and ethnicity. ***The above numbers are not real data, just placeholders.***

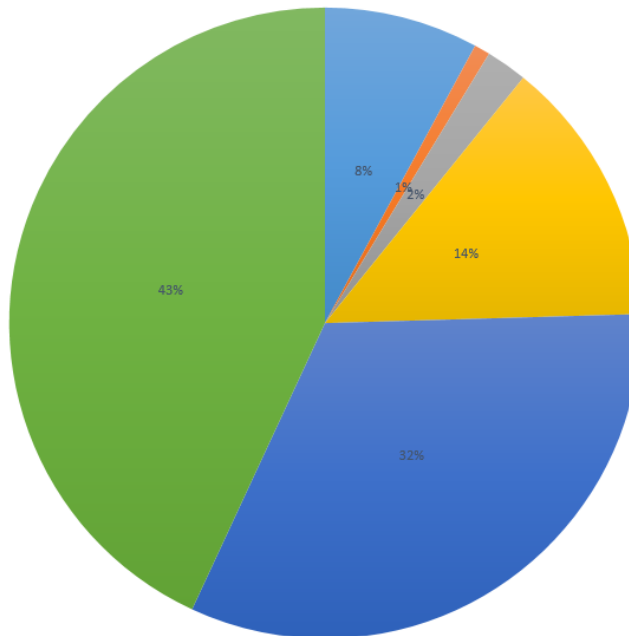
Our office has already been tracking how the percentages of charged cases by race/ethnicity compares to the Yolo County census data. Based on the data presented by the Sheriff, DA and Probation at the Board Workshop on racial disparity in Yolo County on July 21, 2020, the disparity of race/ethnicity is consistent across all three departments and is also very notable in that the % of criminally justice involved black individuals exceeds the % of black residents in the County. One must keep in mind that many individuals committing crimes in Yolo County are not County residents so comparing the census numbers to individuals who are criminally justice involved is “predictably inaccurate” and unscientific. That being said, this data is informative and troubling and must be explored further. The only local law enforcement agency that currently has data on arrests by race/ethnicity is the Davis Police Department. DPD reports that from 2015-19, 17% of individuals arrested on felonies were black and 11% on misdemeanors. When looking at the total numbers, 13% of all arrests were black individuals.

## Case Overview 2016-2019



## Cases Filed By the DA 2016-2019

■ Unknown   
 ■ Amer Ind/Alaskn   
 ■ Asian/Pac Islnd   
 ■ Black   
 ■ Hispanic   
 ■ White



**Chan Zuckerberg Initiative:** In March of 2019, our office was one of the very first DA's offices in the country to open our office and all of our files and data to a team of researchers from the [Chan Zuckerberg "Justice and Opportunity" Initiative](#).

We invited them into our office to accept their evaluation, constructive feedback and suggestions for improvement. After their team spent two weeks with full access to our office, our staff and our files, they concluded that there was no evidence of racially disparate charging declination by our office going all the way back to 2008 through 2019. This is consistent with the data of arrests of Blacks in Davis and the rate that Blacks are charged by the District Attorney's Office.

## **Innovative and Progressive Programs relating to Disparate Impacts**

The DA's office has developed and implemented numerous programs as one way to address potential issues of racial disparity. Some examples are listed below. *Each of these programs involve significant contributions from DA staff, which includes the District Attorney, the Chief DDA, 2 Assistant Chief DDAs, Supervising DDAs, DDAs, investigators and clerical staff. All of these staff members are conducting this important work in addition to their work on criminal prosecution and all of them are compensated through with general fund dollars.*

**Increasing empathy for the homeless** This office, along with Chief Matt Carmichael of the University of Oregon, created a program for the homeless at the Glide Church in the Tenderloin in San Francisco. We created this program, "**An Officer and a Mensch**," with Glide staff, including Rabbi Michael Lezak, the spiritual leader at Glide. Frontline people (e.g., DAs and cops) attend a three-day program, where they learn empathy for the homeless through immersing themselves in the Tenderloin and at the Glide Church. For one session, the Yolo County Public Defender accepted our invitation to attend the 3-day program. Recently a *Los Angeles Times* columnist embedded herself with us in SF and [wrote a great column](#). You can read [more here](#).

**Race-Blind Charging:** The DA's office working with Stanford University on a Race-Blind Charging program. To reduce possible implicit bias at the charging stage, Stanford is writing computer code so all information identifying race in arrests reports is redacted before review by the charging deputy DA.

**Recalling or Modifying State Prison Sentences:** As a result of a change in the law, effective 2019, District Attorneys are able to petition the court for a recall of sentence if the resentencing is in the interest of justice. This office partnered with the non-profit organization "For the People" whose founder pioneered this landmark legislation, the first of its kind nationwide. Together with "For the People" we created a criteria list to identify potential cases that might be suitable for review. To facilitate the in-depth review, the DA's office and "For the People" engaged UCD Professor Jack Chin whose law school clinic students conduct the in depth reviews. Each review involves examining the incarcerated person's prison file, often thousands of pages, identifying and detailing

rehabilitative efforts such as educational advancements, self-help programming including substance abuse or mental health treatment, insight into criminal behavior, work history, and disciplinary history. Students also work with community-based organizations to create and foster viable release plans. Yolo County was one of the first to partner with “For the People” and currently only one of eleven statewide. In the short time since the initiation of this program, three individuals have been released from state prison pursuant to the new law.

**Implicit Bias Training:** This Office was the first DA’s office in CA to require our attorneys to participate in a [full day implicit bias training](#) coordinated by a manager at the Museum of Tolerance in LA. We have another one planned for the fall.

**Multi-Cultural Council:** Over eight years ago, District Attorney Jeff Reisig created the DA’s [Multi-Cultural Community Council](#) (MCCC) as an advisory body of racially, religiously and culturally diverse residents. Most recently, the MCCC convened numerous emergency meetings with the DA to discuss the horrific murder of George Floyd. Together, we released this [powerful statement](#).

## Increased Expenditures

It should be noted that many of the questions regarding the DA’s budget made comparisons between actual expenditures in FY 18/19 to estimated budgets in FY 19/20 and 20/21. Comparing actual expenditures (FY18/19) with estimated budgets (FY19/20 & 20/21) is not a scientific way to measure changes in budgets (e.g., not apples to apples). *During DA Reisig’s tenure as DA, this office has always stayed within its allocated budget.* Unforeseen events occur throughout a year that are not within a department’s control. Positions becoming vacant and are not filled or there is a delay in filling the position. Budget crises happen, such in FY 19/20 and FY 20/21, which often result in a county hiring freeze. Accordingly, fiscally conservative departments’ actual expenditures are often significantly less than estimated budgets. As a result of COVID-19, this was particularly true in FY 19/20 due to the hiring freeze and later the recent budget forecast that was better than expected. This will also likely be the case in FY 20/21.

With respect to the office, in FY18/19, among other things, two DDA IVs resigned. We did not hire for one position and the other was hired at a lower level resulting in salary savings. We budgeted for both positions in FY19/20 and we chose not to hire the position we left vacant in FY18/19 due to budgetary constraints caused by COVID.

Although departments do their absolute best in planning and preparing a budget for the upcoming fiscal year, it is impossible to completely and accurately anticipate unpredictable events in the upcoming year (e.g., unplanned resignations, budget crisis caused by COVID-19, etc.). As a result, it does not make sense from a fiscal standpoint to compare actual expenditures from one fiscal year to an estimated budget in another fiscal year.



So the question is what caused the increase in the DA's budget over the three-year period from FY 18/19 to FY 21/22. Comparing recommended budgets, in FY 18/19, the DA's recommended budget was \$20.5 million, making the difference from FY18/19 to FY20/21 \$3.3 million, which makes the increase 16.1% over the 3 years.

From FY18/19 to FY20/21, Consumer Fraud/Environmental budget has increased by \$1.2 million, which accounts for more than 1/3 of the \$3.3 million increase. The DA's budget has increased in grant funding by \$952,000 which accounts for 29% of the increase.

Additionally, there was an increase of \$361,000 in area of criminal prosecution services and supplies. Public Liability is not a cost a department can control. From FY18/19 to FY20/21 (recommended budget), this cost has increased by \$105,046. With FY20/21 adopted budget, this cost will actually increase by \$176,742 as a correction has been made to these cost after approval of recommended budget.

The remaining \$787,000 is in Salaries and Benefits for employees not included in Consumer Fraud/Environmental budget or grants.

PERS costs have increased our budget over the past 3 years as the cost for public safety staff increased by 7.74% and miscellaneous members increased by 5.15%. We have employees receiving 5% merit increases and each year, employees receive a COLA, which on average is calculated at 2%. However, In FY19/20 and FY20/21, the Attorney Bargaining Unit and Supervising Attorney's bargaining unit received a 3% COLA/Equity. Each of these increases (PERS, merits, and COLA) contributed to the increase of the District Attorney's budget over the past 3 years.

As stated earlier, departments do their absolute best to plan and prepare a budget but it is impossible to anticipate everything that will happen within a fiscal year. With the turnover in personnel during FY 18/19, when DFS closed the fiscal year, they reduced our general fund allocation but increased our Public Safety Tax allocation.

In FY 19/20, the District Attorney requested \$9.3 million in General Fund dollars, but at recommended and adopted budget, we were allocated a little over \$8.2 million. To reduce the general fund contribution by 1.1 million, we were asked by the Chief Budget Official to use fund balances we had in special revenue funds to balance our budget. Though nearly all special revenues fund balances cannot be used for this purpose, we were able to budget \$863,000 towards salaries and benefits. We also held an attorney position vacant to reduce the gap by another \$180,000.

In FY 20/21, we requested \$9.8 million and received \$9.2 million at recommended budget. To meet this gap, we unfunded a couple of positions. In FY20/21 we did not budget the additional dollars in special revenue fund balances.

The entire DA's budget can be broken down to 84% salaries and benefits and 16% services and supplies, capital assets, and other charges. 97.3% of all general funds contributes to the area of for Criminal Prosecution. For Criminal Prosecution, the appropriation breakdown is 91% salaries and benefits and 9% services and supplies, capital assets, and other charges.

Consumer Fraud/Environmental, the Multi-Disciplinary Interview Center, and Real Estate Fraud receive no general funds and are self-sufficient. Vehicle Theft has been an issue in the past as the Vehicle License Fee fund was in the negative. However, with the increase in licensing fees approved by the Board of Supervisors in September, 2019, this program will be self-sufficient within approximately two years.

We have multiple grants that fully fund their programs. Victim Services is the only unit in which its primary grant does not fund their entire program. General funds/public safety funds contribute to Victim Services' operating expenses such as landlines, cell phones, mileage to meet with victims, and to fund their benefits.

General funds support one position in Neighborhood Court. The unit started out as a general funded program. Though we received a grant to expand this program, because of supplanting, the one employee must remain funded by general funds.

For the DA's Criminal Prosecution, general funds support 65.4% of this unit's activity. This includes the salaries and benefits for attorneys, legal process clerks/legal secretaries, financial & HR staff, IT staff, and management staff such as DA. General funds cover the unemployment insurance, workers comp insurance and public liability. General funds cover the daily operations such as landlines, cell phones, expert witness and transcripts needed for prosecution, copiers, travel and training, etc.

## **Fund Balances**

**Based on the DA's current adopted budget (not yet approved by the BOS), we have budgeted \$690,408 from fund balances.** The breakdown includes:

- \$28,777 in COPS funding (0525)
- \$84,881 in Multi-Disciplinary Interview Center funding (1250)
- \$400K in Consumer Fraud/Environmental funding (1251)
- \$20,100 in Asset Forfeiture funding (0202)
- \$99,992 in DNA funding (not a DA special revenue fund)
- \$31,285 in CCP funding which will not be included with adopted budget is voted on by the Board of Supervisors (0501)
- \$25,373 in revocation funding (0504)

Nearly all of the DA's special revenue funding is completely restricted. In determining what fund balances we use to support a general budget shortfall, we balance appropriations with revenue in these specific funds while being mindful that the available fund balances that can legally be used in place of general funds will not replenish and will soon be exhausted.

During the recommended budget process for FY19/20, our department was asked by the Chief Budget Official to use available fund balances from Calmmet (0521), COPS (0525) and Revocation (0504), to balance our budget in FY19/20. It is not typical for the District Attorney to use special revenue fund balances for criminal prosecution activities,

which is why we did not budget available use of fund balance in FY20/21. These three funds are the only special revenue funds that can fund criminal prosecution activities as the rest of our special revenue funds are restricted to what they can fund. Accordingly, general funds are requested and allocated towards criminal prosecution activities.

Currently, there is no 1 and 5-year plan for use of these funds. Once the Board of Supervisors approves the adopted budget, we will have a better idea of our positions with respect to the unrestricted funds.

Following is a list of our special revenue funds, the balances, and restrictions.

- CalMMET – fund balance as of 6/30/20 - \$665,538. Currently, no fund balance is budgeted in FY20/21 but as stated earlier, we are still in the process of finalizing our 20/21 budget. Once the Board of Supervisors approves our adopted budget, we will have a better idea of what kind of fund balances we have and can actually make accurate plan moving forward, especially considering we used approximately \$300K in FY19/20
- COPS – fund balance as of 6/30/20 - \$140,481. ***This fund is not exclusively controlled by the DA and it may not be used to supplant.*** We have currently budgeted \$28,777 of fund balance in FY20/21. As stated earlier, we are still in the process of finalizing our 20/21. Once the Board of Supervisors approves the adopted budget, we'll know what kind of fund balance we have and can actually make accurate plan moving forward.
- MDIC – fund balance as of 6/30/20 - \$370,353. We have currently budgeted \$84,881 of fund balance in FY20/21. This will not increase while we are finalizing our FY20/21 budget. ***These funds can only be used towards MDIC,*** as these revenues are from donations from individuals/local organizations and contributions from local law enforcement agencies for the purpose of funding MDIC.
- Consumer Fraud/Environmental – fund balance as of 6/30/20 - \$9,826,586. We have currently budgeted \$400K of fund balance in FY20/21. This will not increase while we are finalizing our FY20/21 budget. The \$400K budgeted is for the testing of retail products for toxicity. ***These funds are restricted and pursuant to Business and Professions code section 17536(c),*** funding must be used exclusively to enforce consumer protection laws.
- Real Estate Fraud – fund balance as of 6/30/20 - \$1,176,379. Currently no fund balance budgeted in FY20/21. These funds are restricted. ***Per Govt Code 27388(b), funds shall only be expended on the activities of deterring, investigating, and prosecuting real estate fraud crimes.*** The reason this balance is high is because we have had challenges in hiring staff to operate the unit. However, we hired a retired Woodland Police Department Sgt. with a background in real estate. He is currently working on a number of cases, including a rental

scam in Davis where the perpetrator is renting non-existent apartments to unknowing individuals. As we hire more personnel, we will start spending down the fund balance, as we do not receive enough annual revenue to fund an investigator and prosecutor for this unit.

- Asset Forfeiture – fund balance as of 6/30/20 - \$346,347. Asset Forfeiture is broken down as follows: 24% is allocated to the State of California; 10% is allocated to the DA; and 1% goes to a non-profit organization. The remaining 65% is distributed to the law enforcement agencies participating with SIU (formerly YONET). SIU is administered by DPD and is currently in hiatus due to COVID-19. Regarding that 65%, 15% is restricted and can only be used to fund youth programs, education on gangs/drugs, youth organization, and/or to a school district. The current balance of that 15% is \$188,417.

The 50% (65%-15%) allocated to the law enforcement agencies was distributed between the participating agencies. The distribution amount is determined by the MOU which is based on how much an agency contributes toward SIU and whether that agency has an investigator in SIU. The agencies that receive this portion of AF funds are Woodland PD, West Sacramento PD, Davis PD, Sheriff's Dept., Winters PD, District Attorney, Probation, and UCD PD.

In the past 7 years, we have averaged approximately \$36,500 a year in AF funds. In FY18/19 and FY19/20, we have only received, combined, \$8,888, and in FY20/21, we will only receive approximately \$1,100. AF cases are on the decline in Yolo County and with the new MOU for July 1 2018 to June 30 2021, the 50% is no longer distributed between agencies. The funds stay with SIU. These funds can only be used after an approval vote from the Law Enforcement Administrator Coordination Council (LEACC).

As stated earlier, AF may be used for Youth development programs and we have used those funds in the past to operate our Youth Academy. Members of LEACC must approve this funding allocation. AF funds could potentially be used for diversion or rehabilitation depending on how these programs have been previously funded.

Currently \$20,100 of the AF fund balance is budgeted in FY20/21. This will not increase when the Board of Supervisors approves the adopted budget. ***Per H&S 11489, these funds can only be used to supplement and not supplant the budget,*** which means it cannot fund the DA operations already being funded by general funds, public safety tax, and/or grants. ***Additionally, AF cannot be used to fund personnel.*** Of the \$346,347 fund balance, \$188,417 is restricted, can only fund youth oriented programs, \$486 (1%) must be directed to a non-profit organization, and \$157,444 can be used towards one-time department expenditures (no supplantation and no personnel).

- Tobacco Enforcement – fund balance as of 6/30/20 - \$113,509. None of the fund balance is budgeted in FY20/21. This will not increase when the Board of Supervisors approves the adopted budget. Environmental Health collects revenue

when a business applies for or renews their tobacco license. A specific amount, \$300, is deposited into the DA's accounting unit. As part of the Yolo County Tobacco Prevention Coalition, ***these funds are restricted and can only be used towards the activity of enforcement tobacco laws.***

- DA Vehicle Theft – fund balance as of 6/30/20 – -7,118. This fund is in the negative. Based on our request, the Board of Supervisors voted to increase vehicle licensing fees in September, 2019. It takes the DMV 6 months from when they received the Board resolution to actually increase vehicle licensing fees. The plan is to have this fund out of the negative by the end of FY20/21.
- Domestic Violence - fund balance as of 6/30/20 - \$64,377. No fund balance is budgeted in FY20/21 and none will be included in the adopted budget. Our office still needs to process a claim for \$44,026 to be sent to Empower Yolo. This leaves a fund balance of \$20,351. These revenues are collected through marriage licenses and probation fees. ***Per 19305 of the W&I code and per CA Penal Code 1203.097 section 11, probation fees and marriage license fees need to paid to a domestic violence shelter.*** The fund balance will be spent down by further contributions to Empower Yolo. In FY21/22, we can budget the remaining available fund balance to keep this fund balance close to zero.