

## 2KA1-2017A - DISTRICT ATTORNEY

### Contact Information -- Person ID: [REDACTED]

Name: Patrick Vanier Address: [REDACTED] US  
Home Phone: [REDACTED] Alternate Phone: [REDACTED]  
Email: [REDACTED]

### Personal Information

Driver's License: Yes, California , [REDACTED] , Class C  
Can you, after employment, submit proof of your legal right to work in the United States? Yes  
What is your highest level of education? Doctorate

### Preferences

Preferred Salary: \$258,000.00 per year  
Are you willing to relocate?  
Types of positions you will accept: Regular  
Types of work you will accept: Full Time  
Types of shifts you will accept: Day

### Objective

To become the District Attorney for Contra Costa County.

### Education

#### Graduate School

*John F. Kennedy School of Law*  
www.jfku.edu  
8/1994 - 5/1998  
Walnut Creek, California

Did you graduate: Yes  
College Major/Minor: Law  
Degree Received: Doctorate

#### College

*San Francisco State University*  
http://www.sfsu.edu/  
9/1992 - 5/1995  
San Francisco , California

Did you graduate: Yes  
College Major/Minor: Business/Accounting  
Degree Received: Bachelor's

#### College

*University of California, Irvine*  
10/1989 - 5/1991  
Irvine, California

Did you graduate: Yes  
College Major/Minor: Political Science  
Degree Received: Bachelor's

### Work Experience

#### Deputy District Attorney

1/2006 - Present

Santa Clara County  
https://www.sccgov.org  
70 W Hedding St, San Jose  
San Jose, California 95110  
[REDACTED]

Hours worked per week: 40  
Monthly Salary: \$17,916.00  
# of Employees Supervised: 23  
Name of Supervisor: [REDACTED] - [REDACTED]  
May we contact this employer? Yes

### Duties

I am currently the Supervising Deputy District Attorney for the Narcotics unit within the District Attorney's office. My duties include but is not exhausted by:

- Currently supervise a team of 23 personnel - 17 deputy district attorneys, 4 support staff

members and 2 paralegals.

\* I train and mentor all new attorneys to my team.

\* I coordinate investigations as needed and support the attorneys in their investigations that they coordinate.

\* I manage all operational aspects of the team on a daily basis.

\* My team manages the drug court calendar, prosecute over 7000 narcotic cases per year - felony and misdemeanor, handling all trial responsibilities.

\* Oversee the specialized drug court.

\* Responsible for all Asset Forfeiture prosecutions.

\* Manage the team of 4 specialized attorneys involved in the Major Vendor Narcotics Program.

\* Oversee the Confidential Informant Management System.

\* I sit on several drug policy working groups in the County.

\* I collaborate on legislation with local governments regarding drug policy.

\* Train law enforcement on legal issues that affect the administration of justice.

See attached resume for a detailed listing of responsibilities.

### Reason for Leaving

I have not left this position to date.

### Deputy District Attorney

1/1999 - 1/2006

Office of the District Attorney, Contra Costa County

www.co.contra-costa.ca.us/203/District-Attorney

900 Ward St.

Martinez, California 94553

Hours worked per week: 40

Monthly Salary: \$10,000.00

# of Employees Supervised: 0

Name of Supervisor: [REDACTED] - [REDACTED]

[REDACTED]

May we contact this employer? Yes

### Duties

I was a Deputy District in the following units within the office:

- January 2002 – January 2006 – Narcotic Prosecution Unit.
- July 2001 – December 2001 – Juvenile Prosecution Unit.
- July 2000 – June 2001 – Felony Trial Unit.
- January 1999 – June 2000 – Misdemeanor Prosecution Unit.

### Reason for Leaving

I left this position for a position at the Santa Clara County District Attorney's office.

### Certificates and Licenses

### Skills

Office Skills

Typing:

Data Entry:

### Additional Information

### References

Professional

[REDACTED]

Professional

[REDACTED]

Professional

## Resume

### Text Resume

## Attachments

Attachment	File Name	File Type	Created By
Patrick Vanier Resume 2017.pdf	Patrick Vanier Resume 2017.pdf	Resume	Job Seeker
letter of support.pdf	letter of support.pdf	Other	Job Seeker
of Recognition .pdf	of Recognition .pdf	Other	Job Seeker
CDAA letter of recognition .pdf	CDAA letter of recognition .pdf	Other	Job Seeker
DEA letter of recognition .pdf	DEA letter of recognition .pdf	Other	Job Seeker
Supplemental questions - Patrick Vanier.pdf	Supplemental questions - Patrick Vanier.pdf	Supplemental Questionnaire	Job Seeker

## Agency-Wide Questions

1. Q: Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for disciplinary reasons within the last ten (10) years?

A: No
2. Q: If answer is yes, please provide name and address of the employers, reason for each release and dates of employment. If answer is yes, it is not necessarily a bar to employment. Each case is given individual consideration, based on job relatedness.

A:
3. Q: Are you applying for Veterans' Preference Credit? In open examinations, Contra Costa County will add 5% to your earned examination score if you pass the examination AND qualify for Veterans' Preference Credit. In order to qualify for Veterans' Preference Credit, a person shall: (a) have (1) served in the United States Army, Navy, Marine Corps, Air Force, or Coast Guard in time of war, in any expedition of the Armed Forces of the United States, or continuously on active duty for more than 180 days, and (2) received an honorable discharge or certificate of honorable act of service; (b) or be a disabled veteran; (c) and present to the Director of Human Resources no later than the closing date specified in the examination announcement, acceptable evidence of the required military service.

A: No
4. Q: Are you currently a Contra Costa County employee?

A: No
5. Q: If yes, please enter Employee Number.

A:
6. Q: If yes, enter Merit System job title:

A:

**7.** Q: Check the appropriate box that describes your high school education.

A: High School Diploma

**8.** Q: Where did you hear of this position?

A: Other

**9.** Q: If your answer for question #8 was "Advertisement" or "Other," please tell us in which publication or website you saw the Advertisement, or how you heard of this position.

A: I heard of this position through the County Supervisor meeting discussing filling Mark Peterson's vacated position.

**10.** Q: I authorize the employers and educational institutions identified in this employment application to release any information they have concerning my employment or education to the County of Contra Costa.

A: Yes

**11.** Q: May we contact your present employer?

A: Yes

**12.** Q: REGIONAL WORK LOCATION INTEREST - Check all that apply:

A: CENTRAL (Concord, Clayton, Lafayette, Martinez, Moraga, Orinda and Pleasant Hill)  
WEST (Crockett, El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo and San Pablo)  
EAST (Antioch, Bay Point, Brentwood, Oakley and Pittsburg)  
SOUTH (Danville, San Ramon and Walnut Creek)

**13.** Q: Are you bilingual in Spanish? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A: No

**14.** Q: Please select languages (other than English) in which you are fluent in speaking? (Answering this question will require you to be tested in this language and if placed on the eligible list, your name may be referred out to departments whose position(s) requires bilingual proficiency as designated by the Appointing Authority)

A:

**15.** Q: If you select "other" please indicate the language you are fluent in speaking:

A:

### Supplemental Questions

**1.** Q: A completed supplemental questionnaire is required for this position. Please answer the following questions below and submit your responses with your online application. DO NOT answer any of the questions by indicating, "see attached resume and/or application." Applications received without a completed supplemental questionnaire will be rejected. NOTE: Applicants who completed their education outside of the United States must submit verification of degree/equivalency with their application. Finalists will participate in a moderated forum and be interviewed by the Board of Supervisors in public session. Final candidates' State Summary Criminal History information and economic disclosure statement (FPPC Form 700) may be made available for review by the Board.

A: n/a

**2.** Q: Are you a resident of, and registered voter in, Contra Costa County?

A: Yes

3. Q: Are you admitted to the practice of law before the Supreme Court of the State of California?

A: Yes

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4. Q: Describe your experience in the practice of criminal law.

A: I have been a Deputy District Attorney since 1999. I am currently a Supervising Deputy District Attorney for the Santa Clara County District Attorney's Office Narcotics Prosecution Team. I have been a prosecutor with Santa Clara County since 2006 where I served on the Burglary, Assault and Theft (BAT) Team, Sexual Assault Team and the Narcotics Prosecution Team. Prior to coming to Santa Clara County, I was a Deputy District Attorney at the Contra Costa County District Attorney's Office for seven years (1999 to 2006) working on the Misdemeanor Team, Felony Trial Team, Juvenile Team and Drug Unit/Regional Anti-Drug Abuse Team.

I am an experienced trial attorney. Over the course of my career, I have prosecuted more than 50 jury trials that have included rape, child molestation, gross-vehicular manslaughter, major narcotic traffickers, methamphetamine laboratories, armed robberies, kidnapping and aggravated assaults. I have also prosecuted multiple complex conspiracy gang, organized crime and drug trafficking cases involving more than 20 defendants in a single litigation case through the use of various forms of technology including electronic surveillance or wiretaps. Throughout my many assignments I have also prosecuted thousands of cases that have included homicides, gang crimes, child abuse, domestic violence, major fraud, environmental crimes, weapon offenses and property crimes. I also work with defense attorneys to address immigration implications in the process of evaluating charged crimes and crafting immigration safe dispositions.

I have spent my career collaborating with law enforcement agencies to provide support in investigations to ensure the safety of the community, as well as to ensure the integrity of the investigation process. Together we have investigated and prosecuted major narcotic cases with a particular emphasis on Mexican National drug cartels operating within California, organized crime syndicates, and gangs. An area of expertise for me is in wiretap investigations. I have collaborated with federal, state and local law enforcement on more than 100 wiretap applications that resulted in the investigation and prosecution of major drug traffickers, street gangs and murderers.

In 2011, I was the Assistant Team Leader for the Narcotics Prosecution Team. In addition to prosecuting major narcotics cases and the associated violent and nonviolent crimes as part of the Major Narcotic Vendor Program (MNVP), I was also responsible for supervising and mentoring the new MNVP attorneys, while simultaneously managing the responsibilities of the MNVP unit. I was promoted to the position of Supervising Deputy District Attorney in early 2013. As one of only 15 supervisor positions for an office of 188 attorneys, I manage one of the two largest teams of lawyers in the Santa Clara County District Attorney's Office, tied only with the Gang Unit.

In addition to my prosecution and management duties, I have developed and implemented trainings for law enforcement agencies, including the following: the California District Attorneys' Association, the California Narcotics Officers' Association, Northern California High Intensity Drug Trafficking Area (HIDTA), as well as federal, state and local law enforcement agencies and local bar associations within Santa Clara County, including attorneys within my office. I have developed and delivered trainings for police and legal professionals on the subject of wiretap investigations, legal updates in search and seizure law, Confidential Informant Management, Complex Narcotics Investigations, California Electronic Communications Privacy Act, The Legal Use of Eavesdropping Devices in Barricade and Hostage Situations, and most recently Proposition 64 (Adult Use of Marijuana Act).

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5. Q: Describe your organizational and management experience.

A: I am an experienced leader. I became the Assistant Team Leader for the Narcotics Prosecution Team in 2011 and Supervising Deputy District Attorney of the Narcotics Prosecution Team in 2013. As a Supervising Deputy District Attorney (SuDDA), I

mentor and directly oversee a staff of 17 lawyers, 4 support staff and 2 paralegals. The Narcotics Prosecution team maintains the largest attorney staff within the District Attorney's Office, tied with the Gang Unit. My attorneys leave my team with solid trial experience, practical courtroom knowledge, as well as an understanding of how to navigate complex cases successfully.

I have successfully managed the growth of several teams. When I was first transferred to the Narcotics Team in 2009, I was the only dedicated prosecutor to the MNVP mission. Three months into the assignment I completed my first collaborative investigation with DEA and San Jose Police Department entitled Operation Pato. The investigation netted 18 La Familia Cartel members and associates identified in the trafficking of more than 660 pounds of cocaine. This successful use of electronic surveillance (wiretap) resulted in the seizure of 422 pounds of cocaine, almost a million dollars and various firearms including an assault weapon. During the wiretap, the organization kidnapped and tortured an estranged cartel member. The victim was ultimately found, and the perpetrators were charged with aggravated kidnapping in addition to the drug and weapons crimes. At the time, this was the largest drug case coming out of Santa Clara County. It underscored the potential for working organized crime cases at a higher level and the impact such successful investigations have on the community. As I continued to pursue more investigations, the District Attorney committed more resources to the MNVP unit. Today, this specialized group is made up of four veteran prosecutors handling serious and violent felony crimes tied to the trafficking of narcotics.

The Narcotics Prosecution Team manages major narcotics investigations and prosecutions, all felony drug prosecutions, any non-drug felony and misdemeanor crimes accompanying the drug cases, as well as all misdemeanor drug prosecutions. The narcotics team vertically prosecutes about eight thousand felony and misdemeanor cases each year. During my time as the leader of the Narcotics Prosecution team my responsibilities also included overseeing the District Attorney's Office's involvement in the specialized Drug Treatment Court, Mental Health Treatment Court, developing policies, procedures and protocols related to issues pertaining to narcotics and law enforcement use of technology. I implemented and managed adjustments on the county level in response to changes to drug laws on the state level. My team, under my guidance, coordinates with federal, state and local governments, law enforcement agencies and community based organizations on legislative proposals, criminal investigations and public nuisance issues that improves the lives of the residents of Santa Clara County.

My management philosophy reflects a systems-oriented approach. When I took over the Narcotics team in 2013, I identified several systemic issues within the team that were impeding the judicial process. During the first year I conducted an audit of cases, as well as attorney, paralegal and support staff functions. From this audit I identified action points within our system that we then addressed to arrive at solutions to expedite cases. Using the data, I also reorganized team responsibilities and personnel objectives through written procedures, followed up by training that articulated clear expectations for each position unique to the team. Today this team is highly respected, collaborative, and functional.

Most recently, I reviewed the impact of Proposition 47 and other legislative changes on the six thousand plus newly affected misdemeanor drug cases. My analysis identified the cause for the lack of drug treatment outcomes to new drug misdemeanor cases. This issue was attributed to the fact that those cases were being heard in non-Drug Court courtrooms. The courtroom personnel lacked the understanding and commitment to finding drug treatment options for defendants. In December of 2015, I presented my findings to the Santa Clara County criminal justice partners resulting in the creation of a working group to reorganize Santa Clara County's Drug Treatment Court. This year I was the coordinator from the District Attorney's Office in charge of managing the transition of all misdemeanor drug cases to dedicated Drug Courts where treatment options are now prioritized. This court allows substances abusers who were habitual offenders of low-level drug offenses to receive a variety of treatment options – diversion, outpatient, residential, and transitional sober-living environments. This drug court process also involved the transition of all misdemeanor cases to a paperless system (the elimination of all paper case files).

I have managed and organized several major projects with successful outcomes. I have administered the District Attorney's Office wiretap program since 2009. The administration of the wiretap program is complex and requires an attention to detail as well as a thorough understanding of laws pertaining to a suspect's right to privacy and protections from illegal searches and seizures under the Fourth Amendment. I have coordinated, reviewed and/or drafted more than 100 wiretap applications involving murder, major narcotics and gang crime investigations. I have managed the investigations with the law enforcement agencies, filed detailed periodic reports with the Superior Court, coordinated the collection and reporting of statistical information to the California Department of Justice, managed budgets for these investigations, as well as trained law enforcement agencies on conducting these complex investigations.

Under my direction, Santa Clara County District Attorney's Office became one of the first prosecutor's offices in the State to have a permanently dedicated room for electronic interception (wiretap room). This was the product of a successful partnership with the High Intensity Drug Trafficking Area agency (HIDTA). I presented this investigative model at the 2013 California District Attorney's Association Winter Conference. Since then, several district attorney's offices, including Contra Costa County District Attorney's Office, have applied this model and have established their own wiretap rooms to improve the quality of those investigations.

I also created a system to manage confidential informants (CI) that allowed our attorneys to ensure that when they enter a courtroom their discovery obligations have been met. Santa Clara County is one of few DA's offices in the state that work with police agencies to track the use of CIs. Without such a database, informants cannot be crosschecked and information cannot be properly disseminated to the attorneys in a timely manner. By creating and implementing this new system, our office was able to ensure that we were complying with our discovery obligations and that defendants were receiving information to which they were entitled under the law.

I have collaborated with local government on local initiatives that impact the quality of life in Santa Clara County;

- In 2012, my office assigned me, based on my prior experience with wiretap law, to develop training and a countywide protocol for the use of surveillance technology in barricade, hostage and other crisis situations.
- In 2013, I served on behalf of the District Attorney on the Santa Clara County Marijuana working group. San Jose city and county leaders assembled a working group to propose local ordinances to zone and regulate marijuana enterprises within Santa Clara County. Through these laws, San Jose was able to reduce the number of unregulated dispensaries from 120 storefront operations to 16 licensed and registered businesses. These laws have helped to remove the lawless behavior of unregulated marijuana businesses while at the same time allowing for robust and safe access to medical cannabis to the people who desire it in Santa Clara County.
- In 2014, I rewrote and updated the Santa Clara County Child Abuse Protocol pertaining to hazards, investigative measures and the legal responsibilities for mandated reporters for drug exposed and drug endangered children.
- Beginning in 2015, I organized a pilot project that assisted in the creation of immigration safe dispositions for first time offenders of misdemeanor drug cases. This program provided options for defendants to enter into diversion programs without endangering their immigration status. It was eventually rolled out countywide.
- Since 2015, I have collaborated on several legislative initiatives written by Assemblyman Evan Low and Senator Jerry Hill. These bills have involved setting standards for individuals driving under the influence of marijuana, driving while consuming marijuana and sentencing enhancements for manufacturing methamphetamine near a school/day care center or inhabited dwelling. I also worked with the with the Court, Defense Bar, Probation and other Criminal Justice Partners to institute local policies to comply with Proposition 47, The Safe Neighborhood and Schools Act and Proposition 64, The Adult Use of Marijuana Act. These policies created a system to ensure that the defendants legally entitled to relief under the new laws were afforded expedited resolutions on their legal matters.

What do you believe are the major issues or problems in the administration of criminal law and justice in Contra Costa County?

- A: The Contra Costa County District Attorney's Office is an agency in crisis. Recent events epitomizes decades of poor leadership that has fostered a toxic culture which lacks diversity, emphasizes cronyism, and relegates the citizens of Contra Costa County to secondary players in the criminal justice system. This behavior requires seismic reform to properly and effectively transform this office into a respectful member in the judicial process.

I see three systemic deficiencies in the District Attorney's Office that has created or been a contributing factor to major problems in the administration of criminal justice. The first is racial disparity within the county's criminal justice system. This District Attorney's Office currently suffers from an absence of cultural competence amongst its staff to enable leadership in these areas. Second is the highly dysfunctional culture within the District Attorney's Office. The DA's office has created a lack of diversity in leadership positions and has entrenched the "good ol' boys" network that reinforces cronyism, supports a misogynistic environment, and sidelines talented attorneys who refuse to participate in that process. Lastly, the lack of innovation and implementation of best practices within the District Attorney's Office is a barrier to criminal justice reform. The impact to justice is the severe restriction of growth, and the inhibition of active, effective responses to critical community issues.

Contra Costa District Attorney's Office needs to be a leader in community building that is responsive to the legal and social needs of its residents. Cultural competence is a key component in satisfying this function as it drives the movement towards using the justice system respectfully and responsibly. This District Attorney's Office has repeatedly failed its constituency in advocating for social justice in and out of the courtroom. The current leadership had publicly rebuffed claims of racial inequalities. Recent responses to hate crimes in the community have reflected a lack of meaningful and swift action by prosecutors. Improving relationships between police agencies and communities of color should be a primary goal for any district attorney's office. A well functioning criminal justice system needs to be collaborative and responsive. This District Attorney's Office has leadership that is unable to respond to these realities in our community.

Recent data highlighting racial inequalities in Contra Costa County show that our justice system is not meeting the needs of its citizens. The disparities exist for many reasons, some of which can and should be actively addressed from within the District Attorney's Office. Questions regarding jury selection practices, prioritizing diverse jury pools, as well as addressing implicit biases in the filing of charges are areas of action that must be addressed.

A prosecutor's office should be a role model for professionalism and ethical conduct in the courtroom and the community. As a prosecutor I know and accept the fact that I am held to a strict standard. This belief has been lacking within the District Attorney's office executive management for far too long. The current culture within the District Attorney's office lacks sufficient leadership capacity to oversee a responsive and comprehensive evolution to 21st century practices. Over the past several decades this District Attorney's Office has defined success by the number of trials conducted, instead of the types of cases that should be tried. This archaic approach to criminal justice has exhausted county resources, compromised victims' rights, and forced those accused of crimes into a no-win trial situation. What happens in a courtroom should be about a person exercising her/his constitutional right to trial, not a training exercise for prosecutors to hone their craft. The win at all cost culture must end. The courts should be a place where all members of the community can find justice.

The notorious culture of the District Attorney's office has impacted the administration of justice in many other forms. Police agencies lament the waste of precious investigative resources by refusing to file chargeable cases or over-subpoenaing officers to court. The outcome is costly overtime and many times the officers are called off without testifying. Representatives from the defense bar, including the Public Defender's office, report a longstanding tradition of contentious dealings with prosecutors resulting in no effective communication channels for purposes of settlement negotiations. Populations of affected groups, undocumented and communities of color, have also



expressed feelings of being disenfranchised from the justice system based upon a lack of leadership presence by the District Attorney's Office in their neighborhoods. Overall, the culture of the District Attorney's office has undermined the public's trust in an institution that is supposed to champion the rights of all.

A critical reinforcer of the negative culture is the three-year contract system. This program of exclusively hiring personnel from a fixed-term/salary process trades prosecutorial experience for young lawyers with low-salaries. Instead of providing robust training for aspiring deputy district attorneys, it creates an automatic caste system within the office. The contract system supports an environment of toxic mentorship that allows unprofessional behavior to continue as means for young attorneys to ingratiate themselves to the establishment. As the sole source of hiring, the current contract system ensures that "business as usual" continues, as the closed system does not allow for the recruitment of experienced prosecutors from other district attorney's offices. When you bring in outside talent, those "laterals" often bring with them new ideas, expertise and knowledge of best practices from other offices that can drastically improve services in Contra Costa and over time, dilute the element of negativity. Furthermore, when "laterals" are brought in, attorneys are motivated to work harder, with greater professionalism, and less inclined to complacency. The contract system also misallocates resources within the office by creating unhealthy emphasis on trials over other vital prosecutorial functions.

The last critique to the administration of justice in Contra Costa County is the complete lack of innovation in law enforcement practices within the District Attorney's office. This office's leadership does not value benchmarking best practices in the administration of justice. Whether it's ignoring immigration safe resolutions in the criminal justice system, failing to promote community solutions to rising crime as an alternative to prosecution, lack of collaboration with justice partners to develop specialized courtrooms that support mental health and substance abuse positive outcomes or not addressing keystone issues such as bail reform, the previous Contra Costa County District Attorney refused to acknowledge criminal justice trends. Today, the District Attorney's office is operating from a myopic perspective, outdated systems, and policies that are inadequate and ineffective.

As a key player in Contra Costa County's criminal justice community, the District Attorney's office is standing in the way of effective, collaborative change. Our justice system is not static. Laws change. Communities change. The District Attorney's Office needs to be reflective of these changes while also maintaining focus on public safety. The District Attorney's Office needs to be active in the community assisting with crime prevention. The culture within the office should be dynamic, focused on collaboration, and most importantly respectful of all people involved the process. This District Attorney's Office needs to properly train its attorneys on best practices so that implementation is consistent throughout the office and is reflected in their practice. This includes building transparency throughout the judicial process, while still protecting the victims right to privacy and maintaining the integrity of the investigative process.

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**7. Q: Why do you want to serve as District Attorney for Contra Costa County?**

A: I want to serve as the next District Attorney for Contra Costa County because I know that my career to this point has readied me for this step. I want it because I know this county is at a critical step that can go two ways. It can move in the direction of change that will begin to build the capacity of this office to be a leader in criminal justice practices, or it can stay weighted down by its past. I have evolved as a prosecutor throughout my almost two decades of service. My personal experiences have taught me that respect is earned through actions, not words. My professional experience has given me the broad field of knowledge and expertise that this county needs.

I believe that I have the right blend of skills, understanding of the role of the District Attorney, as well as the clarity of my convictions about what it means to be a positive community partner in law enforcement. As I began the process of seeking to be the next District Attorney, I engaged with community groups, government leaders and individual citizens to find out the concerns they have with their prosecutor's office. The frustration with the status quo was overwhelming. I saw an opportunity to use my skills, talents, and respect for law and order to impact a positive change in this office.

The past administrations of the District Attorney's office have had a uniquely negative affect on the office culture, relationships with other county leaders and criminal justice partners, trending crime rates, and not least, the administration of justice in Contra Costa County. For too long, this county has endured dysfunction at the helm. This era came to an end last December when the District Attorney admitted to violating his position of trust by breaking the law. It was clear to me that the county needed to be ready to transition into new and better models of leadership. It was the beginning of the end to the "good ol' boy" culture that Contra Costa County District Attorney's office epitomized and I wanted to lead that change.

As a 46 year county resident, a product of the local public school system and a parent of three daughters being raised in this county, I want to see a District Attorney's office managed with the same integrity as I, and my fellow prosecutors across the State, dedicate to this honorable profession. This encompasses many within Contra Costa County's District Attorney's Office who have been left behind in their own office, not because they couldn't or wouldn't do their jobs, but because they didn't play the game well.

As the District Attorney, I want to champion victims' rights, lower crime, and protect and serve the residents of Contra Costa County. I want to do this by promoting diversity and cultural awareness, bridge the divide between law enforcement and communities of color, and mentor and train a new generation of DA's in the best practices of their profession. I believe I am uniquely qualified from my work as a prosecutor within Santa Clara County District Attorney's Office, a State leader in criminal justice reform, as well as from my personal background to bring much needed change to our county's District Attorney's Office. My qualifications, management experience and litigation work detailed throughout this application have shaped who I am as a prosecutor and driven me to this place that I find myself today.

I have also spent the past 27 years being part of a large Latino family extending from Contra Costa County to all directions in the Bay Area and beyond the State of California. My in-laws emigrated from Guatemala in the early sixties. They came as political exiles and dreamers. They came to be better and do better than they could do in their home countries. What I witnessed in them framed my deep appreciation for the struggles facing the immigrant community. For them the "issue" of immigration policy wasn't an "issue," it was real life. These were realities I have never had to consider in my life. I understood these issues differently when I was seeing them through the eyes of my wife's family.

I am also a father of three Latina daughters living in Contra Costa County. Their experiences and interactions in our community have broadened my sensitivity to what it means to be different. As the next District Attorney, I see a platform to comprehensively address issues of race, gender, LGBTQ and immigration both within the office by promoting diversity but also within the community by partnering with others in the criminal justice system to improve outcomes that keep our communities safe for all.

I want to be the next District Attorney for Contra Costa County for all the reasons above and more. This job deserves to be regarded with respect and our residents deserve to be treated with respect. I want to be the person who makes that happen.

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**8. Q:** How would you go about restoring and maintaining the public's confidence in the District Attorney's Office?

**A:** Restoring and maintaining the public's confidence in the District Attorney's Office will mean different things to different people. Overall, I believe the next District Attorney should build confidence with the community by demonstrating leadership committed to transparency, integrity and service to the community. As I have stated in this application, I will accomplish these objectives by protecting victim's rights, lowering crime, promoting diversity, repairing relations between law enforcement and communities of color, collaborating with law enforcement, implementation of best practices among prosecutors, as well as to become a leader in the community.

I believe the starting place for rebuilding public trust is through ethical and honest

leadership. I will hold myself, and the prosecutors in the office, to the highest ethical standards and run the department in an honest and impartial manner. To this end I will institute clear policies and procedures that will outline expectations for every Contra Costa County deputy district attorney. I will bring in best practices of District Attorney's offices from across California and the country.

My District Attorney's Office will reflect the diversity of its community. This includes addressing the hiring practices that have suppressed diversity and restricted the development of the office and its staff. Through these changes we can begin to address the issues of gender, LGBTQ, and many other equity issues within the office to create a vibrant, active, and healthy environment for the residents of Contra Costa County, as well as for the deputy district attorneys who honor their work every day.

I support transparency throughout the judicial process while still honoring victims' right to privacy. As of late the community has questioned the District Attorney's delayed response to hate crimes and other public safety matters. Now more than ever it is important that we take a strong stance against hate crimes. It is incumbent upon the DA to work with community leaders to build cultural competence within the office. This includes protecting religious symbols and places of faith/worship.

As District Attorney I will maintain law and order. I will enforce and prosecute laws fairly to ensure offenders who threaten public safety will be held accountable and not pose a danger to the community. Serious and/or violent felonies should be aggressively prosecuted to protect public safety. I will continue to work collaboratively with police agencies to investigate and prosecute organized crime, violent gangs, drug trafficking organizations, and murderers. I will do this through strategic planning with Federal, State and local law enforcement to use technology to solve crimes. Any collaborative work with federal agencies will not be at the expense of undocumented individuals.

I will modernize and standardize the charging process to better protect victims' rights, address rising crime rates and efficiently utilize police services. An office under my management will ensure objective and standardized criteria for filing charges for all crimes being prosecuted. It will acknowledge and address issues of implicit bias within that charging process. Police agencies will receive feedback as to how and why charges are being filed, as well as how to improve the law enforcement investigative processes to ensure proper prosecution of crimes. The office will track cases that are prosecuted to ensure that biases that exist are monitored and addressed in real time. I will maintain integrity in the charging process to ensure that the District Attorney's Office will honor victims of crimes and give them their day in court as outlined in Marsy's Law.

I believe the role of the District Attorney should extend beyond prosecution. My district attorney's office will be a leader in crime prevention utilizing the latest technologies, data analytics and community prosecution models to address the rising crime rates through crime prevention and enforcement. Contra Costa County needs a real neighborhood prosecution model. When law enforcement works with the community, it builds trust. A community that trusts law enforcement will work with law enforcement to reduce violence. I will advocate for programs that will coordinate Judges, Defense Bar, Prosecutors, local police agencies, and Community Based Groups to target at-risk populations to find these groups services and break the cycle of criminality.

Through such community programing I will work to implement a variety of alternative sentencing options, treatment and prevention solutions to reduce recidivism for low-level offenders. This is where the court system can become active participants in keeping individuals out of the criminal justice system. Substance Abuse Treatment courts and Mental Health courts are vital parts of a working justice system. Promoting a treatment intervention team within the courthouse can address a variety of root causes for why people find themselves in the justice system in the first place. Alternative sentencing options should include assessing immigration safe dispositions where it is appropriate. As the District Attorney, I believe in policies that provide an environment that supports and maintains the family unit. Restorative justice practices are a component of a successful criminal justice system that encourages positive collaborations between offenders, victims, marginalized communities and law enforcement.

As a county we must actively acknowledge drug abuse as a public health issue. We must build out-of-custody programs for homelessness and those suffering from mental illness in Contra Costa County. We must also acknowledge the need for early intervention for at-risk youth – truancy, gang crimes, substance abuse, cyber bullying, and hate crimes. I want to create alternative sentencing options to steer young adults and other affected populations who find themselves in the criminal justice system toward gang prevention, social services, vocational services, physiological/psychiatric services and much more.

Courts, community groups and local governments can be utilized to expand upon and create crime prevention programs and provide services for crime victims. The LEAD (Law Enforcement Assisted Diversion) program in Antioch has great potential for this level of collaboration. I have studied the success of the original LEAD program for low-level drug and sex trafficking victims in suburbs of Seattle, Washington. In Washington, the LEAD program demonstrated positive effects on recidivism through significant reductions in arrests and felony charges for those participating. Promoting the success of this new program in Antioch and expanding on such programs countywide will be a priority.

The collaboration will continue by providing services for victims of crimes. The Family Justice Center is a positive example of these services extending to victim populations. The District Attorney's Office should step up its leadership role by partnering with participating agencies to bolster programming services and investigative resources through a more robust financial and staffing commitment. The District Attorney's Office should also play an active role with local reentry programs to ensure individuals have the services and support to reenter the community successfully. I support AB 109 re-entry centers. These re-entry centers provide valuable services that support transition from correctional settings to the community. Programs such as REACH or No Wrong Door support positive outcomes for offenders.

To further gain the public confidence, I will be a leader in crime prevention by successfully using data analytics to study crime trends affecting the communities. That's why this county needs a Crime Strategies Unit (CSU). From New York to California, prosecutors' offices are using the crime strategies model. Under this approach, prosecutors work collaboratively with community and law enforcement to identify the places, groups, and people most impacted by crime. By using data-driven prosecution, resources can be best focused to solve, prosecute, and even prevent crimes from occurring. Both San Francisco County and Santa Clara County district attorneys' offices have implemented CSU units to coordinate anti-violence projects based directly on their recent crime trends.

Building and restoring public confidence will not happen overnight. Through comprehensive planning, preparation, leadership, and time, the next District Attorney can immediately demonstrate a commitment to extinguish the old culture and chart a new direction of progressive reform. I believe my ideas and proven leadership will effectuate the needed change in Contra Costa County. I respectfully ask for the opportunity to make this happen.

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**9. Q:** How would you address the mentally ill who are cycling through our justice system?

**A:** Mental illness can and very often does, impact all aspects of a person's life. Unfortunately, some living with mental health disorders find themselves homeless, destitute and more likely to interact with law enforcement and the criminal justice system than receive necessary treatment and support. According to the Stanford Law School Three Strikes Project research report titled "When did prisons become acceptable mental healthcare facilities?" in May of 2017, an estimated 45% of the California prison population is mentally ill. During my career as a prosecutor, I have had direct, personal experiences working with issues of mental health in the criminal justice system. I believe it is possible for criminal justice professionals to actively engage in problem solving and be solution oriented. I would do this by being a proactive collaborator and partner with the law enforcement community, the court system, Department of Behavioral Health, as well as community-based programs to improve positive outcomes for persons with mental illness who interact with the criminal justice system.

As the District Attorney I will actively collaborate with criminal justice partners to support a treatment team, which can provide treatment services in a courtroom environment. This is the Mental Health Court and Drug Treatment Court model. As a supervisor in the Santa Clara County District Attorney's Office, I have direct experience working with such a team. My team and I have worked collaboratively with treatment experts to identify services for individuals with dual and single diagnosis. I have also used data to highlight the needs of the community in transitioning cases involving people with substance abuse illness in the formation of dedicated drug courts that prioritize treatment options.

Mental health and substance abuse is a public health issue. While this county has made positive steps in offering Crisis Intervention Training to law enforcement and forming the Mental Health Evaluation Team by partnering with police agencies and the Department of Behavioral Health, more must be done. The current Contra Costa County Behavior Health court model that services only 20 patients can be improved upon to better serve the needs of the community. A robust understanding of mental health issues with our criminal justice partners must exist. Treatment teams should work together to offer services and support. The goal should be to reduce and eliminate recidivism that is mental health and/or addiction related. The Mental Health and Drug Treatment court models exist throughout the country. I would benchmark best practices and immediately begin working on establishing those practices in Contra Costa County. In addition, I intend to collaborate with the Court, the Probation Department, and the Public Defender's office, to create a pre-trial services system, which includes mental health assistance, for those defendants who are released on bail or their own recognizance, and who would benefit from such services. Aiding defendants in maintaining mental health while their cases are pending will reduce the likelihood of recidivism.

Training for prosecutors in my office on best practices in the understanding of mental health issues and its impact on interactions with the criminal justice system is an absolute critical step in this process. This would involve identifying cases and defendants who can benefit from mental health services to look for outcomes that support positive mental health. This begins with understanding how crime and mental health are linked. Understanding that chronic substance abuse often leads to mental health diagnosis later in life helps to frame options early in the life of a drug user or person with mental illness. While it may not change every path for every person, it will impact the community positively as the system works to divert further interactions with the criminal justice system when possible.

Creating an open dialogue between prosecutors and defense counsel on the subject of dual and single diagnosis mental health disorders to explore alternative sentencing options is also critical. A commitment to collaborative evaluations of cases with a full treatment team (e.g. psychiatric, psychological, social, and drug treatment services) within the criminal justice system can provide individual "wrap around" intervention support. Prosecutors' active evaluation with the facts of a case, while acknowledging perspectives and disciplines beyond their area of expertise, will reform the "crime focused" lens in prosecution. Yes, prosecution of crimes is our role in the Office of the District Attorney, but it is equally important to prevent future crimes by understanding and addressing underlying issues that impact positive life decisions.

The District Attorney's office is not the first responder in the community. Addressing the needs of the mentally ill requires that the DA's office partners and actively collaborates with police agencies on how to identify and interact with people with mental illness. This will include trainings, collaborating on policy, as well as being daily partners in the community. Community prosecution models, expanded training, and fostering a vigorous judicial environment will support improving the criminal justice response to the mental health crisis in our system.

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- 10. Q:** As an attorney, have you ever been sued by a client and/or disciplined or cited for a breach of ethics or unprofessional conduct, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If yes, please provide the details.

A: No, I have never experienced or been the subject of any of the above-mentioned situations.

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**11. Q:** Please describe a difficult situation you encountered in your role as an attorney. Include details about how you resolved the situation and any lessons learned.

A: The hallmark of an effective prosecutor is their ability to encounter difficult situations, prepare for and consider all options, and be ready to try that case under any circumstance. As a prosecutor and supervisor I have encountered many situations that on their surface appeared straightforward but upon further review were more challenging and complex. One such case happened when I was assigned to the Santa Clara County District Attorney's Office Sexual Assault Team. These cases are among the most difficult and challenging to prosecute as they primarily rely upon the testimony of a single witness version of what happened; usually that person is also the victim. In many cases there is no DNA, no additional eyewitness, no video recording capturing the event and no confession by the perpetrator. Long after the healing for the physical trauma ends, the psychological trauma is just beginning. Unfortunately, it is this trauma that poses the greatest obstacle for prosecuting sexual assault cases and as a prosecutor it was my job to manage all aspects of each case to conviction. One case that I handled, between 2006 and 2007, underscored these challenges.

In 2006 I was assigned a case involving a male perpetrator who was charged with multiple counts of rape. The victim in the case, Jane Doe (a pseudonym to protect her anonymity), [REDACTED] a habitual runaway. She lived with her elderly grandparents, her legal guardians, in Santa Clara County. In addition to the sexual assault in this case, she was also previously sexually victimized as a young child. As a result, Ms. Doe suffered from post-traumatic stress and mental health issues. One day in her senior year of high school, Ms. Doe again ran away from home. Ms. Doe spent about three months living on the streets and staying in shelters with 21-year old Smith (a pseudonym to protect confidential information), a friendship she made just prior to running away.

While living on the street, Smith and Ms. Doe became romantically involved. Initially, the relationship involved typical dating behavior but over the course of several weeks in the three-month period Ms. Doe was a runaway, Smith violently raped and sexually assaulted Ms. Doe multiple times. Fortunately for Ms. Doe, Transit Authority Police rescued her during an encounter in which Smith and Ms. Doe attempted to ride the light rail without payment.

Shortly after Ms. Doe's return to her family, she disclosed the nature of her victimization. Ms. Doe's motive for disclosing was based upon Smith engaging in a pattern of stalking behavior that made Ms. Doe fear for her life. Law enforcement investigated and arrested Smith. In the more than one year that followed, Ms. Doe became a reluctant victim. The trauma of the assault coupled with her previous mental health diagnosis made it difficult for her to participate. The case also became a constant reminder of her earlier molestation.

Prior to Ms. Doe turning 18, she remained living with her grandparents. She attended meetings and court hearings with me, investigators and victim advocates. There were points during Ms. Doe's testimony when she would emotionally break down necessitating interruptions in her testimony to allow her to compose herself. Ms. Doe also had trouble remembering details of the events. Ultimately, Ms. Doe's testimony alone was sufficient to hold Smith over for trial. There was no DNA, no physical evidence and no other witnesses to corroborate her testimony.

The challenges of prosecuting a violent sexual assault case based upon the testimony of a single witness who suffers from severe emotional trauma predating the crime and is experiencing memory blocks regarding specific aspects of their abuse would make any case tough to prosecute. In the months that followed, this case became exponentially more difficult when Ms. Doe's whereabouts became unknown. Following the preliminary hearing Ms. Doe turned 18 and moved out of her grandparents' house. Unbeknownst to investigators or myself, Ms. Doe left the State and the only lead we had on her location at the time was that she had family in the Portland, Oregon area. With an upcoming trial date, investigators and I focused on two tasks, finding Ms. Doe and investigating the crimes further to corroborate her sexual assault.

Throughout the ensuing months, my DA investigator and I used phone records from telephone numbers Ms. Doe used to periodically check in with family. We used the phone records to identify people and places in the greater Portland area where she was staying and associating. We were always days behind her last known sighting. The investigation finally yielded a valid connection and contact was made. We were able to persuade Ms. Doe to return to California. Eight weeks out from the trial, I obtained special permission from my office to access special witness funds to cover witness travel costs, per diem and lodging at a nearby hotel until after the trial. My investigator and I maintained daily communication to ensure we did not lose Ms. Doe again.

As the location search continued we also proceeded with our investigation of Smith. Contributing to our exigency to find Ms. Doe was a previously undiscovered and startling fact about Smith. Through subpoenaed court records, I discovered that Smith had previously sexually assaulted a close family member. The original investigating detectives were not aware of this fact. This provided the corroboration for Ms. Doe's testimony. We located the second victim and arranged a meeting to discuss the need for her/his testimony. While initially reluctant to be in the same room with Smith again, after our meeting the second victim understood the importance of coming to court and agreed to share his/her story of abuse to a jury.

In the fall of 2007, Smith's sexual assault case went to trial. As the trial unfolded and Ms. Doe courageously testified against Smith, reliving the trauma became too much and Ms. Doe came under the emergency care of a doctor who declared her unable to resume the trial. A mistrial was declared and my office made the decision not to retry the case because of Ms. Doe's fragile emotional state moving forward. However, realizing the potentially devastating testimony of Smith's second victim in conjunction with Ms. Doe's emotional testimony during the trial, Smith agreed to admit to the sexual assault of Ms. Doe and accepted a 25-year prison sentence. Prior to Ms. Doe's testimony and without the corroboration of the second victim, Smith was unwilling to accept any settlement offer.

The lessons that I learned from this case are life long. I believe that most DA's offices would have abandoned this case when Ms. Doe testified initially, as she was such a shaky victim, or when she left the State at age 18. I learned to trust my training. It helped me to understand how to work with victims who suffer from psychological trauma and how critical it was to her for the system to not give up on prosecuting this case. Whether or not she was able to see this case through to the end, it was important that it did have an end for her. It was also vitally important to protect the community from a serial sex offender. I cannot underscore the impact this case has had on the responsibility I feel in my job.

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**12. Q:** Please describe the most significant and complex legal matter you have handled, your role in the process, and the outcome.

**A:** Throughout my 19-year career as a prosecutor, I have found myself involved in many significant cases (e.g. homicides and sexual assault crimes), as well as complex legal matters (e.g. multi-codefendant gang and major drug trafficking investigations). Combining the two criteria for purposes of this question, the most significant and complex legal case I have handled while a prosecutor was the investigation and prosecution of *People v. Apolinar Dagio Huerta*, also known as Operation Poly.

In November of 2010, agents with the San Jose Resident Office of United States Drug Enforcement Administration and detectives with the San Jose Police Department contacted me as a member of the MNVP unit and coordinator of the District Attorney's office wiretap program to initiate a joint state wire investigation into a violent large scale methamphetamine manufacturing and distribution cell led by Apolinar Dagio Huerta. This case was titled Operation Poly, "Poly" being the moniker for Huerta. This group was directly linked to the Mexico-based Javier Valencia drug trafficking organization (DTO), which in turn was allied with the powerful Michoacan-based "La Familia" drug cartel and its splinter organization, the Los Caballeros Templarios "Knights Templar" cartel. Huerta was based in Mexico, where he orchestrated large-scale methamphetamine shipments through Los Angeles to drug labs in the Central Valley and on to destinations throughout Northern California and other states. Huerta

was in regular contact with the leaders of the Valencia DTO, which is believed to be one of the largest methamphetamine suppliers to California.

As I was drafting wiretap applications with the case agents in January of 2011, our investigation revealed that Huerta was tasked by the cartel to collect a million dollar drug debt owed to the organization by a local nightclub owner, an associate drug trafficker. Huerta planned a kidnapping of the bar owner and hired multiple gunmen to effectuate the abduction. During the intended kidnapping, the bar owner resisted and a shootout occurred in the nightclub resulting in the death of three individuals. Given the rarity of such violent cartel activity in San Jose, the SJPd was under pressure to solve this case. Following the incident, Huerta fled to Mexico, where he continued his drug trafficking operations from afar.

In February of 2011, the first of a series of wiretaps prepared by the case agents and myself went live involving Huerta and one of his top lieutenants. The intercepted wiretap calls provided immediate valuable intelligence into the drug trafficking activities, as well as evidence to Huerta's involvement in the bar shooting. Within the first 12 hours of the wiretap, we learned of a 22-pound shipment of methamphetamine, valued at over \$250,000. During many of the early intercepted telephone calls, Huerta admitted to his role in the triple-murder and implicated additional co-conspirators involved in the bar shooting. Prior to the wiretap, case agents and I initially developed our investigation with surveillance, phone records analysis, and through extensive interviews of Confidential Informants (CI).

Early on, the use of our comprehensive investigative techniques, including the wiretap technology assisted us in identifying numerous criminal associates, vehicles, phones and suspected "drug stash" locations. We also passed along leads to the DEA Los Angeles Field Division to expand the scope of the investigation and seized multiple drug shipments based on wire intercepts and other intelligence. Throughout the investigation, the case agents and I coordinated extensively with SJPd, DEA Special Operations Division (SOD), Homeland Security Investigations (HSI), and the DEA offices in Fresno, Modesto, Los Angeles, and Mexico City.

The investigation lasted nearly a year and the case involved wiretapping 10 separate phone lines from Santa Clara County used by nine different drug traffickers in Huerta's organization. A total of 16 wiretap applications, which included several thirty-day extensions for the phones, were employed. Search warrants and subpoenas were used to obtain phone records for extensive phone call analysis, cell tower and GPS phone tracking information, installation of GPS vehicle trackers, and historical research through extensive record checks on housing, credit card information and utilities. With these methods, as well as extensive coordination with allied agencies, case agents and I were able to identify numerous cartel members, phones, vehicles, addresses, their distribution networks and methods, and ultimately interdict substantial quantities of drug and money shipments while in transit from Southern California to Fresno, Modesto, San Jose, and Fremont.

We identified several of Huerta's customers who, in an attempt to evade law enforcement, used fictitious addresses and monikers. During the investigation, Huerta tried to further evade law enforcement by continuously changing his phone numbers. Through a variety of investigative measures and legal processes, we continually conducted routine phone analysis to repeatedly identify Huerta's new phone numbers. This investigation dealt a serious blow to Huerta's cell and its operations, as well as to the Valencia's cartel network. The drug seizures themselves equaled nearly \$700,000.00 in lost revenue for the cartel. In addition, the vehicle seizures and arrests of the numerous cartel members who were involved in either the transportation, manufacturing, or distribution of drugs, the collection and transportation of drug proceeds, or enforcement for the cartel, are believed to have dealt a massive blow to the cartel's bottom line. This was reflected in intelligence gathered during the investigation that indicated Huerta's superiors in Mexico were growing increasingly frustrated with the repeated seizures of his drug shipments, Huerta's botched kidnapping to collect the owed drug debt and that Huerta was becoming increasingly more desperate. Further, the seizure of the methamphetamine laboratories would have further impeded the cartel's ability to generate income by forcing it to find replacement locations and re-establish the laboratories.



As mentioned above, the case agents and I worked many nights and weekends for about one year to investigate the homicide and drug investigation. In preparing the wiretap applications, I drafted and reviewed prior to the court's review all 16 wiretap applications, wiretap extension applications and wiretap progress reports for the court's approval. These legal documents totaled several thousand pages justifying probable cause for the electronic surveillance. I also drafted and reviewed dozens of search warrants and probable cause affidavits for GPS location information for suspect's telephones, GPS vehicle trackers for suspect's vehicles, and various other record information assisting the investigation.

In October of 2011, the DEA, San Jose Police Department, Santa Clara County District Attorney's Office and other assisting agencies coordinated a planned takedown of the investigation by servicing search warrants on twelve different locations. About two weeks before the scheduled takedown, I worked with case agents to comb through thousands of pages of police reports for the drug/homicide investigation to review autopsy records, photographs, wiretap telephone calls, and/or surveillance records on all identified suspects to determine the appropriate crimes to charge and seek arrest warrants. Prior to takedown, I filed criminal charges against fourteen people for drug trafficking offenses and five people for the triple murder. I also reviewed all of the same information for purposes of generating a comprehensive search warrant for eleven different locations for the takedown day. The logistics surrounding the simultaneous service of the search warrants was extremely labor intensive. After the takedown, law enforcement executed fourteen arrests, the seizure of over 60 pounds of methamphetamine, four methamphetamine laboratories, various quantities of cocaine and other drugs, six vehicles with hidden compartments, and a little more than \$137,000.00 in US currency.

Two of the five murder suspects were also arrested at the time of the takedown. Huerta, and two additional co-conspirators for the murder were outstanding after the investigation ended. In addition to being the investigative legal partner to the case, I was also responsible for seeking extradition of Huerta and his associates on the murder charges from Mexico. Prior to the takedown I coordinated with the U.S. State Department in Washington DC and the United States Attorney in the Northern District to obtain a Provisional Arrest Warrant (PAW) for Huerta in Mexico. This PAW had to be obtained quickly in order to have it in place in time for DEA Mexico City Country Office to arrest Huerta at the same time. Once again, I had to distill thousands of pages of investigative documents, reports, and wiretap calls in formats unique to the extradition process to be review by U.S. and Mexico officials. While we were successful in obtaining the PAW, Huerta slipped through our fingers and we were unable to arrest him in the Fall of 2011.

Following the successful investigative results, the prosecution of the arrested fourteen defendants on the drug case and two in custody defendants on the murder case, *People v. Apolinar Dagio Huerta et al. (Operation Poly)* was still awaiting me. I spent the first few months organizing and distributing hundreds of thousands of pages of discovery to all of defendants on the bifurcated cases. This included investigative reports, all affidavits, wiretap documents, and DVD's that included days of video surveillance. It also included CDs containing thousands of telephone call intercepts, transcripts for the telephone all intercepts, photographs, lab reports, crime scene reports, witness interviews, autopsy/coroner reports and much more.

Between October of 2011 and May of 2013, I made several dozen court appearances on the case litigating bail reduction motions on sixteen defendants. There were discovery motions, and preliminary challenges to the car stops, probable cause searches, searches pursuant to search warrants, wiretaps and ping orders. By itself, this case by scope, complexity and seriousness was a full time undertaking. At the time I was also managing a full time caseload of other complex narcotic conspiracy cases, including the 18-defendant cocaine and aggravated kidnapping case entitled *Operation Pato* discussed earlier in this application.

After successfully resolving a few of the fourteen defendants charged in the drug case, in October of 2012, I presented the remaining defendants to the criminal grand jury. I made the decision to go by way of grand jury to avoid an even more lengthy and

arduous preliminary hearing, which would waste judicial resources and occupy a criminal courtroom for an extended length of time. This was an ambitious presentation to the Grand Jury. The compositions of the remaining defendants were among the most serious. In a three-week presentation, I called fifteen witness and presented days of wiretap evidence to the grand jury. I ultimately received an "as charged" indictment return on all seventeen counts for the remaining defendants. Ultimately, the Grand Jury decision resulted in all of the defendants pleading guilty leaving only Huerta and other homicide defendants remaining for prosecution. Huerta's top lieutenants running the cartel cell in Santa Clara County received sentences of 10 years in state prison.

During that same time I also handled all court appearances and hearings for the two defendants charged with murder. I prosecuted the bar-shooting homicide case until my promotion to management in May of 2013. In August of 2013, while transitioning the case to the newly assigned prosecutor, I received word from the U.S. State Department that Huerta was arrested on crimes committed in Mexico and on the Santa Clara County murder charges. When a suspect is arrested on a PAW, the prosecuting agency only has 60 days from the date of arrest to conduct a "trial on paper" to the Mexican authorities for purpose of extradition.

A "trial on paper" is essentially submitting sworn witness affidavits, photos and other evidence to a magistrate in Mexico for purposes of determining Huerta's guilt to approve the extradition back to the U.S. I had to prioritize Huerta's extradition over my other responsibilities to meet the extradition timetable. This labor intensive process required me to again distill all facets of the triple homicide case – investigative reports, autopsy/coroner and wiretap calls – to establish Huerta's role as the orchestrator of the attempted kidnapping of the bar owner. The more difficult part of the "trial on paper" process involved summarizing California criminal law for the Mexican judge and having all of the generated documents translated into Spanish. After two months of coordination with U.S. and Mexican officials, Huerta's extradition to the U.S. was approved. Presently, the in custody murder defendants are still awaiting trial.

While an MNVP attorney, I prosecuted many complex conspiracy, gang, cartel and violent criminal gangs. Each case I handled was uniquely complicated and significant in its own right. Both the investigation and the prosecution of Operation Poly required extensive coordination with law enforcement personnel, use of technologies, legal processes and substantial litigation in and outside of the court.

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**13. Q:** What is the size of the population/client base served by current employer?

A: I currently work for the District Attorney of Santa Clara County. The county seat is in San Jose, the country's 10th most populous city, and the 3rd largest in California. According to the US Census Bureau, the County's estimated 2015 population is 1,918,044 residents. It is the sixth largest county in California.

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**14. Q:** To whom do you currently report, by title?

A: I work for the elected District Attorney of Santa Clara County [REDACTED]. I currently and directly report to Assistant District Attorney [REDACTED] by chain of command and ADA Welch reports to Chief Assistant District Attorney [REDACTED].

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**15. Q:** What number of staff are employed by current employer?

A: The District Attorney's Office of Santa Clara County is made up of a total of 602 personnel – 185 attorneys, 154 support staff, 124 bureau of investigation personnel, 36 paralegal, 63 crime lab personnel, 29 victim witness personnel, 9 management information systems personnel, 1 public information officer and 1 graphic designer.

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**16. Q:** What number of staff do you currently oversee (direct and indirect)?

A: I currently oversee 17 attorneys, 4 support staff, and 2 paralegals as part of the Narcotics Prosecution Team.

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**17. Q:** What is the largest number of staff you have overseen, and where?

A:

The largest number of staff that I have overseen is in my current position as the Supervising Deputy District Attorney for the Narcotics Prosecution Team in Santa Clara County.

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**18. Q:** What is your current employer's operating budget, in dollars?

A: The District Attorney has \$138 million dollar budget.

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**19. Q:** For what portion of budget are you responsible, in dollars?

A: The Narcotics Prosecution Team has a personnel budget of approximately \$6 million dollars. While my team has access to the bureau of investigation, business services, victim-witness services, crime lab and management information services, the personnel and budget do not fall under my purview.

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**20. Q:** What is the largest budget you have ever been responsible for, and where?

A: I have been responsible for many budgets since 2009. The Asset Forfeiture Prosecution Team manages over 4 million in assets. The team budget for the Narcotics Prosecution team is about \$6 million, of which I manage the personnel within the budget, not the budget itself. Between 2009 -2014 I managed the Santa Clara County Anti-Drug Abuse Grant for the SCCDA's Office Narcotics Team. That budget changed yearly however during that 5 year period, the average budget was about half a million dollars. Most recently, I managed a budget for the county sponsored Silicon Valley Marijuana Awareness Conference that had a budget of \$70,000.

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**21. Q:** I certify that I meet the announced requirements for this examination and understand that I will be eliminated at any stage in such examination if it develops that, in fact I do not meet them. I further certify that all statements made in this supplemental questionnaire and the application are true and I agree and understand that misstatements or omissions of material facts will cause forfeiture of my rights to employment with Contra Costa County.

A: Yes



**CITY OF CAMPBELL**  
Police Department

May 23, 2017

[REDACTED]  
Santa Clara County District Attorney's Office  
70 West Hedding Street, West Wing  
San Jose, CA 95110

Dear [REDACTED]:

I would like to take this opportunity to recognize and thank Deputy District Attorney Dana Veazey and Supervising District Attorney Patrick Vanier for their outstanding work and determination in the successful prosecution of Dr. Jasna Mrdjen.

This complex case involved a medical doctor illegally prescribing Oxycodone and other prescription drugs, and whose actions directly resulted in the death of one of her patients. As you can imagine, this was a complicated investigation and prosecution, but [REDACTED] and Patrick were absolutely stellar throughout the entire process.

The case started in 2011, when a Campbell Police officer conducted a vehicle stop and obtained information regarding the illegal acts of Dr. Mrdjen. The case was turned over to SCCSET and Dr. Mrdjen was subsequently arrested for conspiracy to sell controlled substances, overprescribing, and manslaughter for the overdose death of one of her patients.

This was a complicated case for a variety of reasons, not the least of which were the legal hurdles involved with searching a medical office. From early on in the investigation, SuDDA Vanier and DDA [REDACTED] worked closely with investigators and provided assistance with search warrants, legal issues related to privacy and physicians, the filing of the case, and other questions that arose along the way.

Over a period of six years, DDA [REDACTED] demonstrated amazing dedication by keeping in contact with investigators who changed assignments, tracking down witnesses who had moved, and working closely with coroner's offices in two

different counties. DDA [REDACTED] managed to keep this case organized with hundreds of medical records and expert witness testimony of a highly technical nature. Most importantly, DDA [REDACTED] served as the constant point of contact for the family of the deceased victim. It is clear that her skill in this capacity made a true difference for a grieving family.

SuDDA Vanier displayed incredible knowledge and guidance in this case over many years. His expertise and abilities were apparent throughout, and our investigators commented that his steadfast determination and support were instrumental in ultimately bringing justice to the victim(s) and their families. The prosecution of this case came to a conclusion on Friday May 19<sup>th</sup>, 2017, with the sentencing of Dr. Jasna Mrdjen, who pled to all counts as charged.

I would like to personally thank both SuDDA Vanier and DDA [REDACTED] for some impressive work and their commitment to this case over many years.

Sincerely,

[REDACTED]  
Chief of Police



**CITY OF CAMPBELL**  
Police Department

October 6, 2016

[REDACTED]  
Santa Clara County  
District Attorney's Office  
70 W. Hedding Street, West Wing  
San Jose, California 95110

[REDACTED]  
I am writing to express my appreciation for the assistance that Supervising Deputy District Attorney Patrick Vanier provided this past Tuesday evening. With less than one week's notice, Patrick was able to clear his schedule and prepare a special presentation for a Campbell City Council Study Session.

As you may be aware, there is currently a ballot initiative being proposed that would allow medical marijuana dispensaries to operate within the City of Campbell. I thought that it would be beneficial for the Campbell City Council to be presented with all the relevant information prior to making a decision on how the City should proceed. We immediately thought of Patrick, knowing that he is a leader within the County when it comes to the various issues associated with medical marijuana.

The presentation that Patrick gave was both informative and impactful. His willingness to make this happen on a Tuesday evening for our city is truly a testament to his dedication and commitment to the region. As a result of his impressive performance, the Council came away with a clearer perspective of the issues associated with medical marijuana.

Patrick is an outstanding representative of your office, and I truly appreciate you allowing him to be a part of the dialogue in Campbell.

Sincerely,

[REDACTED]  
Chief of Police



# CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION

921 11th Street, Suite 300 • Sacramento, CA 95814 • [REDACTED] • www.cdada.org

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JOYCE DUDLEY  
Santa Barbara County

KEVIN DUNLEAVY  
Alameda County

MICHAEL FRAWLEY  
Ventura County

LARRY D. MORSE, II  
Merced County

NANCY O'MALLEY  
Alameda County

CAMERON PAGE  
San Bernadino County

VERN PIERSON  
El Dorado County

ANNE MARIE SCHUBERT  
Sacramento County

MIGUEL VALDOVINOS  
Madera County

February 8, 2013

Patrick Vanier  
Santa Clara County  
Deputy District Attorney  
70 West Hedding Street West Wing  
San Jose CA 95110

Dear Mr. Vanier:

On behalf of the California District Attorneys Association, I wish to thank you for presenting at the 2013 Winter Workshop in Indian Wells last month. Your presentation entitled *The Strategic Use of Wiretaps* contributed to an exceptional educational experience for workshop attendees.

CDA relies heavily on the willingness of its members to contribute their time, experience and expertise by presenting at our programs. Thank you again for being one of them.

Sincerely,

Chief Executive Officer

WST:lh

cc:

District Attorney  
Santa Clara County

CHIEF EXECUTIVE OFFICER



U. S. Department of Justice  
Drug Enforcement Administration  
San Francisco Field Division  
450 Golden Gate Avenue, 14th Floor  
San Francisco, CA 94102

[www.dea.gov](http://www.dea.gov)

[REDACTED]  
Santa Clara County District Attorney  
70 West Hedding Street, West Wing  
San Jose, CA 95110

APR 1 2009

Dear Ms. Carr:

On behalf of the Drug Enforcement Administration (DEA), I want to express our sincere gratitude to your office and staff for the hard working and outstanding support provided to the DEA San Jose Resident Office (SJRO) during the Jose Vargas-Alvarez investigation, as well as all the other investigations worked jointly between our two agencies. Specifically, I'd like to commend Assistant District Attorney (ADA) [REDACTED], Supervising Deputy District Attorney (DDA) [REDACTED], DDA [REDACTED], and DDA [REDACTED].

ADA Sinunu-Towery fostered the strong relationship between our two organizations, she has developed an excellent relationship with all the SJRO agents, and was always willing to assist us on any cases we brought to your office. Despite her heavy work load, ADA [REDACTED] gave each case the necessary attention, applying her outstanding legal skills in every investigation. ADA [REDACTED] also initiated interest from your office regarding the Vargas-Alvarez investigation and subsequently brought it to your office.

During the Vargas-Alvarez investigation, DDA [REDACTED] was helpful in assisting with the wire intercept affidavits and DDAs Vanier and [REDACTED] were outstanding in their enthusiastic and steadfast support of the investigation. DDAs Vanier and [REDACTED] were completely dedicated to the investigation and demonstrated their superb legal skills while assigned to the case. They worked tirelessly and never quit when faced with operational or logistical obstacles. During the takedown operations, in addition to carrying out their own duties, they effortlessly assisted the agents in the office, even with the most mundane and tedious tasks. They helped whenever they saw a need. We are truly honored to work with such an outstanding team and we look forward to working future investigations with them.

Sincerely,

[REDACTED]

Special Agent in Charge



# County of Santa Clara

Office of the District Attorney

County Government Center, West Wing  
70 West Hedding Street  
San Jose, California 95110

www.santaclara-da.org



July 3, 2017

Contra Costa County Board of Supervisors  
Supervisors Candace Andersen, Diane Burgis,  
John Gioia, Federal Glover and Karen Mitchoff  
651 Pine Street  
Martinez, California 94553

Re: Appointment of Patrick Vanier as Contra Costa County District Attorney

Dear Supervisors,

As the [REDACTED] of Santa Clara County, I strongly support the appointment of Patrick Vanier as Contra Costa County District Attorney.

I have known Mr. Vanier since he joined the Santa Clara County DA's Office as a Deputy District Attorney in 2006. He had previously worked for seven years in the Contra Costa DA's Office. Mr. Vanier is an outstanding prosecutor – honest, smart, hardworking, tough, and compassionate.

In 2013, I promoted him to Supervising Deputy District Attorney of the Narcotics Team where he currently leads a group of more than a dozen prosecutors and support staff. Under Mr. Vanier's leadership, the Narcotics Team has cracked down on large scale drug traffickers, while working with the court and public defender's office to provide more treatment options for drug addicts.

Mr. Vanier enjoys an excellent reputation throughout the criminal justice system. He is a fair, pragmatic and progressive leader who listens to everyone, and brings people together to tackle difficult problems and make things better.

If you have any questions, please contact me. I'd be happy to chat about Mr. Vanier.

Sincerely,

[REDACTED]

[REDACTED]

# Patrick John Vanier



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<b>Objective</b>	To secure the Board of Supervisors' appointment for the vacant position of Contra Costa County District Attorney.
<b>Education</b>	Juris Doctorate – John F. Kennedy University School of Law – 1998. Bachelor of Science, Business/Accounting – San Francisco State University – 1995. Bachelor of Arts, Political Science – University of California, Irvine – 1991.
<b>Professional Experience</b>	<p><b><u>Deputy District Attorney – Office of the District Attorney, Santa Clara County, California.</u></b></p> <p><b><u>January 2006 – present.</u></b></p> <ul style="list-style-type: none"><li>▪ May 2013 – Present – Supervisor Narcotics Prosecution Team.</li><li>▪ January 2009 – April 2013 – Narcotics Prosecution Team/MNVP Unit.</li><li>▪ May 2006 – January 2009 – Sexual Assault Unit.</li><li>▪ January 2006 – May 2006 – Burglary, Assault &amp; Theft (BAT) Team.</li></ul> <p><b><u>Deputy District Attorney – Office of the District Attorney, Contra Costa County, California.</u></b></p> <p><b><u>January 1999 – January 2006.</u></b></p> <ul style="list-style-type: none"><li>▪ January 2002 – January 2006 – Narcotic Prosecution Unit.</li><li>▪ July 2001 – December 2001 – Juvenile Prosecution Unit.</li><li>▪ July 2000 – June 2001 – Felony Trial Unit.</li><li>▪ January 1999 – June 2000 – Misdemeanor Prosecution Unit.</li></ul>
<b>Prosecutorial Experience</b>	<p><b><u>Narcotics Prosecution Team:</u></b></p> <ul style="list-style-type: none"><li>▪ Supervising Deputy District Attorney May 2013 – present.</li><li>▪ Assistant Team Leader January 2011 – May 2013.</li><li>▪ MNVP Unit prosecutor January 2009 – May 2013.</li><li>▪ Currently supervise a team of 23 personnel - 17 deputy district attorneys, 4 support staff members and 2 paralegals.</li><li>▪ Created and implemented a confidential informant management system – 2013.</li><li>▪ Managed Drug Treatment Court from 2013 to present.</li><li>▪ Managed Mental Health Treatment Court from 2013 to 2015.</li><li>▪ Updated Santa Clara County Child Abuse Protocol pertaining to drug endangered children – 2014.</li><li>▪ Organized Immigration Safe Drug Diversion Program Pilot Project – 2015.</li><li>▪ Managed DA's Office wiretap program January 2009 to present.</li><li>▪ Managed Anti-Drug Abuse Grant from 2009 to 2014.</li><li>▪ Coordinated, reviewed and/or drafted more than 100 wiretap applications since 2009 involving murder, major narcotic and gang crime investigations.</li><li>▪ Reviewed and drafted more than 500 search warrants and other legal processes permitting the use of technology to further law enforcement investigations.</li></ul>

**Patrick Vanier  
Prosecutorial  
Experience  
(Continued)**

- Managed a variety of data collection projects – 2013 Audit and reorganized team responsibilities and personnel objectives; 2013 Analysis of Preliminary Hearing Settings and Continuances in Drug Court; 2014-2015 Statistics on Marijuana Prosecutions in Santa Clara County; 2015-2017 Inequitable Implementation of Prop 47 in HOJ Misdemeanor Departments and the Effect on Drug Treatment.
- As a supervisor and/or line prosecutor I have worked with the following teams, units or task forces within Santa Clara County: Santa Clara County Specialized Enforcement Team, Unified Narcotics Enforcement Team, U.S. Drug Enforcement Administration San Jose, California Department of Justice South Bay Metro Task Force, Department of Homeland Security Investigations San Jose, Federal Bureau of Investigation Campbell Office, Alcohol Tobacco and Firearms San Jose, Santa Clara County Violent Gang Task Force, San Jose PD METRO Team, San Jose PD Gang Intelligence Unit, San Jose PD Gang Suppression Unit, Santa Clara County Human Trafficking Task Force, REACT Task Force, RATTF Task Force, Santa Clara County Department of Probation, Santa Clara County Sheriff's Office Marijuana Eradication Team and Multi-Jurisdictional Methamphetamine Enforcement Team, Santa Clara County SAFE Task Force, Gilroy PD Anti-Crime Team, Santa Clara PD Special Crimes Action Team (SCAT) and Special Enforcement Team (SET), Northern California High Intensity Drug Trafficking Area (HIDTA)/Northern California Regional Intelligence Center (NCRIC).
- As a supervisor and/or line prosecutor I have worked with a variety of local, state and federal agencies outside of Santa Clara County.
- Developed county protocol for Use of Eavesdropping Devices in Barricade and Hostage Situation pursuant to Penal Code 633.8 - 2012
- Directed the creation of the District Attorney's Office wire room – 2012.
- Managed the Santa Clara County Anti-Drug Abuse Grant for the SCCDA Office Narcotics Team – 2009 to 2014.
- Successfully implemented Prop 47 for the Narcotics Team – 2015-2017.
- Participated in the County Marijuana Working Group, which drafted and advocated for ordinances regulating marijuana collectives, cooperatives, personal use cultivation and dispensaries in the city of San Jose and unincorporated Santa Clara County – 2014 to 2017.
- Assisted with office sponsored legislative proposals regarding marijuana DUI and sentencing enhancements for drug labs near occupied buildings.
- Coordinated the investigation and prosecution of the largest and most serious narcotics cases ever prosecuted in the District Attorney's Office.
- Trained law enforcement and prosecutors in the following areas: Wiretap law, Legal Updates, Cal ECPA, Informant Management, County Protocol for the Use of Eavesdropping Devices for SWAT and Hostage Negotiators, Basic and Complex Narcotic Investigations and Proposition 64.
- Organized the Santa Clara County Marijuana Awareness Conference September 8-9, 2016, Santa Clara Convention Center.
- Prosecutorial responsibilities as a DDA on the team included prosecuting vertically assigned cases from issuing to trial including presenting cases to grand jury, preliminary hearings, law and motion for vertically assigned cases, drafting and review of search warrants and coordination of discovery and follow-up investigation.

### **Sexual Assault Unit**

- Prosecuted sexual assault cases involving adult and child victims from preliminary hearing to trial.
- Most of the cases involved life top charges or allegations under Penal Code sections 269, 288.7 or 667.61 (b)-(e).
- Other responsibilities on the team included case issuing, liaison with victims and witnesses, law and motion for vertically assigned cases, drafting and review of search warrants and coordination of discovery and follow-up investigation.

### **Burglary, Assault & Theft (BAT) Team**

- Prosecuted a variety of general felony crimes from preliminary hearing to trial.
- Cases included the following: gross vehicular manslaughter, home invasion robbery, bank robbery, robbery involving the personal use of a firearm, arson, felony driving under the influence and PC 245 related offenses.
- Other responsibilities included case issuing, preparation of search warrants, ERCs, and law and motion.

### **Professional Awards**

San Jose Police Department George W. Kennedy Excellence in Prosecution Award – 2017.  
California Narcotics Officers' Association 2015 State Prosecutor of the Year.  
Santa Clara County Employee Excellence Award April 2011 – Board of Supervisors.  
California Narcotics Officers' Association 2010 Region 1 Prosecutor of the Year.

### **Professional Memberships**

National Asian and Pacific-Islander Prosecutors' Association  
California Bar Association.  
California District Attorneys' Association.  
California Narcotics Officers' Association.  
Contra Costa Bar Association.