

District Attorney

Clinton J. Curry - District Attorney

	FY 18/19 Adopted Budget	FY 19/20 CAO Recommended	Change
108-2500			
EXPENDITURES			
Salaries and Benefits	\$2,043,478	\$2,091,817	\$48,339
Services and Supplies	\$214,527	\$515,174	\$300,647
Other Charges	\$166,236	\$151,913	(\$14,323)
Fixed Assets	\$0	\$0	\$0
TOTAL EXPENDITURES	\$2,424,241	\$2,758,904	\$334,663
REVENUE			
Fed/State	\$245,747	\$275,878	\$30,131
Grant	\$0	\$0	\$0
Realignment	\$35,000	\$35,000	\$0
Fees/Misc	\$120,000	\$302,043	\$182,043
TOTAL REVENUE	\$400,747	\$612,921	\$212,174
FUND BALANCE	\$44,178	\$0	(\$44,178)
NET COUNTY COST	\$1,979,316	\$2,145,983	\$166,667

Program Description

The District Attorney is an elected state Constitutional officer whose responsibilities include initiating and conducting on behalf of the People all prosecutions for public offenses.

Since 1850, the mission of this District Attorney's Office has been to safeguard the right of the people of Yuba County to a safe and just community, to sustain public confidence in the criminal justice system through professional excellence, to protect the rights of victims and witnesses, and to convict and appropriately punish the guilty through the rule of law.

The District Attorney accomplishes this mission in three basic ways: prosecute criminals who break the law, work to prevent crimes from happening in the first place, and protect and support victims of crime.

To accomplish this mission, the District Attorney leads a dedicated team of attorneys, investigators, and support staff. The Yuba County District Attorney's office is currently allocated 13 positions: 8 prosecutors (including the District Attorney), 2 investigators, and 3 support persons. Allocated positions have been cut 35% since the Great Recession, bringing staffing down to levels last seen in FY 1990-1991.

Prosecution Staff The prosecution staff, supervised by the Chief Deputy District Attorney, consists of 5 senior prosecutors (DDA III) with an average of over 15 years of experience in the office. The senior prosecutors have specialized expertise in handling sexual assault, gang violence, major narcotic, and violent offenses. The 1 junior prosecutor (DDA II) has completed her fourth year of experience and has begun developing experience in the specialized prosecution areas listed previously. Every one of the prosecutors has homicide case experience.

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Over the past ten years, prosecutors have reviewed on average over 3,800 investigations per year which are submitted to the Office by local, state, and federal law enforcement agencies. From these referrals, an average of 2,694 criminal cases have been filed and prosecuted in Yuba County courts each year.

Prosecutors appear at over 25 court calendars per week presenting both adult criminal cases and juvenile proceedings.

Investigative Staff The current investigative staff consists of 2 DA Investigators with an average over 17 years in law enforcement. DA Investigators are sworn peace officers acting as specialized detectives. DA Investigators have diverse duties, which range from conducting and analyzing complex criminal investigations to locating and securing the court attendance of uncooperative witnesses.

Legal Support Staff Both the prosecutors and DA Investigators are assisted by a team of 2 Legal Office Assistants supervised by the Legal Services Supervisor. The duties of the legal support staff include inputting all case referrals into the case management system, preparing physical case files, copying and providing discovery to defense attorneys, preparing subpoenas and notifying witnesses of case status, and closing case files upon case completion.

Accomplishments FY 2018-2019

Significant Cases The office worked hard in CY 2018 to hold people accountable for crime, bringing to a close 2,115 criminal cases ranging from misdemeanor DUI offenses to murder. Here are a few highlights from major prosecutions concluded in 2018.

- *Ronald Allen Dainauskiu* was sentenced on 3/12/2018 to serve 15 Years to Life in State Prison for the November 2017 murder of his neighbor. Dainauskiu stabbed the victim to death during an argument inside the victim's motorhome. He set fire to the motorhome in an attempt to cover up the murder.



Neighbor arrested after woman is found dead in burned-out motorhome

By Jake Abbott/ jabbott@appealdemocrat.com Nov 17, 2017



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- *Michael Dane Casey* was sentenced 3/19/2018 to serve 30 Years to Life in State Prison for sexually abusing a child under the age of 11. Casey sexually abused the child over a two-year period, when the child was between the ages of 7 and 9.



Olivehurst man sentenced to 30 years in prison for sexually abusing young relative

By Rachel Rosenbaum / rrosenbaum@appealdemocrat.com Mar 21, 2018

- *Reginald Ashlock* was sentenced 9/17/2018 to serve 26 Years to Life in State Prison for attempting to murder his girlfriend by stabbing her in the chest. This conviction was Ashlock's 3rd "strike" as he was previously convicted of continuous sexual abuse of a child in 1993 and residential burglary in 1997.



Linda man will be sentenced to 26 years to life for stabbing ex-girlfriend

Pleaded no contest to premeditated attempted murder

By Rachel Rosenbaum / rrosenbaum@appealdemocrat.com Aug 1, 2018

- *Gang Suppression* continued to be a priority in 2018.
 - Ryan Lee Carl was sentenced on 6/18/2018 to serve over 14 Years in State Prison for two separate cases. Carl, a white-supremacist, was sentenced for assaulting another inmate with a jail-made weapon in 2017. He was also sentenced for threatening to slit the throat of a correctional officer in 2018. Carl received an enhanced sentence due to his previous "strike" conviction for voluntary manslaughter in 1999.
 - *John Damian Williams* was sentenced on 9/24/2018 to serve 20 Years in State Prison for a marijuana-related robbery he helped commit in April 2016. Williams participated in the robbery with two other gang members, one of whom shot the victim in the leg when he refused their demand for his money. This was William's 2nd "Strike" as he was previously convicted in 2006 of a gang-related assault with a deadly weapon.
 - *Jonathan Ramirez* and *Juan Sanchez* were sentenced in April 2018 to 8 Years in State Prison each for a gang-related drive-by shooting spree in October 2017. Two of their accomplices, *Miguel Munoz* and *Machaela Minton*, were sentenced to formal probation for their involvement. No one was injured by the shootings.

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- *Sexual Assault Prosecution –*

- *William Inderbitzen* was sentenced on 5/17/2018 to 12 Years in State Prison for three counts of lewd acts on a child under the age of 14. Inderbitzen molested the girl over a 7-year period.
- *James Dean Miller* was sentenced on 10/15/2018 to 6 Years in State Prison for sexually penetrating a 16-year-old girl while she was asleep.

- *Other Violent Crime –*

- *Adam Zachary Gibbs* was sentenced on 7/16/2018 to 15 Years in State Prison for an assault with a deadly weapon on a Yuba County Sheriff's Deputy. Gibbs, who had an outstanding felony warrant, accelerated his truck rapidly in reverse during a traffic stop, smashing into the front of the patrol car. Deputy Young jumped clear of the truck. Believing that Gibbs was running over his backup officer, Deputy Young fired his duty weapon at Gibbs, ending the violent encounter. Gibbs received an enhanced sentence because he had been previously convicted of a "strike" offense for assault with a deadly weapon in 2010.



Sheriff's office: Deputy fired gun to protect partner

Suspect allegedly attempted to run over law enforcement officers during a traffic stop

By Jake Abbott jabbott@appealdemocrat.com Oct 25, 2017

- *Randall Todd Harris* was sentenced on 9/10/2018 to 11 Years in State Prison for voluntary manslaughter. Harris shot the victim outside the Long Branch Saloon. The two men were neighbors and had argued over a cigarette. Harris claimed he fired initially in self-defense because the victim had gotten a machete from his residence.
- *Christopher Clareleaf Mills* was sentenced on 12/12/2018 to 11 Years in State Prison for assault with a firearm and related enhancements. Mills shot the victim multiple times with a .22 caliber rifle on 2/19/2018. The shooting is believed to have been in retaliation for the victim stealing Mills's marijuana. Mills was taken into custody a few days later during a residential burglary in Nevada County. Mills rammed a patrol car while trying to flee, forcing Nevada County Sheriff's Deputies to shoot him. Mills received the maximum additional sentence of 16 months for the residential burglary in Nevada County.

- *Driving Under the Influence –* DUI continues to be one of the biggest criminal dangers to our community. There were 17 cases filed in CY 2018 where a driver was alleged to have caused injury to another person due to driving under the influence. During the same time period, 6 DUI with injury cases were concluded. Overall, there were 293 DUI cases closed in CY 2018, making DUI about 14% of the total caseload. Three of the more notable DUI cases that were completed in 2018 are noted below.

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- *Michael Wayne Gordy* was sentenced on 3/19/2018 to over 13 Years in State Prison for vehicular manslaughter, driving under the influence, and inflicting great bodily injury. Gordy was driving under the influence of alcohol when he failed to navigate a turn, rolling his vehicle. His front passenger lost his life and his rear passenger was severely injured.

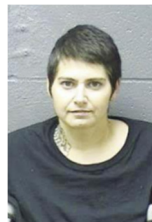


Marysville man dies in Frenchtown Road crash; driver arrested on suspicion of DUI

Appeal-Democrat Sep 26, 2017



- *Rachel Hawkins* was sentenced on 11/19/2018 to 8 Years in State Prison for two counts of vehicular manslaughter. Hawkins drove a motor vehicle under the influence of methamphetamine on 7/24/2018. Due to her impairment, Hawkins collided head-on with a vehicle carrying two men on North Beale Road. The two men died on scene from injuries sustained during the collision.



Woman sentenced to eight years in prison for fatal DUI collision

By Rachel Rosenbaum / rrosenbaum@appealdemocrat.com Nov 19, 2018

- *Alfredo Dominguez* was sentenced on 2/20/18 to 6 Years in State prison. Dominguez was on probation when he failed to yield in December 2017 for a minor traffic violation. CHP chased Dominguez over 12 miles before the vehicle pursuit ended when Dominguez high-centered his vehicle in an orchard. He was under the influence of alcohol and methamphetamine at the time and was convicted of fleeing from the officers and felony DUI.



Marysville man sentenced to four years for car chase

By Jake Abbott/jabbott@appealdemocrat.com Feb 20, 2018

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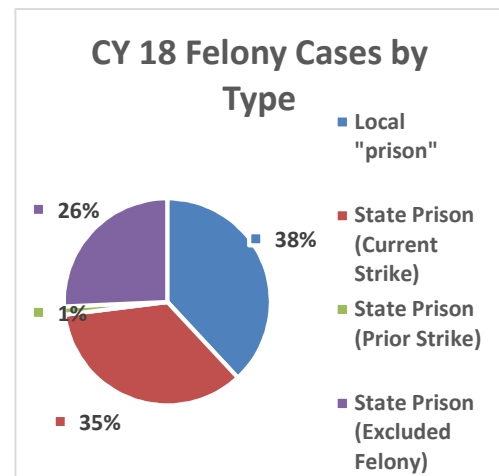
Performance Measures

FY 2018-2019

Prosecution by the Numbers During 2018 office staff reviewed 2,673 investigation referrals, filed 2,078 criminal actions in court, and brought 2,115 cases to completion.

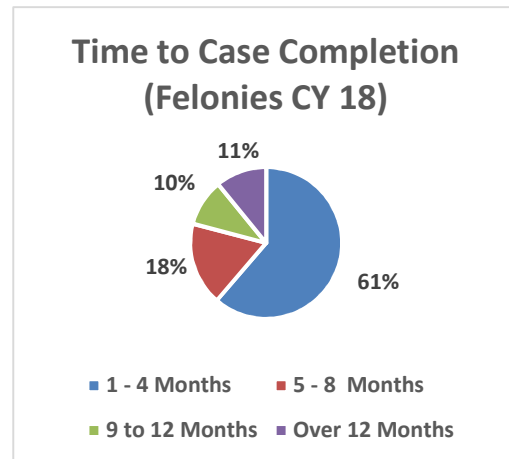
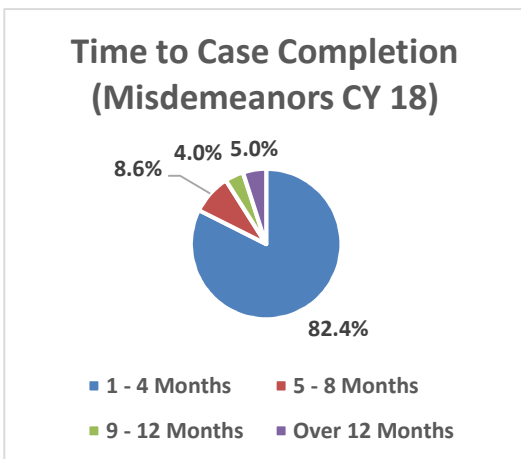
	Felonies	Misdemeanors	Juvenile	All Cases
Cases Referred	914	1,619	140	2,673
Cases Filed	422	1,552	104	2,078
Cases Closed	478	1,637	*unavailable	2,115

Of the 478 felony cases tracked to closure in CY 2018, 38% were ineligible for a commitment to State Prison due to AB 109, passed in 2012 by the California Legislature, known as "Realignment." Realignment shifted the burden of housing convicted felons from the state to the county level. These felons must be housed in the Yuba County Jail, where space is limited and costs are borne directly from the County's general fund. For a felon to be eligible for State Prison, he or she must be convicted of a current strike, have a prior strike on their record, or be convicted of a list of crimes that are "excluded" from Realignment sentencing. The above graphic illustrates that roughly a third of all felony cases handled by the District Attorney in 2018 were serious or violent felonies known as "strikes."



Workload management and performance in CY 2018 were measured in the areas of prosecutorial timeliness, consistency, and case outcomes.

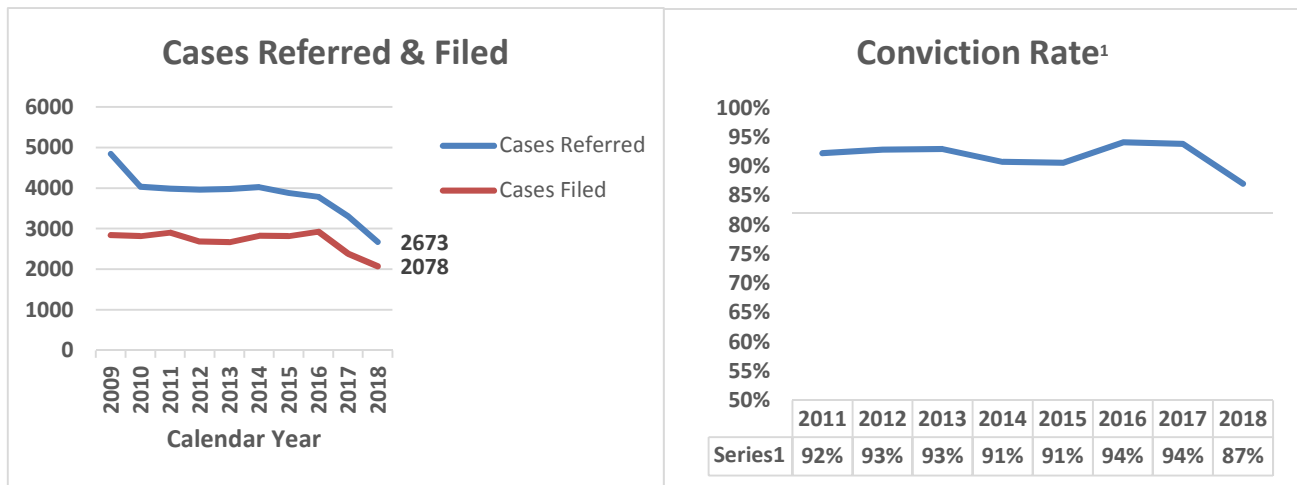
- Timeliness - Filing decisions were made on both felony and misdemeanor cases within the 15-day standard over 90% of the time. Case completion times were also excellent with over 82% of misdemeanor cases and 61% of felonies resolved within four months of filing.



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- Consistency - Prosecutorial consistency was measured for filing decisions and case dispositions. The filing rate for CY 2018 was 78%, higher than the 10-year average of 71%. The decline in referrals for two consecutive years is believed to be a function of low staffing in our local law enforcement agencies, the decriminalization of cannabis, and the reduction of many theft and drug crimes to misdemeanors by Prop 47. The higher filing rate may partially explain the lower conviction rate, which dipped in CY 2018 to 87%.



¹ – Conviction rate is adjusted for Defendants with multiple cases.

- Case Outcomes – As noted in the graph above, the adjusted conviction rate dropped 5% below the 8-year average in 2018 to 87%. This drop was likely caused by a myriad of factors, including a higher filing rate. The higher filing rate suggests a *de facto* relaxing of filing standards. While an arrest can be made on the basis of a strong suspicion known as “probable cause,” the office standard is to not file a court case unless the attorney believes it can be proven “beyond a reasonable doubt.” Both the increase in the filing rate and the lower conviction rate are likely attributable to lower staffing, which forces attorneys to make filing and case decisions under greater time pressure.

Crime Prevention The District Attorney’s Office is dedicated to preventing crime before it happens. The biggest tool we have is the swift punishment of the guilty, but we also have a role in preventing crime through offender rehabilitation and public education.

- District Attorney Supervised Rehabilitative Programming

The Office continued its Supervised Rehabilitative Programming in 2018. In 2011 the State of California implemented a realignment of criminal justice responsibilities (Realignment), shifting new responsibilities onto the individual counties in an effort to reduce the State prison population.

In particular, Realignment reclassified the sentencing of over 500 felony crimes, requiring the prison sentences to be served in the local county jail instead of in the State’s Prison. This shift of prisoners significantly impacted local jail capacity, as prisoners historically housed in State facilities were now housed for long incarceration times in local jails and consumed jail bed capacity historically used for low-level misdemeanor offenders and pre-trial detainees.

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In Yuba County, approximately a third to a half of the felony cases prosecuted each year involve crimes which are no longer eligible for State Prison housing. Given the high felony caseloads, and the percentage no longer eligible for state housing, there was a significant concern that the felony caseload could overwhelm our jail bed capacity.

In response to this concern, the District Attorney's Office initiated a program in CY 2014 to divert a selected group of felony offenders from immediate prison sentences and into supervised rehabilitative residential programming. The majority of these offenders are not eligible for any type of probationary sentence because of their past criminal history, and therefore would be sentenced to serve their prison sentences in the Yuba County jail.

Under the DA Supervised Rehabilitative Programming effort, these offenders plead guilty to their felony crimes and agree to enter into a 6- to 24-month residential program prior to their sentencing. Almost all these programs are located outside of Yuba County.

If the offender successfully completes the program, the court and DA's office agree to place the offender on supervised probation for another 24 to 60 months. If the probation is violated, the court may sentence the offender up to the maximum allowable for the crime in question.

If the offender fails the program at any time, the offender is returned to court and may be sentenced up to the maximum allowable, or to a term which was agreed upon at the time the plea was originally entered. The DA's office controls whether an offender may receive a second chance in the residential program, depending on the nature of the failure and the background of the offender.

The overall goals of the program are to provide an opportunity for long-term rehabilitation for an offender group historically difficult to manage, remove the offender from the community for a time period similar to a standard prison sentence, reduce the pressure on jail bed capacity, and present the Yuba County Probation Department with a stabilized offender more likely to benefit from probation services and eventually reintegrate successfully into the community.

In 2018, 65 cases involving felony offender who participated in this program were closed. Approximately 45% of the offenders were successful. The overall success rate of these offenders on felony probation is yet to be measured.

- Drug Court

The Office continued to support the rehabilitation of select felony offenders through a collaborative effort known as Drug Court. Probationers who agree to be placed in the program undergo extensive substance abuse counseling and benefit from extra oversight and support from probation, the court, and the DA. Every graduate of Drug Court represents a life changed for the better that will then impact their children, their family, and friends. Drug Court continues to be one of the best opportunities to prevent crime in the future by fixing the problem at its source. Drug Court had 6 graduates in 2018.



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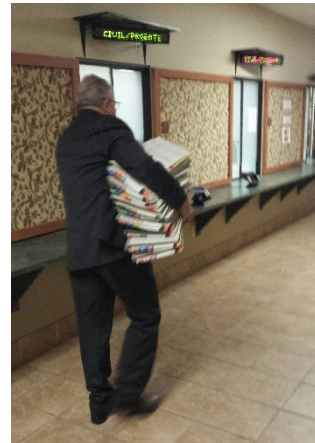
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Goals and Objectives

FY 2019-2020

FY 19/20 is lining up to be a year of significant transition with Clint Curry becoming the first Yuba County District Attorney to assume office from outside employment in almost 40 years. With that significant transition comes an opportunity to take a fresh look at office policies, procedures, organizational structure, workflow, equipment, and priorities. Embracing that opportunity, the Office will pursue the following goals for FY 19/20:

- *Create a Recruitment & Retention Plan* – The office has been very successful over the years keeping good employees. This has been a blessing for decades but presents a challenge this year because many of the senior staff intend to retire in FY 19/20 or are contemplating retirement in the next few years. Goal number one is to develop a plan to manage the transition by recruiting a mix of junior and senior attorneys and then keeping them.
- *Update Office Policies* – The goal for FY 19/20 is to review and update each and every policy. By mid-year the office will have reviewed each policy and come up with an outline for any revisions and updates.
- *Office Modernization* – When you work in a severely understaffed office it is important to leverage technology to increase productivity; automate what can be automated, and optimize your workflows to maximize efficiency. The office began modernization efforts in FY 17/18 with the purchase of a new case management system (“CMS”) from Karpel. The new CMS has tremendous potential that remains to be used. Karpel allows for the full digitization of workflow, eliminating the need for costly paper files, and creating time savings from automation and elimination of redundant data entry. Attorneys now routinely carry large stacks of physical files to court. They take physical notes in those files, which are brought down to the office after court. A Legal Office Assistant then goes through each file to input the data from the physical file into the CMS. The modernization effort has multiple facets and may need to be phased over several fiscal years due to costs – but the investments will be worth it. The following are objectives for the Office Modernization Plan in FY 19/20:



- Establish Automated Programming Interface (“API”) between the Yuba Court’s CMS (Odyssey by Tyler) and Karpel. The API will connect the case management systems and eliminate the need to manually enter the data from each court appearance.
- Partner with the Yuba Courts to bring reliable high-speed internet access to each courtroom. This is necessary to allow for the digitization of our case files.
- Digitization of Files – So long as high-speed internet in the courtrooms can be established, the Office will go “paperless” on its misdemeanor cases in FY 19/20.
- Ergonomic Updates – The physical office infrastructure is in desperate need of updating.

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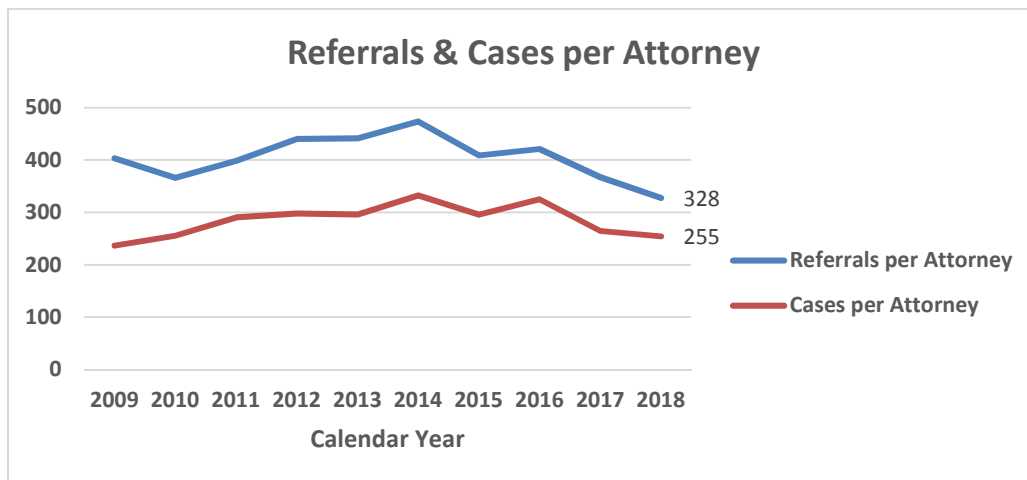
Many of the desks being utilized are so old they cannot be modified to current ergonomic standards. Meeting ergonomic standards is an important for avoiding Workers' Compensation claims. The office experienced an ergonomic-related injury in FY 18/19 and will be paying that claim for years to come. Aiming for an ounce of prevention, the Office will begin phasing out legacy office equipment and replacing it with ergonomically-correct devices. For FY 19/20 the office hopes to replace the equipment for each employee and provide training to prevent further ergonomic-related injuries.

Pending Issues/Policy Considerations FY 2019-2020

The most significant issue facing the Yuba County District Attorney's Office and the Yuba County criminal justice system in fiscal year 2019/2020 continues to be the lack of a stable funding source to meet operational costs.

Prior budget reductions have reduced the existing staffing to the 1991 level. In the last ten years the prosecution staff has been reduced 35%; from 12 attorneys to 8, from 3 investigators to 2, and from 5 support staff to 3.

The workload per prosecutor also declined slightly during that period, but remains much higher than recommended. The graph below shows the ratio of investigation referrals per prosecutor and cases filed per prosecutor over the last 10 years.



There are currently no specific caseload recommendations for prosecutors. Instead, the National District Attorney's Association recommends that a prosecutor "should not be asked to maintain a workload that is inconsistent with the prosecutor's duty to ensure that justice is done in each case."¹ There are caseload recommendations for defense attorneys. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals, organized by the federal government, recommended national annual maximum caseload numbers for criminal defenders of not more than 150 felony cases per year per lawyer, or 400 misdemeanor cases. With criminal law becoming ever more complex, more recent

¹ National District Attorneys Association, *National Prosecution Standards*, Third Edition, 2009, <https://ndaa.org/wp-content/uploads/NDAA-NPS-3rd-Ed.-w-Revised-Commentary.pdf>.

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studies and recommendations for criminal defense attorney caseloads are even lower. In 2015, the Texas Indigent Defense Commission recommended that defense attorneys handle no more than 128 felony or 226 misdemeanor cases a year.²

Prosecutors arguably should have even lower caseloads for two reasons. First, prosecutors handle more than just the cases that get filed in court. Roughly 20% to 30% of investigations reviewed by prosecutors are rejected due to lack of evidence. Prosecutors handle cases post-conviction, attending parole hearings and responding to motions and writs. Prosecutors also assist law enforcement agencies by reviewing search warrants, collaborating on investigations, and providing training. Second, when it comes to cases that are filed, prosecutors have a fundamentally different job than the defense. Prosecutors are not there just to see that a client is treated fairly. Prosecutors are charged with doing justice in each case and have the responsibility and burden of gathering and presenting proof beyond a reasonable doubt.

The 10-year average in Yuba County for cases filed was 674 felonies and 2009 misdemeanors. Based on the caseload recommendations for defense attorneys and the 10-year average of cases actually filed in Yuba County, the District Attorney's Office should have at least 10 to 14 attorneys in addition to the District Attorney and Chief Deputy District Attorney, who are managers. There are currently only 6, justifying a minimum increase of 4 to 8 attorney positions.

A fiscal analysis comparing Yuba County District Attorney costs per capita for FY 18/19 to other neighboring or similar counties (Sutter, Nevada, Lake, Tehama, Mendocino, and Butte) showed a significant disparity. The Yuba County cost per capita at \$31.47 is significantly below the costs for the comparison counties, which ranged from \$43.99 in Sutter to \$60.22 in Butte.

A personnel analysis comparing the Yuba County District Attorney's staffing to those of the other comparison counties also shows a significant disparity. Examining personnel per capita, Yuba County recorded a ratio of one staff member for every 5,925 persons (1:5,925), as opposed to the staffing range in the comparison counties, which ranged from 1:2,072 in Lake to 1:4,027 in Sutter.

These staffing and fiscal challenges exist as the state and the electorate have increased the workload by shifting additional responsibilities onto local prosecutors. State parole revocation hearings are now handled by the District Attorney's Office, which has resulted in over 1,100 court hearings in the past five years. There have been over an additional 500 violation hearings for those released from prison under the supervision of the Probation Department and opposed to state parole agents. Finally, there have been approximately 400 responses either in court hearings or by writing to felony resentencing petitions under Propositions 47 and 64, or to the Board of Parole Hearings related to opposing the early release of current inmates under Proposition 57. This workload is in addition to the caseload figures provided previously.

In conclusion, the District Attorney's Office continues to improve productivity, but remains severely understaffed. Over the short term, the lack of resources is already negatively affecting the management of cases. Absent an increased and stable stream of public safety funding, the understaffing is likely to jeopardize public safety over the long-term.

² Texas Indigent Defense Commission, *Guidelines for Indigent Defense Caseloads*, 2015, http://www.tidc.texas.gov/media/31818/150122_weightedcl_final.pdf.