

Prosecution & Public Rights Unit 2022 Annual Report

Alameda City Attorney's Office



Introduction

Mission Statement

The Prosecution and Public Rights Unit of the Alameda City Attorney's Office represents the People of the State of California in misdemeanor criminal matters. The Unit is further charged with bringing affirmative litigation in response to violations of consumer protection and fair housing laws, and protecting consumers against fraud and unfair business practices. City prosecutors are dedicated to promoting and improving public safety and the quality of life in Alameda, through the fair, compassionate and effective administration of justice.



Introduction: Meet the team



Introduction:

Meet the team

- Julia Gonzales, Chief Assistant City Prosecutor
- Montague Hung, Assistant City Prosecutor
- Hannah Nead, Deputy City Prosecutor
- Grecia Perez, Deputy City Prosecutor
- Adam Radinsky, Special Counsel
- Samantha Gatton, Legal fellow
- Elizabeth Martinez, Paralegal
- Rico Fenix, Paralegal





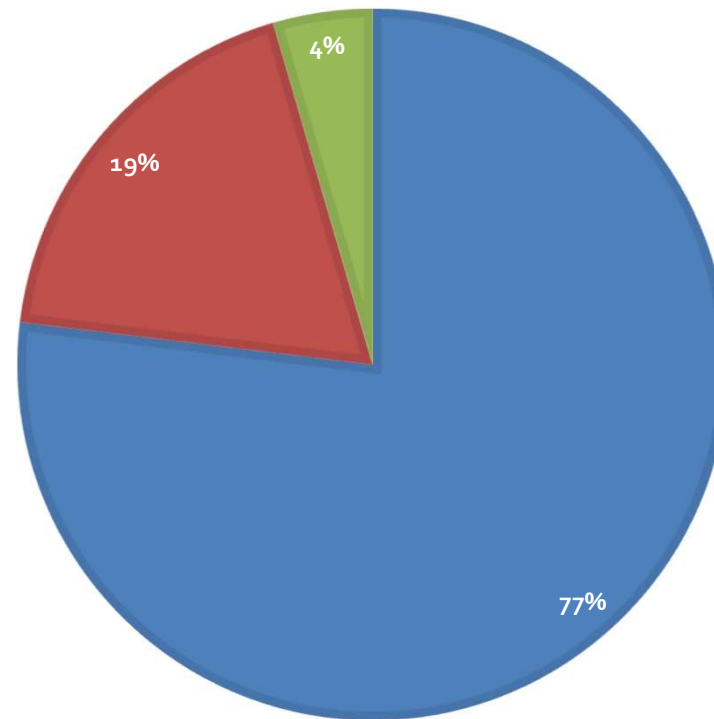
Unit Activity – Fair Housing & Consumer Protection

By the
numbers –
2022 Inquiries
from Public

Total: 641

INQUIRY BY TYPE

■ Telephone (493) ■ Email (119) ■ Written Complaint (29)



Community Outreach:

News publications

[HOME](#)[NEWS](#)[SUBMISSIONS ▾](#)[HISTORY](#)[ADVERTISE](#)[ABOUT](#)[SEARCH](#)[CONTACT](#)[SUBSCRIBE](#)

CITY ATTORNEY'S OFFICE LAUNCHES EDUCATION AND MEDIATION SERVICES FOR LANDLORDS AND TENANTS

Thursday, February 3, 2022 Sun Staff Reports

The Prosecution & Affirmative Litigation Unit of the Alameda City Attorney's Office has launched a pilot program to provide education and mediation services for landlords and tenants on a wide range of housing issues.

On Nov. 2, 2021, the Alameda City Council unanimously directed the City Attorney's Office, in partnership with the Rent Program, to establish a pilot program to assist both landlords and tenants with their housing needs. As part of this program, Paralegal Rico Fenix will be dedicating his time to work on housing issues in Alameda — helping to educate residents about the law, and mediating conflicts where appropriate.

Fenix is expected to partner with the Rent Program to provide workshop-based education to landlords and tenants on a monthly basis and take point in hosting the city's annual Fair Housing Conference. He will take inquiries from landlords and tenants, provide both proactive and responsive education about applicable state and local housing laws, and engage in neutral mediation where appropriate.

Fenix will be supported by Assistant City Attorney John Le and Special Counsel Adam Radinsky.

"I am excited to take charge of this pilot program and serve both landlords and tenants in the City of Alameda," said Fenix.

"A critical tool in combating the current historic statewide housing and homelessness crisis is to maintain housing stability for existing residents," said City Attorney Yibin Shen. "Since the launch of our Prosecution & Affirmative Litigation Unit in early 2020, our enforcement experience has shown that education and mediation can be valuable tools to create mutual awareness between landlords and tenants and avert unnecessary conflict and litigation. I applaud the council's wisdom in choosing to direct additional resources to support housing stability in Alameda."

The Alameda City Attorney Office's Prosecution Unit resolves consumer protection, labor, and fair housing issues through education and public outreach. When appropriate, the unit enforces these laws to protect the public from unfair and unlawful practices.

The Alameda City Attorney's Office's Prosecution Unit was established by the City Council in 2019 and reaffirmed by the voters in 2020. For more information or to report an issue, contact the Prosecution Unit at 510-747-4772 or email cityprosecutor@alamedacityattorney.org.

Community Outreach:

News publications

Press releases on notable cases and news items

- Filing and resolution of lawsuits to enforce housing laws
- Launching new office programs
- City laws and Council actions relating to housing and consumer rights

Community Outreach:

News publications

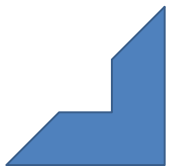
Recurring columns in local newspaper on housing and consumer issues

- “No Time To Deny” (Source of income discrimination)
- “Up In Smoke” (Residential smoking laws)
- “When The Lights Go Out” (Disruption of utilities)
- “Bad Romance” (Tenant harassment)

Community Outreach:

Fair Housing Workshop April 19, 2022

- 7 guest speakers
- 68 members of the public attended
- Topics included:
 - Source of income discrimination
 - Fair Housing laws
 - Covid rules and regulations
 - Bay Area legal resources
 - Q & A session



Fair Housing & Consumer Protection:

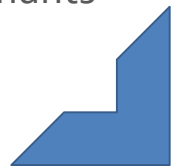
Sample cases

Source of income discrimination

- After investigating a complaint by a rental applicant, the Unit confirmed that a landlord was advertising a vacancy but prohibiting Section 8 applicants.
- Unit Action: We compelled the landlord to change its practices and pay a \$10,500 penalty to the applicant and the City.

Tenant harassment

- Landlord entered tenants' unit without notice or permission, and tried to harass them into vacating.
- Unit Action: Filed enforcement action against landlord for illegal harassment. Case resolved with \$70,000 in restitution to tenants and cost recovery for the City.



Fair Housing & Consumer Protection:

Sample cases

Wrongful Eviction

- A landlord attempted to evict two units by withdrawing the property from the rental market, but without following the rules. One tenant claimed owner reneged on buyout promise.
- Unit Action: Prevented improper evictions and successfully mediated buyout dispute, with that tenant vacating in exchange for payment.

Temporary Relocation

- Tenants refused to vacate their unit for owner to perform overdue plumbing repairs, due to distrust and dispute over lodging and other relocation details.
- Unit Action: After successful mediation, tenants were relocated to temporary housing while owner performed needed repairs.



2022 – Case Resolutions

Successful Mediations: 10

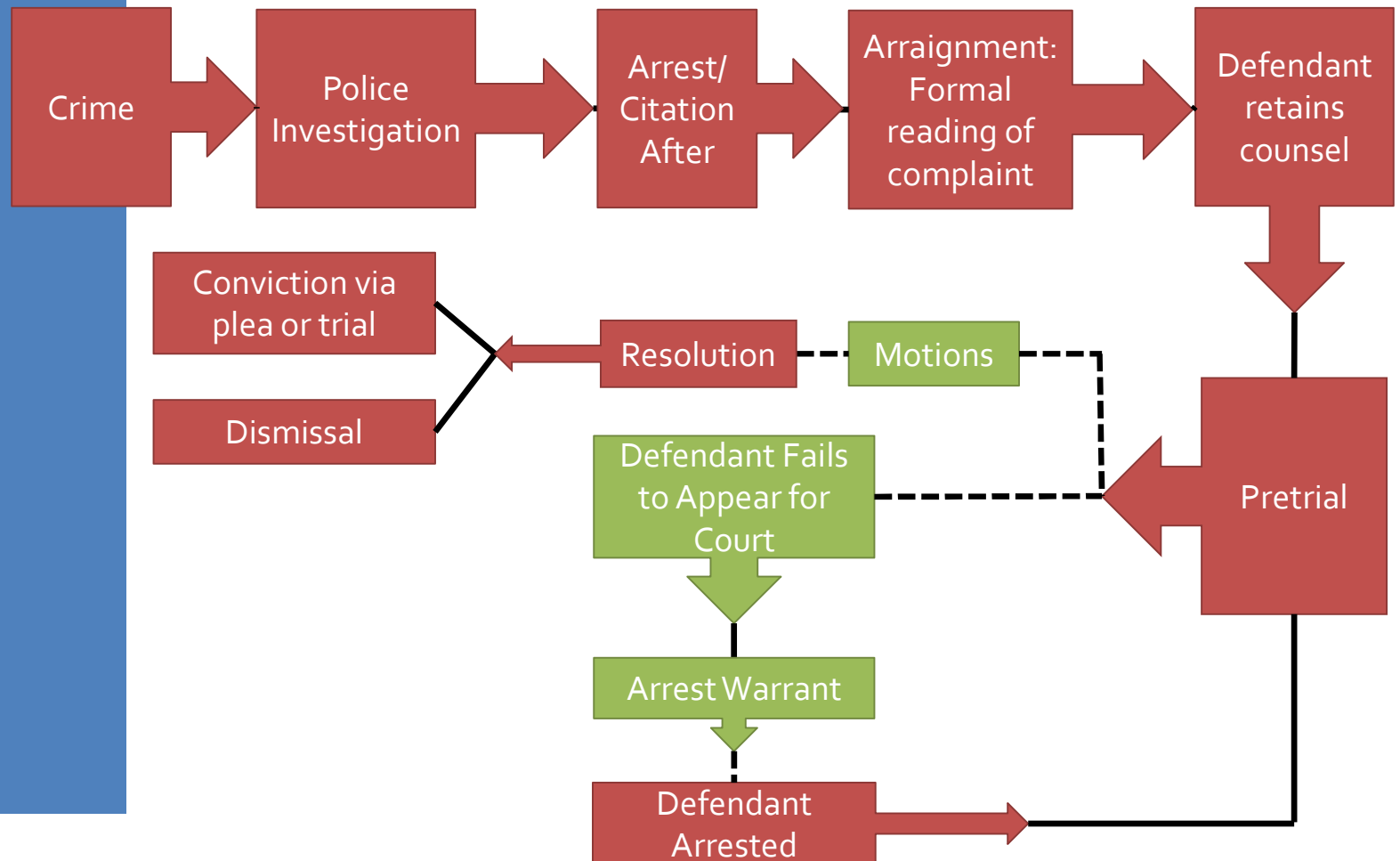
Other Complaint Resolutions: 9

Enforcement Actions Filed: 2



Unit Activity – Criminal Prosecutions

Overview of the criminal process



Types of Offenses

Crimes against person

- Battery
- Criminal threats
- Weapons & Firearms
- Sex offenses
- Child Abuse
- Domestic Violence

Crimes against property

- Theft/Grand theft/Mail theft
- Embezzlement
- Vandalism
- Trespass
- Commercial Burglary

Crimes against state

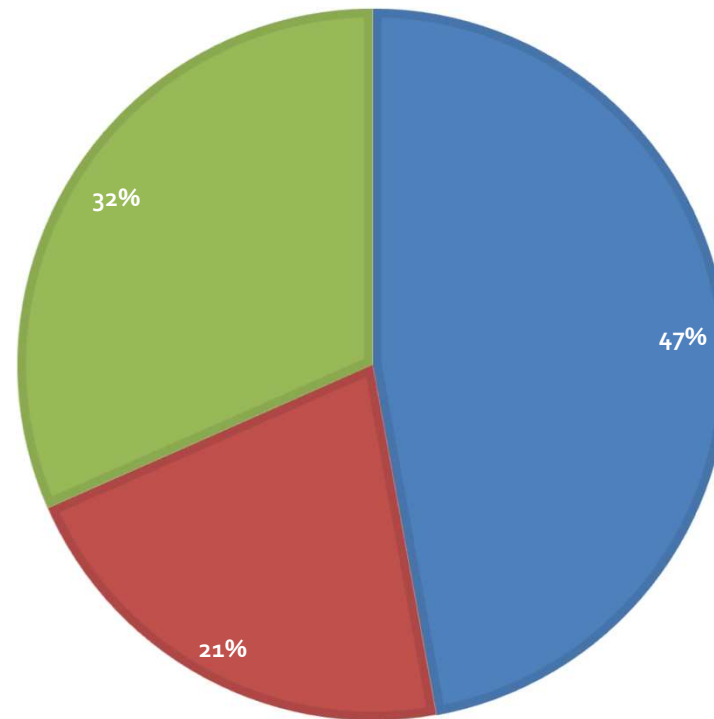
- Driving Under the Influence
- Court order violations
- Peace disturbance
- Possession (drugs)
- Status-based sex offenses

By the
numbers –
2022 cases
reviewed

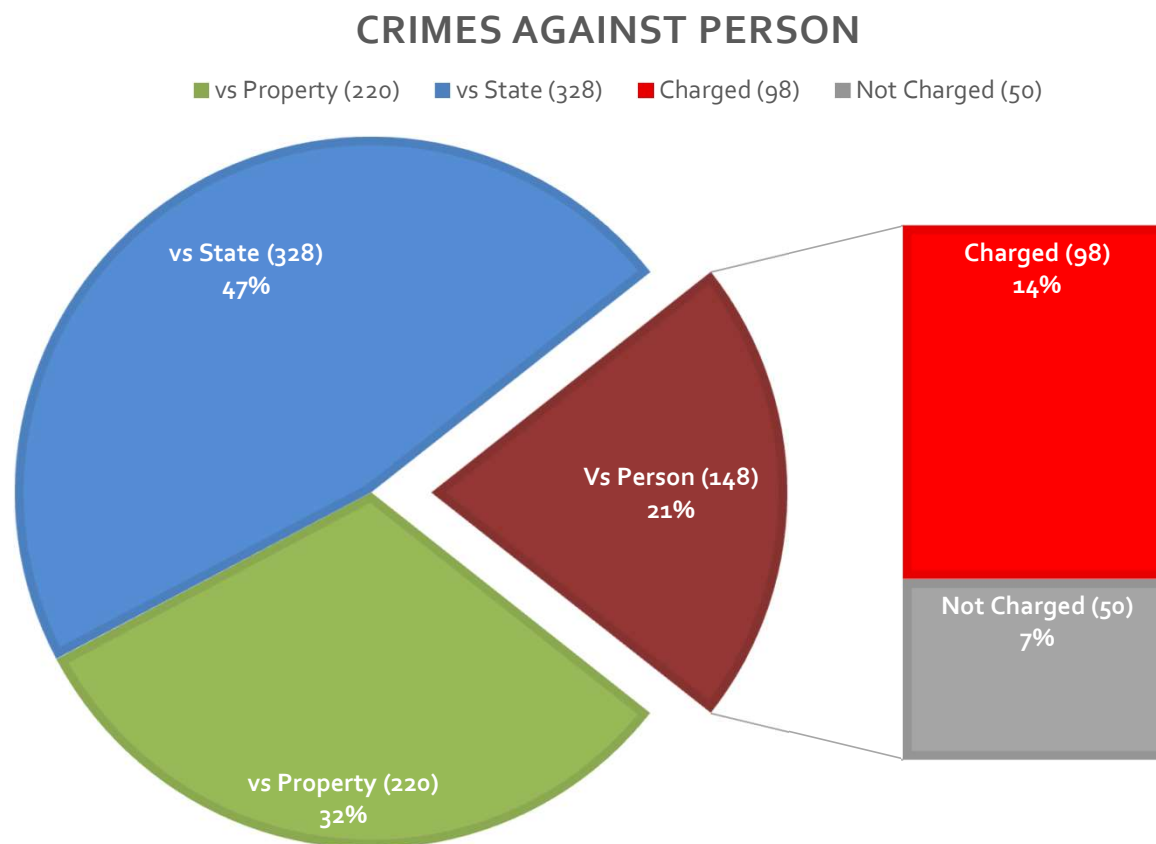
Total: 698

CASES REVIEWED BY TYPE

■ vs State (328) ■ vs Person (148) ■ vs Property (220)



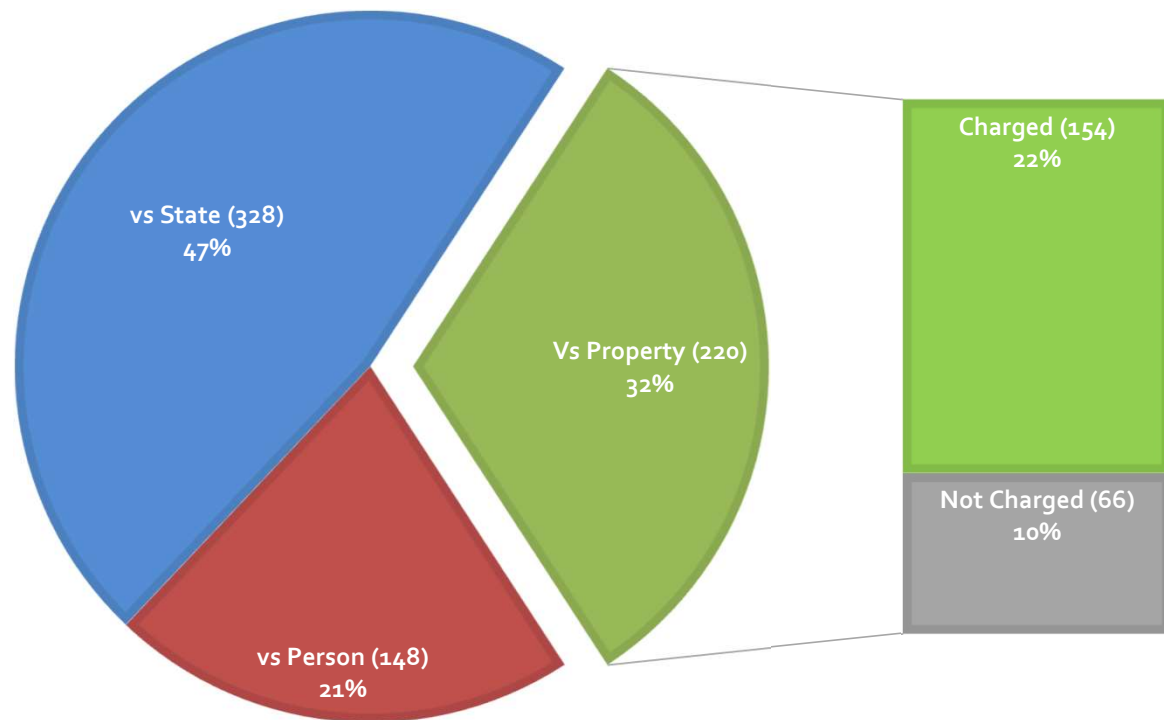
Cases
reviewed:
against Person



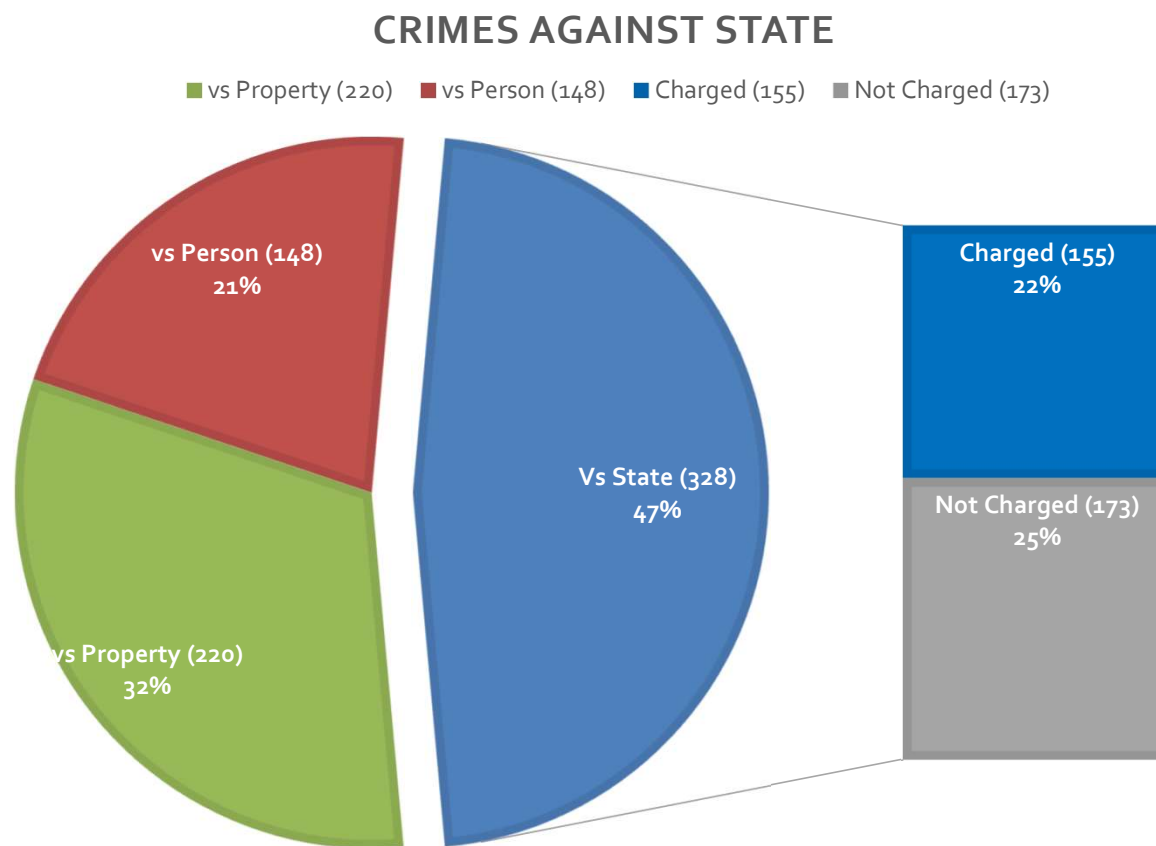
Cases
reviewed:
against
Property

CRIMES AGAINST PROPERTY

■ vs Person (148) ■ vs State (328) ■ Charged (154) ■ Not Charged (66)



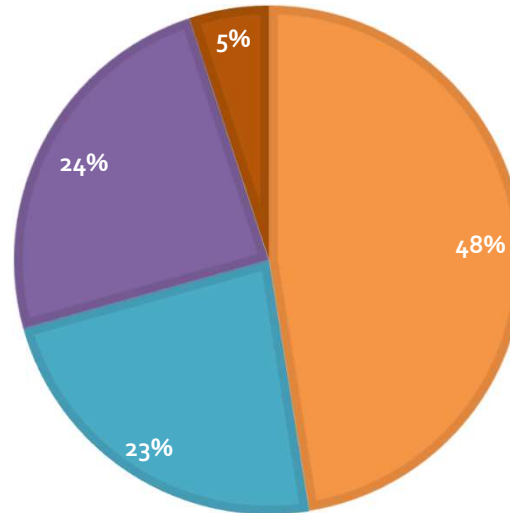
Cases
reviewed:
against State



By the numbers – 2022 Active Cases vs. Resolutions

TOTAL CASES: ACTIVE VS. RESOLUTIONS

Active Cases (254) Convictions (124)
Dismissals/Aquittals (130) Probation Violations (27)



- Current active cases: 254, as of January 2023
- Total case Resolutions: 281
 - Convictions: 124
 - Dismissals: 130
 - Probation Violations: 27

Comparison:

Year x Year Unit totals 2020-2022

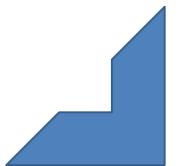
- Yr 2020 – total cases reviewed: **220**
 - Yr 2021 – total cases reviewed: **454**
 - Yr 2022 – total cases reviewed: **698**
 - **317%** increase from 2020 baseline & **153% increase** from 2021
-
- Yr 2020 – total resolutions: **69**
 - Yr 2021 - total resolutions: **111**
 - Yr 2022 - total resolutions: **281**
 - **407%** increase from 2020 baseline & **253% increase** from 2021



Criminal:

Significant Convictions

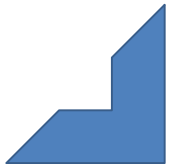
- *People v. Chin*, Docket # 20-CR-007040
 - Driving Under the Influence resulting in collision (Vehicle Code Section 23153(a)).
 - **Resolution:** 3 days jail; 3 years probation; 9 month driving under the influence school ordered; \$3,826.67 in restitution ordered for victim; fines & fees.
- *People v. Katdare*, Docket # 21-CR-000048
 - Sexual battery (Penal Code Section 314.4) requiring 10 year sex registration
 - **Resolution:** 1 day jail; 1 year probation; 10 year sex offender registration; 10 hours sex abuse counseling ordered; defendant ordered to stay 100 yards away from victim; fines & fees.
- *People v. Hooper*, Docket # 20-CR-016098
 - Lewd conduct in Public (Penal Code Section 647(a))
 - **Resolution:** 1 day jail, 1 year probation; fines & fees.



Criminal:

Significant Convictions

- *People v. Santos*, Docket # 21-CR-011900
 - Assault /w Deadly Weapon (Penal Code Section 245(a)(1))
 - **Resolution:** 48 days jail; 1 year probation; defendant restricted from owning, using, or possessing weapons; defendant subject to search of weapons by law enforcement; 26 narcotics anonymous classes ordered; criminal protective order for victim; defendant to stay out of Alameda Point Collective locations; fines & fees.
- *People v. Watson*, Docket # 21-CR-010979
 - Assault /w Deadly Weapon (Penal Code Section 245(a)(1))
 - **Resolution:** 18 days jail, 1 year probation; defendant restricted from owning, using, or possessing weapons; defendant subject to search of weapons by law enforcement; 20 anger management ordered; criminal protective order for victim; fines & fees.



2023 – Looking Ahead

- Expand Housing Mediation program for landlords and tenants
- Conduct Fair Housing Conference in April of 2023
- Further Integration with the Rent Program
- Onboard new Victim Notification Policy to connect assigned prosecutor to victim within 48 hours of Arraignment
- Onboard new *Brady* Compliance Policy to ensure the prompt disclosure of any police misconduct information to defense
- Expand training in and prosecution of domestic violence cases, elder abuse cases, and sex offense cases
- Expand capabilities in reviewing and charging in-custody criminal cases
- Expand permanent prosecutor presence at Alameda Police Department to enhance collaboration
- Increase collaboration with the District Attorney's office



Contact

Alameda City Attorney's Office's
Prosecution & Public Rights Unit

(510)-747-4772

cityprosecutor@alamedacityattorney.org.



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