

# District Attorney

Clint Curry - District Attorney

District Attorney	FY 22/23 Adopted Budget	FY 23/24 CAO Recommended	Change
<b>108-2500</b>			
<b>EXPENDITURES</b>			
Salaries and Benefits	\$2,977,890	\$3,113,738	\$135,848
Services and Supplies	\$648,266	\$570,802	(\$77,464)
Other Charges	\$283,418	\$283,418	\$0
Fixed Assets	\$83,045		(\$83,045)
<b>TOTAL EXPENDITURES</b>	<b>\$3,992,619</b>	<b>\$3,967,958</b>	<b>(\$24,661)</b>
<b>REVENUE</b>			
Fed/State	\$424,221	\$445,511	\$21,290
Grant			\$0
Realignment	\$0		\$0
Fees/Misc	\$947,247	\$1,018,656	\$71,409
<b>TOTAL REVENUE</b>	<b>\$1,371,468</b>	<b>\$1,464,167</b>	<b>\$92,699</b>
<b>FUND BALANCE</b>			<b>\$0</b>
<b>NET COUNTY COST</b>	<b>\$2,621,151</b>	<b>\$2,503,791</b>	<b>(\$117,360)</b>

## Program Description

The District Attorney represents the People in court as the public prosecutor, working with the Sheriff and other law enforcement agencies to keep the community safe and maintain the rule of law. The District Attorney does this by filing criminal charges in court against people who break the law, working to prevent crimes from happening in the first place, and protecting and supporting victims of crime.

Once a law enforcement agency completes an investigation into a crime committed in Yuba County, they refer it to the Yuba County District Attorney for prosecution. Yuba County District Attorney's Office receives over 3,500 new case referrals each year from law enforcement agencies, including the Yuba County Sheriff's Department, Marysville Police Department, Wheatland Police Department, California Highway Patrol, Department of Fish and Game, Yuba County Probation, Parole, and many others. The cases range in seriousness and complexity from petty theft to child molestation, rape, and murder.

A Deputy District Attorney thoroughly reviews each referred case to determine what charges if any can be proven beyond a reasonable doubt. District Attorney Investigators provide critical follow-up investigation to ensure the Attorneys have the evidence they need to make good charging decisions and to present the case to a jury if necessary. The District Attorney handles the case until it is finished. Most cases are completed within four months, but some cases require years or even decades of attention because of delays in getting to trial and post-conviction matters, such as violations of probation and parole, civil commitments of sexually violent predators or mentally disordered offenders, and parole suitability hearings for defendants who were sentenced to prison for life.

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The District Attorney's Office prosecutes about 73% of referred cases, filing them in Yuba County Superior Court. The goal of each prosecution is ultimately to make Yuba County a safe, healthy environment for people to live, work, and play. Striving for justice, we seek case outcomes that will protect our community by appropriately and consistently punishing lawbreakers under the rule of law. We give the amenable an opportunity to rehabilitate on diversion or probation. We work to incapacitate the dangerous and incorrigible by seeking jail or prison sentences. We support victims, keeping them informed, helping them access resources through Yuba County Victim Services and seeking just outcomes that secure restitution.

The District Attorney also provides support to law enforcement agencies, conducting training, reviewing search warrants, assisting with multidisciplinary interviews of child victims and witnesses, and consulting on significant investigations. Yuba County District Attorney Investigators help lead the Yuba Sutter Officer Involved Shooting Investigation Team. The team provides an unbiased and professional investigation into officer involved shooting incidents.

To handle all these cases and responsibilities, the District Attorney leads a dedicated team of Attorneys, Investigators, and Support staff. The County currently allocates 18 positions: 11 Attorneys (including the elected District Attorney), 3 Investigators, 1 Investigative Assistant, and 3 Support staff.

## Accomplishments FY 2022-2023

### Yuba County Strategic Priority – Public Safety & Health

#### Prosecution by the Numbers

During CY 2022 office staff received 3,806 new investigation referrals, screened 3,822 cases, filed 3,109 criminal cases in court, 56 actions in juvenile court, handled 21 civil petitions, and brought 3,177 cases to completion.

	Felonies	Misdemeanors	Juvenile Delinquency	All Cases
Cases Referred	1,399	2,300	78	3,777
Cases Screened	1,309	2,435	78	3,822
Cases Filed	1,017	2,092	56	3,165
Cases Closed	1,094	2,043	40	3,177

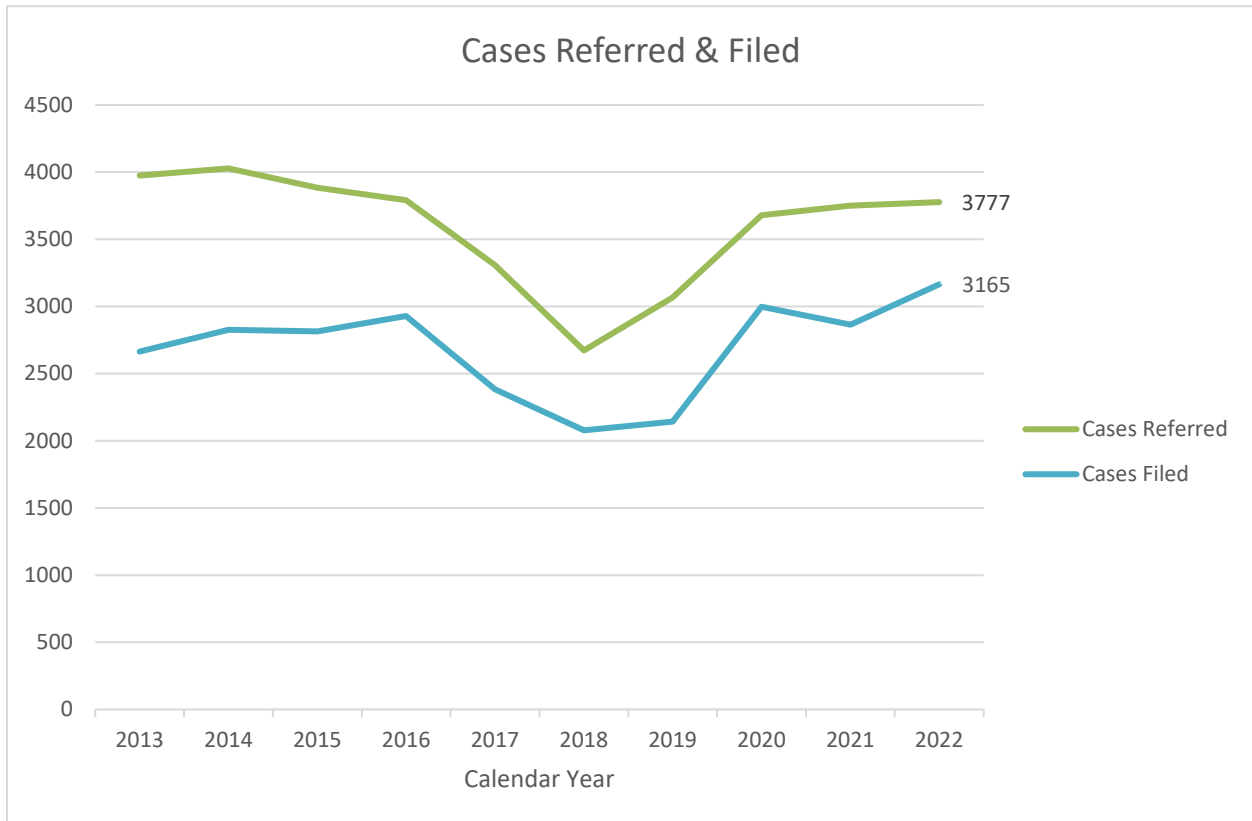
Timeliness – Case screening was measured in 2022 for timeliness. For the 3,822 cases screened in 2022, an Attorney screened 78% within 30 days of being referred, 95% within 90 days, and 98% within 180 days.

Consistency - Prosecutorial consistency was measured for filing decisions and case outcomes.

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Law enforcement forwards cases based on “probable cause” that a person has committed a crime. The probable cause standard only requires a strong suspicion. To find a person guilty of a charge, prosecutors must prove the case “beyond a reasonable doubt.” The District Attorney only files the cases that meet this standard. The filing rate for CY 2021 was 83%, above the 10-year average of 73%, but within acceptable deviation.



Case outcomes were also measured for consistency. The conviction rate of 95% for CY 2022 is above the 10-year average of 91%. Cases that do not result in a conviction are dismissed for a myriad of reasons, including when a defendant successfully completes a diversion program.

**Significant Cases** The office worked hard in CY 2022 to hold people accountable for crime, bringing to a close 3,177 criminal cases ranging from misdemeanor DUI offenses to murder. Here are a few highlights from major prosecutions concluded in 2022.

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- Justin Coasts was sentenced on 6/29/2022 to serve 25 years to Life in prison for Criminal Threats under the Three Strikes law. Coasts had 20 years of criminal history, including “strikes” for rape and robbery. The current case also involved domestic violence and strangulation. Senior DDA McDevitt negotiated the resolution. The case was highlighted in the California Globe as an example of common sense public safety.

### Common Sense Public Safety: Why California’s Three Strikes Law Remains a Necessary Tool

*California’s Committee on Revision of the Penal Code does not include a single prosecutor or victim advocate among its members*



SDDA Monique McDevitt

- Daniel Solis was sentenced on 7/25/2022 to serve 11 years to Life in prison for attempting to murder a 59-year-old man during a home invasion. DDA Morgan Luna tried the case to a jury.



Solis tricked the homeowner into opening the door and then pulled a knife to force entry. The attack was captured by a ring video.



DDA Morgan Luna

- Chase Hammonds was sentenced on 8/1/2022 to serve 25 years to Life causing the deaths of 55-year-old Cary Ojeda and 37-year-old Deanna Hernandez. They were killed on 9/15/2021, when Hammonds fled from police in a stolen Ford F-250 and drove the wrong way on Highway 70, hitting them head-on. DDA Andrew Naylor handled the case, which settled by plea agreement.



Chase Hammonds



Cary Ojeda and Deanna Hernandez



DDA Andrew Naylor

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- Rory Banks was sentenced on 11/22/2022 to serve 60 years to Life for breaking into a Wheatland home and murdering Ralph Mendez. Banks, who followed QAnon, claimed he was insane at the time he executed Mendez.



Rory Banks at sentencing.



Deputy Prince and CDDA Shiloh Sorbello

- Jerry Johnson was sentenced on 12/5/2022 to serve 25 years to Life under the Three Strikes law for burglarizing a home near Wheatland. Hopefully the life sentence brings an end to Johnson's infamous career as a burglar, with 13 prior strikes to his name. Senior DDA Monique McDevitt tried this case to a jury.



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## Yuba County Strategic Priority – Organizational Excellence

### Integrating Data into Decision Making

In 2022 we continued a project to ensure that we are capturing and using data to make better decisions. The switch to digital files and electronic case management holds tremendous promise for helping the public know what we are doing and helping us see what works and what doesn't. We are hoping to partner with the California District Attorneys Association in the coming year to take an even deeper dive into the data.

## Goals and Objectives FY 2023-2024

**The overall goal for FY 23-24 remains to provide a safe, healthy environment in Yuba County for people to live, work, and play.**

### Yuba County Strategic Priority – Public Safety & Health

#### **Goal: Alter Prosecution on Investigation Division Allocations to Meet Fiscal Challenge**

The District Attorney's Office remains short-staffed relative to workload. Staffing peaked in 2007, with 20 full time employees, and bottomed out after the great recession at only 13. The budget in FY 2022-2023 saw allocated positions increase to 18, but a mid-year reduction in revenue meant that three of those new positions remained unfilled. Two of the unfilled positions are Attorney positions, and one was an Investigator position.

To meet the fiscal challenge, the District Attorney is proposing eliminating a Senior Deputy District Attorney position from the Prosecution Division and the Investigative Assistant position from the Investigations and Legal Services Division. The SDDA position is currently vacant. The incumbent in the Investigative Assistant position will be moved into the vacant DA Investigator position and be given a promotional opportunity after she completes the police academy. We will seek to fill the third vacant position with an entry-level Attorney in December 2023. Filling the Attorney position is necessary to ensure justice is done. The changes will mean a reduced allocation from 18 fulltime employees to 16 fulltime employees, but an increase of staff actually present from 15 to 16: 10 Attorneys, 3 Investigators, and 3 Support staff. While the reduction in allocated positions is not ideal, it is necessary to meet the current fiscal challenge.

#### **Goal: Review 90% of Case Referrals within 90 Days**

A significant portion of Attorney workload consists of reviewing case referrals from law enforcement agencies to determine what charges if any to file. Reviewing these referrals within a reasonable time is necessary to justice.

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## **Goal: Expand Collaborative Courts to Include Veterans and Behavioral Health**

The Yuba County Superior Court currently operates a Drug Court. Defendants who agree to the terms of Drug Court receive wrap-around services and treatment, with frequent reviews by the judge, probation, and District Attorney. If a defendant completes the program, which can take several years, they receive a dismissal of their case. The Drug Court program helps addicts who are finally ready to face their problem and change their life. The public is safer because the defendant has addressed the root issues that led to their criminality. Veterans and others suffering from behavioral health issues are another group of people that could significantly benefit from the collaborative court model. Progress stalled in FY 22-23 on a pilot project for Behavioral Health Court, but we hope to restart efforts in the new fiscal year.

## **Yuba County Strategic Priority – Organizational Excellence**

### **Goal: Update Office Policies**

This is a carry-over from prior years and remains an ongoing goal.

### **Goal: Develop Better Tracking of Case Dispositions**

With the switch from paper to digital files, and the sudden onset of remote work in the face of the pandemic, the old paper system of tracking case dispositions failed. A modern case management system was implemented in FY 17-18, but data entry was spotty and inaccurate. CY 2021 was the first year where all cases were digital. In FY 21-22 we began working with an analyst to develop reports that will help analyze workload and case dispositions. The goal this year is to be able to track all performance measures with these reports and begin drilling down into case dispositions and sentencing data to become more data-driven in case negotiations. Significant progress was made this year in these areas, but we will continue to work to clean up data and improve our ability to use it for making better decisions. Beyond FY 23-24, we are hoping to create a public-facing portal that shows case dispositions.

### **Goal: Digitize Closed Files**

The District Attorney is required to maintain files up to 75 years, depending on the type of case. Sometimes prior case files provide evidence relevant to new prosecutions, e.g., when new cases are filed on defendants with a history and pattern of domestic violence or sex crimes. Some stored information is also subject to Public Records Act requests, e.g., officer involved shootings. Best practices would be to digitize these materials so that they are safe in the cloud, easier to access and more efficiently provided when requested pursuant to a PRA. The budget request includes funding for an extra help position to work on this ongoing scanning project.

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## **Pending Issues/Policy Considerations FY 2023-2024**

California's state government is currently conducting a reckless experiment with public safety. Beginning with "realignment," California has reduced the prison population from roughly 170,000 down to 95,000. California has done this by pushing "nonviolent" offenders down to the county jails, downgrading most theft and drug crimes to misdemeanors and changing laws and rules so that many prisoners serve only 1/3 of their prison sentence, and probationers are supervised no more than two years even for most felonies. This experiment is not going well. It has not increased rehabilitation. It has not increased public safety. The District Attorney encourages the Board and County to engage politically with the state to end this reckless experiment. We should have truth in sentencing – prisoners should serve the sentence imposed by the judge. The administrative early releases of prisoners by the California Department of Corrections and Rehabilitation and Board of Parole Hearings must stop! We need to invest as a state in prison infrastructure. We must have sufficient capacity to lock up the dangerous and the incorrigible. We need to invest as a state (and perhaps as a region) in locked treatment facilities for those who are unsafe due to behavioral health problems, including drug addiction. Please engage where appropriate to make these things happen.