

DA's foes cry foul over office shakeup

District Attorney
Ruiz supporter gets key
post; opponent busted
down to misdemeanors

By MAY WONG
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SANTA CRUZ — Policy and personnel changes in the District Attorney's Office have set the Santa Cruz County legal community buzzing.

District Attorney Ron Ruiz, who is in the midst of a tough re-election fight, announced the new policies and a string of personnel moves last week.

Among the biggest changes: a requirement that prosecutors get approval from a supervisor before entering into any felony plea agreements, and reassignment of one of the office's top trial attorneys, Ruiz campaign supporter Ariadne Symons, to a key decision-making position.

Meanwhile, one of Ruiz's staunchest campaign opponents within the office is receiving a significantly less prestigious assignment. Gary Brayton, a veteran felony prosecutor, moves to the Watsonville office to handle misdemeanors.

Brayton, an active supporter of Ruiz opponent Kate Canlis in the current campaign, chose his words carefully when asked for a response Friday.

"So long as Mr. Ruiz is the district attorney, he has the authority to reassign people as he sees fit. If he feels it's an appropriate



Ron Ruiz
The district attorney put campaign supporter Ariadne Symons in charge of the general felony unit. Symons is one of the top trial lawyers in the DA's office.

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allocation of resources to have a prosecutor with 20 years experience who has handled hundreds of felony cases be assigned to handling misdemeanors, it's his prerogative.



Ariadne Symons
In her new position, Symons will decide which cases should be prosecuted as felonies and what charges will be filed.

"I'm looking forward to serving the community of Watsonville." Within the District Attorney's Office, supporters of the changes say they will help improve accountability and professionalism. Critics call the moves demoralizing and political.

Regardless of who is right, the moves are receiving considerable scrutiny because they come in the midst of the runoff campaign.

Canlis, a former chief assistant DA who retains a cadre of supporters within the office, narrow-

ly beat Ruiz in the March primary and now hopes to knock him out of office in the November ballot.

She called last week's moves "a reaction to the election."

Ruiz, though, said they were a continuation of the plans he had when he took office a year ago. Since becoming the county's chief prosecutor, he says he's made a point of rotating assignments and developing policies and codes of conduct.

Canlis has attacked Ruiz's conviction rate on cases under his watch. She also has questioned his toughness, particularly on domestic violence cases.

Canlis has presented some statistics intended to show that the office under Ruiz makes inconsistent decisions. Ruiz scoffs at her numbers, saying they are misleading.

Ruiz says the changes are not a reaction to criticisms from Canlis.

"I am dedicated, along with my entire staff, to running a smoothly functioning District Attorney's Office, and the changes I have instituted are in line with that pledge," Ruiz wrote in a statement issued to the media. "I will always give the highest priority to public safety, and I want to take the opportunity to thank my staff for their dedication and hard work to make that priority a reality."

Ruiz said his previous reassign-

ments as well as the latest round of rotations were meant "to ensure that all of the attorneys within the office have an opportunity to work in all of the different areas of prosecution, so that the public and the courts will continue to be served effectively and efficiently."

Among those being moved is Toni Allen, an avid Canlis supporter, who is being transferred to the office's white-collar crime unit after nearly two dozen years of handling gang, drug and street-crime-type felonies.

But perhaps the most significant move involves Symons, who takes over as supervisor of the general felony unit. That post has been held for six months by Kristin Long, another Canlis supporter.

Symons has successfully tried the county's high-profile murder cases in recent years. In her new position, she assumes the key role of deciding which cases should be prosecuted as felonies and what charges will be filed.

Prosecutors say that with Canlis supporters in the office poised to pounce on any perceived misstep by the Ruiz administration, having a Ruiz backer and one of the office's most accomplished lawyers in the post makes strategic sense.

Ruiz acknowledged that factor. "Let's put it this way," he said. "It won't hurt me."

In addition to the reassignments, Ruiz created a new set of office guidelines.

One new procedure expands the method of documenting the disposition of a case. In addition to the so-called "blue-note" form that already is part of each case file, prosecutors must now fill out a yellow form that delineates the development, history and disposition of each case.

Ruiz also said he is requiring that prosecutors act professionally.

"Whether or not you like or approve of another employee outside of the office, you will treat every person with dignity. This includes speaking to people and acknowledging daily pleasantries," Ruiz said in a memo.

The most significant change in procedure, though, is the requirement that supervisors approve any plea bargains in felony cases.

That rule already is receiving considerable attention among prosecutors, defense lawyers and others in the criminal justice system.

Some characterized it as inefficient micromanagement. Others said line prosecutors always have been expected to consult with their superiors but were trusted to make quick decisions when needed during courtroom and chamber negotiations.

Ruiz said the new arrangement has already proved to be effective

in the violent felony unit, where it has been in place for several months. He said making it office policy will "assure uniformity and fairness in plea offers."

"I want to be able to have consistency and set up some standards of what I expect," Ruiz said. "I don't think there's a consistent standard, and I don't think there was one when (Canlis) was here."

Canlis, who was the chief aide to former DA Art Danner, criticized the changes and what she referred to as management-by-memo.

"You can't change your results by making rules," she said. "You can only improve your performance by communicating with people and having a shared commitment to excellence."

Many of the new rules were expected and already are being carried out by some prosecutors, Ruiz said in the memo.

"However, to ensure that each case is handled in a thorough and uniform manner, I am reducing these requirements to writing."

Symons, who was an unsuccessful candidate for the job when Ruiz was appointed to the post early last year, said she thinks the changes are wise.

"It's a laudable goal — justice across the board," she said. "He's simply put in writing what every good prosecutor should be doing themselves."