

July 1st, 2022

Dear Mike,

As you may have already heard or seen on the weekly ad from a week or two ago, after almost five years with the DA's office serving as a Lead Victim Advocate, and despite being one of the best at what I do, deeply caring for the victims I serve, and having a passion for justice, I can no longer work under your leadership. By way of explanation, and out of respect for the victims I serve, and the colleagues I work with, I am writing this letter.

I remember being thrilled back in 2020 when I first learned that you would be one of the candidates running for the DA position. There were several points of your platform where you addressed victim and survivor support, and fighting against racism and bias in our criminal justice system that really resonated with my personal values and professional goals. I was convinced you would bring much needed balance and change to the DA's office, and put victims at the forefront of our operation. I was a victim advocate of three years by the time you started your assignment with the office in August of 2020. I have been serving victims in the major crimes and domestic violence units, so I had a pretty good idea of the strengths and weaknesses of not only the Victim Assistance Program (VAP), but our office in general. I was hopeful that your leadership and awareness of the victims' experience of horrendous crimes and high expectations for cooperation, and the need for a multitude of services to regain stability and basic needs, would guide your actions and inform your decisions while considering the kinds of supports needed not only for the VAP program, but also with attorneys and support staff to create better outcomes and experiences for them.

Then, as COVID-19 continued to turn our world upside down, I understood that the ambitious goals that you once talked about would not be able to be discussed or put into practice, as the priorities have switched into just trying to figure out how to even move an operation of our magnitude to a completely remote environment, and still be able to communicate and collaborate with all the agencies that we depend on for information and support. It was chaotic, to say the least, and we were all just trying to keep our heads above water, and to make sense of our new circumstances, and figure out how to best support the victims.

As the COVID-19 mandate eased, and our office's remote and hybrid operation toward the summer of last year settled quite a bit, I, once again, became very hopeful that your intentions about putting victims at the forefront of our operation, particularly since COVID-19 had significantly affected the resources and procedures once available to support their safety and wellbeing, would come to fruition. As we began to resume in-person operations, things with victims and support in the community did not change much, and the decisions you have taken in the past year or so, have only brought as a consequence a level of dysfunction in our office never experienced before, and with it, the immense damage that it is causing to the victims we are supposed to serve, support, guide and help protect their rights.

It is no secret that we have lost a large number of great and very experienced attorneys and support staff, somewhere in the vicinity of eight decades of combined prosecutorial experience, in addition to support staff and advocates that had been with our office for decades as well. No efforts have been

made by you or upper management, other than a non-productive “listening session” for support staff that fell in deaf ears, has been made to retain the great employees left. I imagine that in part it could arguably be great for you to have a brand new set of attorneys and support staff that don’t understand all the dysfunction around in the office, and still be eager to learn and dedicate their entire lives to their job, but their inexperience and lack of support is so detrimental to victims. Given the age of many, many of the cases that are just starting to see some movement after two years or more of waiting their turn to go through the process, victims have seen not one or two attorneys pass around their cases, but some of them up to three or four. Then, the brand new attorneys with little to no experience are left hanging because there are not enough experienced attorneys that can dedicate enough time to properly train them in all the processes and procedures that they should be skilled at to properly and successfully handle a case through the system. This dysfunction forces a dynamic where now victim advocates are having to be vigilant to catch mistakes that violate victims’ rights and mistakes that put victims at increased risk of harm, and have to share the little or advanced knowledge that each advocate might have about such processes and procedures.

I frequently attend arraignment hearings, and one day a judge making a release decision, questioned a prosecutor’s decision to file an amended petition instead of an affidavit of probable cause. The arraignment deputy had no clue what to respond, given her limited experience as an arraignment deputy and with our office, so the judge released the defendant. After the hearing was over, I asked the issuing attorney about it, and they told me that “they were not familiar with affidavits of probable cause and that no one that they asked in their unit at that time knew how those worked either.” I am sure you are able to see the problem here. It is easy to replace employees, but it also very easy to violate the constitutional rights afforded to victims by untrained and inexperienced attorneys, and even worse, to put victims at risk by not employing efficient legal strategies that could keep violent offenders in custody. Another example of this is when I recently had two cases that went to trial after waiting for almost two years; one was a menacing misdemeanor case, and the other one was a VRO case. Both cases involved the same victim and the same defendant, but for some reason the cases went to trial on two different dates, so the victim and her minor daughter had to come to court twice within the same month, and the minor daughter had to testify against her own father at trial. The state was unable to prove either of the cases at trial. The lack of experience and training of the CLS and the DDA were evident: The CLS forgot to ask the minor daughter’s date of birth so the judge was unable to find the defendant in contempt given that the State could not prove that the witness was a minor under the custody of the petitioner of the protective order at the time of the violation. The misdemeanor attorney was unable to formulate proper questions to the victim so that she could describe what actions the defendant took to attempt to hit her car in the middle of the freeway to cause harm. This situation not only created distrust of the system to this victim and her daughter, but I am sure that was also far from a positive experience for the CLS, or the DDA involved in those trials.

Those are only a couple of examples of dozens that I have caught along with many more dozens of calls that I have received from mostly Spanish speaking victims with cases in units A, B, and MTU where advocates are not assigned and victims have never received a call from anyone in the office to explain the process, their rights, or Crime Victim Compensation. The only reason victims know about a criminal case being handled in our office is because they have received some letter in the mail about it. That makes me think of all those victims whose addresses were never updated by the officer in their database, and therefore, the police reports would not reflect an accurate address for that victim, so our

letters would never reach them and our office would dismiss the criminal charge. Another scenario would be when we send a letter out in English and the victim's primary language is not English, how would they know what we are requesting from them? Currently we only have three advocates and two legal assistants who speak Spanish in the entire office, and while that is better than nothing, it is definitely not enough for the thousands of cases we have.

Despite all these flaws and lack of services for victims, your budget for FY 2023 was increased by \$3.9, but \$0 were actually allocated to VAP, when according to your own description, "VAP provides a critical bridge between the prosecution work performed by deputy district attorneys and the people served – victims of crimes, witnesses, and the community at-large." Just to expand on your description, here's what VAP does: VAP operates primarily 80%+ with grant funding that covers 14.5 FTE positions for advocates, 1 supervisor, and 2 FTE office assistants. This translates into serving the caseload of approximately 66 attorneys and 1964 active and pending resolution cases where support for victims is provided from the time an arrest is made through a couple of years of pendency of the case until the case is resolved with either trial or a plea; we also handle a few hundred more cases on active probation, post-prison supervision, clemency petitions, and cases on the aid and assist docket; we support families of homicide victims whether there is a suspect identified or not; we talk to community members who are referred to us from different sources such as law enforcement, the Gateway Center, the Courts, DHS, APS, and any other government agencies or community partners, even when they do not have an open case in our office; we respond to hospitals after a sexual assault call has been reported to law enforcement during business hours, and we have to find our own means of transportation to and from the hospital; we support law enforcement with human trafficking missions; and the list goes on and on. Our advocates are the only group in our office with extensive training in crisis intervention, trauma response, cultural response, and victim-centered practices, and each advocate's caseload varies between approximately 100 and 200+ cases depending on the unit and their level of expertise. Despite all the experience, skills, knowledge, dedication, and passion we bring to the office, our program has consistently been underfunded, understaffed, undervalued, and undermined, and consequently, the victims we provide services to. For the longest time, we have been understaffed, and we have seen no urgency from management to hire more advocates for our team. We have noticed, however, that new attorney faces and investigators have been popping up almost every week upwards of 15 in the last two or three months. To be fair, though, I learned today that one of the VAP assistants was offered a position as an advocate, so after a year of waiting, thank you. Unfortunately, after my departure today, VAP will be back to 14.5 FTE, and still short-staffed.

The situation that I would like to stress to you is that neither your new attorneys, nor your new investigators, nor your existing ones, are the ones who communicate with the victims or people calling in distress begging for help. They are not the ones doing crisis intervention, or spending hours on end locating services to find food or shelter to keep them safe. They are not the ones spending hours on the telephone trying to file reports with CPS, APS, Close Street Supervision, Parole & Probation, or law enforcement when victims' cries for help are disregarded by some agencies. None of them assist victims navigate the complex process of criminal justice, restitution, VRNs, protective orders, crime victim compensation, or go over pre-trial offers; it is us, Mike. It is the victim advocates who show up day after day, even when support for us is non-existent, and when our knowledge and expertise are disregarded by many in our own office. It is us, victim advocates, showing up to work willing to be the face of not only this office, but the entire system, as we are, in many instances, all the victims and people in the

community are able to connect with to obtain resources, referrals, safety planning, and peace of mind after experiencing traumatic events.

On June 17th, we received an email from you about your budget proposal being approved and how proud you felt about it. I noticed that out of the nearly \$2 million, only 1 advocate position was added along with 5 Deputy District Attorneys and the Justice Integrity Unit. I ask you, Mike, who will support the victims of those 5 Deputy District Attorneys and those of the Justice Integrity Unity? The one advocate you are adding when we are already about 5 short? It is almost like victims are an afterthought in all this. You noted on that same email that “these investments are a reflection of the work each one of us do.” No, they are not, these investments are a reflection of your agenda and what programs you feel will make you look good in front of the cameras, otherwise, we would see more funding invested in the stability, empowerment, support, access, and meaningful participation of victims in this process. As a certified volunteer restorative justice practitioner, I am all for alternatives to incarceration, and programs that can address an offender’s contributors to criminality, but we must prioritize the safety of victims and support their needs. As a prosecutorial agency, that is precisely our mission.

I remember during one of the very few all-staff meetings we had with you, the topic of office morale came about. We discussed that the office’s morale was at an all-time low, and per your instructions, your assistant sent us a couple of articles about that topic. I read those articles and many others from other sources, and the common denominator for a successful and harmonious workplace is the leadership. The way the leader of the organization communicates and connects with their employees. I encourage you, Mike, to connect with yours. I actually invite you to spend some time learning what each of us do, because the sentiment around is the sentiment one of my homicide family members expressed after you showed up after our sentencing hearing: “And who is this guy again? Why did he feel it was okay to just show up after everything was said and done? What a lack of respect to my mother (the deceased victim).” In case you did not know, that is the sentiment around the office, what a lack of respect in general from you toward victims and also your employees when you don’t even bother to learn more about what goes on in your own office. Your office is falling apart, and the victims along with it; all under your watch. Everyone in this office shows up each day to fight for victims, everyone but you. You have let defense attorneys run this courthouse, and now our office. It seems that you are saving your political capital for your own future career, which suggests that you are sacrificing the safety of victims and the community for your own personal political gain. I ask you to please reevaluate your priorities, meet with your staff, take their questions, listen to their opinions, fight for them, fight for us, and more importantly, fight for the victims!