



**COUNTY OF YOLO**  
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**FOR IMMEDIATE RELEASE**

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**Davis Man with Lengthy Arrest History**  
**Convicted of Criminal Threats**  
**Josh McClain Prosecuted Under a New Evidence Based Unit**

(Woodland, CA) – January 13, 2017 - Yolo County District Attorney Jeff Reisig announced that today a Yolo County jury convicted 31-year-old Davis man, Joshua McClain, of Criminal Threats and Disturbing the Peace. The crime occurred in the Mansion Square commercial complex on the corner of 2<sup>nd</sup> and E Streets in Davis, California on September 29, 2016.

Deputy District Attorney Diane Ortiz presented evidence that McClain was harassing a woman by yelling at her and not letting her leave from a chair at a local restaurant. The victim, who is elderly and disabled, identified McClain as having repeatedly threatened her with physical assault and shouting insults at her, including calling her a “white devil.” The jury heard evidence that McClain, who weighs over 300 pounds, trapped the victim in her chair by gripping it with one hand while he waived his other hand in the victim’s face while he continued to berate and threaten her including shouting: “I’m going to f\_\_k you up!” The jury also heard evidence that McClain had also harassed the woman on two prior occasions and resisted arrest when Davis Police Department officers were called. Ultimately, the jury convicted McClain of felony Criminal Threats and one count of Disturbing the Peace.

McClain’s case is one of a small number marked for the District Attorney’s new Data Driven Intervention Unit or “DDI.” The Office formed the DDI Unit which is modeled after similar successful units in the Manhattan District Attorney’s Office in New York and in District Attorneys’ offices in other states. The DDI Unit uses collaboration between the police and the District Attorney’s office to focus law enforcement resources on excessive repeat offenders and then works with the agencies and probation to devise the most effective outcomes. As explained by District Attorney Reisig, “Prison isn’t always the answer to a crime. This program puts evidence-based practices into outcomes by considering all of a person’s circumstances and criminogenic needs to find the result best calculated to end the criminal behavior.” Reisig explained that this outcome should

not be “one size fits all” but one designed to end the excessive criminality and so may include social services, drug treatment, community based solutions, close monitoring by probation or imprisonment.

In this case, McClain’s criminal history showed that a new approach was needed. Since early 2015, police contacted McClain 74 times and arrested him 17 times for crimes such as public intoxication, threatening behavior, lewd conduct, shouting racial epithets, swinging sticks, throwing rocks, resisting arrest and making “groping” motions towards women. In one past incident, McClain approached a family and made groping gestures toward the wife and daughter prompting her father to tackle McClain until the police arrived. The District Attorney’s office, at one point, filed numerous charges against McClain but they were dismissed by the Court over the District Attorney’s objection. Davis police arrested McClain on his new charges approximately two weeks later.

In the present case, District Attorney Ortiz presented two days of evidence from civilians and police regarding their dealings with McClain. Ortiz argued that the evidence showed McClain to be a “bully” who liked to intimidate people he perceived to be vulnerable. The jury took the case Thursday morning and returned with guilty verdicts on two of the five charged counts today at 11:45 a.m. The jury was unable to decide the False Imprisonment of an Elder charge, voting 9-3 for guilt. The jury voted not guilty on the resisting arrest charge and the second disturbing the peace charge.

The Honorable Janene Beronio presided over the trial. The case returns to court on January 20, 2017 at 10:00 a.m. to determine whether the District Attorney will elect to re-try the False Imprisonment of an Elder charge.

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