



OFFICE OF THE  
DISTRICT ATTORNEY  
Lake County

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The Honorable Richard C. Martin  
Presiding Judge, Lake County Superior Court  
255 No. Forbes Street  
Lakeport, CA 95453

Dear Judge Martin,

Contained herein is the response by the District Attorney of Lake County to the 2009/2010 Grand Jury Final Report.

Unfortunately, many of the Grand Jury's Facts are misstated. Apparently, someone took partial notes that were not complete and became misunderstood. The Grand Jury committee was not told that the "department's policy and procedures are reflective of Los Angeles County's policy and procedures." I started my career in the Los Angeles Public Defender's Office and began learning the criminal justice system there. I am not aware of any Los Angeles County policy and procedures and do not reflect any of those here in the Lake County District Attorney's office. Nor did I claim to have expertise from being President of the National District Attorney's Association. I have never been an officer, let alone President of the NDAA. I have been a member, and have been a trainer and on the faculty of the National College of District Attorneys since 1986. I have learned a lot from my years of talking shop with prosecutors from all over the country. I might have mentioned, in my meeting with the Committee, that I also learned a lot from California DA's when I was the Executive Director of the California District Attorneys Association.

The Asset Forfeiture attorney was not a new attorney hired for that function, but was newly assigned and specifically trained in that area to handle the Asset Forfeiture cases and train the agencies in the legal procedures. There is no secure storage facility for seized assets, and that was pointed out as an issue for future seizures of anything large enough to require storage. There are not "still some problems to be addressed concerning Narcotics Task Force finances." There are still cases where the forfeiture procedures are pending, and those will continue to be dealt with in the legal system, but that does not make them "problems."

It is not true that "There is not enough work for an in house team regarding White Collar crimes." The contrary is true, there is more work than our staff can handle with current staffing. It is true that "There is no money in the budget to fund a white-collar task force."

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The District Attorney did not receive an elder abuse grant that "repaired a small shed at the rear of Victims Witness property which is currently used for confidential interviews." We tore down an old shed and built, with the help of the community and many service clubs, with both donations and labor, along with inmate labor, and no grant funds whatsoever, a state-of-the-art Multidiscipline Interview Center (MDIC). That new facility is used for confidential interviews that allows the participation of multiple law enforcement agencies and social services while reducing the trauma to child victims and elder victims and other victims by having only one interviewer conduct the videotaped interview.

I do not believe that a win/loss ratio in the criminal justice system is not important. I do not focus on a win/loss ratio for our trials. I believe that our willingness as a DA's office to take cases to trial boosts our credibility with the defendants and defense attorneys and results in fewer cases going to trial, overall, and results in a higher "win/loss ratio" overall in our conviction rates as a percentage of the cases we file. I also believe that it is important for our attorneys to get experience in going to trial, or we will not have them trained to handle the serious cases that are a threat to the safety of our community. Our goal is not to "provide a training ground for new attorneys," it is to provide training to all of our attorneys so that each of them can handle the difficult conditions they work under, and the difficult cases which threaten public safety. When we achieved a 97% conviction rate in all DUI's filed and finished in 2007, I wasn't going to criticize an attorney for losing a DUI jury trial that was difficult. I would praise the attorney for having the guts to try to get the right result in spite of the degree of difficulty, and seek to turn the case into a learning experience for the future.

With respect to the findings of the Grand Jury, I agree with the first one that the "Lake County DA's office does not have a manual for policies and procedures."

I disagree with the finding that "Financial problems still exist from previous administration concerning asset forfeiture and seizure." There are still cases pending in the legal process from before my term began, but that does amount to "financial problems."

I disagree with the finding that "Progress is being made toward improving the handling of asset forfeiture and seizure." The proper handling of asset forfeiture and seizure was achieved in 2009, and no further improvement is needed. The proper handling needs to continue to be norm, and efforts will always be needed to keep up with the latest changes in the law and procedure and the training of new personnel in law enforcement agencies who are assigned responsibilities in that area.

I agree with the finding that the budget cannot afford a white collar task force at this time.

I don't know what the Grand Jury means by their finding that "The Lake County DA's Office is a training ground for new attorneys." If they mean that we are only able to attract mostly new attorneys and then we insist on training them to do their jobs, then I agree. If they mean it in the perjorative sense that we only bring new attorneys here to train them to go elsewhere to work, then I disagree. A high rate of attrition is normal in this business, and Lake County, historically, has had a pretty high rate of turnover.

However, in my four year term, we have only had two attorneys leave, and each did so based on financial reasons. That is a huge reduction of turnover.

With respect to the recommendations, the first, that a manual be placed in force for the Lake County DAs Office for policies and procedures, that will not be implemented because it is not warranted and is not reasonable. There is nothing offered to suggest that a manual is needed or that one could be adopted that would have any impact on the work done in the office or be effective. There is already a Lake County Policies & Procedures Manual that governs the entire county with respect to working as a county employee. There are internal written policy memos within the DA's office that apply to certain procedures that involve the different functions in the office, but there is no need demonstrated to change any of those or add others and organize them into a manual. The time it would take to create a policies and procedures manual, which none of the employees would have time to read, would be taken away from the valuable functions of managing the day to day work of the office. This really is a philosophical difference in management beliefs and opinions. My opinions have been formed by 40 years of working in this criminal justice system, and my observations over the years tell me that creating a manual for this office would be a colossal waste of time. If a new DA disagrees, then they might create one.

The second recommendation, to continue to work on solutions to financial problems, has already been implemented and has been in practice my entire term in office.

The third recommendation, to continue improving the department, has also already been implemented and will continue for the balance of my term.

The fourth recommendation, to pursue all avenues for funding of a white collar task force such as grants, will not be implemented during 2010 because this must be pursued by the new District Attorney who takes office in January of 2011. I am not aware of any grants that are currently available, and, additionally, any grants must be signed by the person who promises to carry out the objectives and goals of the particular grant.

The fifth recommendation, to hire more experienced attorneys and / or intensify training, cannot be implemented and therefore will not be. There are no openings for attorneys, even if we could attract attorneys that are more experienced, so none can be hired. The training provided the attorneys presently cannot be intensified because of the budget restrictions on the number of trainings per year per attorney. Longer times away from the office for more trainings would complicate the problem of attending the cases and the courts with less attorney time to devote to them. The workload does not diminish or get handled by someone else in the absence of attorneys. The two management level attorneys in the office will continue to personally coach and provide training to the attorneys as we have always done. It will not be more intensive than it has been.

Sincerely,



John E. Hopkins  
District Attorney, Lake County