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# Justice Journal

Sacramento County

District Attorney's Office

FIRST ISSUE - DECEMBER 2017



As <u>Sacramento County District Attorney</u>, I feel it is important the community understands what our office is doing both in the courtroom as well as the community. This newsletter was created to highlight all the incredible work our office -"Team Justice"- is doing to protect the public and engage the community we serve.

I am honored to be your District Attorney and take great pride serving the citizens of Sacramento County. As such, I believe you should know what steps our office is taking to better our community, whether it be prosecuting criminals or providing outreach to those in need.

With more than 400 employees, the Sacramento County District Attorney's Office is the largest law firm in the Sacramento region. The office receives approximately 40,000 cases a year from state, local and other law enforcement agencies. Out of those 40,000 cases, our office files nearly 25,000 a year. Those include cases involving homicide, gang and hate crimes, career criminals, child abuse, animal abuse, sexual assault, domestic violence, major narcotics, human trafficking, elder abuse, public integrity, real estate fraud, welfare and insurance fraud, consumer and environmental protection, prison crimes, juvenile cases and misdemeanors. In each case, it is imperative that we stand up for victims' rights and help provide justice. It is also important that our office be more than just a prosecuting agency. As I have long said, the blueprint to public safety is "Prosecution, Prevention and Innovation." We are safer as a community if we prevent crime, reduce victimization and reduce recidivism. Community engagement plays a vital role in that endeavor.

In 2015, the <u>Community & Government Relations Bureau</u> was created to centralize and expand our community based programs. This allows our office to maximize our reach, increase accessibility and foster communication between our office and the citizens we serve. We are an office that truly cares about protecting this community. We will continue to serve you through prosecution, prevention and innovation. - District Attorney Anne Marie Schubert

#### "There is nothing permanent except change."

#### - Heraclitus

If you are looking for evidence of transformation at the Sacramento County District Attorney's (DA) Office over the past 50 years, former Deputy DA Joe Taylor is Exhibit A.

After an almost 40-year hiatus, Mr. Taylor returned to the DA's Office last summer as a volunteer overseeing the office's next generation – <u>legal interns</u> and <u>Legal Research Assistants</u>.

When he was sworn in as the 20<sup>th</sup> deputy in 1964, the DA's Office was inside the old granite and marble courthouse where the current county jail sits today. Then in 1965, the Gordon D. Schaber Courthouse was built housing the DA's Office until 1975 when the present office was built at 901 G Street. Upon its opening, no satellite offices or Crime Lab existed.



An office memorandum from 1969 discovered in an old rape case showed Mr. Taylor as one of 25 all male attorneys named on DA letterhead. Of those, eight later became judges and one retired as a career prosecutor. There were no bureau chiefs or special teams at the time.

The case file containing the memorandum demonstrated how far technology, police work

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<sup>\*</sup> The bold and underlined text are links to more information that can be found at www.sacda.org.

and victim advocacy have changed over time. The offense report was typewritten on pink onion skin carbon paper and contained officer observations such as, "It was the officer's opinion from the emotional state of the victim, that she was in fact, excessively frightened, due to the actions during the night, and that her emotional state was not falsified in the least." A sexual assault physical exam report was just one page with no diagrams or photographs. Today, a sexual assault investigation contains an extensive interview with the victim, and a multi-page sexual assault exam conducted by an expert with diagrams, photos and other visuals. Resource information is now provided to victims about their rights, and how they can receive support services from a DA victim advocate.

Following Mr. Taylor's year of volunteering, he expressed how much more "complex" the life of a prosecutor has become – from continuing education to discovery and litigation to race relations and anti-law enforcement issues. He also recalled how jurors routinely wore coats, ties and dresses to court. There were no computers, CDs, DVDs, cell phones or case management systems.

Today, the DA's Office has grown to 422 total employees with 173 attorneys. There are now four locations including the <u>Crime</u> <u>Lab</u>, which has grown from 10 to 43 employees. More than half of all DA employees, including attorneys, are women.

There are now approximately 20 "special teams" where a deputy can transfer to and from or spend an entire career. There is also increasing involvement with proactive and alternative prosecutions with a number of staff and resources dedicated to the Community Prosecution Unit and more than 12 collaborative court programs. In the past, each agency assumed their respective roles in the courtroom—now the court, probation, public defenders and prosecutors come together to assist certain members of the community who, because of their particular situation, have found themselves in the criminal justice system. The office partners to support veterans, individuals addicted to drugs and/or suffering from mental illness to accept services, such as mental health, drug or alcohol counseling. If they successfully complete their programs, cases are dismissed allowing them to move on in life free of a criminal conviction. In addition to prosecuting cases, the DA's Office has extended well beyond the courtroom into the community with youth and adult outreach programs.

## In the Courtroom & Beyond...

#### **Cases of Interest**

Pair Sentenced for Torture, Murder in Midtown Apartment—On October 8, 2013, Sacramento police officers responded to a call reporting shots fired at an apartment in midtown Sacramento. Upon arrival, officers found 22-year-old Eric Jackson on the floor of an apartment with his feet bound with string and fabric tied around his neck. Mr. Jackson had suffered fresh cuts, burn marks on multiple areas of his body and was bleeding from his chest. He was pronounced dead at the scene. Jeremy McMahon and his



girlfriend, Michelle Okumura, were at the apartment and told officers Mr. Jackson tried to break into her apartment. Okumura admitted McMahon shot Mr. Jackson, who died from a single gunshot wound to his stomach. Cell phone evidence showed Mr. Jackson was bound, held captive and tortured by the defendants for approximately two days. Mr. Jackson was a client of Okumura, who worked out of her apartment giving massages. Okumura and McMahon claimed Mr. Jackson disrespected Okumura and owed her money.

In February 2017, a jury convicted McMahon for the first-degree murder of Mr. Jackson with the special circumstance of murder with torture, and the allegation he personally discharged a firearm causing death. He was also convicted of torture, false imprisonment and being a felon in possession of a weapon. The Court found McMahon had a prior 2012 strike conviction. McMahon was sentenced to life in prison without the possibility of parole. Okumura was convicted of first-degree murder, torture and false imprisonment. She was sentenced to 38 years to life in prison, plus a second life term.

Habitual Sex Offender Sentenced for Child Sexual Assault—In 1986, Lionel Phillip Jacques was convicted of five child sexual assault charges in San Diego County. In that case, Jacques was a youth minister and victimized a member of his congregation for several years. Starting in 1996, Jacques sexually assaulted male relatives in multiple counties, including Sacramento County. Those assaults were discovered when Jacques dropped a memory (SD) card at his place of employment. When security workers examined the SD card to determine ownership, they found multiple images of child pornography and turned the card over to law enforcement. Detectives with the Sacramento County Sheriff's Department Internet Crimes Against Children Unit searched Jacques' digital devices and found images of Jacques sexually assaulting a victim.

In August 2017, Jacques pled no contest to three counts of committing lewd and lascivious acts on a child under 14 years of age. Jacques also admitted to five prior lewd acts upon a child strike convictions and to a habitual sex offender allegation. He was sentenced to 240 years to life in prison.

For more cases of interest, visit www.sacda.org/media/latest-news.

#### **Early Prison Releases**

In 2015, the <u>Department of Corrections and Rehabilitation</u> began a <u>new parole determination process</u> after a federal court ordered California to reduce prison overcrowding. As a result, inmates characterized as "nonviolent second-strikers" became eligible for early parole consideration. In November 2016, <u>Proposition 57</u> was then passed with the promise that "nonviolent" inmates who "turn their lives around" in prison could also earn early parole under a new "nonviolent parole review." The Board of Prison Hearings (BPH) determines whether these inmates would pose an unreasonable risk to commit violent crime. The Sacramento County District Attorney's Office takes an active role in evaluating these cases. For inmates who appear to pose a danger to the public, the office writes opposition letters to BPH.

"I feel it is important for the public to be aware of the so-called nonviolent offenders being released early from prison onto our streets and into our neighborhoods." - District Attorney Anne Marie Schubert

Many inmates granted early prison release have violent and lengthy criminal histories. A few noteworthy early releases, include:



Damon Mathews – Mathews is a member of a criminal street gang. In 1990, he was convicted of second-degree murder with a gun enhancement. In that case, Mathews and an accomplice drove a stolen car into rival gang area. As they drove down the street, Mathews fired a revolver out of the passenger side window at several people. His accomplice fired out of the driver's side window, striking a female bystander three times, killing her. During a police pursuit, Mathews threw the guns out of the car window. The accomplice later told police that he and Mathews wanted to shoot rival gang members. Mathews was sentenced to 17 years to life in prison for this shooting. Over Mathews' lifetime of incarceration, he received 18 prison violations starting in 1991 to 2004. Violations included extortion/threatening force, destruction of property, under the influence of alcohol, assault on staff, mutual combat, battery on an inmate and possession of dangerous contraband (razor blade,

jigsaw cutting blade, metal rod). In 2003, Mathews was convicted of smuggling controlled substances into prison with a strike allegation. He was sentenced to 6 years consecutive to his life sentence. Opposition Letter

John Grayson – In 1990, Grayson was convicted of voluntary manslaughter for shooting and killing a man. In 1997, he was convicted of battery on a spouse for repeatedly assaulting a female victim. In 2000, Grayson ran from officers after he was caught engaging in a drug sale. When he was detained, he punched one of the officers in the neck, kneed another officer in the leg and grabbed for an officer's gun multiple times. He was convicted of resisting an officer. Grayson also has a history of sophisticated and planned financial crimes. In 2005 and 2006, he used counterfeit driver's licenses with his picture to open a number of fraudulent credit cards and bank accounts under different victims' identities. He was convicted of six felony counts of ID theft. In his current commitment offense, Grayson tried to again open a bank account with a fake driver's license. When bank staff confronted him about the fraudulent card, he ran out of the bank. A police officer was in the parking lot and tackled Grayson. A brief struggle ensued, causing injury to the officer's leg. When Grayson was arrested, several other pieces of fraudulent identification were found. He was again convicted of felony ID theft with a prior identity theft and sentenced to state prison. Grayson is a convicted killer with violence and financial crimes going back more than 25 years. Opposition Letter

For more information about inmates granted early prison release, visit www.sacda.org/early-prison-releases.

#### Justice, Training & Integrity Unit

The DA's office mission is to "seek justice. serve justice. do justice." To that end, the <u>Justice</u>, <u>Training & Integrity (JTI) Unit</u> is at the forefront of the trend to develop conviction review units within a district attorney's office. JTI includes two dedicated, full-time principal criminal deputy district attorneys and a part-time attorney with investigative and support staff when needed.

What does JTI do? JTI evaluates and responds to claims of prosecutorial misconduct or violations. Its goal is to avoid these claims and help ensure our office policies and procedures reflect the best practices.

How does JTI work? JTI makes certain prosecutors are equipped with all of the necessary training, emphasizing ethics and transparency. They also provide resources and advice so prosecutors can carry out their role with the highest of ethical standards. Through this process, the office strives to avoid potential situations such as information not being provided to the defense when it should have been.

Even before the creation of JTI, the office has agreed to vacate convictions, dismiss cases and grant new trials where

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the evidence warranted it.

If there are cases where it is believed prosecutorial misconduct, violations or a false conviction might have occurred, JTI investigates and objectively determines the correct course of action to remedy any errors. For convicted persons who believe they are factually innocent or suffered a conviction tainted by prosecutorial misconduct or violations, JTI has made a Conviction Review Request form available on the office website and will evaluate those claims. It will also review requests for post-conviction DNA analysis if testing of evidence did not occur at trial, and that evidence may be relevant to the conviction review. JTI has worked with the Innocence Project and has secured the release and conviction reversal for individuals whose cases justified that action.

JTI will continue to grow its role as a safeguard, making sure the office maintains its mission of serving justice and always doing the right thing in all stages of the criminal justice process.

#### **Forensics: The Greatest Tool in Criminal Cases**

The DA's <u>Laboratory of Forensic Services</u>, also called the Crime Lab, provides industry-leading forensic services. The units within the Crime Lab include Evidence, Biology, Comparative Evidence, Trace Evidence, Drug Chemistry, Toxicology and Crime Scene.

Incoming evidence must first go through the Evidence Unit, where each piece of evidence is logged into the system, assigned a laboratory case number and picked up by corresponding analyzing units:

- ⇒ Biology- examines body fluid evidence for identification and DNA analysis, this includes sexual assault kits (every sexual assault kit is analyzed, a practice not common in most crime labs).
- $\Rightarrow$  Comparative Evidence- analyzes marks produced by items such as firearms, footwear as well as tire imprints and impressions.
- ⇒ Trace Evidence- analyzes paints, tape, gunshot residue, hairs, fibers, glass and fire-related debris from arson and road flare evidence.
- ⇒ Drug Chemistry- analyzes/identifies chemical substances to see if controlled drugs are present.
- ⇒ Toxicology- analyzes biological specimens from driving under the influence, sexual assaults, and coroner cases for the presence of alcohol and drugs.
- ⇒ Crime Scene- Criminalists from the various lab specialties provide support to law enforcement at crime scenes or may be asked to take control of a crime scene investigation entirely.

The analysis conducted at the Crime Lab is essential to the prosecution of many cases. When it comes to DNA, District Attorney Anne Marie Schubert often states "DNA is the greatest tool ever given to law enforcement to find the guilty and exonerate the innocent."

DNA and comparative evidence analysis played a significant role in the case of **People vs. Shauna Burton**.

Thirty-six-year-old Shauna Burton helped care for an elderly and frail 78-year-old woman, who had a 78-year-old husband. In 2013, Burton went to the couple's home and demanded the husband give her money and prescription pills. When he refused, Burton became enraged and stabbed the elderly man

in the face and cut his wife several times. Burton then took a Maglite flashlight and brutally beat both victims to death.

Crime Scene Investigators (CSI) collected evidence from the homicide scene and sent it to the experts at the Crime Lab. Comparative evidence was conducted of a fingerprint analysis of a bloody print found on the Maglite flashlight, which was shown to match Burton. Biology criminalists analyzed blood found on swabs

taken from Burton's car. DNA analysis determined the blood contained both victims' genetic profiles. Blood stains on Burton's purse were tested and

contained DNA consistent with the elderly wife. Bracelets belonging to Burton were analyzed and showed it contained a genetic mixture of DNA from both victims. Blood on a knife found in the residence indicated a mixture of three genetic profiles. Two profiles were those of the victims. When the criminalist removed those two profiles, the remaining profile belonged to Burton.

This forensic evidence helped convict Burton of two counts of first-degree murder with weapons and multiple murder special circumstance allegations. Burton was also convicted of robbing a store clerk. She was sentenced to life in prison without parole.

#### **Did You Know?**

- The Sacramento County Crime Lab is one of only a few in California managed by a District Attorney's Office.
- Within the past year, the Evidence Unit processed more than 11,000 pieces of varying evidence.
- ♦ Approximately 80-85% of drugs tested in the Drug Chemistry Unit are identified as methamphetamine.
- The Toxicology Unit has analyzed approximately 5,300 alcohol-related driving cases per year and approximately 3,800 drug-related driving cases per year over the past 16 years.
- The prosecutor on the Shauna Burton case, Deputy District Attorney Thien Ho, was recognized with a Prosecutor of the Year Award from The National Asian Pacific Islander Prosecutors Association.

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## In the Community...

#### **Did You Know?**

- Since 2002, there have been 18 graduating Citizen Academies with more than 970 participants.
- Since 2015, 550 students from approximately 55 schools have participated in the Youth Academy.
- Since 2015, more than 270 students from 53 schools have participated in Youth Shadow Day.
- Since 2016, 4,000
   middle and high school
   students have
   participated in the
   #iSMART program.
- Since 2013, the GIFT program has been presented monthly in the Juvenile Hall.

#### Reaching Out

District Attorney Anne Marie Schubert created the <u>Community & Government Relations</u> (<u>CGR</u>) <u>Bureau</u> to implement innovative programs aimed at preventing crime, building relationships and improving our community.

CGR has developed and promotes a number of prevention and intervention programs including:

<u>Speakers Bureau</u>: Matches DA staff with community groups and organizations wishing to learn more about various aspects of the criminal justice system.

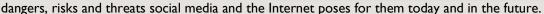
<u>Citizens Academy</u>: Participants receive an overview of the criminal justice system, and engage in discussion and mutual learning about challenges and issues within the justice system.

Youth Academy: High school students learn about the criminal justice system, engage in

communication with law enforcement about current issues that affect them and explore possible careers in public safety.

Youth Criminal Justice Shadow Day: High school students job shadow professionals from various criminal justice agencies to get a first-hand look at the criminal justice process, the different roles within the system and explore the possible career options.

#iSMART (Internet Social Media Awareness, Resources & Training): A one-of-a-kind program that educates youth about the



**GIFT**: (Gun-violence Information for Teens): Educates teens about the legal consequences of gun possession and gun related violence as well as encourages them to make positive choices.

**Reading Partners**: Mindful that children who cannot read at an early age are at a significantly higher rate to become involved in the criminal justice system, dozens of DA staff will be paired with at-risk elementary school students to tutor them in reading.

Legislative Advocacy—CGR is involved in introducing ideas for legislation and supporting or opposing pending bills that impact public safety.



The <u>Community Prosecution Unit (CPU)</u> is also under CGR with prosecutors working in six neighborhoods within Sacramento County and the city of Sacramento and Rancho Cordova. Community prosecutors form partnerships with the local citizens, law enforcement and businesses to address quality of life issues like blight, prostitution, homelessness and graffiti. Recent CPU accomplishments include:

- Successfully <u>prosecuted an apartment owner</u> for violations, including maintaining a substandard apartment complex. The owner pled guilty to several misdemeanors and was sentenced to 3 years probation, community service and ordered to pay \$15,000 restitution.
- ♦ CPU, along with law enforcement and local agencies, entered into a <u>Memorandum of Understanding with Motel 6</u> to address a high number of

calls for service and criminal activity at all Motel 6 properties in Sacramento County. The national chain agreed to make operational changes and contribute \$750,000 to the Sacramento County DA's Office Public Safety & Community Improvement Trust Fund. To date, \$540,000 has been distributed to local nonprofit organizations focusing on human trafficking prevention, domestic violence issues and youth intervention programs.

For more information about CGR, CPU and the programs mentioned, visit www.sacda.org.



#### **Creating Laws that Impact Community Safety**

In recent years, there have been many changes in laws that have affected the criminal justice system, from juvenile confinement to sentencing to early prison releases. Under District Attorney Anne Marie Schubert's leadership, the office works on these types of legislative issues and takes a proactive role in shaping laws and policies that impact public safety.

This article will explain how a law is created. Future editions will review recently enacted laws that impact our community, and the importance of citizen involvement in our legislative process.

How does a bill become law? All legislation starts off as an idea. They can come from anybody who then persuades a member of the Legislature to author a bill. If the author is a member of the Assembly it is given an "AB" number. If the author is a member of the Senate, it is given a "SB" number. The bill then progresses in its house of origin first.

The bill is assigned to a policy committee based on the subject matter. The hearing will be held 30 days after the bill's introduction and printing, allowing time for the public to review and contact the author's office with any comments or concerns. Through this process, amendments may constantly occur resulting in language far different than originally authored.

Most bills generate support and opposition from a variety of groups and individuals who testify in support or opposition. If the bill does not have any fiscal impact and passes the policy committee, it will then go to the floor of the house of origin for a vote. If it does have a fiscal impact, it will head to the Appropriations Committee who will analyze the cost and may hold the bill if the new law would be too costly.

Once on the floor of the house of origin, the author presents the bill for passage by the entire house. If the bill passes on the floor, it moves to the other house and starts the same committee process all over again. The bill is only sent to the Governor's desk if it passes both houses. The Governor then will either sign, approve without signing, or veto the bill.

How does the initiative process work? In the citizens' initiative process, citizens draft a legislative bill or constitutional amendment (a "measure"), which they then propose by petition; if the petition receives sufficient popular support (remember being asked to sign a petition in front of the grocery store?), the measure is then placed on the ballot and can be enacted into law by a direct vote of citizens.

Prior to being placed on the ballot, the initiative is reviewed by the Attorney General's Office who creates the title and summary.

As a voter, it is important to read the entire initiative as the title and summary may attract your attention, but does not fully summarize the changes the initiative proposes.

#### **Community Calendar & Events**

#### **District Attorney's Office**

#### **February**

- Citizens Academy Registration Begins

#### **April**

- <u>Citizens Academy</u> <u>Begins (3rd)</u>
- <u>Crime Victims' Capitol</u> Rally (9th)
- Outstanding Citizens
  Award Ceremony (6th)

#### May

- <u>Public Safety Luncheon</u> (4th)
- <u>Peace Officers</u> <u>Memorial Day (15th)</u>

#### June

Youth Criminal Justice Shadow
 Day (15th)



#### **National Community Calendar**

#### lanuary

- Slavery and Human Trafficking Month/Human Trafficking Awareness Day (11th)
- Stalking Awareness Month

#### **February**

- Teen Dating Violence Awareness/Prevention Month
- Public Safety Month

#### March

- Prescription Drug Abuse Awareness Month

#### **April**

- National Youth Violence Prevention Week (3-7)
- National Crime Victims' Rights Week (19-25)
- Child Abuse Prevention Awareness Month

#### May

- California Law Enforcement Month

#### **June**

- National Gun Violence Awareness Day (2nd)
- Elder Abuse Day (15th)

## **Snapshots:** In the Community



2017 Elk Grove/Galt Youth Academy Use of Force Presentation



2017 East Youth Academy Mock Trial Class



2017 North Area Youth Academy Canine Officer Demonstration



2017 South Area Youth Academy Mock Trial Class



2016 Youth Shadow Day Welcome



2017 Youth Shadow Day Shadowing Judge Vasquez



2017 Youth Shadow Day Lunch

### **Snapshots:** In the Community



2017 National Night Out—Jack Davis Park



2017 Anti-Bullying Rally at the Capitol



2016 DA Investing in the Community, Danny Oliver Memorial Scholarship Awards



2017 Citizens Academy Graduation



2017 District Attorney (DA) Diversity Reception



2016 Press Conference on AB 1681 at the Capitol



Deputy DAs at the 2017 Sacramento Police Department Police Activity League Softball Game at Raley Field

#### **Holiday Tips of the Trade**

During the holiday season, criminals look for an easy target. It can take just seconds to become a victim of theft. Here are a few tips from those in the know:

#### Package theft is on the rise, especially during the holidays -

 Request your package be delivered on a specific day/time, to a neighbor who is home, held at your local post office for pick up, or delivered to an Amazon self-service kiosk.

#### Never carry anything you can't afford to lose -

- Keep minimal amounts of cash and credit cards on hand.
- Be alert of your surroundings.
- Keep an eye open for suspicious people or activity.
- Make sure your clothing, shoes or items being carried do not restrict your movement.
- If necessary, take several trips to the car and lock purchases in the trunk to avoid being weighed down.
- Put your wallet and phone in an inside coat or front pocket, not a back pocket. If you
  carry a purse, make sure to close it, keep it close to your body vs. dangling by the straps.

#### Lock it or lose it -

- Park in well-lit areas near others when possible.
- Remove all valuables from the interior of your car.
- Lock items in the trunk if necessary.

See related resource and contact information below.



## Need Help?

#### **Holiday Resources**

Holidays are a primetime for criminals. Below are agencies you may need to contact if you become a victim of consumer fraud or identity theft.

#### **Credit Bureau Reporting:**

Equifax <u>www.equifax.com</u>
Experian: <u>www.experian.com</u>
TransUnion: <u>www.transunion.com</u>

#### **District Attorney's Office Consumer Complaint Form:**

www.sacda.org/services/special-prosecutions/consumer-protection/consumer-unit/

#### Federal Trade Commission (FTC):

The goal of the FTC is to protect consumers and promote fair business competition.

www.ftc.gov

#### **Identity Theft:**

www.ldentifyTheft.gov

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DA Office Reception	916.874.6218
DA Victim/Witness Assistance	916.874.5701
DA Domestic Violence Unit	916.874.6171
Sacramento Sheriff	916.874.5115
Sacramento Police	916.264.5471
Citrus Heights Police	916.727.5500
Elk Grove Police	916.714.5115
Folsom Police	916.355.7234
Galt Police	209.366.7000
Rancho Cordova Police	916.875.9600



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