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CONFLICT OF INTEREST

In 1997, a citizen was arrested and in the process of the arrest and arraignment, the complainant alleged conflict of interest, corruption-misuse of office, and conspiracy to defraud on the part of the former Deputy District Attorney.

Reason for Investigation

The Grand Jury received a citizen's complaint.

Method of Investigation

The Grand Jury interviewed the complainant and five past and present members of the District Attorney's Office, as well as defense attorneys and Probation Court Officers. All attorneys interviewed were questioned for their familiarity with conflict of interest rules and guidelines and were also presented with a standard set of hypothetical scenarios to determine the consistency of responses.

The Grand Jury reviewed the case file of arrest and court proceedings and all documentation including video tapes provided by the complainant. The Grand Jury also reviewed the California Code of Ethics, the District Attorney's Policy and Procedures Manual, and the Attorney General's Conflict of Interest guidelines. Newspaper archives were searched back to 1996 for reports of conflict of interest issues.

Findings

1. The Grand Jury found, based on all the information presented, no evidence of conflict of interest, misuse of office, nor conspiracy to defraud by the former Deputy District Attorney who prosecuted the case.

Response (Board of Supervisors): The Board neither agrees or disagrees with this finding.

2. Based on the documents and official records reviewed, the account of the arrest, trial and conviction offered by the complainant was not supported.

Response (Board of Supervisors): The Board neither agrees or disagrees with this finding.

3. The new Policy and Procedures Manual developed by the District Attorney in 1999, contains specific conflict of interest guidelines that are understood by Deputy District Attorneys.

Response (Board of Supervisors): The Board agrees with this finding.

4. State standards and Code of Ethics were in place in 1997 and were well known and understood by those Deputy District Attorneys interviewed. Both in 1997 and currently when questions of ethics or conflict of interest arise, Deputy District Attorneys seek guidance from senior staff members.

Response (Board of Supervisors): The Board agrees with this finding.

Recommendations

1. The District Attorney's Office continues to maintain a high level of awareness regarding conflict of interest.

Response (Board of Supervisors): The Board agrees with this recommendation. The District Attorney has developed a Policy and Procedures Manual that details the Conflict of Interest Code.

2. The quality and utility of the District Attorney's Policy and Procedures manual are exemplary; all County Departments should have current, active manuals.

Response (District Attorney): The District Attorney's Office agrees with this response. Under this administration all prosecutors are held to a high standard of professional ethics. For this reason, a Policy and Procedures Manual was developed. Furthermore, any case for which there is a question or an appearance of a conflict is referred to the Attorney General. If that agency feels a conflict exists, it will take over the prosecution.

This office thanks the Grand Jury for the written compliments.

Response (Board of Supervisors): The Board agrees with this recommendation and will encourage all departments to update and/or develop a comprehensive policy and procedures manual.

Response Required

Mendocino County District Attorney
Mendocino County Board of Supervisors