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## Commands

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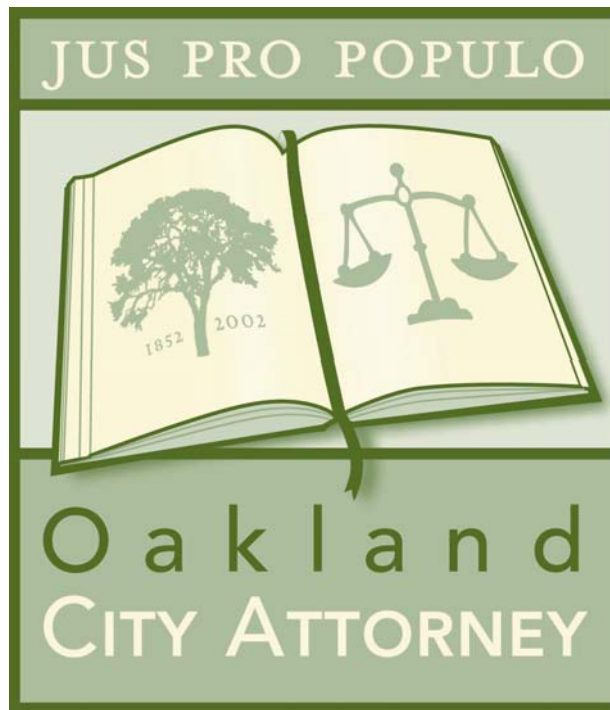
The Special Prosecution Team is headed by Deputy City Attorney Rocio Fierro (email [rfierro@oaklandcityattorney.org](mailto:rfierro@oaklandcityattorney.org)).

One prosecutor is assigned to each of the Oakland Police Department's three area commands.

- Area 1:** North/West Oakland
- Area 2:** Fruitvale/Central Oakland
- Area 3:** East Oakland

## SPECIAL PROSECUTION TEAM

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The City Attorney's Special Prosecutors are available to speak to Neighborhood Crime Prevention Councils & at other community meetings.

For more information:  
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*Oakland City Attorney's Office*

# SPECIAL PROSECUTION TEAM

- *Prosecuting misdemeanors & quality-of-life crimes*
- *Working with the community to solve chronic problems*
- *Fighting to make a difference in our neighborhoods*



**JOHN A. RUSSO**  
**OAKLAND CITY ATTORNEY**

**CALL: (510) 238-3601**

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*Jus Pro Populo: Law in Service of the Public*

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## Quality-of-Life Crimes Matter

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In Oakland, felonies and major crimes are prosecuted by the Alameda County District Attorney.

Starting this year, the Oakland City Attorney's Office is partnering with the District Attorney to step up prosecution of misdemeanors, infractions and "quality-of-life" crimes.

With approval from the City Council, the City Attorney's Office created a new **Special Prosecution Team (SPT)**.

Working closely with the community, the Special Prosecution Team targets pervasive misdemeanor crimes that, left unchecked, degrade the social and economic life of our community and invariably contribute to more serious crime, fear and disorder in our city.

The unit focuses on the crimes such as:

- Prostitution
- Disturbing the peace
- Vandalism
- Graffiti
- Disorderly conduct
- Drug-related offenses
- Cruelty to animals
- Illegal dumping

In addition to three criminal prosecutors, the team includes one civil attorney assigned to clean up or shut down nuisance bars and liquor stores that too often act as hubs of crime and blight in Oakland.

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## In the News

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### **Crossing into Criminal (excerpt)** *The Recorder* April 17, 2009

In Oakland, where a recent traffic stop turned into a gunfight that cost four police officers their lives, broken windows probably do not concern residents as much as the homicides that have plagued the city – 124 in 2008 alone.

Yet the quality-of-life policing philosophy that gained prominence in New York City and gets its name from that aspect of urban decay is the foundation for a new unit in the city attorney's office that is targeting infractions and misdemeanors.

The "broken windows" theory, which proposes that relatively low-level community disorder breeds serious crime if left untreated, has taken hold in Oakland law enforcement, and City Attorney John Russo's three-lawyer special prosecution team, now in its sixth month of operation, represents one arm of the new approach the city's taken in the last few years.

"I think most of us are convinced that low-level crimes become high-level crimes," said Rocio Fierro, who supervises the team and serves as general counsel to the Oakland Police Department. "Oakland shouldn't have low standards. We shouldn't be willing to accept low standards of behavior and disorder."

Officials in Oakland and Alameda County signed off on the prosecution team at the beginning of October, and since then, the lawyers have charged roughly 270 cases. The three, who were deputized by the Alameda County district attorney's office to prosecute criminal offenses, have focused their resources so far on prostitution, petty theft, vandalism and drugs, according to statistics assembled for *The Recorder* by the city attorney's office. To a lesser extent, they've also brought cases for trespassing, public drunkenness and ticket scalping.

As of early April, the team had filed at least 70 prostitution cases, about a quarter of its workload, while a Feb. 28 police raid on a cockfighting match spawned 70 prosecutions of its own. The team has also filed at least 35 theft cases and more than 30 for the use or possession of drugs or paraphernalia.

Academics still disagree over the merits of the "broken windows" theory. Robert Weisberg, the director of Stanford

Law School's Criminal Justice Center, said that while many attributed a steep drop in New York City's crime rate in the 1990s to the adoption of so-called "community policing" and the prosecution of quality-of-life crimes, some academic studies have said the decline was simply the result of more police on the streets.

Similarly, the Oakland plan "means you have more DAs, in effect," he said. "The increase in the number of quasi-prosecutors may only mimic that effect [of more police] if it creates some sort of more visible law enforcement presence or sends out the message that you will be caught."

Typically, according to those involved in the process, a case will be built on complaints from neighborhood groups, which the attorneys meet with often, or through police officers telling attorneys what they notice while working a beat.

In general, Russo said, the team aims to change defendants' behavior or "educate" them, and punishment usually involves community service rather than time behind bars. In one case Russo's office pointed to, a construction worker was convicted of petty theft for stealing books from Barnes & Noble. Bautista, one of the deputy city attorneys, contacted a local church, and the man was sentenced to 50 hours of work that included painting a baptismal pool, replacing worn tile in the church sacristy, and repairing water-damaged bathroom walls.

Russo, for his part, said that if the "broken windows" approach worked in New York City – where he grew up – it can work in Oakland.

Both he and Nancy O'Malley, Alameda County's chief assistant district attorney, said Oakland's approach began to shift after the election of Mayor Ron Dellums in 2006. Early the next year, O'Malley recalled, she and her boss, District Attorney Thomas Orloff, sat down with Dellums, Police Chief Wayne Tucker, and Fierro to discuss new law enforcement strategies.

Tucker pushed for the formation of a team in the city attorney's office to prosecute the quality-of-life cases that would sprout from new efforts in community policing, Russo said. Though Tucker resigned in February, Deputy Chief David Kozicki, another early backer of the special prosecution team, has assumed the role of the team's police pointman.

Kozicki said he's happy with the team's efforts so far, and that they have contributed to what the Oakland police department claims is a 23 percent drop in crime so far in 2009 compared to the same time last year.