



NAPA COUNTY DISTRICT ATTORNEY'S OFFICE

Gary Lieberstein, District Attorney

2014 – 2015 REPORT TO THE COMMUNITY



A Message from the District Attorney



It is my privilege to present our first Annual Report on the activities of the Napa County District Attorney's Office. I am extremely proud of the men and women of our office who work tirelessly on a daily basis to help ensure that our residents and visitors are protected and justice is served. This report is designed to give you some familiarity and awareness with the people who represent you and the nature of the work that they do on your behalf.

Because of our dedicated staff and a Board of Supervisors who make certain that public safety remains a top priority for local government, we are able to maintain a high quality of life in Napa County; making our community one of the safest areas in California to live, work, raise a family and retire.

As you review our report, I hope you will be able to gain a sense of what it means for our staff to “do the right thing” every day to assist all victims of crime, including children, seniors and other vulnerable populations. In a time in which our justice system is under daily scrutiny across our country, it is my hope and my pledge to you as your District Attorney that we will do everything possible to maintain and increase both the integrity of our office and the faith and trust that you place in us. This includes holding serious and violent offenders to the highest level of accountability as well as supporting evidence-based programs designed to assist first-time lower-level non-violent offenders to develop the positive life skills needed to become productive members of society.

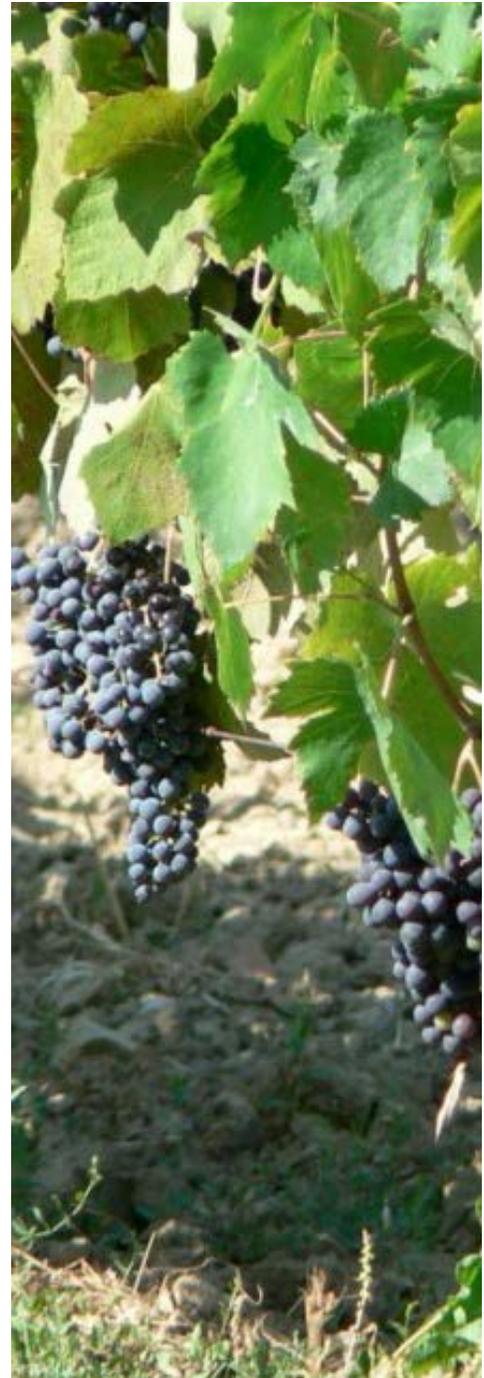
In closing, thank you for taking the time to review this report. Should you have any comments or suggestions on how we may better serve you, the public, please feel free to e-mail me at da@countyofnapa.org.

It continues to be my honor to serve you as your District Attorney.

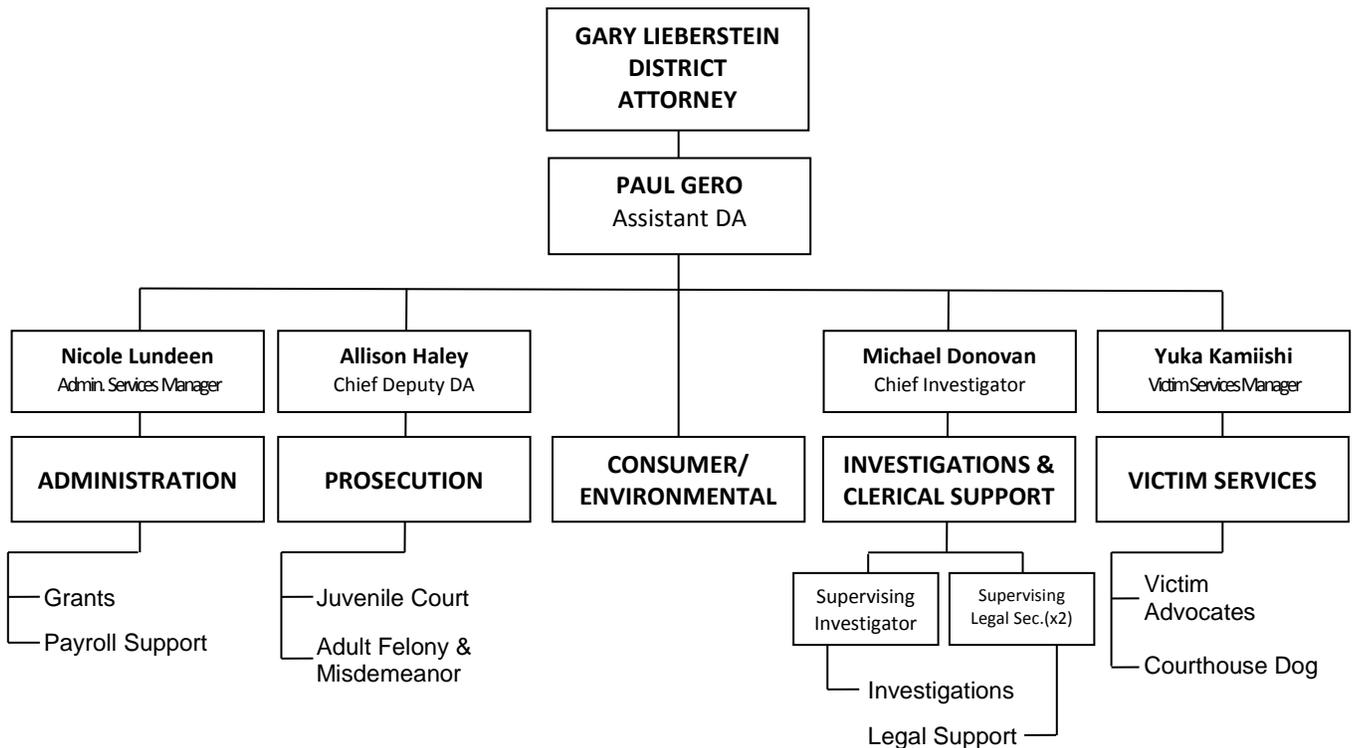
District Attorney

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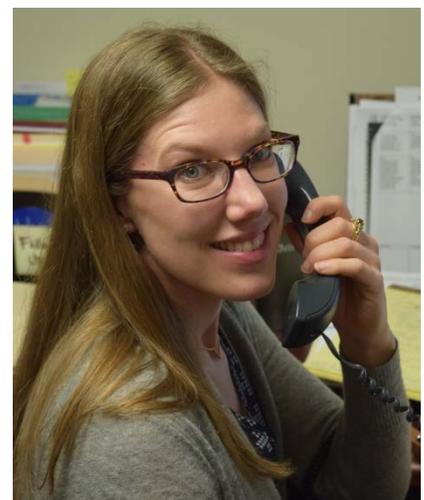
WHO WE ARE



FUNCTION AND RESPONSIBILITIES

The District Attorney's Office is authorized 61 full time employees. The District Attorney's Office has 22 full time equivalent attorneys, including the District Attorney. The attorneys are assigned as follows: Management (3); Consumer/Environmental (2); General Felony (5); Child Sexual Assault (1); Gangs (1); Narcotics (1); Elder Abuse (1); Domestic Violence (2); Misdemeanors (5); and Juvenile (1). There are 17 support staff members, including two Supervising Legal Secretaries, 10 Legal Secretaries, one Legal Clerk, two Office Assistants and two Paralegals. Overseeing our grants and playing a payroll support function, we have an Administrative Services Officer assisted by a Fiscal Analyst and an Account Clerk.

The District Attorney's Investigation Division is an internal police force consisting of 14 sworn law enforcement officers and one child recovery assistant. On average, these investigators each have over 20 years of law enforcement experience with extensive training in criminal investigations. The Investigations Division is comprised of the following specialized units: General Felony, Gang Investigations, Elder Abuse, Domestic Violence, Traffic/DUI, Sexual



Assault, Computer Crimes, Insurance Fraud, Consumer/Environmental and Child Abduction/Recovery. Annually this unit receives approximately 2,000 requests from prosecutors to conduct follow-up work on criminal cases submitted by local law enforcement agencies. Investigators also conduct original investigations in complex areas of law such as consumer, environmental and high technology crimes, child abduction, insurance fraud and public integrity.

The Investigations Division provides 24/7 support to local law enforcement when any major crime occurs within Napa County. They are called out an average of 12 times each year. The District Attorney's Investigation Division also provides criminal investigative training to local agencies throughout the year. Our investigators take an active role in public education through presentations in their various areas of expertise. Each year they conduct over 20 public presentations in the areas of child abduction, elder abuse, consumer fraud, gang prevention, sexual predator information, domestic violence, insurance fraud, DUI prevention and more.



The District Attorney's Victim Services Division performs as Napa County's Victim/Witness Assistance Program. It provides supportive services to crime victims and witnesses pursuant to California Penal Code Sections 13835.4 through 13835.5. Currently, the Victim Services Division is comprised of one program manager, four full-time victim advocates and one comfort dog. In addition to serving victims, they are actively involved in community outreach and public presentations throughout the year in an effort to raise



awareness of crime victims' rights and services. The program is funded through state and federal resources allocated under the Victims of Crime Act (VOCA), Victim Witness Assistance Program, National Highway Traffic Safety Administration, competitive grants administered by the State of California, and 2011 Public Safety Realignment revenue. During FY 2014-15, 2,418 victims and witnesses were provided services, and 71 community outreach and public presentations were conducted.

In February, 2014, Tate, a Labrador and Golden Retriever mix, joined the District Attorney's Office as our "comfort dog." Tate is available to assist victims with coping with the difficulties they experience, particularly in the area of child abuse and child sexual assault. Tate lives with one of our advocates and spends her day comforting others.



In addition to working in the community, members of the Napa County District Attorney's Office are heavily involved in their community volunteering for a host of charity events including the Special Olympics Torch Run, Tip-a-Cop, Shop with a Cop, Run for the Cure, Cycle for Sight and Auction Napa Valley.

District Attorney Gary Lieberstein has served as President of the California District Attorneys Association and the California representative to the National District Attorney's Association. District Attorney Lieberstein was appointed by Attorney General Kamala Harris to serve on her Victim Rights Task Force. District Attorney Lieberstein is the Chair of the Napa County Child Abuse Prevention Council and also serves on the Napa County Juvenile Justice Planning Council. Currently serving his fifth term, he has been the elected District Attorney in Napa County since 1999 and has been a prosecutor in the District Attorney's Office since 1985. Members of his team also serve on the boards of a myriad of charities, service clubs and professional associations.



MANAGEMENT



GARY LIEBERSTEIN, District Attorney

- 30 Years Experience as a Prosecutor
- JD Degree, Univ. of California, Hastings College of Law – 1985
- BS Degree, Univ. of California, Los Angeles – 1982
- Board Member, National DA's Association
- Past President, California DA's Association
- After serving 13 years as a prosecutor in Napa County, District Attorney Lieberstein was elected as Napa County District Attorney in 1999.

As DA, Gary sets the policy and provides leadership & direction for the office's 64 staff members.



PAUL GERO, Assistant District Attorney

- 16 Years as a Prosecutor
- JD Degree, University of San Francisco, San Francisco – 1997
- BA Degree (Govt. & Psychology) Claremont McKenna College – 1994
- California State Prosecutor of the Year – 2012

As Assistant DA, Paul manages all aspects of day-to-day operations of the District Attorney's Office.

ALLISON HALEY, Chief Deputy DA



- 10 years as a prosecutor
- JD Degree, UC Davis – 2001
- BA Degree (Philosophy), Biola University – 1995
- MS Degree (Crim. Justice), CSU Long Beach – 1999

As Chief Deputy District Attorney, Allison supervises the Criminal Division consisting of ten deputy district attorneys.



MICHAEL DONOVAN, Chief Investigator

- 35 Yrs. as a Peace Officer
- Graduate POST Command College
- POST Executive Certificate
- MBA Degree, Cal Poly, Pomona – 1990
- BS Degree (Management), Cal Poly, Pomona – 1987

- CFO, California DA Investigators' Association – 2000 - Present

Mike leads the DA's Investigation Division, an internal police force comprised of 16 sworn investigators & one Child Abduction Specialist and manages the office's 16 legal secretaries & clerks.



YUKA KAMIISHI, Victim Services Manager

- 12 years experience as a Victim Advocate
- BA Degree (Woman's & Gen. Studies/ Sociology), Sonoma State – 2001

Yuka leads the DA Victim Services Division in providing state-mandated victim/witness services to crime victims and is responsible for managing the DA's four Victim Advocates.



NICOLE LUNDEEN, Administrative Services Manager

- 22 Years Experience in Governmental Administrative Work
- 5 Years Experience as a Manager For Private Communications Company
- Studied Business, Accounting and Economics at Napa and Solano Colleges

As Staff Services Manager, Nicole manages the DA's Administrative Division, overseeing functions in areas such as budgets and contracts. Nicole also is responsible for managing the DA's fiscal staff, comprised of a staff analyst and an account clerk.

PROSECUTORS

The District Attorney's Office has 22 attorneys, including the District Attorney. The attorneys are assigned as follows: Management (3); Consumer/Environmental (2); General Felony (5); Child Sexual Assault (1); Gangs (1); Narcotics (1); Elder Abuse (1); Domestic Violence (2); Misdemeanors (5); and Juvenile (1).

Elder/Dependent Adult Abuse



The Elder Dependent Abuse Unit is spearheaded by one full-time attorney and one full-time Victim Advocate and assisted part-time by a DA Investigator, another Victim Advocate and Victim Services Manager. The unit combines to both prosecute serious cases of abuse, enforce the Elder Care Ordinance provisions as well as provide outreach on the topic while educating the community on ways to prevent elder abuse while protecting those in our midst living in their "golden years."

Restitution Enforcement

The Restitution Enforcement Unit is headed by one full-time paralegal who conducts research and education while ensuring restitution ordered by the courts is collected and distributed according to law. This unit ensures that convicted defendants pay their court-ordered restitution and that the money collected is returned to compensate victims.

Juvenile

A fulltime juvenile prosecutor collaborates with community partners in order to rehabilitate juvenile offenders. Some of the programs in which the unit participates are the School Attendance Review Board, Truancy Court, Peer Court and School Law Committee. In Fiscal Year 2009-2010, there were cases filed regarding 330 minors in Juvenile Court which represents a slight decrease from Fiscal Year 2008-2009. District Attorney Gary Lieberstein personally appears in each junior high school class in the county where he discusses citizenship, responsibilities and consequences.

Gangs

The Gang Unit is spear-headed by one full-time attorney and one full-time DA Investigator. Their mission is two-pronged: prevent as much gang activity as possible and aggressively prosecute those infrequent gang-related crimes as they occur. This unit works in close collaboration with schools, officers assigned to gang enforcement teams at local law enforcement agencies and County Probation. District Attorney Gary Lieberstein established the Gang Unit, Napa County Youth and Gang Violence Prevention Commission, as well as the Napa County Gang Committee. Napa County is fortunate to have this working relationship with our community partners which serves to keep gang activity suppressed while providing outlets for energetic youth in the community.



Major Fraud

The Major Fraud Unit is staffed by one full-time attorney and supplemented by two DA Investigators. Their mission is investigate and prosecute insurance fraud cases. The unit receives its primary funding to investigate and prosecute these cases through two grants administered by the State of California, Department of Insurance. This unit focuses on automobile insurance fraud and workers' compensation insurance fraud cases. They regularly make presentations to the community, service groups and industry on how to prevent being victimized by an insurance fraud scam. In addition, the prosecutor in this unit handles other serious fraud and felony cases.



Driving Under the Influence

The Driving Under the Influence Unit is funded by the California State Office of Traffic Safety and is comprised of a full-time prosecutor assisted by another prosecutor, a DA Investigator and a Victim Advocate. The unit is responsible for providing outreach to educate the community, improve the quality of DUI arrests through increased training of law enforcement officers and to prevent underage driving under the influence of drugs and/or alcohol. This team works with schools and hosts town hall meetings to increase student awareness of the dangers of driving under the influence.

Narcotics

The Narcotics Unit is spear-headed by one full-time attorney who works in daily collaboration with the Napa Special Investigations Bureau (NSIB). This unit is responsible for prosecuting high-level narcotic traffickers in order to make the community safe and free from the debilitating effects of drug abuse. The prosecutor is also responsible for attending Drug Court and Proposition 36 Court, which aim to provide rehabilitation to offenders as a method to prevent re-incarceration. The unit is also responsible for conducting financial asset forfeiture aimed to disrupt the cash flow supporting illegal narcotic activities by depriving criminals of their ill-gotten proceeds.



Domestic Violence

The Domestic Violence Unit is staffed by two full-time attorneys, a DA Investigator and all Victim Advocates. This team works diligently to protect victims of domestic violence by rigorously prosecuting offenders and enforcing restraining orders by ensuring defendants are held accountable for their actions. This team works to assist victims through the court process, aid them in obtaining reimbursement for their injuries and ensure defendants attend anger management counseling sessions in order to break the cycle of violence.

Child Sexual Assault

The Child Sexual Assault Unit is staffed by one full-time attorney a DA Investigator, a Sexual Assault Victim Services advocate from Napa Emergency Women's Services and "Tate," our comfort dog. The attorney attends all child forensic interviews at the nationally accredited Courage Center, facilitates the county multi-disciplinary interview team, coordinates as a steering committee member on the Child Abuse Prevention Council, and prosecutes these serious and violent offenders to the full extent of the law. The prosecutor utilizes the expertise of sexual assault nurse examiners, other forensic experts as well as DNA evidence in our efforts to ensure justice is obtained in these important cases.



Consumer/Environmental

The District Attorney Consumer/Environmental Protection Unit has two full-time prosecutors, a paralegal, a legal secretary and a DA Investigator who enforce civil and criminal laws related to deceptive advertising, unfair competition, hillside regulations, fish and game, soil erosion, and other environmental protection laws. The unit can enforce against anyone who does business in Napa County including stores, mail order, internet and media advertisers.



During FY 2014-2015, the unit brought in over \$1,686,056 in civil penalties and investigative costs through numerous settlements. The unit continues with its collaborative prosecution program both with County Counsel to enforce violations of the Napa County Code, and with other district attorney offices to enforce violations of laws relating to deceptive advertising and unfair competition. As to the latter, the group of district attorneys prosecuting dietary supplement fraud continues to pursue these cases and has passed a milestone of recovering over \$8 million in civil penalties, costs, and restitution through settlements. One other significant endeavor is a collaborative prosecution program with the County Counsel. This involves the District Attorney granting permission to County Counsel to prosecute some Code Enforcement cases through the Unfair Business Practices Statutes and to provide them with both investigative and clerical support. The end result is to permit the County to be able to utilize all available tools to enforce our laws and to obtain funds in the form of settlements and penalties to help defray the costs of these enforcement programs. The unit continues with its collaborative prosecution program both with County Counsel to enforce violations of the Napa County Code, and with other district attorney offices, to enforce violations of laws relating to deceptive advertising and unfair competition.

INVESTIGATIONS DIVISION



Led by a Chief Investigator, the District Attorney's Investigation Division is an internal police force consisting of 16 sworn law enforcement officers and one child recovery assistant. On average, DA Investigators have, on average over 25 years of law enforcement tenure with extensive training and experience in criminal investigations. The Investigations Division is certified as a law enforcement agency by the California Commission on Peace Officer Standards and Training. This certification requires that in addition to complying with the same regulations and on-going training mandates as other city, county and state law enforcement officers, District



Attorney Investigators must attend an additional two-week course designed to enhance their abilities to work in the prosecutor's office.

The Investigations Division is comprised of the following specialized units: General Felony, Gang Investigations, Elder Abuse, Domestic Violence, Traffic, Sexual Assault, Computer Crimes, Insurance Fraud, DUI, Consumer/Environmental and Child Abduction/Recovery. The Investigations Division annually

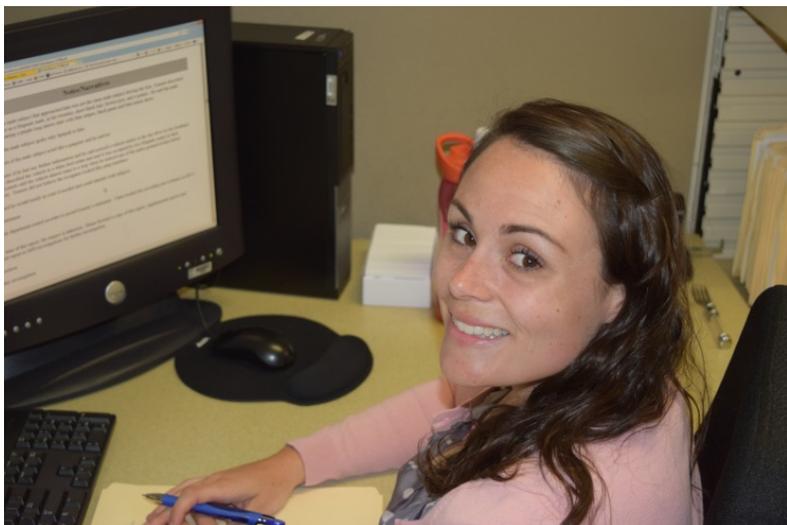
receives approximately 2,000 requests from prosecutors for follow-up on criminal cases submitted by local law enforcement agencies. In addition, the Investigations Division provides 24/7 support to local law enforcement when any major crime occurs within Napa County. They are called out an average of 12 times each year.

The District Attorney's Investigation Division also provides criminal investigative training to local agencies throughout the year. The investigators also take an active role in public education through presentations in their areas of expertise. Last year they conducted approximately two dozen public presentations in the areas of child abduction, elder abuse, consumer fraud, gang prevention, sexual predator information, domestic violence and more.

VICTIM SERVICES DIVISION

On July 1, 2010, the District Attorney's Office assumed responsibility for providing Victim/Witness services through the Victim Services Division. Its mission is to reduce the trauma, frustration and inconvenience experienced by victims, witnesses, and family members affected by crime. Previously, these services had been handled by victim advocates at the Volunteer Center of Napa Valley. Staffing the division are a program manager, four full-time victim advocates, and one comfort dog. Sexual assault cases are referred to and handled by the Sexual Assault Victim Services (SAVS) of Napa Emergency Women's Services (NEWS). The two programs work cooperatively but independently for Napa County's Victim/Witness services in order to provide comprehensive services to all types of crime victims in Napa County.





The Victim Services Division staff members diligently reach out to crime victims and their families and offer services, support and community resources. Services include, but are not limited to, advising victims of their rights under Marsy's Law, supporting victims through the court process and assisting victims with claims for losses suffered as a result of crimes committed against them and their families. In addition to serving victims, the staff is

actively involved in community outreach and public presentations throughout the year in an effort to raise awareness of crime victims' rights and services. During FY 2014-15, 1,2,418 victims and witnesses were served, and 71 community outreach and public presentations were conducted.

In February, 2014, Tate, our Comfort Dog, joined the team. Tate's job is to provide comfort as well as companionship and security to child sexual assault and other victims during interviews and courtroom testimony. Tate lives and travels to work each day with one of our Victim Advocates.

ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is led by our Administrative Manager who manages a Staff Services Analyst and an Account Clerk. The Administrative Services Division manages the budget, service contracts, administers grant funding and compliance, and handles payroll, procurement, accounting and audit functions for the District Attorney's Office.

Currently, the Division is responsible for maintaining two (2) distinct budget units and seven (7) Special Revenue Fund accounts that support program operations. In addition, the Division is responsible for tracking revenue and expenditures, reporting, and audit compliance for seventeen (17) state and federally funded programs.

SUPPORT STAFF



The District Attorney's Office Support Staff is comprised of two Supervising Legal Secretaries, ten Legal Secretaries, one Legal Clerk, one Paralegal and two Office Assistants. Staff processes all incoming reports from law enforcement into our database. Secretaries are assigned to particular attorneys and attorneys are assigned cases based on the type of case (i.e., Domestic Violence, Narcotics, etc.). These teams handle the entire case from intake through sentencing. They prepare complaints, informations, briefs, motions, discovery, subpoenas, and any other necessary paperwork. They help the attorneys prepare their cases for court

by ordering any necessary documents from outside agencies such as certified prior convictions, DMV printouts, photographs, and dispatch tapes and logs. They work closely with the Victim Witness component of the District Attorney's office by sending out victim correspondence and forwarding messages and phone calls to the Victim Advocates. They compile statistics, answer phones, interact with the public, update the database, calendar cases, organize case files, and pull cases for the court calendars. Our Paralegal is assigned to restitution recovery with the primary mission of obtaining court-ordered restitution to reimburse victims of crimes. Our secretaries also act as minute-takers, responsible for documenting the actions of various countywide committees.

Mission Statement

The mission of the Napa County District Attorney's Office is to enhance the quality of life in Napa County by taking a proactive role in preventing crime through community awareness and education, treat crime victims and witnesses with the highest respect and dignity, and protect our community by aggressively prosecuting those persons who commit crimes against our citizens.

WHAT WE DO

People v. Krueger/Warner

Defendants are the mother of the minor victim and her boyfriend. The victim, a 3 year old girl, was found in her home deceased with severe bruising on her body. Defendants were captured and face charges for murder, child abuse and special allegations. This case is currently being prosecuted.

People v. Krzan

Over an eight year period, Ms. Krzan embezzled close to \$900,000 from the food manufacturer for whom she worked. What began as a three count felony case with a maximum exposure of 5 years jail developed into a 158 count complaint with enhancements making her eligible for state prison. After pleading to 20 counts of felony theft various enhancements, she paid \$360,000 to the victim and received an 8 year 4 months state prison sentence.

People v. Sysco

In a multi-jurisdictional case against Sysco, the global food distribution corporation, our Consumer/Environmental Unit teamed up with other county prosecutors to stop altered food products from being improperly stored at unpermitted locations. Sysco agreed to pay a \$20 million dollar judgment with \$1 million dollars going to local food banks, including Napa.

People v. Ruiz

Defendant is the uncle of a minor victim. He molested the 11-year-old-girl, photographed her, and threatened her. The prosecution built a strong case, and defendant pled guilty on the eve of trial. He received a 20 year prison sentence.

South Napa Earthquake



On Sunday, August 24, 2014, at 3:20 AM, Napa County was shaken awake by a magnitude 6.0 earthquake. A check of the District Attorney's Office at 4:00 AM found the facility to be significantly jostled with files having fallen off shelves and some furniture having toppled. Fortunately, the damage to the main DA's Office was nothing that the staff couldn't make right with a couple hours of effort. By 6:00 AM, however, that condition had changed when a fire sprinkler pipe burst on the top floor of the building sending over 300 gallons of water a minute cascading through the various floors of the facility, soaking files and ruining furniture and equipment, thus rendering the Napa County District Attorney's Office uninhabitable.





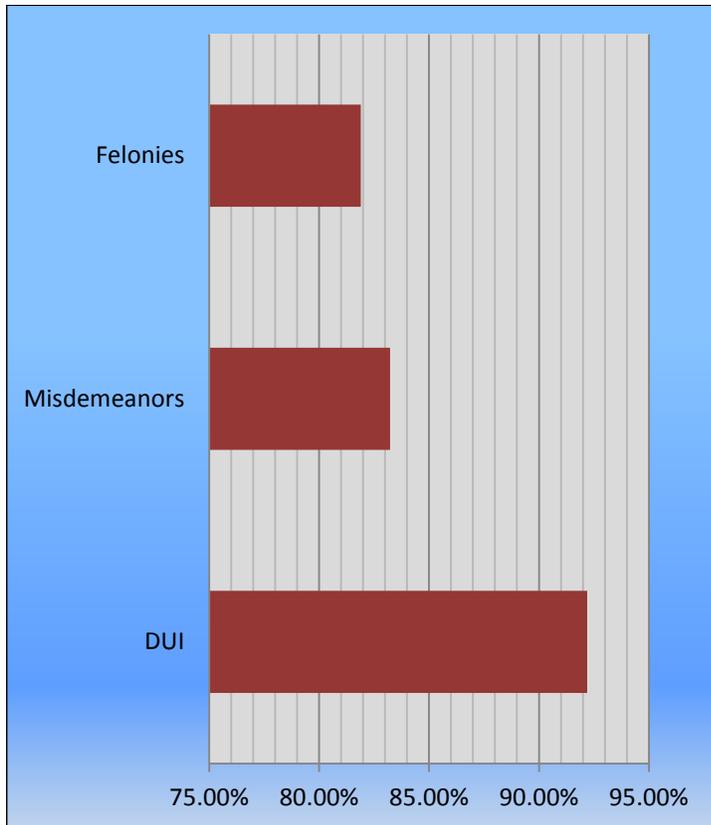
By 8:30 AM, on Monday morning, Napa County Deputy DAs were in the courthouse with their files, representing the citizens of the county and making certain justice was being properly pursued. Other staff members were busy setting up temporary office space in the Napa County Library's Community Room. The entire DA's Office was moved with staff having their computers and phones operational by noon that Monday. Over sixty lawyers, investigators, secretaries, advocates and support staff were back to work on folding tables, and continued to work

in cramped quarters for the next month. In late September, 2014, the DA's Office relocated to temporary office buildings, with the Sheriff's Department making space for a third of the DA's staff. Three months later, two-thirds of the staff moved back to the old facility that had been repaired and refurbished; a total of three moves in 17 weeks!

As of July, 2015, a third of the DA staff remains temporarily housed at the Napa County Sheriff's Office. Repairs to the county building that houses the DA's Office is on-going and we believe the entire District Attorney's Office will be reunited at the DA's main facility in downtown Napa by October, 2015 – over a year after the earthquake!



Conviction Rate



The District Attorney continues to maintain a conviction rate much higher than the state average. According to data from the Napa County Superior Court, of those cases resolved during FY 2013-2014, over 83.2% of the misdemeanors resulted in convictions and approximately 81.9% of the felonies resulted in successful convictions. These conviction numbers do not include those who successfully completed diversion programs. Additionally, according to the most recent data available, the Department of Motor Vehicles 2012 report of the California DUI (driving under the influence) Management Information System, Napa's DUI conviction rate was 92.2% - up to 18% higher than some Bay Area counties.

Budget

The District Attorney's Office remains fiscally responsible while managing its budget. In doing so, office revenues are stretched so that staffing requirements are met in order to maintain community safety standards while minimizing the cost of running the office for Napa County residents.

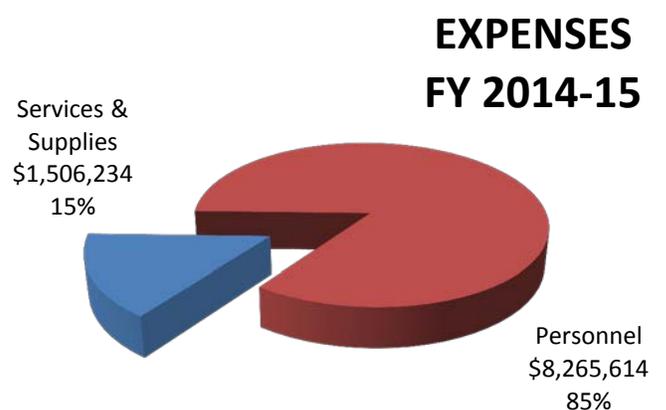
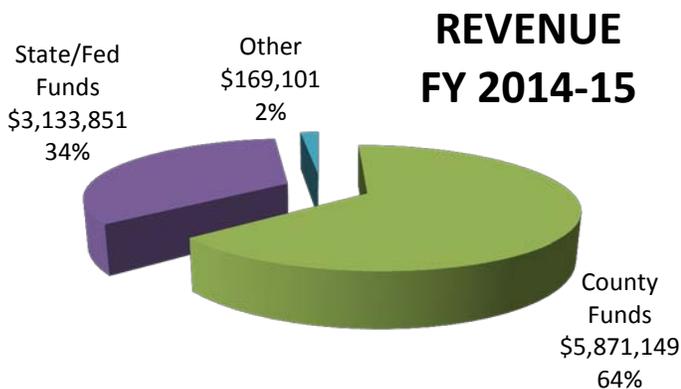


Photo History of Napa County's District Attorneys



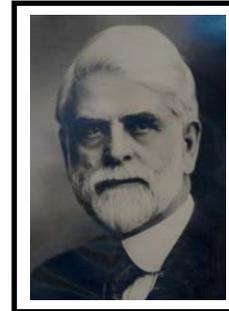
Frank L. Coombs
1880 – 1884



Henry Hogan
1885 – 1888



Hollen M. Barstow
1889 - 1891



Henry C. Gesford
1891 - 1893



Theodore A. Bell
1894 – 1903



Raymond Benjamin
1903 – 1907



Frank M. Silva
1907 – 1910



Nathan F. Coombs
1911 – 1918



Clarence N. Riggins
1919 – 1922



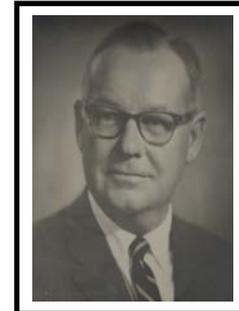
Thomas M. Anglim
1923 – 1926



Wallace Rutherford
1927 – 1934



Mervin Lernhart
1935 – 1938



Wallace W. Everett, Jr.
1939 – 1941



Daniel K. York
1942 – 1948



Francis H. Frisch
1949 – 1954



David R. York
1955 – 1962



James D. Boitano
1963 – 1983



Jerome J. Mautner
1983 – 1990



Anthony R. Perez
1991 - 1998



Gary Lieberstein
1999 – Present

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