

TRANSPARENT JUSTICE:

SANTA CLARA DISTRICT ATTORNEY JEFF ROSEN

Santa Clara County District Attorney Jeff Rosen oversees the largest prosecutor's office in Northern California. His office serves 1.8 million people. The DA's office has 550 employees, 190 of whom are deputy district attorneys. The office prosecutes approximately 40,000 cases each year. From Palo Alto to Gilroy, Rosen makes sure that his office serves well the diverse populations of 15 cities. We interviewed him for this issue to learn from him about the DA's office and how it connects with the community.

The DA's office reflects the community

J.R.: Our office should reflect our community. Our community is made up of many Asian Americans, Latinos, and many other nationalities. There are many languages spoken in the DA's office. We have 5 community prosecutors who spend most of their time in community centers with neighborhood groups trying to solve problems such as vandalism, trespassing, drugs, prostitution, homicide, and drunk driving. They are embedded in the community. I encourage more of our prosecutors to be more involved and become part of the community.

Equal Justice

J.R.: The founding fathers in this country believed in equality under the law: to treat everyone equal and fair whether he or she is white, black, Asian, Jewish, a new immigrant, or someone who has

been here for a long time. This is a powerful idea. In the DA's office, we try to promote and reflect that value. We model that behavior in all the decisions we make to give people that confidence and trust in their government.

I believe if the government is not fair or honest, no part of the country will be. No part of any country where the government is corrupt and business is honest. If the government is not honest, no one can be.

Transparency

J.R.: We work very hard in this office to let people know what we are doing, and why we are doing what we are doing. We don't mind being criticized; we have very few secrets, and we like it that way. It helps to promote confidence, especially when we serve an area of many immigrants from all over the world.

They may come from countries that are in many respects different from the US. They have different attitudes about government and police, about prosecutors of the government, and the justice system. It requires affirmative steps made by the government to tell people what we do and why we do it.

Community Service is an Extension of our Job

J.R.: Many of the prosecutors in this office volunteer in the community. They take leadership responsibilities in the community.



We are fortunate to have them. For example, The National Asian Pacific Islanders Prosecutor's Association (NAPIPA) was established by the prosecutors in the DA's office to educate and help the Asian American population to understand our justice system and their role in the system. They also mentor young people from the Asian community to consider being prosecutors as their career.

We cannot succeed without the Community: The case of domestic violence

J.R.: There has been the issue of under reporting of domestic violence incidents in the Asian community. To solve the problem, several of our prosecutors who speak Asian languages went on radio and TV to talk about domestic violence issues and how to confidentially and safely report domestic violence incidents to the

police. They also explains what services are available to help the victims of domestic violence. There are in-house victim services in the DA's office. They are effective and beneficial in providing counseling, housing support and restitution for victims of domestic violence.

We have to reach out to those who don't report cases of domestic violence, we have to reach out to them. We have established Family Justice centers, which are one-stop shops where one can get information about immigration, family law matters, restraining orders, housing assistance, reporting a crime, and learn how to talk to a police officer, how to work with law enforcement, and information regarding T Visas and U Visas. These offices offer local people a chance to ask for help without having to go to our office in San Jose.

Our first Family Justice Center in Morgan Hill has been very successful, and is partnered with the Community Solutions Organization. The second Family Justice Center in Sunnyvale is partnered with the YWCA. Our third Family Justice Center is partnered with the AACI (Asian American Community Involvement), and is located on Story Road, in the heart of San Jose.

There are many family law attorneys and immigration law attorneys who volunteer their time to serve those who need help. It will open September 17, 2015.



To best do our job, we need the support of many organizations and people. We cannot do these things alone. With the help of different local organizations, we can and we will continue to reach out.

The Cold Case Unit, Conviction Integrity Unit, and Crime Intelligence

The Cold Case Unit

After DA Rosen was elected, he established a unit in the office to be dedicated full time to cold cases. There have been 250 unsolved murder cases in the County when the unit started. Since the creation of this unit, it has solved 6 cases.

J.R.: To be able to solve any unsolved murder cases is a very fulfilling experience. In the case of homicide, someone has been killed. Someone's whole world has been changed. The friends and families of these victims never forget that. People in the justice system and I don't forget that. The families are grateful for our work to see that justice is done.

The Conviction Integrity Unit

J.R.: This unit looks ensures with our best effort not to wrongly accuse any innocent people. Any justice system that involves human beings can have human errors. There are two ways mistakes can be made: the first mistake is when the guilty person was not caught or was acquitted by the jury.

The second kind of mistake is when someone who didn't commit a crime was convicted. Our country's justice philosophy has a very important value: it's better for ten guilty men to go free than for one innocent man to be convicted. We are very concerned that we convict the guilty and only the

guilty.

It is very rare that we convict an innocent person, but we have. When we find out that we have convicted the wrong person, we have to free that person, expunge their conviction, and apologize to that person. Our Conviction Integrity Unit is made up of attorneys who help us make sure that we did not convict an innocent person.

This unit also help us to work with eyewitnesses. We use a double blind method to talk to an eyewitness, the person from this unit who questions the eyewitness does not know the suspect nor have any idea who the suspect is. This way they can avoid making suggestions to the eyewitnesses or influence their decisions.

In this office, we celebrate prosecutors who get convictions of a difficult case and we also celebrate prosecutors who have found innocent people being wrongly convicted.

Crime Intelligence

The DA's office runs a high quality crime lab which is nationally accredited. It provides services to all agencies dealing with crime in Santa Clara County, such as the police department, the Department of the Sheriff, as well as the Coroner's office. The 50 scientists of the crime lab work tirelessly to provide sound and scientific analysis of physical evidence from a crime.

Their services include controlled substance analysis, firearms analysis, DNA analysis, toxicology, trace evidence, digital multi-media analysis, and many more. It helps the prosecutors to accurately define crime evidence and bring the real

criminals to justice. It analyses thousands of crime items a year.

Attract and Retain Talant

J.R.: Our office is in an excellent community, a place of high achievement. Everyone that works here is an A student and they do A quality work.

We have 190 prosecutors. Our prosecutors tend to stay here for a long time. Unlike working in a law firm, there is no competition for opportunities between the prosecutors. Our office promotes people or gives people assignments based on meritocracy. Many languages are spoken in the DA's office.

Although we have certified interpreters, our staff can speak Spanish, Chinese, Vietnamese, Korean, Tagalog, Hindi, Bengali, etc. People feel more comfortable to talk to someone who speaks their language or looks like them. We try to move people to different assignments in their career to keep them interested and fresh. It's called cross training; it helps our staff to expand their knowledge and develop their community understanding.

The process of getting hired into our office is very rigorous. When we hire someone, we are committed to help them succeed. The new attorneys who are hired are assigned to senior lawyers who are mentors but not their supervisors. These mentors act as their big brothers or sisters.

Prosecutors who succeed in this office need to work hard and help each other. They can ask people for help and they also must help others. Helping other people will advance the individual. For those who create negative competition or are unwilling to help others, they

will not succeed here.

The Next Frontier

There are four jails in the County managed by the Sheriff's Department. They are: the main jail in San Jose, the Elmwood jail in Milpitas for medium to lower level offenders, a Juvenile Hall in San Jose and the Ranch in Morgan Hill for juvenile offenders. The recent death of an inmate at the San Jose jail allegedly by its correction officers called for an investigation by the Sheriff's department as well as a major focus from other departments. What does DA Rosen think of the current situation in our jails?

J.R.: We should not make the conditions in jails and prisons harsh and miserable for the inmates. It's counterproductive. That is not an American value. We have already punished those who committed crimes by isolating them from their community. We don't need to make their living situations terrible. Despite the fact that some of the prisoners are violent and dangerous, some people in jail have just made bad choices. They can be salvaged and it's humane to salvage them.

Many of the prisoners in jail still want to be part of our community. They don't want to feel forgotten and they want to be able to succeed when they leave the prison. However, they don't all succeed when they get out of jail. Some do commit crimes again. But if someone gets out of jail, finds a job, becomes successful, and stops committing crimes again, that's great achievement for that person, for his family and friends as well as for our justice system.

We should use our jails and prisons as a way of helping people, to give

them a chance to reflect on what they did, hold them responsible for what they did, so when they leave, they don't go back.

There are two million prisoners in our country. Keeping them locked up is expensive for the taxpayers. If we send people to prison only to have them keep coming back, that's a waste of our resources. It is also very sad because they are our fellow Americans, they have mothers, fathers, families, and children just like us. We put people in jail or prison to help them to have a chance to reflect on what they have done and hopefully to change them. Our goal is not to have them get out and come back.

Our lawyers have visited the jails. Starting in January 2016, we will visit prisons. Prisons are located in faraway places. Our prosecutors need to have an idea of what happens there and what doesn't happen there. They need to know when we prosecute someone where we are sending that person.

No More Public Visitation

Due to resource constraints, the Santa Clara County jails will no longer allow public visitation.

J.R.: I believe that if more people visited our jails and prisons, these facilities would be different from how they are now. Instead of putting the prisons in faraway places, if they were built in Palo Alto, or Cupertino, in the center of Silicon Valley, the people living in these cities would not want horrible conditions in their community. Then our community will begin to care about the people in jail and prison, and when we begin to care and help the inmates in jail or prison, our community will win and we can reduce crime.