

# MIDTERM REPORT




A MIDTERM REPORT OF ACCOMPLISHMENTS AND  
BALANCED REFORM UNDER THE LEADERSHIP OF  
**SAN DIEGO COUNTY DISTRICT  
ATTORNEY SUMMER STEPHAN**

TRANSFORMING CRIMINAL JUSTICE IN SAN DIEGO COUNTY:  
**A STRATEGIC APPROACH FOCUSED ON INNOVATIVE SOLUTIONS**

**SAN DIEGO COUNTY DISTRICT ATTORNEY**





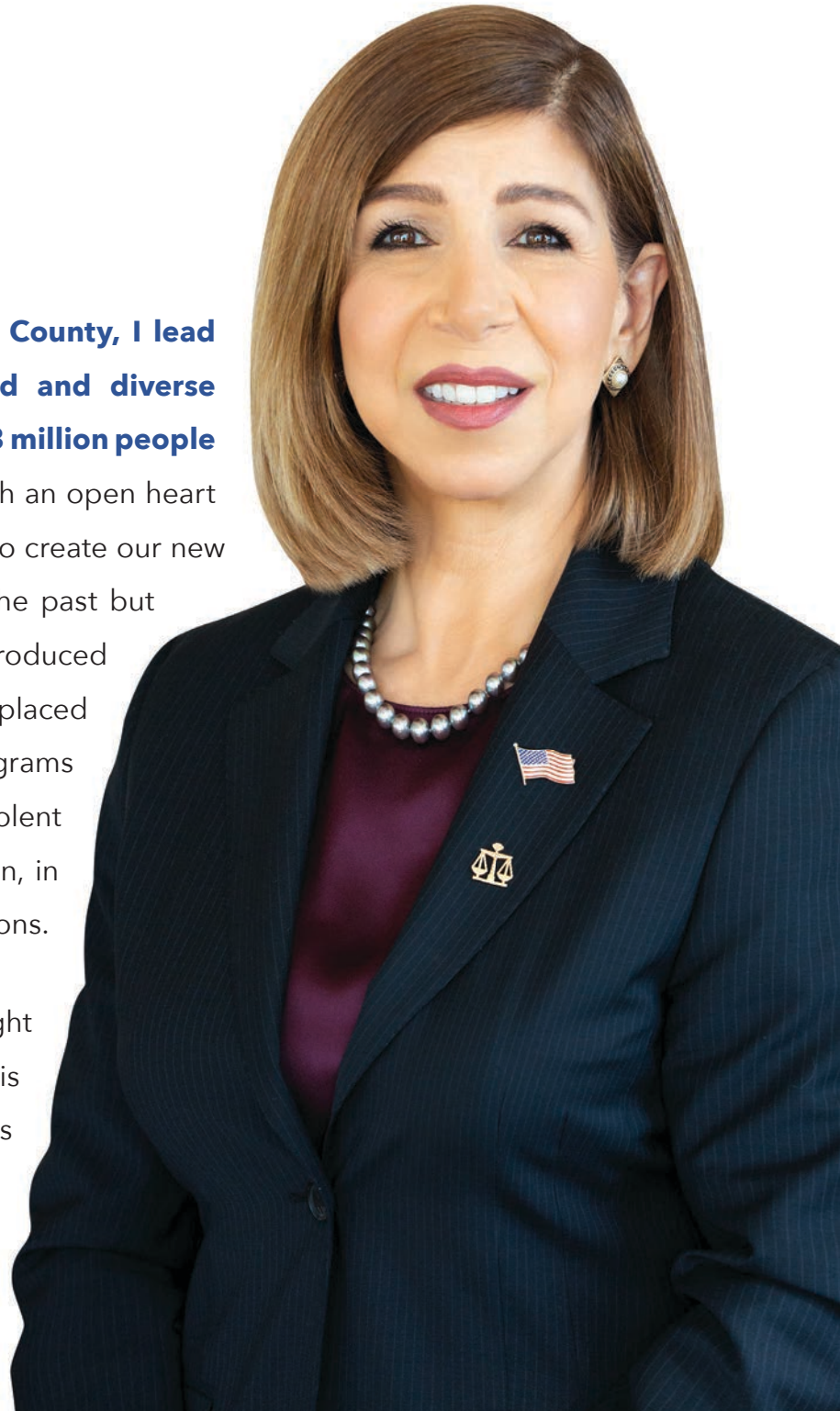
**"I think  
the first duty  
of society  
is justice."**

*- Alexander Hamilton*

# A Message from San Diego County District Attorney Summer Stephan

**A**s District Attorney for San Diego County, I lead and work alongside a dedicated and diverse 1,000-member team that serves over 3.3 million people with integrity and passion. I listened with an open heart and mind to the voices in the community to create our new mission, which retains the excellence of the past but boldly reforms previous inequities that produced an over reliance on incarceration. I've replaced them with evidence-based treatment programs that address the root causes of non-violent crime, such as mental health and addiction, in order to forge effective and humane solutions.

At the same time, our team continues to fight for justice on behalf of crime victims and is responsible for prosecuting all felony crimes that occur in the county including murders, sexual assaults, and DUI fatalities; and all misdemeanor crimes that occur outside the City of San Diego. We work with all



nine police departments in the county and Sheriff's Department to make sure those who harm others and terrorize neighborhoods are held accountable under the law.

The team at the District Attorney's Office reflects the diverse cultures, races, religions, gender and sexual orientation of the communities we serve. While we cherish our unique experiences, we are united by our new mission to pursue fair and equal justice for all and to build safe neighborhoods through the ethical prosecution of crime, protecting victims, preventing harm and partnering with the community. Our enhanced focus on preventing harm by interrupting cycles of violence and reducing recidivism is producing positive results that we are closely tracking.

There is nothing more central to our responsibility to protect public safety than the sanctity of human life and our duty to stand with the voiceless in the pursuit of fair and equal justice. Those of us who are leaders in law enforcement have the profound duty and responsibility to use our power to dismantle generations of inequity and, with courage, continue to build systems of justice that represent a new way forward. My own story carries the generational pain of systemic injustice to my grandmother, who was orphaned and driven as a child out of her home by the ravages of the Armenian genocide, finding a safe haven in this country that she loved.

As we look to the future and meet the challenges ahead of us, it is also valuable to provide our community at this juncture with information about the progress we've made and what we've accomplished. I am excited to share the innovative programs and initiatives that our team has launched during my first two years as your elected District Attorney and to highlight the future plans. They are summarized in this Midterm Report and I hope you will take a few moments to look through it. The data outcomes so far are exceeding our expectations and we hope that by sharing our strategies we can help inform other DA Offices across the nation that maybe looking to improve their criminal justice systems.

I am inspired daily by those who are committed to working with us on innovative, responsible and safe criminal justice reform. I value listening to and learning from the community we serve. Despite facing the challenges of a worldwide pandemic, our DA team has shown up daily to serve the most vulnerable, to give a voice to the voiceless, and to create a fair and equal justice system that fights for victims and treats everyone with dignity and respect. The core of the criminal justice reform model



we developed at the District Attorney's Office relies on harm reduction. We look for ways to reduce the risk of harm, acknowledging that we can't eliminate all of it. This approach requires complex solutions that don't sideline anyone's rights and that work to improve outcomes for public safety. I don't believe that we need to choose between protecting victims' rights or protecting the rights of those who commit crime or the right of the community to be safe. I believe the only responsible choice for a modern-day District Attorney's Office is to fulfill our legal and ethical responsibilities with excellence and to support all of these fundamental rights. We choose to protect and fulfill our responsibilities in a transparent, community-connected and evidence-based way. Our independent brand of reform stays away from politics and is grounded in what works. I believe that we can be



***I believe the only responsible choice for a modern-day District Attorney's Office is to fulfill our legal and ethical responsibilities with excellence and to support all of these fundamental rights.***

excellent prosecutors and take care of crime victims compassionately, while at the same time treating individuals in our criminal justice system with fairness and humanity. I believe that accountability and compassion are not opposites but can work hand in hand to deliver a responsible, balanced criminal justice system.

The work of public safety and justice has a tremendous impact on the life and dignity of people and is serious and hard work. Dr. Martin Luther King Jr. described it best when he said, "Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires sacrifice, suffering and struggle; the tireless exertions and passionate concern of dedicated individuals." This is the journey to which our office is committed. And this is why we are living out the promise of a District Attorney's Office that is truly 'For the People.' That means everyone. San Diego County residents from every neighborhood, political party, economic status, race, ethnicity, gender and sexual identity. We also believe justice is the right of everyone and is best served by a nonpartisan and nonpolitical approach. A studied and documented truth is that without safety, nothing else can thrive. You can't build healthy neighborhoods in the midst of violence and crime. Through this lens, the San Diego County District Attorney's Office continues to become even more purposeful, thoughtful and compassionate in fulfilling our mission.

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# OF JUSTICE

## EXECUTIVE SUMMARY





**T**his Midterm Report provides a summary of 50 specific initiatives, programs and reforms that have been achieved by the San Diego County District Attorney's Office under DA Stephan's leadership thus far. Halfway through her first term, District Attorney Summer Stephan has cleared San Diego's rape kit backlog, increased support and services for crime victims, tripled the prosecution of hate crimes, created multiple opportunities for people to be diverted away from jail and onto a better path, and established innovative programs focused on helping some of the most vulnerable in San Diego County— those with mental illness, the elderly and our youth.

#### ■ Accomplishments outlined in this Midterm Report include:

- ▶ Enacted several criminal justice reforms that include expanded county wide diversion programs for adults and youth, proactively removing marijuana convictions from an individual's record, and bail reform based on risk not wealth.
- ▶ Worked collaboratively to address the intersection of mental health, homelessness and the criminal justice system including a Blueprint for Mental Health Reform, 24/7 community-based Crisis Stabilization Care Centers and regional Mobile Crisis Response Teams that respond to people in mental health crisis instead of police.
- ▶ Launched a new and expanded Conviction and Sentence Review Unit, committed to undoing unjust or previously harsh prison sentences.
- ▶ Worked to interrupt the 'school to prison pipeline' by reforming the Juvenile Justice System. Through the Handle with Care App, we leveraged technology to support kids who experienced trauma to reduce the effect it may have on them in school.
- ▶ The DA led and funded countywide de-escalation training for every police department to better protect the lives of community members and officers. The DA supported stronger police department policies on mandated de-escalation and a stricter mandate for fellow officers to report police misconduct.

- ▶ Increased the protection of victims by holding a first-of-its-kind Crime Victim and Survivor Summit to identify gaps in victim services. We teamed up with Rady Children’s Hospital to address child abuse and established a new app that’s helping victims of domestic violence find a bed in a shelter within minutes instead of days.
- ▶ Advanced new initiatives focusing on combating emerging threats to children, schools, sexual assault and hate crimes. These initiatives include leading and funding countywide testing of all untested sexual assault kits, combating hate crime by establishing an online reporting tool for the public, establishing the Student Safety in Schools reporting system to shine a light on abuse of students, and developed a uniform protocol with school districts to prevent acts of targeted violence in schools.
- ▶ We worked to combat the deadly threat of opioids and fentanyl through targeted prosecution of dealers whose product led to overdose deaths, which are increasing in our county at an alarming rate. And we led a unique digital outreach campaign— The San Diego Opioid Project— which tallied 46 million online impressions and 3.8 million social media engagements.
- ▶ Implemented a Blueprint for Elder Abuse Prevention, Protection and Prosecution; launched a unique public/private partnership in schools to educate children and prevent them from falling prey to human trafficking and sexual exploitation, and trained all first responders and firefighters in the county to recognize potential victims of human trafficking.
- ▶ Prioritized strengthening community partnerships by establishing new DA positions including regional Community Partnership Prosecutors who problem solve in the community instead of the courtroom.
- ▶ Worked to reduce bias and dismantle racism by establishing an internal Committee on Racial Equity to improve internal and external systems related to the criminal justice system and the District Attorney’s Office. Recommitted to diversity among DA employees that mirrors that of the wider community to build trust and include diverse voices, viewpoints and cultures in our office and the decisions we make.



- ▶ Worked collaboratively to reinvent the criminal justice system and keep the wheels of justice moving amid the COVID-19 pandemic. The DA's Office helped reduce the local jail population, helped the county with hundreds of Coronavirus contact tracings, and sounded the alarm to the Governor and local leaders about the importance of re-opening schools amid a disturbing rise in child abuse and domestic violence reports.
- ▶ Finally, we fulfilled our constitutional duty to hold the most violent and serious criminals in our county accountable. Amid the notable prosecutions undertaken were the hate-motivated shooting at a Poway synagogue, a massive public corruption fraud case involving charter schools, and a caregiver for the elderly who starved her victims and stole their money.

### ■ What's next? DA Stephan is leading three main initiatives that will take flight this year:

1. We are launching an innovative Juvenile Diversion Program grounded in restorative practices that will hold youth accountable but keep them out of the system and stop them from having a criminal record.
2. Recognizing that northern San Diego County is disproportionately affected by domestic violence, we will open the North Family Justice Center: One Safe Place. It's a "one stop shop" where trauma survivors can receive acute crisis care, forensic medical exams, counseling, legal services, connections to a shelter and help with housing and social service benefits.
3. We're creating a new Workplace Justice Unit dedicated to protecting workers' rights, prosecuting criminal wage theft cases and stopping labor trafficking.

Our data is showing great promise that the change and reform embraced by the District Attorney's Office is on the right track and is bringing increased equity and fairness to the community. At the same time, the office is fulfilling its duty to keep San Diego one of the safest urban counties in America through fair and equal prosecution of our county's most violent criminals.







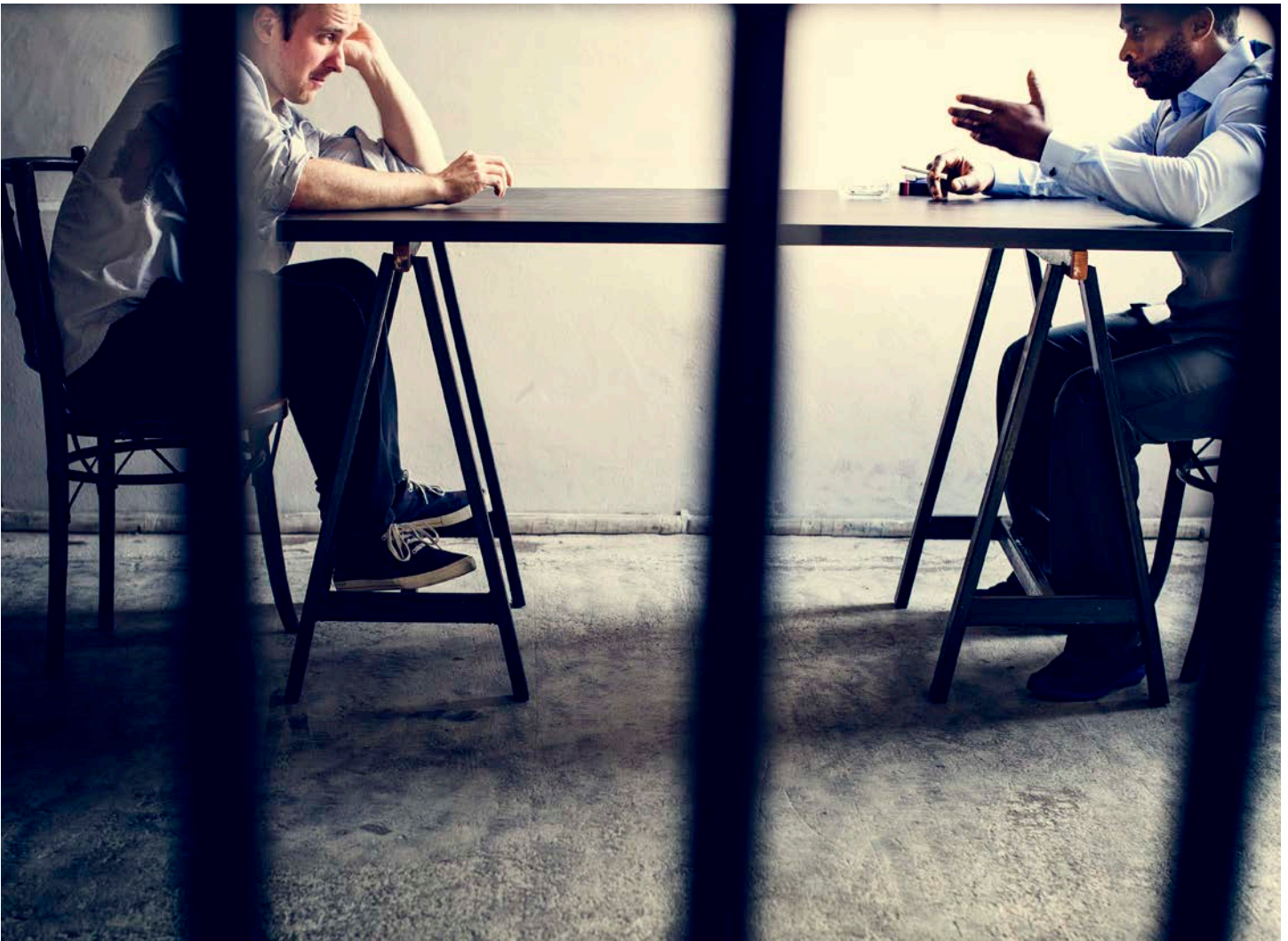
NON-FERES

HALL OF JUSTICE



# RESPONSIBLE CRIMINAL JUSTICE REFORM & EFFECTIVE ALTERNATIVES TO INCARCERATION

- ✓ ESTABLISHED COMMUNITY JUSTICE INITIATIVE, A COUNTYWIDE DIVERSION PROGRAM
- ✓ EXPANDED ALTERNATIVES TO INCARCERATION THROUGH COLLABORATIVE JUSTICE COURTS
- ✓ UNDISSENTED DISPROPORTIONATELY HARSH SENTENCES, ESTABLISHED SENTENCE REVIEW UNIT
- ✓ DISMISSED & REDUCED MARIJUANA CONVICTIONS
- ✓ REDUCED COLLATERAL CONSEQUENCES TO IMMIGRANT COMMUNITIES
- ✓ IMPLEMENTED BALANCED BAIL REFORM BASED ON PUBLIC SAFETY RISK, NOT WEALTH



A criminal record can have lasting effects on a person's life long after they've completed a sentence and paid their debt to society. Criminal convictions can restrict a person's ability to obtain employment, licensing, housing, education or even vote, also known as collateral consequences.

Some of these collateral consequences reasonably serve to protect the public. However, they can also cause a lifetime of insurmountable barriers to successfully reintegrate into society. As a system, we need to be aware of these consequences and ensure that they are commensurate to the criminal conduct.

Getting a second chance is a powerful opportunity that can change the course of someone's life. Nowhere is that truer than in the criminal justice system, which is why the District Attorney has created and supported programs and alternatives to incarceration that change lives and promote public safety, while giving people the opportunity to earn a second chance.

## ■ DA Community Justice Initiative: Stopping the Revolving Door to Jail

The DA's Community Justice Initiative is an innovative program which allows participants to have criminal charges dismissed if they participate in a diversion program that provides cognitive behavioral therapy and requires four hours of community service. Cognitive behavioral therapy is a therapeutic approach that helps individuals identify the underlying cause of their criminal behavior as well as change beliefs, thoughts, and patterns that contribute to problematic behaviors.

The therapy emphasizes individual accountability and helps individuals understand thought processes and the consequences of the choices they make. The required community service can be performed at any non-profit organization. After completing the cognitive behavioral therapy course, the participant can choose to be connected to services in lieu of the community service. Referrals can be made for housing assistance, job training, mental health or substance use disorder treatment, food, clothing and more. After completing the program, the case is dismissed, and the individual's record is sealed.

In the initial two years the program has been running, there have been about 841 participants of which 538 cases have been dismissed. Others are still in the process of completing the program. Of the participants who successfully completed the program, only 5% have had additional criminal cases filed against them, an extraordinarily low recidivism rate.

## ■ Addressing the Consequences of Low-Level Crime on Immigrant Communities

San Diego is home to many immigrant communities, which can be dramatically impacted by low-level crime. In certain instances, a collateral consequence to a conviction may be deportation or exclusion from the United States. This can lead to disparate results in the criminal justice system and unduly harsh outcomes. To prevent this, the District Attorney's Office has retained the counsel of an immigration expert to assist in properly evaluating immigration issues, ensuring punishment is commensurate with the crime. We've heard from many immigrant communities that the Community Justice Initiative diversion program has had a positive impact and is allowing deserving immigrants to continue their residency and naturalization process rather than have one mistake derail their lives.



## ■ Alternatives to Custody: Providing Accountability Through Treatment Rather than Incarceration

The District Attorney's Collaborative Justice Division offers an array of collaborative court programs, which hold people accountable but provide alternatives to going to jail. These programs seek to address the root causes of criminal behavior, substance abuse and addiction or co-occurring conditions. San Diego has a robust collaborative court system that is fully supported by the San Diego Superior Court, the District Attorney, the Public Defender and the Probation Department. The prosecutors assigned to this area use their expertise to divert participants away from jail so they may establish themselves as contributing members of the community. Collaborative Courts offers participants a case plan that focuses on their specific needs and provides services while they are supervised closely by a judge and the rest of the team. Programs include Behavioral Health Court, Behavioral Health Diversion, Drug Court, Reentry Court, Veterans Treatment Court, Homeless Court and Veterans Stand Down. The DA committed resources and expanded these programs based on the data outcomes of lower recidivism rates. These programs have proven to be transformative for the lives of the participants, their families and their communities. The DA initiated a new framework for the disposition of non-violent crime, which takes into account whether a collaborative justice treatment model better serves the interests of public safety by addressing the root cause of criminal behavior, instead of over reliance on incarceration.

## ■ Mental Health Diversion

People suffering from serious mental illness now have an opportunity to be diverted away from the criminal justice system and into treatment in a first-of-its-kind program in San Diego County. The Mental Health Diversion Program is a pre-trial diversion program that expands community-based treatment and reduces the number of people who cycle through psychiatric crisis and jail due to untreated mental illness. "There needs to be a sea change in the way we address the needs of people living with mental illness in our community who find themselves involved with the criminal justice system," said District Attorney Summer Stephan.

Partners in the mental health diversion program include the District Attorney's Office, Sheriff's Department, Public Defender, Health and Human Services Agency, Probation Department, and

the San Diego Superior Court. The program design is based on San Diego County's successful Behavioral Health Court and provides, among other things, assertive community treatment, wraparound services, case management, life skills, medication management, benefits assistance, peer support and community linkages. Funding for the program supports treatment and housing for approximately 30 participants at any given time during the contract period.

### ■ Among the First in California to Dismiss and Expunge Marijuana Convictions

The San Diego County District Attorney's Office is a leader in implementing the spirit of Proposition 64, which reduced certain marijuana offenses to misdemeanors and decriminalized other offenses after recreational marijuana use became legal in California. This gave thousands of individuals the opportunity to move forward with their lives without a conviction on their record that can hinder employment and housing opportunities. In 2020, District Attorney Stephan took the additional step to file a motion with the San Diego Superior Court to proactively reduce 25,000 marijuana convictions from felonies to misdemeanors and dismiss a total of 1,000 misdemeanor convictions completely. Even before lawmakers passed AB 1793 in 2018, the District Attorney's Office was already actively reducing and dismissing eligible marijuana cases under Proposition 64. The DA's Office reviewed its internal Case Management System for cases with qualifying charges, which it sent to the Public Defender's Office as soon as Proposition 64 became law in order to expedite the filing and processing of the petitions.

### ■ Balanced Bail Reform that Focuses on Public Safety Outcomes Rather than Wealth

The District Attorney's Office worked with the San Diego Superior Court and Sheriff's Department to incorporate evidence-based practices in bail reform so individuals who are arrested are assessed for pre-trial release based on public safety considerations and not on whether they have the money to post bail. This concerted effort to lower pre-trial incarceration offered expanded opportunities for release on one's own recognizance or release with certain protective conditions such as stay away orders or alcohol conditions. The result is that on any given day, the pre-conviction population in San Diego jails is limited to individuals facing serious felony crimes or who are considered violent under the law. Only 10% of pre-conviction defendants are in custody on a misdemeanor crime and in most of those instances, there is a public safety risk such as domestic violence, a repeat offender, a history of failure to appear for a court hearing or a previous violent criminal record.



# NOTICES





# ADDRESSING THE INTERSECTION OF MENTAL HEALTH, HOMELESSNESS AND PUBLIC SAFETY THROUGH COMPASSIONATE, TRANSFORMATIVE REFORM

- ✓ IMPLEMENTED TRANSFORMATIVE MENTAL HEALTH REFORMS  
THAT REDUCE HOMELESSNESS
- ✓ SET UP 24/7 REGIONAL CRISIS STABILIZATION CENTERS IN PARTNERSHIP WITH HHSA
- ✓ WORKED WITH COUNTY PARTNERS TO ESTABLISH REGIONAL  
MOBILE CRISIS RESPONSE TEAMS

There is a strong connection between untreated mental illness, substance use disorders and the criminal justice system. The percentage of incarcerated people with psychological or psychiatric disorders has been steadily increasing since the 1960s, mostly from the deinstitutionalization of state mental health systems. Individuals living with mental illness were often released from state mental health systems into the community without adequate supportive services, which led to many entering the criminal justice system and continuing to commit crimes at alarming rates as their underlying mental health needs remained unmet. Prisons and jails became the de facto state hospitals responsible for confining and caring for the mentally ill, yet they were never intended, nor designed, to cope with those who have mental illness.

Mental illness itself must not be criminalized. Reforming mental health treatment within the criminal justice system must balance public safety, victims' rights and humane treatment of those suffering from untreated mental illness. DA Stephan is helping lead this change by hosting two Mental Health Symposiums, releasing the resulting Blueprint for Mental Health Reform, and moving several Blueprint recommendations to implementation

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## Mental Health Symposium

On average, more than 30 percent of inmates in San Diego County jails take medication for a mental health issue. In San Diego's 2017 Annual Point-in-Time-Count, nearly 40 percent of the unsheltered population reported experiencing mental health issues. With this in mind, the District Attorney's Office brought together a wide variety of stakeholders in April 2018 for a first-of-its-kind Mental Health Symposium to address the intersection of mental health issues and homelessness in the criminal justice system.

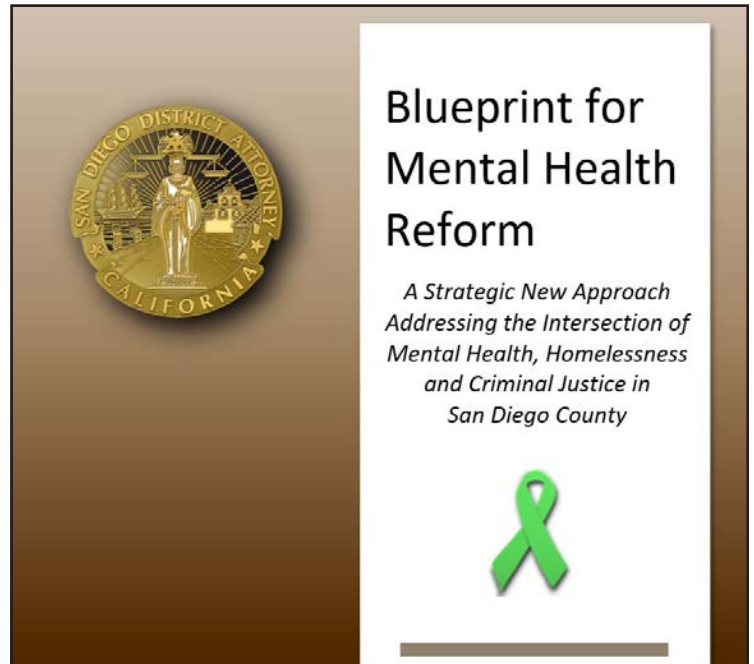
Symposium participants reviewed current resources, identified gaps and needs, and prioritized responses to develop a collaborative and effective action plan. The symposium used Sequential Intercept Mapping, a dynamic, interactive tool for developing criminal justice-mental health partnerships. The April symposium set the stage for understanding these issues and was followed by an October 2018 workshop where stakeholders further collaborated to identify concrete solutions and recommendations. The work resulted in the DA's groundbreaking Blueprint for Mental Health Reform which was released in February 2019.





## ■ Blueprint for Mental Health Reform

The District Attorney's Blueprint for Mental Health Reform is a roadmap for a significant shift in the approach to the crossroads of mental health, homelessness and the criminal justice system in San Diego County. "With this blueprint, we have clear new ideas on how to develop solutions and enhance systems of care for people living with mental illness," DA Stephan said. "Our focus will be on the needs of individuals living with co-occurring substance use disorders who intersect with criminal justice system. We have to set a



standard of excellence in this complex and critical area of public safety." The blueprint includes 10 specific recommendations with many sub-recommendations that move the needle on mental health reform and keep the public safe while treating individuals with mental illness with compassion, dignity and respect. Several of the Blueprint's recommendations have been implemented or are on their way to implementation including de-escalation training for every police officer in the county, Mobile Crisis Response Teams, Community Based Crisis Stabilization Centers, expanded mental health diversion options and enhanced crisis response for youth, including adding PERT clinicians in schools. These innovative approaches are possible thanks in large part to the commitment and support of the San Diego County Board of Supervisors and with the partnership and leadership of the San Diego County Health and Human Services Agency's Behavioral Health Services. Chief Deputy District Attorney Rachel Solov was appointed to a new position, established by the DA, to focus on criminal justice and mental health reform and she helped lead these new mental health innovations.

## ■ Mobile Crisis Response Teams

During the District Attorney's Mental Health Symposiums, participants noted that not all mental health crises require a law enforcement response. When there is no immediate danger of physical harm, a



non-law enforcement response could be used. When Psychiatric Emergency Response Teams (PERT) are deployed to a mental health crisis, they are usually accompanied by elements associated with a law enforcement response: marked police cars, emergency lights, uniformed officers and handcuffs. Understandably, family members might be hesitant to engage this level of response for their loved one's mental health crisis. As a result, one of the key recommendations outlined in the Mental Health Blueprint is to implement non-law enforcement responses when appropriate and safe.

The District Attorney's Office is working with Behavioral Health Services and law enforcement to implement non-law enforcement Mobile Crises Response Teams across the county. These teams will operate as part of the behavioral health system of care to provide a non-law enforcement response when safe to do so. When there is no threat of violence, the mobile teams provide same-day intervention and connect those in a mental health crisis with the appropriate level of care. The pilot program launched in North County in January 2021 with concrete plans to expand countywide later in the year as prioritized by San Diego County Board of Supervisors Chair, Nathan Fletcher, in partnership with the DA.

### ■ Community Based Crisis Stabilization Centers

Another recommendation from the Blueprint was to establish Community Based Crisis Stabilization Centers, sometimes referred to as Mental Health Urgent Care Centers. San Diego County has many walk-in clinics available for urgent mental health services. However, many have limited hours, and few are available outside of business hours or on weekends. This is insufficient to adequately serve a person in crisis or their loved ones. Community Based Crisis Stabilization Centers, open 24 hours a day, provide walk-in mental health services as well as a safe place for an officer to drop off a person in a mental health crisis and so they can get back to patrolling their beat within minutes.

These centers provide acute crisis stabilization, medication, and a direct connection to appropriate levels of care in an environment that is more conducive to stabilization than an emergency room or jail. The District Attorney, together with Behavioral Health Services, received authorization and funding from the Board of Supervisors to create two Crisis Stabilization Centers which will open 2021. The DA worked in partnership with San Diego County Supervisor Jim Desmond to establish a Crisis Stabilization Center set to open in May 2021 in Vista.





# 3 N O T I C E S



# EXAMINING CONVICTIONS AND SENTENCES USING A LENS OF FAIR AND EQUAL JUSTICE

✓ CREATED NEW UNIT TO FOCUS ON SENTENCE REVIEW, CORRECT PAST INJUSTICES

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✓ COLLABORATED WITH SENTENCE REFORM AGENCY & COMMUNITY-BASED REENTRY GROUPS

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✓ REMOVED OUTDATED GANG INJUNCTIONS

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✓ REMOVED PAST CONVICTIONS OF HUMAN TRAFFICKING VICTIMS USING NEW LAW

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**T**he prosecutor's role in the criminal justice system is to ethically prosecute those who violate the law and to protect the innocent. In short, prosecutors have a duty to seek the truth before, during, and after a conviction.

By establishing the George "Woody" Clarke Conviction Review Unit in March 2016, the San Diego County District Attorney's Office has been a national leader in the area of conviction review. Recently, DA Stephan expanded this work by creating a Conviction and Sentence Review Unit, recognizing that an injustice can occur not only in cases that involve innocence but also in cases in which the sentence is too harsh and disproportionate to the criminal conduct.

The criteria for conviction review has also been expanded and the DA has allocated additional staff with specific expertise to this new unit, placing it under the DA's Special Operations Division to allow for increased independence in decision making.

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***"Injustice anywhere is a threat to justice everywhere."***

***- Dr. Martin Luther King, Jr.***

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The Conviction and Sentence Review Unit is committed to the highest standard of professional integrity, expeditious and thorough review of post-conviction cases, prevention of wrongful convictions, and collaboration with all our criminal justice partners, including those who seek the exoneration of the wrongfully convicted.

The unit reviews convictions in which credible and verifiable evidence of innocence exists or new technology can be used to test or re-test remaining evidence. The public, attorneys, or convicted persons can apply to have a conviction reviewed via a page on the DA's public website.

This has provided unprecedented communication between the public the DA's Office regarding claims of innocence. Applications are accepted in writing only via fax at (619) 531-3428 or email at CRU@sdcdca.org. Since its inception, the Conviction Review Unit has received and reviewed 113



applications. One of the most powerful functions the unit serves is to assist the California Innocence Project with locating and identifying evidence in the possession of the court and local police agencies. The unit also works collaboratively with the Public Defender's Office and local forensic labs, reviewing cases prosecuted in the past using DNA mixtures of more than one DNA profile to assure that newer testing guidelines would not create DNA results different from those presented to the convicting jury.

In 2019, the legislature passed AB2942 which amended Penal Code section 1170(d) to provide prosecutors with the mechanism, regardless of how much time has passed, to recommend a court recall a prison sentence and resentence the individual to a lower term.

Previously, after 120 days had passed from the date of sentencing, there was no jurisdiction for a local court to recall and impose a lower sentence. This new law provides the ability to review previously imposed prison sentences to examine whether circumstances have changed since the original sentence and whether the individual's continued incarceration is no longer in the interest of justice.

The District Attorney's Office is proactively reviewing cases for possible resentencing; however, individuals can also request their sentence be reviewed by providing certain information. The application for sentence review can be found on the District Attorney's public website. Conviction

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***"Prosecutors have a duty to seek the truth before, during and after a conviction."***

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and sentence review are an important part of criminal justice reform, which is necessary to build and maintain integrity and trust in the justice system.

The DA selected Chief Deputy Dwain Woodley to lead the formation of the new unit and Chief Woodley worked collaboratively with organizations like We the People and other local community leaders to push this forward, along with several other important juvenile and adult criminal justice reforms.

## ■ First DA in California to Re-Sentence a Harsh Prison Term

DA Stephan reviewed the case of 57-year-old Kent Williams when the new re-sentencing law went into effect. In 2003, Williams burglarized two North Park homes and stole a car. He was convicted of the crimes and because of California's Three Strikes Law, he was sentenced to 50 years-to-life in state prison. He is the first person in California to benefit from AB 2942, a state law that allows local prosecutors to request resentencings in cases where the prison sentence was believed to be too harsh. If warranted, prosecutors can recommend a new, reduced sentence to a judge, who has the final say.



This two-step process resulted in the release of Williams in June 2019, after being incarcerated for nearly 16 years. The re-sentencing effectively shaved at least 33 years off his prison term. In another case, Jonathan Simmons was serving a sentence of 43 years-to-life for stabbing a man. After serving 22 years of that sentence, the Deputy District Attorney who originally prosecuted Mr. Simmons reviewed the conviction. After consulting with the victim, the DA's Office requested the court recall and resentence Mr. Simmons pursuant to Penal Code section 1170(d) and he was released on Christmas Day 2019.



## ■ Human Trafficking Victims and the Vacatur Law

San Diego County became a leader in the trauma informed approach to implementing a new law that allows both victims and survivors of human trafficking to vacate their criminal records related to their victimization. The District Attorney's Office worked with the Court, the Public Defender's Fresh Start Program and local non-governmental organization Free to Thrive, to streamline petitions to promote healing of victims by freeing them of the criminal records that can keep them trapped in poverty and oppression.

## ■ Removing Stale Gang Injunctions

DA Stephan met with Black Men and Women United and the DA's Faith Advisory Council (Interfaith leaders who advise the DA on emerging issues and make recommendations) to discuss how many individuals suffer from collateral consequences due to civil gang injunctions obtained over a decade ago that are now stale and no longer protect public safety. While the law allows those individuals to seek relief from the Superior Court that issued the civil gang injunction, this relief was rarely undertaken.

In the summer of 2018, District Attorney Stephan directed experts in the Gangs Division to establish objective criteria and proactively file for relief in court for individuals who are unfairly impacted by the injunctions. The common sense criteria include evaluating whether an individual has moved away from active gang participation in the last five years and whether the person remained free of serious or violent felony conduct in the last 10 years. The project continued in 2019, 2020 and 2021 and involved a case-by-case review of 800 individuals subject to gang injunctions and filing motions on their behalf. This led to obtaining court orders removing about 500 of the 800 individuals from gang injunctions, a 60% reduction. The DA's Office continued reducing and eliminating these collateral consequences that no longer enhance public safety and in 2021, the DA petitioned the court to dissolve all 20 gang injunctions. The DA also serves as a Commissioner on the Commission for Gang Prevention and Intervention. On a parallel track, the Commission had been exploring these same issues and later made recommendations for the City of San Diego regarding gang injunctions. The DA also established a new framework for application of gang enhancements that focus on serious and violent felony conduct by organized crime participants and not misdemeanor type gang-related criminal conduct.





# SECTION 4



# REFORMING THE JUVENILE JUSTICE SYSTEM IN A WAY THAT PROTECTS YOUTH & INTERRUPTS THE PIPELINE TO PRISON

✓ EXPANDED JUVENILE JUSTICE DIVERSION & DECREASED INCARCERATION

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✓ ESTABLISHED NON-PUNITIVE TRUANCY PROGRAM THAT RELIES ON  
COMMUNITY-BASED INTERVENTION

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✓ SUPPORTED YOUTH WHO EXPERIENCE TRAUMA THROUGH A NEW APP

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Over the last five years, the number of young people in juvenile detention has been dramatically reduced without increasing crime thanks to a partnership with the Probation Department, Public Defender, law enforcement and the San Diego Superior Court. In 2015, there were 450 minors in juvenile detention and today there are less than 160, most of whom have committed a violent or serious crime. The District Attorney's Office is protecting some of the county's most vulnerable citizens through several initiatives that speak directly to susceptible populations, or to those who interact with families and children. DA Stephan believes we must invest in our children early to prevent or address trauma and break the cycles of abuse and addiction.

The District Attorney's work in the area of juvenile justice reform includes improved options for reporting student abuse or trauma in the home or at school, an increased focus on preventing school shootings and a human trafficking curriculum provided to schools along with mentoring and training.

## ■ Community Youth Court

Community Youth Court is one example of a community-based diversion program that uses restorative practices to hold young people who commit low level crimes like vandalism accountable for their actions but also give them a better understanding of the impact of their choices. Young people are referred to the program through their school, the San Diego Police Department or the San Diego County Probation Department.

The program addresses the root cause of the young person's actions and provides treatment based on an evidence-based assessment. Youth meet with a panel of trained volunteer community representatives and elders and receive referrals to services. Students sign a 90-day contract based on the results of the assessment and information discussed in the community panel. The contract could include a range of non-punitive assignments such as therapy, social activities, writing an essay, or creating expressive artwork.

Our collaboration with the National Conflict Resolution Center and Mid-City CAN is another example of a restorative practice model. By leveraging our enhanced data tracking, we found that the number of minors served in these programs is limited and that we needed to invent a larger scale regional restorative diversion system for minors which is highlighted later in this report's "Look Ahead" section.



## ■ Handle with Care: New App Reduces School Suspensions, Addresses Trauma and Interrupts Destructive School-to-Prison Pipelines

Handle with Care is an innovative program that leverages technology to connect law enforcement, schools and students to more compassionately help youth who have experienced trauma. When children encounter police because they were a witness to violence or a traumatic event, they can sometimes attend school the next few days feeling upset, being defiant or neglecting homework, which can begin to create a cycle of poor school performance. When teachers or counselors don't know the student experienced recent trauma, the child can end up in trouble instead of receiving support. The District Attorney's Office, Chula Vista Police and Chula Vista School District addressed this issue through a new app called Handle with Care. Starting with a pilot project in 2020, the program is now being implemented in several school districts and police departments across the county with the goal of one hundred percent participation.



Under the new program, when police come into contact with a child during a traumatic event such as domestic violence in the home, a neighborhood shooting, arrest of a family member or violent crime, police use the new Handle with Care app to alert the child's school and school district that the child should be handled with care. No other details about the incident are given to the school. Distance learning due to COVID-19 made this tool even more valuable since it is more challenging for teachers to identify abuse and trauma amid the pandemic. The notification by Handle with Care allows for supportive resources to be offered to students despite the distance. The DA's office borrowed the idea from another jurisdiction but set out to make it sustainable for our large county with near half a million K through 12 students and multiple police departments by leveraging technology. Due to the sensitive nature of the communications, the DA's own Information Technology unit, led by IT Director Usama

Georges, developed the platform for all law enforcement and schools to use. Our office is already receiving requests to duplicate our technology solution from other regions of the country.

### ■ **New, Non-Punitive Approach to Truancy Leverages Community-Based Services**

There is a strong link between student truancy and the criminal justice system. Prevention and intervention are the focus of the juvenile justice system, so the District Attorney's Office embraced the opportunity to reduce truancy by moving away from penalizing students and parents to instead addressing the root causes of the truant behavior. In addition to contributing to a path of criminality and incarceration, truancy is also linked to human trafficking and child sexual exploitation. The DA's juvenile justice team, working with experts from the Children's Initiative and the community, leveraged community-based interventions to treat the whole family unit rather than relying on ineffective punishment. Once this path was established, the District Attorney informed all 42 school districts in San Diego County of its truancy reform initiative and connected each district with established community "pods" that are regionally distributed to help children, parents and schools reduce truancy.

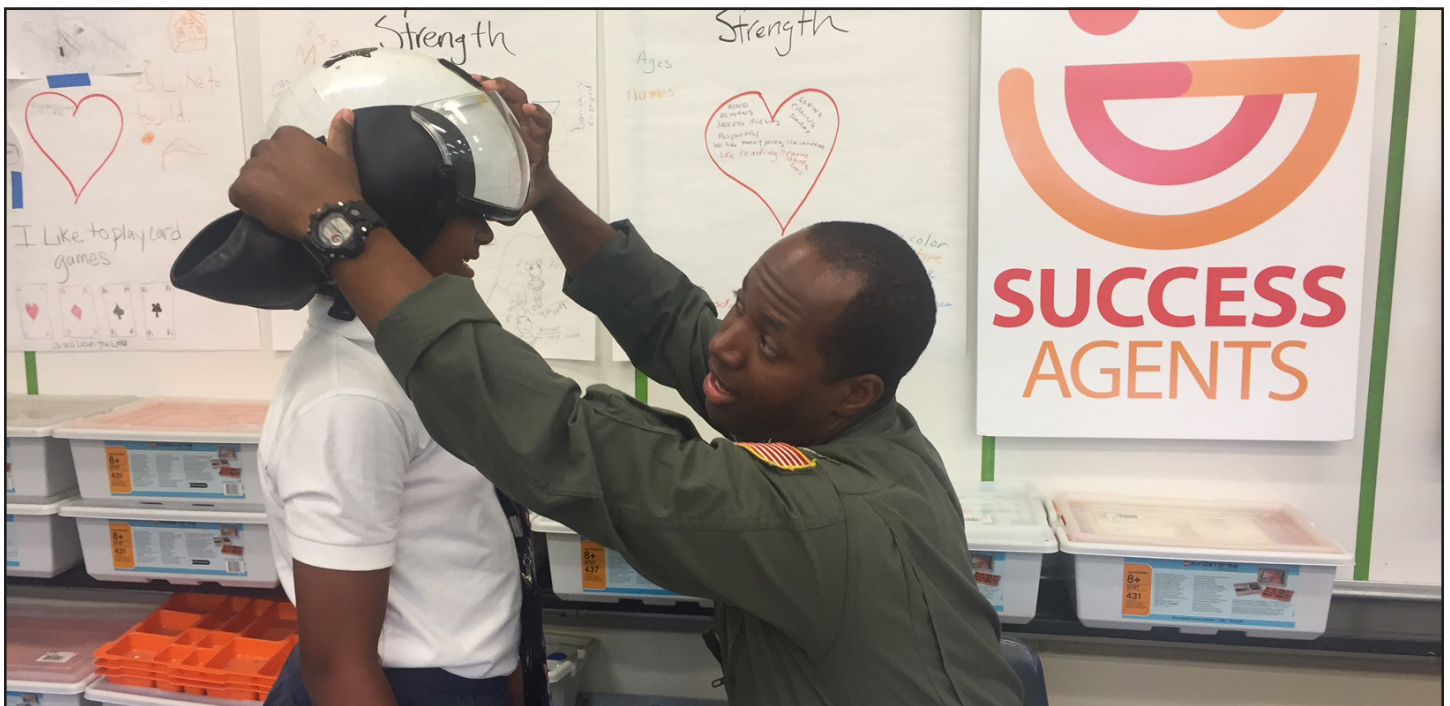
### ■ **Mentorship and Anti-Bullying Programs Reduce Juvenile Crime**

By the time children reach adolescence, many have not developed conflict resolution skills, which can lead to bad behavior, including criminal conduct and a phenomenon referred to as the school-to-prison pipeline. As part of the District Attorney's effort to disrupt this pipeline, it established an after-school mentoring program called Power League that supports the social and emotional development of elementary school students. The program is led by the DA's Community Partnership Prosecutors in partnership with the Tariq Khamisa Foundation. To bring the concept of restorative justice and conflict resolution to a wider group of students, the District





Attorney's Office provides restorative practices training to teachers and administrators in the San Ysidro School District. In addition, the DA's Juvenile Division is always evolving to improve its anti-bullying outreach initiatives, specifically cyberbullying, which can be just as traumatizing as physical bullying.





# 5 NOTES ON THE S





# RESPONSIBLE POLICE REFORM AND ACCOUNTABILITY ALONGSIDE ENHANCED DEESCALATION TRAINING

- ✓ LED AND FUNDED COUNTYWIDE DEESCALATION TRAINING FOR EVERY POLICE DEPARTMENT
- ✓ SUPPORTED STRICTER POLICE POLICIES ON DEESCALATION & DUTY TO REPORT MISCONDUCT
- ✓ RESTRUCTURED INDEPENDENT UNIT REVIEWING POLICE MISCONDUCT & OFFICER INVOLVED SHOOTINGS
- ✓ ENHANCED TRANSPARENCY THROUGH RELEASE OF BODY WORN CAMERA VIDEO
- ✓ ADOPTED POLICE REFORM PRINCIPALS OF '8 CAN'T WAIT' FOR DA INVESTIGATORS

**F**or the public to feel safe, they must have trust in law enforcement. This requires enhancing transparency and accountability and pursuing equitable justice in which everyone is accountable under the law. Police officers are trusted with tremendous power and with that power comes great responsibility. Police must use their power lawfully and properly. As in every field that involves positions of trust – whether it be clergy, doctors, teachers, firefighters or police – there are bad actors who must be held accountable.

To responsibly address police reform, DA Stephan called for police departments to improve de-escalation practices and policies to better protect the lives of community members and officers. This goal became a reality in May 2019 when San Diego County police officers began receiving enhanced and expanded de-escalation training.

Recognizing that abuse of power can escalate over time if not addressed, DA Stephan also called on police departments to adopt a mandatory reporting policy for officers who witness criminal or professional misconduct by a fellow police officer, similar to mandated reporting duties for child abuse.

In addition to these reform measures, the DA's Special Operations Division, which is responsible for reviewing officer-involved shootings, was restructured. Now, the division has enhanced independence to review public integrity and police misconduct criminal cases, and its review and analysis of body-worn camera evidence is more publicly available.

Finally, DA Stephan fulfilled her promise to work with every police department in San Diego County to deploy body worn cameras to all their officers.

## **■ Transparent and Impartial Review of Officer-Involved Shootings and Police Misconduct**

**O**ne of the most serious responsibilities of the District Attorney is reviewing officer-involved shootings and deaths that occur while someone is in the custody of law enforcement and force is used. More than ever, the public is understandably concerned about these incidents and deserves information about the facts and circumstances. The loss of life in this context is always somber and serious leaving an impact on many in the community.



The law places the duty and responsibility on the District Attorney's Office to determine if there is criminal liability in these incidents and to make a fair and just decision under the law. The DA's Office takes great care to make sure our analysis follows the law, is independent, objective and thorough. DA Stephan has taken additional steps to include the U.S. Department of Justice's Civil Rights Division and the Federal Bureau of Investigation in briefings concerning these events because they also have jurisdiction to review these cases. The DA also welcomes review by the California Attorney General's Office, whenever the Attorney General determines it is appropriate. A new law will give the Attorney General's Office primary jurisdiction to review officer-involved shooting cases in which the individual is unarmed and the DA's Office is collaborating with the AG to provide support.

There is often video evidence associated with these incidents, which can include body worn camera, surveillance video or citizen cell phone video. All the county's police chiefs and the San Diego County Sheriff agreed with the District Attorney's Office to release relevant portions of video that show what occurred, including what led up to an officer-involved shooting. We understand the public wants to see these videos so individuals can make their own decisions about whether a shooting was justified. The DA's Office releases the video along with the written analysis to provide important context so the public has a more complete picture of what occurred when a life is lost.

A peace officer's use of force is a serious responsibility that must be carried out legally and with a respect for the sanctity of every person's life. Under the law, an officer's use of deadly force is permitted if a reasonable officer, based on the totality of the circumstances, believes that deadly force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or others. Legally, the DA's review must include the reality that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving about the amount of force necessary in a particular situation.

The District Attorney's Office strives to conduct these reviews in an efficient and timely manner, balancing the process with the time needed for the law enforcement agencies to thoroughly investigate the case. The goal is to be as open as possible about the review process and our decisions. At the same time, we're required to follow our ethical and legal duties not to disclose information or evidence until our review is completed.

To inform discussion around how to reduce these incidents, and to maintain public openness about them, the District Attorney's Office released an updated 25-year analysis of all officer-involved shootings in San Diego County. In addition, the DA's Office began posting detailed letters on the its public website in their entirety in order to promote transparency and provide the public with information about the law, facts and evidence that a specialized team at the DA's Office used to reach these decisions.

Success is not measured by how many cases our office files, rather by holding everyone to the same accountability under the law – that includes police officers. If the evidence supports criminal charges under a “beyond a reasonable doubt standard,” we will file them. In fact, the San Diego County District Attorney's Office was the first DA in California to file a murder charge against a peace officer under new use-of-force laws that became effective in January 2020 and the office has filed several criminal cases related to police misconduct.

### ■ Reducing Police Shootings: Initiatives aimed at Preventing Officer-involved Shootings Through Enhanced De-Escalation Training

Individuals in a mental health crisis frequently come into contact with law enforcement. In a 2015 national review of officer involved shootings done by *The Washington Post*, 25% of individuals killed were actively in a mental or emotional crisis. Most were men, more than half of them white, 90% were armed with some type of weapon and most died close to home. During the first six months of 2015, on average, a person in mental crisis was killed in an officer-involved shooting every 36 hours. The San Diego DA's 20-year study of officer-involved shootings revealed that in 19% of the incidents, the subject made statements or behaved in a way that was considered “suicide-by-cop” (meaning it appeared clear the subject wanted police to shoot them), suggesting a mental health component to the incident. A 25-year study of officer-involved shootings in San Diego County showed 79% of the incidents included subjects with drug and/or mental health issues.

Many jurisdictions across the country have made efforts to improve the initial law enforcement response to an individual in a mental health crisis by providing comprehensive crisis intervention training to their officers. Models vary by jurisdiction, but the results have been promising. Evidence suggests that officers who go through crisis intervention training come away with more sympathetic



attitudes toward people with mental illness. A 2014 study from Emory and George Washington Universities analyzed the use of force at six policing agencies in Georgia. Officers trained in crisis intervention techniques were more likely to verbally engage mentally ill people during interactions. They were also more likely to call for mental health transport rather than take the individuals to jail. This is why one of DA Stephan's key initiatives has been to enhance and expand access of de-escalation training to all San Diego law enforcement officers.

In May 2019, The District Attorney's Office announced \$1.5 million in funding for crisis intervention and de-escalation training for police officers with the goal of training all 5,000 peace officers in the County. Already, nearly 2,000 of San Diego's law enforcement officers have received the training. The DA held several regional conversations to receive feedback from the community about the curriculum and worked to incorporate ideas from our diverse communities regarding elimination of bias, respect, patience, officer wellness, cultural competence and basic understanding of mental illness. The DA's office worked in partnership with PERT (Psychiatric Emergency Response Team) and law enforcement to build a curriculum that was certified by the Commission on Peace Officer Standards and Training (POST) and became the first in the state to incorporate the new mandates of use-of-force and related laws.

The DA-funded Crisis Management and De-escalation Training consists of a newly created curriculum that builds upon and enhances the current training peace officers receive and provides capacity to more than quadruple the number of officers that can be trained annually. The training includes classroom discussions led by PERT experts, role playing 'real life' situations, and use of digital video simulator known as the MILO Range Theater. The MILO system was purchased by the DA's Office using federal asset forfeiture funding. The interactive simulator focuses on scenarios involving individuals in mental health or substance abuse related crisis and improves significantly on similar training systems available in San Diego County.

## ■ What to Know when Calling Police: Mental Health Checklist and Dispatcher Training

Skilled 911 dispatchers play an important part of the law enforcement response to individuals in a mental health crisis. It is essential that they, too, are trained to collect essential information that assist how police respond to these calls. This is often the beginning of the de-escalation process.

**WHAT TO KNOW BEFORE CALLING 911**

**Mental Evaluation 911 Checklist**  
When Calling for Help

If your family member or loved one is in a crisis and is a danger to themselves or others, **CALL 911**.


Read from this list when you call 911 so you can give the dispatcher the following information:

- ☐ Your name
- ☐ Phone number
- ☐ Location to which police should respond
- ☐ Nature of emergency
- ☐ Weapons or access to weapons
- ☐ Name of person in crisis
- ☐ Age of person in crisis
- ☐ Height, weight & physical description
- ☐ Clothing description
- ☐ Are there others present?
- ☐ Prior or current violent behavior
- ☐ Diagnosis
- ☐ Medications or drug use (current or past)
- ☐ Triggers (what upsets them?)
- ☐ What has helped

Current medications:

Doctor's phone numbers:

**IMPORTANT:** You are asking an officer to resolve a crisis. They will only have the information that you provide them. Gather as much information as possible before a crisis occurs.



The District Attorney's Office, in collaboration with NAMI (National Alliance on Mental Illness) San Diego, developed a "911 Mental Evaluation Checklist Card" in English and Spanish. The card, which was distributed to the public and police agencies, contains a checklist of important information that callers should provide to 911 dispatchers when a family member or loved one is in crisis and police are responding to assist. A key piece of information to be provided to responding officers is what has worked in the past to de-escalate the crisis.

Providing responding officers with more information about an individual's mental state and history before they arrive on scene can better-protect everyone during the contact. The card also prepares family members for what they should expect when the police respond, including preparing them for the arrival of uniformed officers who will likely detain and place their loved one in handcuffs. Educating family prior to a crisis occurring creates a safer situation for officers, family members and the person in crisis.

## ■ All Police and Sheriff Agencies are Using Body Worn Cameras

The San Diego Police Department was one of the first large police departments in the nation to adopt body worn cameras as a policy for police interactions. Many agencies in San Diego County followed suit and now all police agencies are using the cameras. The District Attorney's Office provided an expert to help training and consistency in using body worn cameras and to promote use across the county.

## ■ DA's Bureau of Investigation is an Elite Team

The DA's Bureau of Investigation is comprised of 130 skilled investigators led by Bureau Chief Jorge Duran, a recognized leader in responsible police reform and community-based policing.



These sworn peace officers assist prosecutors by conducting independent investigations on criminal cases, protect victims and witnesses of crime throughout the criminal justice process and support the due process rights of those accused of a crime. Without the state-mandated protection that DA Investigators provide, victims and witnesses of crime would not have the security nor trust they need to walk into a courtroom and testify against domestic abusers, murderers, gang members or drug cartels.

Investigators also protect the constitutional due process rights of those accused of a crime. During the course of their investigation, DA Investigators may collect evidence that points to the innocence of the accused. There have been many cases where the work of the DA Investigator led to the dismissal or a reduction of a charge.

In response to DA Stephan's call for improving de-escalation and police reform practices, Chief Duran revamped the policies for the Bureau of Investigation to reflect the principles the '8 Can't Wait' police reform, which calls for eight specific and immediate changes to police departments. The reforms include:

1. Requiring de-escalation
2. Having a use-of-force continuum
3. Banning chokeholds or strangleholds
4. Requiring a warning before shooting
5. Banning shooting at moving vehicles
6. Exhausting all alternatives before shooting
7. Duty to intervene when another officer is using excessive force
8. Comprehensive use-of-force reporting





# NOTION EFFECTS



# INNOVATIONS IN PROTECTING THE RIGHTS OF VICTIMS AND SURVIVORS OF CRIME

- ✓ ENHANCED CULTURAL COMPETENCE IN DA VICTIM SERVICES
- ✓ REQUIRED VICTIM ADVOCATES OBTAIN CERTIFICATION IN CRISIS RESPONSE TO ASSIST WITH MASS VIOLENCE
- ✓ ORGANIZED SAN DIEGO'S FIRST CRIME VICTIM AND SURVIVOR SUMMIT
- ✓ LAUNCHED NEW PREVENTION AND INTERVENTION STRATEGIES FOR DOMESTIC VIOLENCE, CHILD ABUSE AND HUMAN TRAFFICKING
- ✓ INITIATED NEW PROGRAMS AND LEVERAGED TECHNOLOGY TO PREVENT VICTIMS FROM BECOMING UNSHELTERED

A critical part of the DA Mission is to protect victims and survivors of crime and to uphold their constitutional rights. To fulfill this duty, the DA's Office has an expert team of trained victim advocates and restitution and claims specialists. The Victim Services Program is the largest provider of victim services in San Diego County, serving more than 12,000 victims of crime each year. This Division is led by Linda Peña, an innovative leader in culturally competent and effective victim services. The DA's Victim Advocates are a lifeline for those in their most devastating time of need, including cases of murder, rape, sexual abuse, kidnapping, torture or other crimes. The DA's Office serves victims in several ways, including assisting victims through the court process, informing them of their rights in the criminal justice system and advocating for them through each step of a criminal case. In addition, the Victim Assistance Program offers comprehensive services free of charge, even if a suspect is not identified or if criminal charges have not been filed. Some of the program services include:

- ▶ Crisis intervention
- ▶ Emergency assistance
- ▶ Resource and referral assistance to mental and physical health
- ▶ Orientation to the criminal justice system
- ▶ Court support
- ▶ Case status information
- ▶ Employer intervention
- ▶ Temporary restraining order information
- ▶ Property return
- ▶ Restitution Assistance
- ▶ Assistance with filing Victim Compensation Board applications



In 2019, the District Attorney created the Crime Victim and Survivor Advisory Board, made up of survivors of crime and victim advocates, to study and advise on issues specific to victims. In addition, the Victim Assistance Program recently added a valuable member to its team -- a Certified Facility Dog named Ollie, who provides comfort and support to children during interviews and court testimony.

In 2019, Ollie provided support during 227 interviews and court hearings. During the COVID-19 pandemic, Victim Services ramped up outreach to victims of domestic violence and other crimes affected by the pandemic and notified individuals when state prisons announced they were releasing some prisoners early.

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### ■ **Victim Advocates Obtain Certification in Crisis Response to Assist with Mass Violence**

The Victim assistance Program has also created a Mass Violence Response Team, whose members have received specialized training and are available to provide services to victims and survivors after a mass violence incident occurs. The team assisted in processing hundreds of victim state compensation applications of the Las Vegas mass shooting and responded to the Poway Synagogue shooting, supporting victims of that crime and the wider impacted community.

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### ■ **New Collaborative Finds Shelter for Victims and the Homeless**

Partnering with the community, the District Attorney's Office increased accessibility to shelters for victims of domestic violence, human trafficking and other forms of abuse. The SoCal Safe Shelter Collaborative leverages technology to more quickly connect survivors with available space in a shelter so abuse victims can expeditiously be removed from dangerous situations and begin receiving support services.

Survivors no longer have to spend hours or days trying to find safe shelter. Now, the new program can locate available space within minutes. Trained staff from 25 organizations collect information from the survivor, such as whether they have minor children residing with them or if they have disabilities that need accommodation. The request is sent to an online network of organizations with nearly 400 safe shelter beds. Staff at the shelters respond as to whether they have availability. This will reduce the number of calls a survivor will need to make to find an available shelter.



It only takes a few conversations at a homeless shelter to see the treacherous journey many women with children live before becoming homeless. After hearing these stories first-hand, DA Stephan deployed Victim Service Navigators to work at with shelter staff to bring trauma-informed services and resources to victims living in shelters with the goal of supporting healthy transitions to a home. This initiative grew into popular peer support group meetings at the shelters that helped build trust, confidence and hope for a better future.

### ■ **First-of-its-Kind Crime Victim and Survivor Summit to Improve Victim Services and Reduce Violent Crime**

The District Attorney's Office hosted a first-of-its-kind virtual victim summit in November 2020 to map the intersection of victims' needs in the criminal justice system. About 400 stakeholders gathered to participate in a strategic learning session presented by a diverse group of local subject matter experts and survivors encompassing a wide array of crime types. They identified current victim services that are available as well as opportunities for improvement. Eventually, the solutions and recommendations discussed at the summit will culminate in a blueprint for best practices in serving victims of crime. The summit featured Dr. Vincent Felitti, the co-principal researcher in the landmark



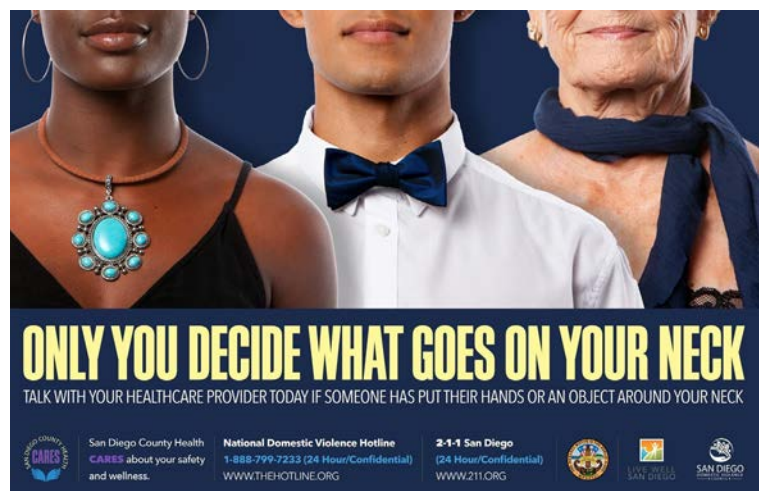
and internationally recognized Adverse Childhood Experiences (ACES) study; Brent King, father of slain teen Chelsea King; Casey Gwinn, the former San Diego City Attorney and pioneer of the Family Justice Center model; and Fernando Lopez, Executive Director of San Diego Pride.

## ■ The Fight against Domestic Violence, Child Abuse and Human Trafficking

Each year, about 17,000 incidents of domestic violence are reported to police. Domestic violence is still the number one killer of women when it comes to violent crime in U.S. and it causes a ripple effect that directly harms children, takes a toll on victims' mental health and can shake a community. The San Diego County Domestic Violence Fatality Review Team tracks all domestic violence-related homicides in the county, of which there are about 13 a year. With the mantra that even one homicide is too many, the District Attorney's Office is committed to protecting victims, prosecuting defendants and providing life-saving resources and public service awareness campaigns to prevent family violence.

## ■ Strangulation Protocol Established to Identify and Protect DV Victims

Strangulation is well documented as a potential indicator of future lethality in intimate partner violence. Properly identifying and responding to risk factors in these cases can save lives. Recognizing this, the District Attorney collaborated with the San Diego City Attorney, each police chief in the county and the San Diego County Sheriff in February 2018 to launch the first countywide protocol



for non-lethal strangulation identification and prevention. The purpose of the strangulation protocol is for responding officers, detectives and prosecutors to better identify, document and respond to this lethal form of intimate partner violence and hold offenders accountable. Since the inception of the protocol, the filing of felony criminal charges for strangulation cases have more than quadrupled. Prosecutors now use health professionals to explain the medical dangers associated strangulation in court. Trained forensic nurses are dispatched 24/7 to the scene of strangulation incidents to

provide care and document signs and symptomology and to make referrals for further medical care if required. The San Diego Strangulation Protocol has become an example for replication across the nation. Chief Deputy District Attorney Tracy Prior led the efforts on behalf of the DA to implement this life saving strangulation protocol and, leveraging her national expertise in family violence, is leading the initiative to stand up the North Family Justice Center initiative, One Safe Place.

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### ■ San Diego Health CARES

An example of one of the many DA's domestic violence outreach projects includes a campaign to help healthcare professionals recognize and report suspected domestic violence - especially strangulation. When a victim of domestic violence shows up in an emergency room or doctor's office, the outward signs of abuse may not be visible. But their internal injuries could be life threatening, especially if they have been strangled. The San Diego Health CARES campaign includes resource kits and posters distributed countywide to health professionals. The outreach campaign also included materials in Spanish, Tagalog, Vietnamese and Arabic. Items from the kit are downloadable at [www.SDCountyCARES.org](http://www.SDCountyCARES.org).

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### ■ Partnering with Rady Children's Hospital to Interrupt the Cycle of Violence

Filling in gaps in early intervention for children who witness or experience violence in the home has the promise of interrupting generational trauma and cycles of violence. To accomplish this, the DA's Office worked with Rady Children's Hospital to secure victim service grants that brought innovative services through Child and Family Stress Intervention that deliver early trauma resilience to children in San Diego County with measurable outcomes.

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### ■ Using Technology to Protect Victims of Domestic Violence

The DA's office was awarded a grant for an innovative domestic violence prevention pilot program. For six months in early 2020, domestic violence victims and suspects in North County were sent text messages when charges were declined in their cases. Victims were sent supportive, informative texts that let them know their cases could not be prosecuted and were offered services. Suspects were sent strongly worded messages designed to discourage them from reoffending. Both victims and



suspects were provided a link to resources at a website developed for the project: [www.preventdv1.org](http://www.preventdv1.org). An evaluation of the pilot program found that victims who received texts were more satisfied with case outcomes and more likely to report future domestic violence.

Moreover, while texting has not yet been widely used for communication in the government sector, research has found that text initiatives have had positive impacts in both public health and criminal justice settings.

In a related effort, to help identify and address concerns about the safety of domestic violence victims during the COVID-19 stay-at-home order, the District Attorney's Office reached out to more than 1,000 recent victims via a rapid-response text survey. 86% of respondents indicated they felt safe at the time, but a small group of victims did not, and the survey enabled them to request personalized follow-up from a DA Victim Advocate.

Based on the findings from these projects, the District Attorney's Office is expanding its texting initiative to include contacting all domestic violence victims.

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### ■ Now is the Time DV Outreach Campaign

Now is the Time is a billboard and literature campaign that provided tools to domestic violence victims, witnesses and offenders urging them to act, to get help and to make a difference.

Partnering closely with the San Diego Domestic Violence Council, the District Attorney's impactful campaign provided the community with a better understanding of how to recognize domestic violence and what to do about it.

More than 60 billboards were displayed across San Diego County with five different messages directed at domestic violence victims, offenders and those who might see something happening in their community or with their loved ones. In addition, wallet cards and postcards – in English and in Spanish – were provided to community organizations for distribution.

The campaign was funded by a grant from the California Office of Emergency Services.





# SECTION



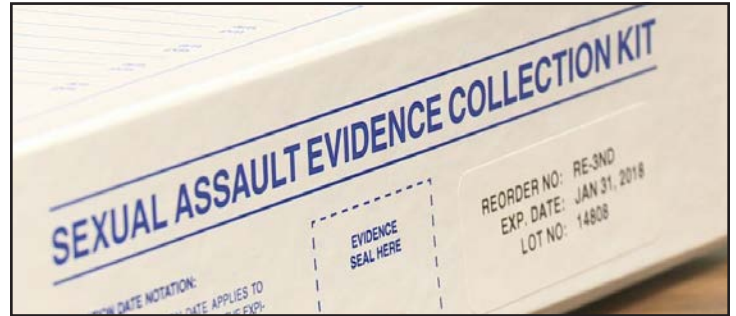


# ADVANCING REGIONAL PUBLIC SAFETY, SOLVING CRIME & PROTECTING UNDERSERVED COMMUNITIES

- ✓ ACHIEVED MILESTONE IN COUNTYWIDE TESTING OF ALL SEXUAL ASSAULT KITS
- ✓ COMBATTED INCREASE IN HATE CRIMES THROUGH EXPANDED UNIT & ONLINE REPORTING TOOL
- ✓ CREATED STUDENT SAFETY IN SCHOOLS REPORTING SYSTEM
- ✓ ESTABLISHED UNIFORM PROTOCOLS TO PREVENT TARGETED VIOLENCE AT SCHOOLS
- ✓ LAUNCHED ANIMAL CRUELTY UNIT TO BETTER PROTECT ANIMALS AND TRACK DATA ON INTERSECTION OF DOMESTIC VIOLENCE AND CHILD ABUSE
- ✓ FOUGHT OPIOID ADDICTION AND DEADLY FENTANYL THREAT THROUGH ENHANCED PROSECUTION, PREVENTION AND STIGMA REDUCTION
- ✓ EXPANDED COLD CASE MURDER AND RAPE PROSECUTIONS USING DNA ADVANCES

## ■ Backlog of Sexual Assault Kits Eliminated with DA Leadership and Funding

Rape cases leave victims with deep emotional and physical wounds. That's why ending the countywide backlog of untested sexual assault kits (SAKs) has been a priority of DA Stephan since taking office and was the first large scale initiative she undertook. The DA's Office



identified funding in April of 2018, and retained Bode Cellmark Forensics of Lorton, Virginia to begin the project. All untested sexual assault evidence kits from 12 police agencies across the county – some 2,030 – were sent to be tested by an independent lab. As of April 2021, all rape kits had been tested.

Lab results have come back from more than 1,983 of the kits which are now in the process of being uploaded into the FBI's national CODIS (Combined DNA Index System) database. Samples collected during the sexual assault examination can contain DNA evidence that can identify a rapist, link cases together to identify and stop serial rapists, and can exonerate a suspect. The DA's Office is reviewing

***"I'm proud of reaching the milestone goal of having every sexual assault kit tested."***

***DA Summer Stephan***

the results from the CODIS uploads which could lead to new investigations. The Sheriff's Department along with Oceanside, Escondido, Carlsbad, National City, Chula Vista, Coronado, El Cajon, La Mesa, College and University police departments participated in the project.

The San Diego Police Department initially determined they would test their own backlog but later, under the leadership of Chief David Nisleit, decided to send the backlog to the same outside certified laboratory for testing that the DA SAK project selected, thus completing our



region's ability to clear the backlog.

"I'm proud of reaching the milestone goal of having every kit tested," DA Stephan said. "Information in these sexual assault kits may contain powerful evidence that can speak on behalf of victims and prevent a future assault. It is also a matter of respecting the dignity of victims and survivors of sexual assault."

## ■ DA Takes on Hate Crimes Through Innovative Reporting System

**F**ighting hate crimes is a priority for the DA's Office as hate crimes not only cause harm to victims but also send ripples of fear and trepidation to all who share the victim's characteristics of race, ethnicity, religion, gender, sexual orientation or disability. DA Stephan expanded the office's already active focus on hate crimes through a specialized prosecution unit, resulting in tripling the number of hate crimes prosecutions and empowering the community with knowledge about hate crime laws.

Unfortunately, San Diego is not immune to hate and hate crimes. In April 2019, we experienced hate and antisemitism in our own backyard when a gunman opened fire on the Chabad of Poway, killing one and wounding three others as they celebrated the Passover holiday. In the early days of the COVID-19 pandemic, two Asian-Americans were assaulted and told to, "Go back to China." As the anti-Asian backlash has continued, the DA's office filed three felony hate crimes cases targeting the Asian and Pacific Islander communities.

This represents a substantial increase in felony hate crime cases targeting the Asian community as there were no cases filed in 2018 and 2019. Other religions, races and cultures have also been targeted, including arson aimed at mosques, assaults on protesters, vandalism on Black-owned businesses during protests in the spring and summer of 2020, and we continue to see hate crimes targeting the Latino community.

Those most targeted by hate crimes groups remain the Black, Jewish and LGBTQ+ communities. White supremacist groups have ramped up recruitment efforts and hate speech on college campuses across the country over the last two years. The Anti-Defamation League and the Southern Poverty Law Center have been monitoring these recruiting efforts. Both organizations found that

recruitment efforts and hate speech went up 77% from 2017 to 2018. The seditious crimes attacking the U.S. Capitol had connections to San Diego County, which is of great concern. The DA's Office has proposed state laws to better address the threat of domestic terror, which would mirror the proposed federal legislation contained in the Domestic Terrorism Prevention Act.

Victims of hate crimes suffer distinctive fear and stress. This type of crime has far-reaching negative consequences on entire communities. In addition, there is potential for reprisal and escalation of violence, which is why our office established a new way for the public to report hate crimes directly to the District Attorney's Office through an online reporting tool and a phone hotline (619-515-8805). Since launching, the hotline has received 123 reports. Improving avenues of reporting helps build trust and allows individuals to directly report hate incidents and hate crimes. This expanded reporting supports the goal of preventing harm, since we know that hate incidents are often precursors to hate crimes. This reporting tool also allows the DA's office to provide culturally competent victim services to individuals who need it. Although this new avenue provides a layer of convenience for victims or witnesses, the public can and should continue to report hate crimes to their local police departments, Sheriff's Department and the FBI. This additional reporting mechanism acts as a safety net and helps ensure reports are reviewed and shared by law enforcement.

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### Report Student Abuse Online

Families place an immeasurable degree of trust in the educational institutions their children attend. Parents and guardians expect that the adults to whom they entrust their children will provide a safe and nurturing environment - one that's certainly free of sexual and physical abuse. While most educators, coaches and others who work closely with children provide a safe place for our youth, the unfortunate reality is incidents of abuse do occur within educational settings. Of added concern is that despite mandatory reporting laws, many of these incidents go unreported to Child Welfare Services or local law enforcement agencies.

Listening to the concerns and recommendations during meetings with Black Men and Women United, chaired by Dr. John Warren, and NAACP President Francine Maxwell, the District Attorney's Office forged a plan to help bridge these gaps. In November 2019, the DA's Office formed a Student Safety in School Systems Task Force to report suspected abuse directly to the DA's Office through





an online portal. Suspected abuse can now be reported at [www.SanDiegoDA.com/studentsafety](http://www.SanDiegoDA.com/studentsafety). Once a report is made, Task Force members evaluate and investigate the claim.

Law enforcement is notified to investigate allegations when appropriate. Families are connected to trauma-informed resources and support, and an investigation into whether a mandatory report was made may be initiated. In some cases where the evidence support it, charges may be filed. In some cases, schools will be provided with training and educational support regarding their mandated reporting responsibilities.

As of spring 2021, the Student Safety Task Force has investigated more than a dozen instances of alleged abuse. In each incident reported there was a response ranging from making proper referrals, providing enhanced mandatory reporting training, or filing a criminal complaint.

## ■ Mandated Reporting Outreach

Teachers, coaches and administrators need to be aware of their legally mandated duty to report suspected abuse to authorities such as police or to a child welfare hotline. To assist them in understanding this responsibility, the District Attorney's Office provided educational reference materials to every school in the County that explain the law. This is an important companion to the Student Safety in School Systems Task Force.

In addition, DA Stephan was invited by Bishop Bob McElroy of the San Diego Catholic Diocese to provide a training for the entire Catholic Dioceses, including priests and teachers, about child abuse and mandated reporting.

## ■ Reducing School Shootings Through Unified Protocol & Threat Assessment

DA Stephan personally prosecuted the most recent school shooting that occurred in San Diego County at Kelly Elementary School. Two girls were shot and survived. The case made enhancing school safety a priority for DA Stephan when she became District Attorney. The shooting led to a regional summit that relied on expert studies and best practices to create a unified protocol on early detection, intervention and prevention of harm. The San Diego County model was held up nationally





as a promising best practice. Tragically, school shootings have become a common occurrence across our country, and San Diego is no exception. We have seen several targeted attacks on our schools dating back to 1979. These attacks leave indelible scars on our children and our community. When our children are not safe at school, they are impacted not only in the moment, but also in their future development.

Almost every day school is in session, law enforcement is notified of someone – usually a juvenile or student at the targeted school – making a verbal or written threat of gun violence against a school or to injure fellow students. While not all who make a threat actually pose a danger, it's important not to ignore threats when they are made. In response to these ongoing threats, the District Attorney's Office developed a countywide School Threat Protocol, which guides school, law enforcement and prosecutorial responses to school threats.

As part of the protocol, the District Attorney developed a School Threat Assessment Team, comprised of a multi-disciplinary group of individuals trained in threat assessment who meet regularly to evaluate, assess and manage school threats. More than 90% of school shooters premeditate their attack and 80% of them tell at least one person of their plans before the attack. 60% tell at least two people. These numbers teach us that one of the best preventions for a school shooting is educating people to report suspected concerning behavior or threats.

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### ■ Animal Cruelty Unit Also Tracks Domestic Violence Data

On its own, cruelty toward animals cannot be tolerated. Animal abuse cases are difficult to prosecute because animals obviously can't speak for themselves, so bringing additional focus and expertise to this area was a priority for the District Attorney's Office. We also know that those who abuse animals also have a higher incidence of abusing their spouse, elders, and children or committing mass shootings. To better combat and prosecute animal cruelty



cases, a unit led by an experienced animal cruelty prosecutor, was created. It is housed within the DA's Family Protection Division to aid in tracking data on the connection between animal cruelty and crimes against family members. In the past two years the DA's Animal Cruelty Unit has prosecuted 116 cases for animal cruelty; 11 of those cases also have domestic violence charges, nine cases have child abuse charges and three have elder abuse charges along with the animal cruelty charges.

## ■ Expanded Cold Case Unit

When a family loses a loved one to violence, the pain is intolerable and not having the resolution of identifying the killer adds to the sense of loss and despair. Hearing from these families heightened the need for the District Attorney's Office to prioritize solving cold cases. Using the latest forensic evidence technology, the Cold Case Unit solves old homicide and sexual assault cases. Paring technology with experienced investigators and prosecutors has delivered justice to victims. In recent years, eight cold cases have been solved in San Diego thanks to investigative genetic genealogy, including a grisly 1979 murder involving a 37-year-old mother who was stabbed to death and found by her children when they returned home from school. The DA's Cold Case Unit received a competitive three-year grant for \$470,000 from the Department of Justice to use investigative genetic genealogy to solve more cold case homicides. The San Diego District Attorney's Office was one of 10 offices nationwide to be awarded the grant.

## ■ Opioid Epidemic Strikes San Diego County

San Diego County is in the midst of an opioid crisis. The addictive painkiller is causing teens and young adults to turn to street for their supply. As a result, we've seen dramatic increase in fentanyl-related overdose deaths. The figures are astounding. In 2019, there were 152 fentanyl overdose deaths. In 2020, there were 450. Because synthetic drugs like fentanyl are so profitable, this phenomenon is not going away. The District Attorney's Office is attacking this problem by





holding dealers accountable, focusing on reducing the demand through prevention and outreach, and by removing the stigma of substance addiction so people seek treatment. Although opioid use is at an all-time high, the number one cause for overdose deaths in San Diego is methamphetamines. In addition, meth is the drug most associated with violent crime arrests. Tracking the data is a priority for a multi-disciplinary collaboration that the DA's office is engaged in with Prescription Drug Abuse Task Force (PDATF) and the Meth Strike Force (MSF.)

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### ■ **New Team Model Investigates Overdose Cases**

The District Attorney's Office works closely with law enforcement to understand the circumstances of overdose deaths. A task force led by the DEA that responds to the scene of overdose deaths - called Team 10- applies a specific homicide protocol during its investigations. If there is evidence to demonstrate the drug dealer knew how deadly fentanyl is and still sold or furnished the drug to the victim, the dealer will be charged with a homicide related charge. To date, three such individuals have been charged with murder. The majority of the cases involving dealers result in charges of furnishing drugs and causing great bodily injury. We also partner with the U.S. Attorney's Office and refer cases to them for prosecution when warranted, based upon the evidence.

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### ■ **Supporting Families Who Have Lost Loved Ones to Overdose**

When parents lose a child to a drug overdose, they often feel they cannot fully grieve because of the stigma attached to the child's death. As a result, parents do not know what to do or where to turn for support. In response, the District Attorney's Office invited a grief counselor to speak to parents in a virtual event about losing someone to an overdose. About 50 people came together on National Overdose Awareness Day in August 2020. Participants said they appreciated the insight and suggestions on how to work through the overwhelming feelings of loss.

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### ■ **The San Diego Opioid Project**

The District Attorney's Office partnered with the San Diego County Health and Human Services Agency to launch an innovative public outreach and opioid awareness campaign. The San Diego Opioid Project is reaching and educating people a different way, with the goal of reducing overdoses



and saving lives. The San Diego Opioid Project was a six-month campaign based on extensive research and data. The campaign's goal was not just to raise awareness, but to change behavior. The DA worked with the San Diego-based Rescue Agency, which has a national track record of success when it comes to changing behavior in various areas of public health.

The San Diego Opioid Project rolled out primarily online, with social media and digital ads that specifically targeted people at risk of becoming addicted to opioids. The ads and posts all drove people to a website that provides information and resources: [www.SanDiegoOpioidProject.org](http://www.SanDiegoOpioidProject.org). Ads were posted in English and Spanish. In total, the online campaign generated 46 million impressions and 3.8 million social media engagements. Using his experience coordinating TheUglyTruthSD campaign on human trafficking prevention, DA Communications Director Steve Walker coordinated this large scale opioid prevention campaign that reached millions.



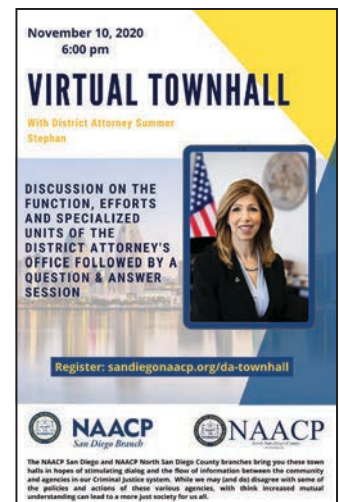
## Town Hall Meetings

In addition to creating the San Diego Opioid Project campaign, DA Stephan and the County of San Diego's Health and Human



Services Agency, with the support of several community partners, hosted a series of town hall meetings.

These live and virtual meetings focused on advancing the messaging contained in the San Diego Opioid Project, including educating the public on the dangers of opioid misuse. The public was invited to participate in a discussion that consisted of a panel of local medical experts, survivors and advocates that provided information on the signs of addiction, prevention and treatment.



## ■ Opioid Public Information Campaign

As part of its commitment to educating the public about the proliferation of counterfeit prescription pills sold on the street, which contain deadly fentanyl, the District Attorney's Office developed a flyer warning of the dangers of fentanyl which has been distributed to food banks, community centers and schools. The flyer depicts the counterfeit prescription pills, which are responsible for most of the fentanyl deaths in San Diego.

The flyer also depicts fentanyl powder, which resembles cocaine, and provides information on where to seek resources, such as Naloxone, which reverses a potentially deadly opioid overdose. Additionally, the DA's Office created a palm card with resources on where to seek help for opioid-related issues.

These cards were distributed to law enforcement agencies, paramedics and community centers throughout the county. First responders provide these cards to families who experience an opioid-related crisis.





# NOTICES

8





# ADVANCES IN PROTECTING CHILDREN AND SENIORS

- ✓ BUILT ON REPUTATION AS NATIONAL LEADER IN FIGHTING HUMAN TRAFFICKING
- ✓ LAUNCHED FIRST-OF-ITS-KIND PUBLIC/PRIVATE PARTNERSHIP TO EDUCATE CHILDREN ON HUMAN TRAFFICKING
- ✓ TRAINED FIRST RESPONDERS AND FIREFIGHTERS TO SPOT HUMAN TRAFFICKING
- ✓ CREATED AN ELDER ABUSE PREVENTION, PROTECTION AND PROSECUTION BLUEPRINT

## ■ Fighting Human Trafficking and Child Exploitation

**H**uman trafficking is one of the most profitable criminal enterprises in the world. It's an estimated \$32 billion industry with 27 million people being trafficked worldwide. San Diego is no exception. Its underground sex economy is estimated at \$810 million, and San Diego ranks 13 on the FBI's list of top cities for child sex trafficking.

As we confronted this threat to our region, the DA's Office relied on data and research to formulate solutions to reduce and abolish this harm. DA Stephan is a national leader in the fight against human trafficking and formed one of the first victim-centered vertical units in the nation to combat sex crimes and human trafficking. This unit was featured in the New York Times as the real-life version of the television show Law and Order: Special Victims Unit.

According to a 2016 study conducted by Point Loma Nazarene University and the University of San Diego, about 90% of high schools studied in San Diego County identified cases of human trafficking involving students. But victims can be anyone - women, men, children, U.S. citizens or foreign nationals. However, in the area of sex trafficking, minors are particularly vulnerable targets with 16 being the average age of entry into sex trafficking. This mostly happens through social media, which is how predators access and exploit children. The most common scenario for trapping girls in the sex trade is a trafficker posing as an older boyfriend.

Despite the widespread prevalence of human trafficking, whether it be sexual, labor or indentured servitude, San Diego has been a national leader in the fight against it using prevention, protection, prosecution and partnerships. Through its Sex Crimes and Human Trafficking Division, Insurance Fraud and Workplace Justice Division, and its vast network of law enforcement and community members, the DA's Office promotes awareness and education in schools and in the community, protects victims by identifying them and providing services, prosecutes those who sell human beings for sex and those who buy them like products.

Over time, we built models that are proving effective, including forming a regional human trafficking task force with state, local and federal agencies. The partners work together to recover victims and hold perpetrators accountable, while relying on government and non-profit organizations to provide



wraparound services for victims. This work led to requests for the San Diego District Attorney's office to share its work and eventually publish a national best practices paper for combating human trafficking.

Fighting the demand that drives profit and fuels trafficking is imperative. That's why we're working on greater penalties for those who buy sex. One of the key strategies was to separate the people being used in prostitution (mostly women) from the exploitative buyers of sex (men) with monetary means to purchase humans for sex. DA Stephan wrote legislation and partnered with California Assemblymember Lorena Gonzalez to pass a law that allowed the DA's Office to offer services and diversion to prostituted women while bringing a measure of accountability to the exploitative buyers. This amended law also maintains the integrity of being able to build criminal cases and prosecute the traffickers who are pulling the strings.

### ■ Meeting the Mandate: Providing Human Trafficking Curriculum for Schools

When California passed a law in 2017 requiring that all schools provide a curriculum on anti-human trafficking, the biggest obstacle was zero funding for the mandate. DA Stephan took on the challenge of getting buy-in from philanthropists, school districts and human trafficking education providers to ensure students and teachers had the curriculum they needed to meet the law, and more importantly, to prevent children from being exploited. Within one year, funding was secured through philanthropists for a first ever public/private partnership with UBS, the world's largest wealth investment firm, around human trafficking in San Diego County.

The result of this unique partnership is the Trafficking Prevention Collective, which empowers students in elementary, middle and high school and teaches them about human trafficking in schools and neighborhoods with a three-pronged approach: in-school prevention education, after-school intervention and interactive multimedia training. The Collective obtained a four-year grant to fund the critical training, helping school districts comply with the law. This partnership brings three unique programs to schools under the Collective's umbrella: PROTECT, Project ROOTS, and kNOw MORE. Once a child is victimized by sexual abuse and human trafficking, recovering from the physical and mental trauma is difficult. That's why we are focusing on preventing that harm in the first place through this evidence-based curriculum that builds resilience for school age kids.

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## ■ Training First Responders to Spot Human Trafficking

Whether responding to a house fire, a car accident, or providing emergency medical assistance to someone in a hotel room or a business, firefighters and medical first responders are in a unique position to join the fight against human trafficking by identifying victims and reporting their observations to law enforcement. That's why a new training program supported by the District Attorney's Office is being rolled out across the county to teach thousands of first responders how to recognize red flags.

The training and video provide information on recognizing labor and sex trafficking, how to identify a victim or a trafficker, the misconceptions of human trafficking and how to properly report any suspicious activity. About 3,000 firefighters from 40 fire departments, as well as emergency medical service employees from American Medical Response and Mercy Medical Transportation will receive the training.

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## ■ New Avenues to Protect Senior Citizens

The District Attorney's Office protects San Diego County's most vulnerable citizens through several initiatives that speak directly to susceptible populations or to those working or interacting with elders. Aside from criminal prosecution, our outreach programs include addressing elder abuse issues through the Elder Protection Council and working with the banking industry to educate employees on their duty to report suspected financial elder abuse to police.

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## ■ Elder Abuse Blueprint

In the summer of 2017, the District Attorney's Office began a formal planning process to coordinate San Diego's community response to the crime of elder abuse. Because of a rise in elder abuse prosecutions, as well as an impending explosion of the elder population in the county, the District Attorney brought together countywide stakeholders as a think-tank of experts, including professionals from all disciplines that serve as touch points for elder and dependent adults. Based on input from experts, DA Stephan convened a larger Elder and Dependent Abuse Summit in March of 2018, where an Elder Abuse Blueprint was unveiled and endorsed. For the first time, San Diego County has a formal set of goals and guidelines in caring for and protecting elders and dependent adults.



The Elder Abuse Blueprint provides guidelines for a coordinated community response to elder and dependent adult abuse. It provides a vision for enforcement, definitions and training materials, and specific information needed by frontline workers, ranging from interviewing tips to phone numbers of appropriate contacts throughout the County.

## ■ The Elder Protection Council

Elder abuse is among the most underreported, under enforced and under prosecuted types of crime in the nation, according to data from elder abuse experts. Only about 1 in 25 elder abuse incidents are reported to authorities, mostly due to fear, shame and embarrassment the victims feel. The most successful model for intervention in this area is through a multi-disciplinary team approach. In 2018, the District Attorney's Office launched The Elder Protection Council to address ways to reduce elder abuse through a private/public collaboration of local law enforcement, social services agencies and community partners. The council meets every four months to discuss emerging issues and marshal its collective resources to address ongoing countywide elder concerns.

## ■ Training Banks to Spot Elder Financial Abuse

Elders frequently fall victim to financial crimes like fraud and theft. Bank and credit union employees are some of the best eyes and ears for spotting and preventing this exploitation of older and dependent adults. To help them recognize and report suspected elder abuse, the District Attorney's Office created an outreach campaign that included broadcast public service announcements reminding financial institution employees of their legal duties as mandated reporters when they suspect financial elder abuse.



Partnering with local bank and credit union branches, the District Attorney's Office also provided training to teach bank employees how to identify and report suspicious activity. The outreach included a palm card, a brochure and a training video distributed to banks across the county. The video can be viewed on the DA's YouTube channel.





# NOTICES



# THE LENS OF JUSTICE THROUGH NOTABLE CRIMINAL CASES

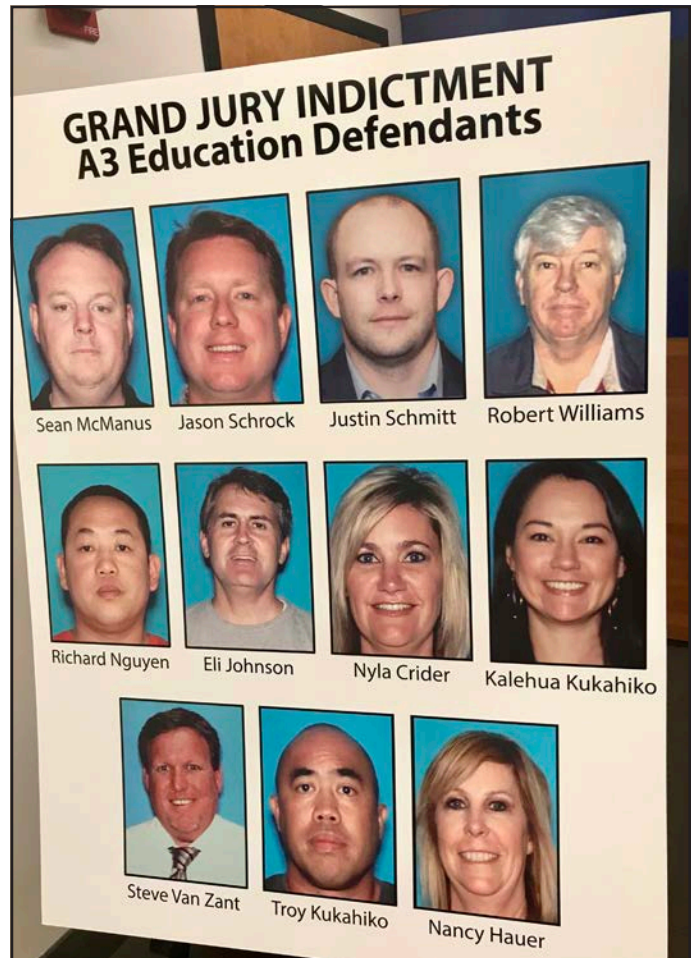
- ✓ MASSIVE CHARTER SCHOOL PUBLIC CORRUPTION
- ✓ HATE CRIME AT A SYNAGOGUE
- ✓ BRUTAL MURDER AND DUMPING OF A BODY IN SAN DIEGO BAY
- ✓ SEXUAL ASSAULT BY AN OUT-OF-TOWN POLICE OFFICER
- ✓ \$8 MILLION PONZI SCHEME

## ■ Fighting Public Corruption: The A3 Charter School Scam

While most criminal cases are initially investigated by local police or the Sheriff's Department, public corruption, consumer protection and other types of crimes are investigated and prosecuted by special teams in the District Attorney's Office. The DA's Public Corruption Unit investigated and prosecuted A3 Charter schools, one of the largest fraud cases targeting kindergarten and through 12 education in the nation and obtained one of the largest recoveries of restitution in the country.

An Australian national, who was a charter school operator in the U.S., and his Long Beach business partner, conspired to siphon more than \$50 million from the State of California for years. As part of a wide-ranging scheme, the defendants sought out small school districts with limited experience in oversight and proposed they authorize online charter schools to earn additional public funds in the form of oversight fees. The CEO and President of A3 Education, along with nine other defendants were indicted in San Diego County on several criminal counts including conspiracy, misappropriation of public funds, paying for student information and conflict of interest.

The 235-page indictment, which was handed down by a grand jury in May of 2019, was the result of a year-long investigation by the San Diego County District Attorney's Office into allegations of fraud in public schools. In spring of 2021, two defendants pleaded guilty in San Diego Superior Court to a variety of felony criminal charges including conspiracy and conflict of interest and are assisting in the return of over \$210 million in assets. The massive fraud case has exposed numerous discrepancies in the way funding is determined for public schools across the state of California, as well as the lack





of oversight of schools. The DA's team helped school districts and the State of California to reform accountability practices and oversight, which will pay dividends for years to come.

### ■ Poway Synagogue Shooting

Violent crime is devastating to its victims and their families. But when the target of that violence is an entire religion, race, culture or sexual identity, the crime also tears apart the wider community. On April 30, 2019 District Attorney Summer Stephan filed several charges including murder with special circumstances, three counts of attempted murder, firearms and hate crime allegations against John Earnest, who is accused of opening fire on the Chabad of Poway synagogue on April 27, 2019. One person was killed and three were wounded in this chilling hate crime shooting. In addition to the prosecution of these crimes, the DA's Victim Services team worked around the clock to support and assist direct victims as well as collateral victims throughout the community.

### ■ Murder of Omar Medina

After Timothy Cook brutally stabbed his roommate 66 times, he attempted to cover up his crime by enlisting co-defendant Derrick Spurgeon. Together they stuffed the body of Omar Medina in a 55-gallon drum and dumped it into San Diego Bay. They attached a makeshift anchor to the drum and drilled holes in the top and sides. Fortunately,



 Omar Medina



their attempt to dispose of Medina's body didn't work out to plan. Two weeks after the murder, the 55-gallon drum floated to the surface of the bay. The investigation revealed that after the murder, Cook demolished and cleaned the crime scene, abandoned the victim's car and changed phones. After two months of investigation, several search warrants, and the discovery of additional evidence, the defendants were arrested and prosecuted. Through the hard work of the Chula Vista Police Department and the District Attorney's Office, Cook was convicted of second-degree murder and sentenced to 56 years-to-life in prison.

## ■ Rogue Caregiver

Defendant Shirley Montano sought out victims with disabilities and offered to become their caregiver. While under her care, Montano would subject her victims to physical, emotional and financial abuse for her financial gain. In each instance, she found victims with assets or a reliable source of income and assumed a caretaker role. She took over their finances and provided them with inadequate food and care. One of the victims, Robert Chagas, died as a result of severe malnutrition. When found, the



second victim, was severely emaciated. Montano was convicted and sentenced to 13 years in state prison in March 2020. Despite a court shutdown due to the COVID-19 pandemic, a jury re-convened in the downtown courthouse's jury lounge which had been modified as a courtroom to comply with social distancing requirements. The defendant was convicted on all counts including first-degree murder, kidnapping for extortion and torture.

## ■ Yuma Police Officer Commits Rapes in San Diego

During a family visit to San Diego, Yuma police officer Jared Elkins raped his wife's cousin while his wife slept in another bedroom. The victim fled through a window and immediately reported the rape to police. After more than three days of deliberations, a jury convicted Elkins of forcible rape and three other forcible sex crimes. He was sentenced to 20 years in prison in March 2019. This case is a good example of everyone being accountable under the law. Familial and acquaintance sexual assault cases are some of





the most challenging to prosecute, but they are important in that the pain that victims suffer is clearly no less than what occurs in stranger rape cases. The DA's specialized sex crimes team has developed the expertise to take on these tough cases.

### ■ Dismantling a Massive Ponzi Scheme

A Poway man who stole millions of dollars from dozens of victims over a five-year period in San Diego County, most of them senior citizens, pleaded guilty to securities fraud and grand theft after being charged with more than 80 felony counts.



Christopher Dougherty was charged with grand theft, fraud and financial elder abuse, and other charges reflecting crimes committed against at least 31 families. A former licensed insurance agent, Dougherty solicited about \$8 million in investments as part of a large-scale Ponzi scheme that eventually collapsed and left victims with nothing. Twenty of the 31 victims were 65 or older at the time of their investments. He was sentenced to 12 years in prison in July 2020.

**These are just a few examples of the complex criminal cases prosecuted by the DA's office in order to bring justice to victims and the community we serve.**





# SECTION 10



# STRENGTHENING COMMUNITY PARTNERSHIPS & BUILDING SAFE NEIGHBORHOODS

- ✓ CREATED NEW POSITIONS TO IMPROVE ACCESS TO THE DA'S OFFICE, & INCREASE EQUITY AND INCLUSION
- ✓ SERVED YOUTH THROUGH MENTORING OPPORTUNITIES
- ✓ PROVIDING ASSISTANCE TO FOOD-INSECURE COMMUNITIES



Not everything in the District Attorney's Office is centered on prosecution. A lot of the work we do is about crime prevention. One of the best ways to keep San Diego one of the safest urban counties in the nation is by improving communication with the community.

Since communities are our first line of defense in crime prevention and detection, as well as assisting with re-entry for those transitioning back into the community, we are investing in them through new positions that build partnerships, mentoring and direct access to the DA's Office. The new positions include Community Partnership Prosecutors and Crime Prevention Specialists.

DA Stephan's approach relies on data to help inform solutions, so she also converted positions allocated to the DA's Office to Crime Intelligence Analysts. Integrating restorative justice practices, especially in the DA's Juvenile Branch, led our office to employ a restorative practices expert who is integrated into the DA team and helps inform policies in a variety of areas.



## ■ Community Partnership Prosecutors

Since many issues that lead to criminal behavior first bubble up in the community before landing in the justice system, the District Attorney established a team of Community Partnerships Prosecutors to work in the community instead of in the courtroom.

The four Community Partnership Prosecutors are assigned regionally throughout the county to problem solve in neighborhoods, build relationships, identify issues with a nexus to public safety and help create strategic solutions that ultimately improve quality of life. Since the program's inception, Community Partnership prosecutors have helped cities and businesses address many types of issues including unsheltered populations, property crimes and vandalism.

## ■ Families in Motion

When COVID-19 and social distancing threatened to interfere with plans to provide crime prevention and social media awareness skills to teens and their families, the curriculum was quickly transformed to an online platform, drawing students from San Ysidro to Poway.

Families in Motion is a four-week outreach and training program offered to teens and their parents by the District Attorney's Office and San Diego Police Department. Topics include issues confronting teens today such as dealing with COVID-19, navigating and staying safe on social media, preventing drug use, gang activity and human trafficking.

"Preventing young people from becoming victims or perpetrators of crime is an important priority for my office, especially with schools closed," District Attorney Summer Stephan said. "Families in Motion builds resilience and also offers a restorative path for youth who may already be engaged in unhealthy or risky criminal behavior."

The current program, which is an offshoot of the San Diego Police Department's previous program, runs for two hours a week for four weeks. Students hear from DA Community Partnership Prosecutors, mental health professionals and law enforcement partners. Each session begins with a check-in, in which students share how they are feeling and why. The session then turns to the educational

component where teens and parents learn from various experts. The San Diego Police Department continues to be a partner in this program that is reaching youth and their families in a positive way across the county.

### ■ DA's Office Serves Youth through Mentorships

The DA's Office has become a magnet for mentorship opportunities for youth. Many local community colleges partnered with the DA's Office on programs that provide career advice and direction to students. Our diverse prosecutors are engaged as coaches for high school mock trial teams, leadership programs and even a "DA Ride-Along," where students visit with the District Attorney and other prosecutors.

### ■ Crime Prevention Specialists and the DA CARE Community Center

The CARE Center is a satellite office of the District Attorney's Office, located in National City, which provides crime prevention and intervention services for the community. Using an evidence-based





needs assessment, motivational interviewing and trauma-informed practices, the DA's Prevention and Intervention Program team members work with people to identify their top needs. The person is then referred to services using a voucher process, which involves partnering with community-based organizations. The CARE Center also offers a quarterly resource fair, computer lab and meeting spaces for community-based organizations to provide trainings and workshops. Since its inception in 2016, the CARE Center has helped more than 16,500 individuals and conducted more than 1,000 youth and adult needs assessments, connecting them with services.

One example of the life changing work being done at the CARE Center involves a woman and her two children who came to the center in October 2019. The family had been homeless and living in a car for more than a year after the mother escaped an abusive and violent relationship. CARE Center staff evaluated the family's needs. At the top of the list was housing, counseling, employment and eligibility for County benefits. Within days, the family was referred to Community Through Hope for case management and Solutions for Change, a housing program where they can live for three years. Through the CARE Center's partnership with HHSA, the family was able to qualify for Medi-Cal and CalFresh benefits. The CARE Center also helped the family receive wraparound services, which included family counseling, employment, and funding to repair their vehicle.

The CARE Center also assists families in need by organizing food distribution. During the COVID-19 pandemic, food insecurity in the community increased and the center shifted a monthly food distribution for the community to one that's held on a weekly basis. In 2019, the center served 1,858 individuals through food distribution. So far in 2020, it has served 6,886 people. The food distribution is made possible through a partnership and food donations from Feeding San Diego, Community Through Hope and the San Diego Food Bank.

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## ■ Community Grant Program

Working with the community, DA Stephan recognized that many small non-profit organizations are doing excellent, culturally competent work, but are unable to compete for County contracts because they lack the infrastructure and financial expertise. The DA's Office was able to access small community grants to support these on-the-ground programs and help them succeed. Data shows that this approach is promising and supports equity outcomes.





SAN  
DIEGO  
COUNTY  
DISTRICT  
ATTORNEY'S  
OFFICE



# USING LEGISLATION TO IMPROVE PUBLIC SAFETY, CONSUMER PROTECTION, REENTRY SERVICES AND VICTIMS' RIGHTS

- ✓ HELPED CRAFT AND SUPPORT LEGISLATION REGARDING OPIOIDS, SEXUAL ASSAULT AND PRICE GOUGING
- 



In addition to carrying out fair and equal justice, protecting victims and preventing crime, the District Attorney's Office has a responsibility to follow the law. But what happens when that law is outdated, unintentionally harms crime victims, is unfair or simply doesn't exist in a way that addresses modern circumstances? The District Attorney's Legislative Director, Gail Stewart-Brockman, works closely with DA Stephan and other subject matter experts to advocate for laws that promote public safety. The DA's Office drafts and supports proposed legislation that closes loopholes, supports crime victims, embraces responsible criminal justice reform and strikes a balance in the criminal justice system. Some of those recent efforts where a bill we helped write and sponsor became law include:



## ■ Opioid Safety

Young people across San Diego County, who think they are snorting cocaine or taking prescription oxycodone pills, are overdosing on deadly fentanyl because with the enormous number of counterfeit drugs on the street, they don't know what they're really consuming. In 2019, there were 152 fentanyl-related overdose deaths in San Diego County. In 2020, there were 450 fentanyl-related deaths. Senate Bill 1109 (Patricia Bates, R-Laguna Niguel) is a multi-faceted approach to training and education of the risks associated with prescription opioid use. It requires a cautionary notice on all opioid prescription bottles stating "Caution: Opioid. Risk of addiction and death." It requires prescribers to minors to consult with the juvenile and their parents regarding the risks of opioid use. It also requires athletic programs to provide information on the risks of opioids to parents and to obtain an acknowledgment of receipt. The bill also requires mandatory continuing education courses for prescribers to include the subject of the risks of addiction and death associated with the use of Schedule II drugs.



## ■ Sexual Assault Amnesty

Sexual assault cases are among the most difficult to prosecute. Victims do not want to re-live their abuse and are fearful of the agonizing court process and the associated feelings of shame. Often, drugs and alcohol are in play in these cases, and can be an instrument that helps the predator perpetrate their crime, yet victims worry that they may become the target of a prosecution. Assembly Bill 1927 (Boerner Horvath, D-Encinitas) provides sexual assault victims with amnesty to encourage participation in a sexual assault prosecution, and even more importantly, provides dignity in how we treat victims of sex crimes. Current law makes it a crime to possess or use a controlled substance and for a minor to purchase and consume alcohol, which can create situations where sexual assault victims choose not to come forward out of fear of prosecution in a separate trial. This new law removes barriers to reporting and strengthens trust in the justice system.

## ■ Price Gouging

During a declared state of emergency, it is illegal for a business to increase prices for essential goods or services by more than 10 percent, unless they can show their own costs have been increased. Senate Bill 1196 (Thomas Umberg, D-Santa Ana) strengthens current law by clarifying that price gouging penalties also apply during a pandemic or epidemic disease outbreak, that all sales – including online sales and new sellers – are covered by a price gouging prohibition.

The bill also establishes a price measure of cost to determine price gouging and authorizes the Governor or the Legislature to extend the duration of price gouging prohibitions past 30 days. Price gouging laws are an important tool for consumer protection but were written at a time when businesses did not exist online. We saw that during the COVID-19 pandemic, online businesses spiked their prices and we needed to change the law to protect consumers.





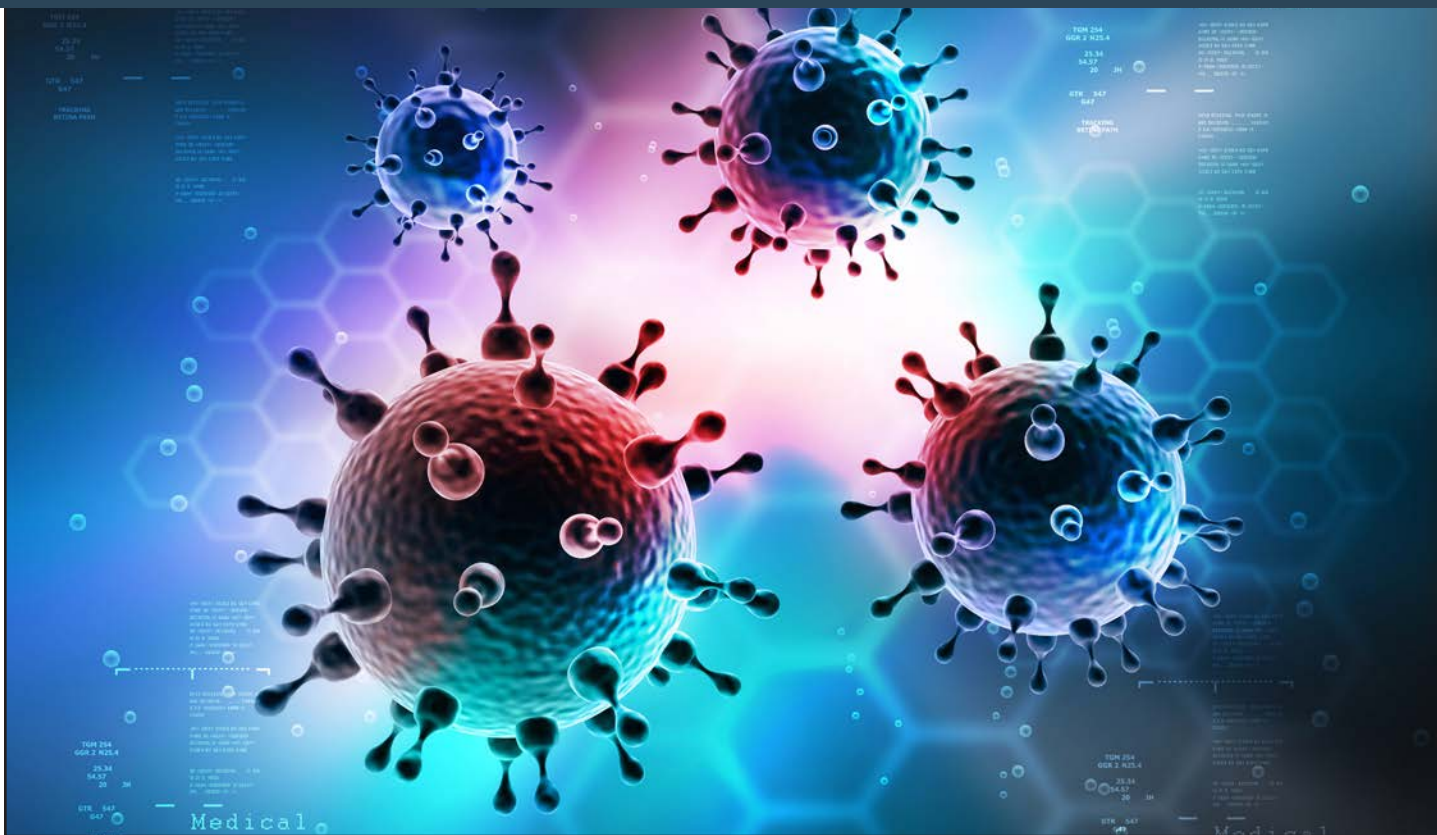
# SECTION 12





# REINVENTING CRIMINAL JUSTICE DURING THE COVID-19 PANDEMIC WHILE SAFEGUARDING DUE PROCESS RIGHTS

- ✓ LEVERAGED TECHNOLOGY TO KEEP THE COURTS RUNNING DURING STAY-AT-HOME ORDER
- ✓ REDUCED JAIL POPULATION AMID COVID-19
- ✓ CLEARED MISDEMEANOR WARRANTS DURING PANDEMIC
- ✓ ASSISTED IN CORONAVIRUS CONTACT TRACING
- ✓ PROVIDED COMPREHENSIVE LIST OF RESOURCES AVAILABLE DURING PANDEMIC
- ✓ PROVIDED PUBLIC SAFETY DATA TO THE GOVERNOR, STATE AND SCHOOL OFFICIALS ABOUT HARM TO CHILDREN NOT IN SCHOOL



Along with the entire nation, San Diego County has struggled to deal with the devastating impacts of the COVID-19 pandemic. Society stopped in its tracks. Schools were closed, businesses shuttered, a workforce furloughed, and hundreds of thousands infected with the Coronavirus, which has left more than 3,300 in the county dead. Meanwhile, law enforcement has scrambled to maintain public safety while re-inventing the criminal justice system. As court hearings got underway again, they were done remotely through video conferencing – an unprecedented use of technology in the courtroom. DA Stephan and the team at the DA's Office moved forward in uncharted territory to meet this challenge by leveraging technology and closely collaborating with the Presiding Judge of the Superior Court, the Public Defender, Sheriff, County Public Health and community leaders to fulfill the essential work of justice and public safety while safeguarding the health of all parties involved and protecting defendants' due process rights.

## ■ Reinventing the Criminal Justice System During a Pandemic

When the San Diego Superior Court had to close its physical doors at the start of the Coronavirus pandemic, the criminal justice system had to be reinvented to allow for access to justice by adapting to video conferencing and social distancing. The first video court proceeding took place on April 6,



2020 and grew from a single, six-minute hearing to a daily average of 1,150 criminal court hearings in four courthouses across at least 31 courtrooms per day. The idea was to videoconference attorneys and defendants into court. The only people physically in the courtroom would be the judge, reporter and court clerk. There was no handbook or history for dealing with the pandemic as we previously only faced very short court closures and nothing like the challenges presented by COVID-19. The Superior Court's Presiding Judge and court leadership began to host weekly– and at times daily meetings– with the DA, Public Defender, San Diego City Attorney, Sheriff. It also held meetings with the private defense bar and other stakeholders. These collaborative meetings, led by the Court, were instrumental in maintaining the health of our region while maintaining due process and access to criminal justice.

The DA's Office has the benefit of a sophisticated Case Management System that was largely built under the leadership of Assistant District Attorney David Greenberg, who meticulously and tirelessly leveraged this system to assist the Court, Defense Attorneys, and the DA's Office to be able to track constitutional and statutory timelines and protect the rights of all involved in the criminal justice system during the pandemic.

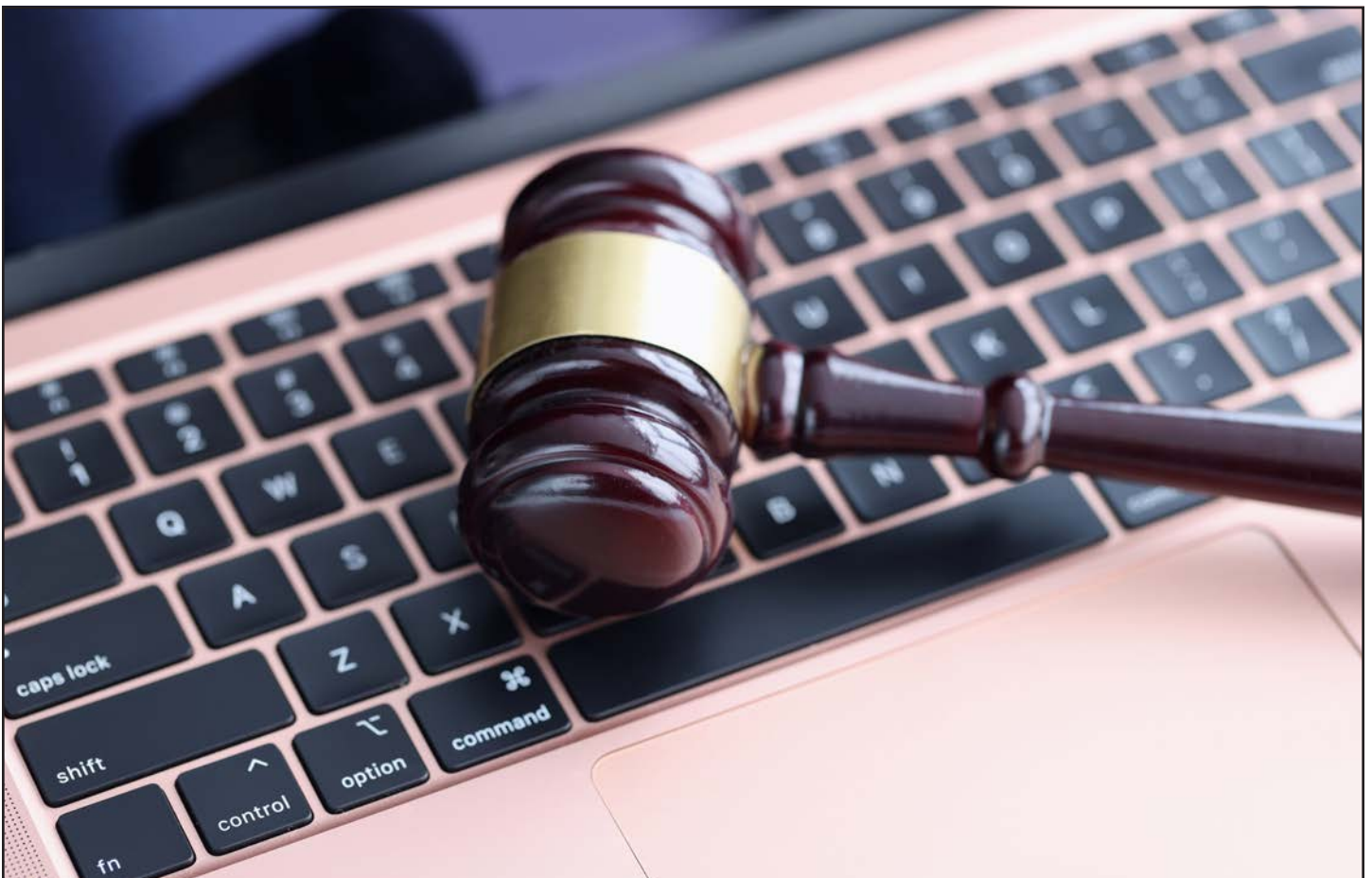
Training all attorneys and court staff on the Microsoft Teams conferencing platform was a monumental task taken on by the District Attorney's office, which first had to master the MS Teams platform and learn how to adapt it for court. Next came the logistics of placing events on calendar and producing defendants, which was more complex. The Court had to coordinate how defendants would be produced from the eight detention facilities, shared across four courthouses, with only a few video-equipped detention rooms per facility. In addition, preliminary hearing witnesses called by the District Attorney's Office had to be able to participate from a secure connection site. Inviting witnesses to a video hearing and having them join at the right time, sharing evidence on screen, devising a communication



system for the defense attorney to be able to communicate confidentially with his or her client during the preliminary hearing and incorporating interpreters were all challenges.

The District Attorney's Office wrote the protocol for MS Teams appearances and several user guides and how-to instructions specific to using Teams in Court. This was shared with the Office of the Public Defender, retained attorneys, and the Superior Court. The Public Defender's Office and Court worked cooperatively with us at every step. One week before the court roll-out, we conducted a joint demonstration of how a remote MS Teams prelim should be conducted. Using prosecutors, public defenders and a Vista judge, the demo was conducted with more than 200 attorneys watching. It went flawlessly and inspired confidence that the system would work. The demo was recorded and placed onto YouTube for attorneys to review.

Jury trials resumed in mid-October 2020, stopped again due to the increased infections and resumed again in February 2021 in COVID-19 outfitted courtrooms. Eight felony jury trials were conducted without a glitch and with no infections resulting from them.





In addition, the District Attorney's Office focused on making sure services for victims of crime were not sidelined and that they continued to be served with care and excellence. This included due process for individuals in custody. The DA also established a system that allowed for remote ability to release individuals from jail who did not pose a threat to the public, allowing for social distancing and quarantine in the jails. The DA's office used a law that permits releases under Penal Code section 1269 and worked with the court to submit the requests remotely. We also worked on an Emergency Revised Bail Schedule, reviewing cases of defendants with health conditions and focusing on keeping violent and serious offenders in jail. The DA's Office worked closely with the San Diego County Sheriff on balanced strategies that reduced the jail population from an average of 5,400 daily to about 4,000 daily inmates.

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### ■ Clearing Misdemeanor Warrants

Early in the partial court closure, we noticed individuals charged with misdemeanors who had warrants for their arrest were making good faith attempts to resolve their cases. Unfortunately, the courts had no mechanism to clear the warrants and reinstate proceedings. We teamed up with the Public Defender, San Diego City Attorney, and the Superior Court to set up a streamlined administrative process to reduce the backlog of misdemeanor warrants and keep these cases moving through the judicial system. This resulted in a decreased demand on scarce Court resources, resolution of cases that would otherwise be in limbo, and defendants throughout the county being able to earn back driving privileges, qualify for public entitlements, and sign leases on housing without fear of being turned down or evicted because of outstanding misdemeanor arrest warrants. To date, 450 warrants have been cleared throughout the county.

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### ■ Contract Tracing: T3

When the T3 Program (Testing, Tracing and Treatment) began in late April, San Diego County was in urgent need of hiring 300 contact tracers. Before the program off the ground, the department of Health and Human Services first had to go through the hiring and training process. In the meantime, investigators from the DA's Bureau of Investigation filled a critical gap serving in this contact tracer role until the new employees could take over. In all, the DA team completed 62 internal tracing investigations and 350 investigations for HSSA.

## ■ Providing Community Resources

While San Diego County residents remained at home to prevent the spread of the Coronavirus in the early months of the pandemic, the District Attorney's Office compiled a list of a wide range of services still available during social distancing for crime victims, survivors and families experiencing violence, mental health issues or homelessness.





## ■ DA Alerts State and Local Public and School Officials about the Unintended Harm to Kids from School Closures

Since most students have been at home during school closures, there has been a dramatic increase in online exploitation of children reported by the San Diego internet Crimes Against Children Task Force, consistent with data from the National Center of Missing and Exploited Children, which shows a tripling of reported cases. In addition, Rady Children's Hospital reported that suspected child abuse and depressive and suicide ideation for children had increased during the pandemic.



With children out of school and sporting activities, DA Stephan became extremely concerned about the harm kids were suffering with no outlet and no mandated reporters able to observe signs of abuse. In fact, while the reports of online exploitation were going up, there was a 40% decrease in reports to the Child Abuse Hotline attributed to the fact that the trusted eyes and ears of teachers and counselors were missing.

As a result, she sounded the alarm to the Governor, County and school officials about the alarming statistics being reported. In a seven-page letter that included key data and analysis, the District Attorney presented information on how leaders could safeguard the public against pandemic, but at the same time address the epidemic of child abuse and mental health harm that children were experiencing. The DA was the first to provide this pertinent public safety data in September of 2020 to better inform decision makers, and later updated the disturbing data when the Centers for Disease Control and *Journal of the American Medical Association* advised that schools should reopen with safety measures. The DA also increased its community outreach to parents and community leaders about the need to educate themselves and their children about these increased risks.





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JUSTICE



# ADDRESSING RACISM THROUGH IMPROVED INTERNAL AND EXTERNAL SYSTEMS

- ✓ REQUIRED BIAS TRAINING FOR DA EMPLOYEES
- ✓ FORMED DA RACE AND EQUITY COMMITTEE
- ✓ RE-COMMITTED TO A DA OFFICE AS DIVERSE AS THE COMMUNITY IT SERVES

The killing of George Floyd prompted many of us to examine systemic racism and engage in overdue conversations about racism and implicit bias and the effect they have on families, community, the education system, our health and housing systems and the justice system. At the District Attorney's Office, we're also having those discussions and taking action. DA Stephan engaged in small group discussions with the DA's diverse staff at all levels and opened the door to having authentic discussions about race and equity.

## ■ Training Our Team

In 2020, two outstanding training opportunities were provided to the DA staff. First, Exploring Hope with the Third Option, was a 75-minute candid discussion with DA Stephan, Bureau of Investigations Chief Jorge Duran and Pastor Miles McPherson, which addressed racial division and discrimination, recognized the need to identify biases, and the need to embrace and learn from those with different experiences. Pastor McPherson provided strategies to practice inclusion and ensure fair and equal justice. The second, Reckoning Law's History in Race & Sex Discrimination, presented by Professor Michele Bratcher Goodwin, Chancellor's Professor of Law at UC Irvine, outlined how discrimination has been embedded into our legal system throughout our nation's history. Trainings such as these provide valuable foundations for our work, but we must continue to combat these issues daily. It is only by confronting these difficult topics head on that we will stand together to make meaningful change.

## ■ Committee on Race and Equity

Over several months, a dynamic group of prosecutors in the District Attorney's Office gathered to confront the issue of systemic racism and inequality within the criminal justice system. After many discussions on race and equity, a new DA Committee on Race and Equity (CORE) was born. The mission statement of CORE is to analyze and disrupt inequalities within the justice system, the community and our organization. In partnership and with the full support of the District Attorney, the committee is engaging in conversations that deepen our understanding about race, racism, inequities, implicit bias and the impact each has had on our community and the District Attorney's Office. CORE's values are education, collaboration, equality, equity and fairness.





At the DA's office, we are committed to a justice system that promotes fairness and equality. CORE is an additional step toward meeting that objective. CORE has five sub-committees, open to all members of our office, which examine ways to improve diversity, racial awareness, community engagement, procedural justice and victim services.

## ■ Advancing a DA Team That Reflects the Communities We Serve

Diversity and inclusion are key values at the San Diego County District Attorney's Office. It's important to build trust with the community and faith in our work to pursue fair and equal justice. Maintaining a DA's Office that works to reflect the diversity of the community we serve helps advance that ideal and allows people to see themselves represented in government.

ALL DA EMPLOYEES			SD COUNTY
Ethnicity	Total	Percentage	
Other	3	0.30%	2.3%
Asian	144	14.52%	12.6%
Black	55	5.54%	5.5%
Hispanic	284	28.63%	34.1%
Pacific	14	1.41%	0.06%
White	492	49.60%	45.4%
<b>Grand total</b>	<b>992</b>	<b>100.00%</b>	

DA ADMINISTRATION			SD COUNTY
Ethnicity	Total	Percentage	Percentage
Asian	16	26.67%	16.6%
Black	6	10.00%	5.5%
Hispanic	21	35.00%	34.1%
Pacific	1	1.67%	0.6%
White	16	26.67%	45.4%
Other			2.3%
<b>Grand total</b>	<b>60</b>	<b>100.00%</b>	<b>100.00%</b>

Currently, the DA's Office as a whole approximately mirrors diversity in San Diego County and the DA's own Administration is more diverse than the county's population. Additionally, the percentage of Latino attorneys in the DA's Office is about double the percentage of Latino attorneys who are members of the California State Bar Association.

To help the DA meet the values of diversity and inclusion, the DA's Human Resources Chief, Jerri Malana, uses her experience as a leader in the legal community and as a recognized expert and trainer on diversity and inclusion best practices.

It is important to note that the categories regarding race and ethnicity don't adequately capture all the diversity that makes up the fabric of the DA team, including the numerous LGBTQ prosecutors and staff and the many religions and cultures the make up our team.





# 14 N O T I C E S

HALLOWEEN



# A LOOK AHEAD TO THE TRANSFORMATIONAL INITIATIVES THAT WILL TAKE FLIGHT IN 2021 AND 2022

- ✓ STAND UP JUVENILE JUSTICE REFORM TO KEEP YOUTH OUT OF THE SYSTEM
- ✓ ESTABLISH A NORTH COUNTY FAMILY JUSTICE CENTER: ONE SAFE PLACE
- ✓ IMPLEMENT A NEW UNIT TO PROTECT WORKER RIGHTS: WORKPLACE JUSTICE UNIT
- ✓ CREATE AN ELDER JUSTICE TASK FORCE TO PROTECT SENIORS FROM ORGANIZED FRAUD CRIME RINGS
- ✓ ORGANIZE A LARGE-SCALE OPIOID AWARENESS EVENT FOR STUDENTS
- ✓ ROLL OUT A CULTURAL AWARENESS APP FOR LAW ENFORCEMENT PRODUCED BY THE COMMUNITY



**A**t the District Attorney's Office, we are always evaluating our goals and looking for ways we can improve on best practices or reinvent systems that are outdated and no longer serve their function. We rely on data to help inform our actions on building systems of justice that support safe and healthy neighborhoods. We will be debuting several new initiatives in 2021 including a big leap forward in regional juvenile justice reform, a focus on building a more equitable workplace, building a state-of-the-art Family Justice Center in North County, providing crisis stabilization centers for families and targeting organized crime rings that prey on senior citizens. These changes will take flight in 2021 and speak to our mission of fair and equal justice through protecting victims, prosecuting criminals and preventing crime.





## ■ Keeping Juveniles Out of the Criminal Justice System

If we want children to grow into healthy adults who will take the torch and become future leaders, we need to decrease their entry into the criminal justice system and intervene at critical junctures to interrupt the school-to-prison pipeline, while balancing the interests of the public to be safe from serious and violent crime. We have made great progress as a region as demonstrated by the significant decrease in the number of minors detained in Juvenile Hall, whose population now represents mostly serious and violent offenders only. We also created small pockets of implementation of restorative justice circles as an alternative to punitive measures. But those have been limited in the number of minors served in specific regions and limited to mostly crimes that lend themselves to a victim offender paradigm.

We recognized that we needed to do more in a regional manner to ensure that all eligible youth across the entire county have the same opportunity to divert away from the criminal justice system. To do that, the District Attorney's Office is creating a new, innovative Juvenile Diversion Program (JDI), grounded in restorative best practices and sound research. It's an early intervention program that

prioritizes alternative diversion options for youth before filing criminal charges, to help reduce the possibility that a young person will reoffend. The objective is to provide San Diego County youth the opportunity to attempt to repair the harm they caused, understand the impact of their choices, and to avoid permanent and negative outcomes related to the formal criminal justice system, including stigma, labeling and a criminal record.

The DA's JDI program is for youth between the ages of 13 and 17 and provides comprehensive services as well as restorative justice principles to ensure participants address the harm they caused. Participation is a voluntary process, and upon completion the diverted youth responsible for the harm will have the opportunity to have their arrest record sealed.

Evidence-based data shows that when a youth who commits a crime is provided specific services in their own community, they can maintain those connections, reducing their likelihood of reoffending. All impacted parties are eligible to participate in the Juvenile Diversion Initiative with the goal of accountability for the crime. This includes, the person harmed (the victim), the youth responsible for the harm, family members, and/or community.

In traditional criminal justice proceedings, victims often feel unheard and are left without a feeling of closure. However, our experience has been that victims of crime that are committed by youth are more satisfied when given the opportunity to add input into the responsible youth's rehabilitative action plan.

Using core restorative justice principles, the Juvenile Diversion Initiative allows victims to have a role in repairing the harm done to them, giving them a sense of healing and empowerment. The DA's JDI program will apply to crimes that do not include a victim in the traditional sense and most misdemeanor and felony level non-violent crimes are eligible.

The County recently awarded a contract to the National Conflict Resolution Center, a longtime pillar in restorative practices, to work in collaboration with other community-based organizations to provide culturally competent services and restoration to youth diverted through DA's JDI. The DA's Chief Administrative Officer, Michelle Bush, worked closely with the DA's Juvenile Division leaders, County and Community experts to bring to life the DA's vision for this substantive reform.



DA JDI aligns with the goal of our office to provide every safe path to interrupt the pipeline to prison. Although the law allows a category of what are referred to as '707(b)' offenses, which consist of certain violent offenses to be eligible for transfer to adult court for 16 and 17-year-olds at the discretion of the Judge in Juvenile Court, the DA's enhanced framework limits the cases to the most violent and life-threatening cases like murder and forcible rape.

## ■ One Safe Place: The North County Family Justice Center

The North County region of San Diego County is home to over a million people and is made up of multiple cities and unincorporated areas. Data shows that a disproportionate number of domestic violence homicides (43%) and other concerning family-based violence occurs in the North County.



While several excellent services exist in the north county region, the services are disjointed, insufficient and difficult to traverse, creating a barrier to preventing harm and healing.

DA Stephan committed to changing that paradigm in order to interrupt generational cycles of violence for children and families through prevention and trauma informed intervention at a state-of-the-art North Family Justice Center called One Safe Place, which will open in 2021.

Children, adults and seniors suffering from trauma will now have a safe place to receive trauma informed forensic interviews, sexual assault and domestic violence forensic exams, acute mental health care, advocacy, counseling, safety planning and legal services such as help obtaining restraining orders. Another important aspect of One Safe Place is the focus on connecting individuals with shelter and housing, and social service benefits – all under one roof. The goal is to reduce homelessness that is driven by child abuse, domestic violence and human trafficking—which is a large driver of homelessness for women, children and LGBTQ youth. The DA's North Family Justice Center: One Safe Place will revolutionize victim services in San Diego County because, for the first time, a nationally accredited child advocacy center will be located under the same roof as a nationally-known health care provider, along with law enforcement and other general victim services.

Currently, there is a Family Justice Center in downtown San Diego that is run by the City Attorney's Office, of which the DA's Office is a partner and provides much needed services to victims. Because San Diego County is larger than 21 states, the City Attorney and District Attorney agreed it requires a regional approach that allows more viable access to victims of crime. Based on the disproportionate number of domestic violence murders and other disturbing data from North County, One Safe Place will bring much needed victim services all under one roof to the North County's one million residents. The DA's office will also continue the important partnership in the downtown San Diego Family Justice Center as it is a much-needed central resource.

## ■ Implement Workplace Justice Unit

The District Attorney's Office created a new Workplace Justice Unit dedicated to protecting workers' rights, prosecuting criminal wage theft cases and stopping labor trafficking. The unit comes on the heels of a workplace justice panel held in partnership with San Diego San Diego County Supervisor and Board Chair Nathan Fletcher, which identified ways to better-protect workers across the county, many of whom come from underserved communities. Wage theft and labor trafficking are serious problems that should be addressed as they steal the opportunity of workers to have dignity in the workplace no matter what their job is, and prevents them from being able to count on a stable income to pay their rent and provide for their families. DA Stephan heard from the Employee Rights Center, labor leaders and from exploited workers who did not have a voice or recourse to stop greedy employers who were cheating them. When someone walks in a store and steals items from a shelf, the system clearly recognizes this activity as theft. But when millions of dollars are stolen from employees, the cases are more complex to prove and require expertise from a specialized unit in the DA's Office.

The DA established a strong partnership with California Labor Commissioner Lilia Brower-Garcia to leverage the power of bringing administrative actions by the Labor Commission, which are important, but also leveraging the accountability of criminal prosecution by the DA's Office for the more serious and recurring abusive employers. Wage theft is when employers do not pay workers according to the law. This could be not paying wages, paying less than minimum wage, not paying

**Have you been victimized where you work?**

All workers in San Diego County are protected by labor laws. The DA's Workplace Justice Unit works to make sure your rights are protected. It's a crime to deny an employee their wages or benefits.

The Workplace Justice Team prosecutes:

- Labor Trafficking
- Child Labor Violations
- Wage Theft and Wage Claims
- Retaliation Complaints for Enforcing Labor Rights
- Workers' Compensation Violations
- Payroll Tax Violations
- Violations of Prevailing Wage Provisions
- Minimum Wage and Overtime Violations
- Meal and Rest Break Violations
- Unfair Business Practices

**We're here to help you. Contact us now.**

REPORT WORKPLACE JUSTICE VIOLATIONS AT:  
(858) 402-4044  
workplacejustice@sdca.org  
www.sdca.org/workplacejustice  
and/or  
San Diego Labor Commissioner  
(619) 220-8451  
LaborComm.WCA.SDO@sdca.gov

**SECTORS IN WHICH LABOR IS OFTEN VICTIMIZED INCLUDE:**

- Construction
- Agriculture
- Food Service
- Residential Care Facilities
- Warehouse

**DA Stephan**  
San Diego County District Attorney

**Supervisor Nathan Fletcher**  
"We're not going to allow workers to be exploited by heartless, greedy employers who break the law to line their own pockets."



overtime, not allowing workers to take meal and rest breaks, requiring off-the-clock work, taking tips, or misclassifying employees as self-employed independent contractors. Labor trafficking is when a person is forced to provide labor or services through coercion, such as violence, threats, lies, fraud, confiscating legal documents, or to pay a debt. Prosecuting these types of criminal workplace justice cases require special care and expertise. This is why the DA's Office made a special commitment to investigate and prosecute these cases through a new Workplace Justice Unit. The new unit will be a part of the re-named Insurance Fraud and Workplace Justice Division and will launch with a dedicated team of prosecutors, investigators and paralegals.

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### ■ DA and FBI Join to Form Elder Justice Task Force

By different measures, it is estimated U.S. senior citizens are losing between \$30 and \$130 billion a year to financial scams and San Diego seniors are no exception. Locally, losses are reported at tens of millions per year with victims often unknowingly sending their money to international scam syndicates. As a result, a groundbreaking task force is taking shape that will involve an unprecedented collaboration between the District Attorney's Office Elder Abuse Unit, the FBI, local law enforcement agencies, and the U.S. Attorney's Office to combat rampant financial scams that are impacting San Diego seniors.

The Elder Justice Task Force will leverage the full resources of local and federal law enforcement agencies to work towards stemming the flow of money overseas to the international scammers preying on our elderly victims as well as hold accountable the vast network of criminals locally and nationally that the scammers depend on to move their money.

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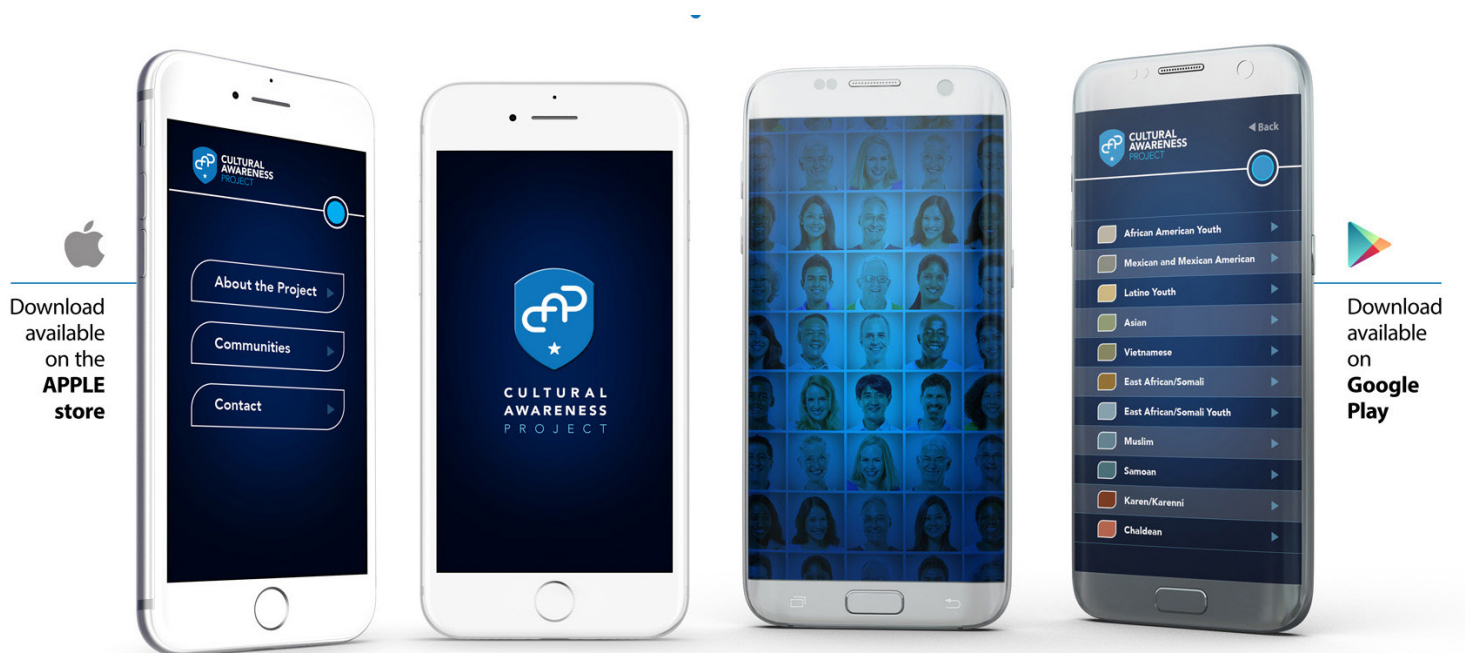
### ■ Juvenile Opioid Awareness Event

The District Attorney's Office is partnering with several groups to create the first Juvenile Opioid Awareness Event, which will be live streamed to all participating high school and middle school in the county. The event is scheduled for December of 2021 and will include keynote speaker Chris Herren, a former NBA player and recovering heroin addict, as well as other experts to address the dangers of opioids, vaping, and marijuana. The goal is to reach as many students as possible to prevent overdose deaths.

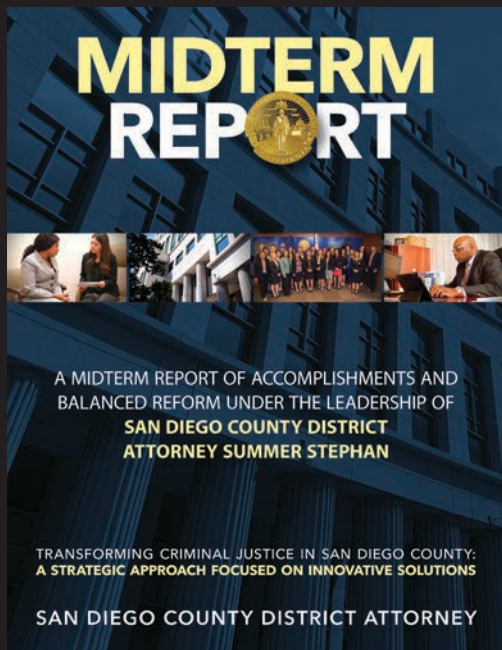
## Cultural Awareness App

DA Stephan has the privilege of guidance and advice from a dedicated group of faith leaders representing a variety of religions who serve on the DA's Interfaith Advisory Council. This extraordinary group recommended the development of information to guide police officers to interact in a respectful and culturally competent manner when they encounter individuals and households with diverse racial and cultural backgrounds. These faith leaders worked tirelessly to survey the communities they serve, with feedback from police officers, and in collaboration with the DA's office CARE team, to leverage technology and create a Cultural Awareness Project App (CAP). This partnership is a good example of leveraging the power of the community to build healthy and safe neighborhoods.

This CAP app provides peace officers with key cultural knowledge about San Diego County's diverse communities to help them respond in a culturally competent and respectful way in non-emergency situations. Understanding a person's practice of cultural norms can help officers build trust and support effective communication. Imam Taha Hassane, who is the Director of the Islamic Center of San Diego, and Reverend Gerald Brown presented the CAP app to the San Diego Police Chiefs' and Sheriff's Association, which strongly embraced and approved of its implementation. The CAP app can be downloaded from both Apple and Android app stores and the goal is to have it on every peace officer's phone.







**WE ARE LOOKING FORWARD TO SEEING THESE  
NEW INNOVATIONS COME TO LIFE AND IMPROVE  
THE WELL-BEING OF OUR COMMUNITY.** Many other

initiatives described earlier in this Midterm Report, like the Crisis Stabilization Centers, represent initiatives that we continue to work in partnership with the county to regionalize so they can be accessible to families who desperately need them. Soon, we will share the results of the first-of-its-kind Victim and Survivor Summit and a blueprint for transformation of prevention and protection systems to better serve victims of crime.

SanDiegoDA.com



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