

# District Attorney

Patrick McGrath – District Attorney

<b>108-2500</b>	<b>FY 12/13 Adopted Budget</b>	<b>FY 13/14 CAO Recommended</b>	<b>Change</b>
<b>EXPENDITURES</b>			
Salaries and Benefits	1,805,327	1,891,665	86,338
Services and Supplies	89,830	87,953	(1,877)
Other Charges	118,570	187,317	68,747
Fixed Assets	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>2,013,727</b>	<b>2,166,935</b>	<b>153,208</b>
<b>REVENUE</b>			
Fed/State	230,171	226,374	(3,797)
Grant	0	13,500	13,500
Realignment	0	121,270	121,270
Fees/Misc	106,270	118,000	11,730
<b>TOTAL REVENUE</b>	<b>336,441</b>	<b>479,144</b>	<b>142,703</b>
<b>FUND BALANCE</b>	<b>40,000</b>	<b>70,000</b>	<b>30,000</b>
<b>NET COUNTY COST</b>	<b>1,637,286</b>	<b>1,617,791</b>	<b>(19,495)</b>

## Program Description

Listed below is the FY 2013-2014 Budget Narrative for the District Attorney’s Office. The purpose of the updated Narrative is to provide background as to the original budget submitted in March and the currently proposed budget now under review. Both the original and subsequent budgets include anticipated expenditures, estimated reimbursements, and revenues.

As directed, both the original and the updated Base budgets do not include any increase in General Fund appropriations for FY 13/14, identifies the use of any one-time revenue sources used to fund ongoing costs, and identifies projected service level reductions and the resulting policy and operational changes related to those reductions.

The office currently has 18 allocated positions; 3 positions are unfilled (2 prosecutor positions and 1 DA Investigator position) and will remain unfilled in FY 13/14 under all budget scenarios.

In addition, 2 positions (1 prosecutor position and 1 legal office assistant position) have been deleted through layoffs since FY 09/10.

### The Original Base and Requested Budgets

The original Budget Narrative identified significant revenue, charge, and reimbursement changes from the previous fiscal year. These included a small anticipated increase to Prop 172 public safety sales tax monies and DA related AB 109 Realignment funding, the projected loss of approximately \$41,125 of federal justice assistance funding, and a 41% increase (\$68,710) to A-87 cost plan charges. The original Base budget set an operating budget (and corresponding revenue) totaling \$2,019,257. This was an increase of \$5,530 from the adopted FY 12/13 budget (\$2,013,727). The General Fund appropriation remained static at \$1,637,286.

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The Base budget, if adopted, would have required that the existing 3 vacant positions remain unfunded and that 3 additional staff positions be laid off. The positions and corresponding cost savings are outlined below:

Legal Office Assistant II	
(1) x 12 months: ...\$	47,616
Deputy DA III	
(1) x 12 months: ....\$	143,149
Deputy DA III	
(1) x 7 month:.....\$	79,193
<b>Total.....\$</b>	<b>269,958</b>

The impacts to both the prosecution and support services workload were specifically outlined in the original budget narrative. In summary, the work responsibilities of the misdemeanor Legal Office Assistant (the intake and file preparation of 1,948 cases in CY 2012) would be added to the current duties of the Legal Services Supervisor.

Case prosecutions would be impacted by eliminating vertical prosecution programs and imposing further case filing restrictions in order to maintain an acceptable case to prosecutor ratio. These restrictions would eliminate the prosecution of certain misdemeanor and felony offenses, and would reduce the number of cases being accepted for review to 3,304 (a reduction of 949), and reduce total case filings to 2,233 (a reduction of 636).

The original Requested budget would have retained the current prosecutorial and investigative staffing level of the office, while eliminating one of the four support positions as proposed in the Base budget.

The total operating Requested budget (and corresponding revenue) totaled \$2,242,639, an increase of \$228,912 from the adopted FY 12/13 budget (\$2,013,727). Adoption of this budget would have required a \$223,382 increase in revenue from either the General Fund appropriation or other non-GF revenue sources.

## Updated Base and Requested Budgets

The currently proposed Base and Requested budgets are identical, with an operating budget of \$2,186,430, an increase of \$172,703 from the adopted FY 12/13 budget (\$2,013,727). The breakdown is as follows:

Salary and Benefit costs .....	\$1,911,160	
(an increase of \$105,833)		
Services and Supplies .....	\$7,953	
(a decrease of \$1,877)		
Fixed Assets .....	\$0	
(no change from FY 12/13)		
Charges .....	\$197,217	
(an increase of \$29,182)		
Reimbursements .....	< \$ 9,900 >	
(an increase of \$39,565)		

The proposed budget maintains the current prosecutorial and investigative staffing level of the office, while eliminating one of the four support positions. Full time equivalent positions between FY 12/13 and FY 13/14 are reflected below:

	<u>FY 12/13</u>	<u>FY 13/14</u>
District Attorney	1	1
Chief Deputy DA	1	1
Deputy DA I/II	2	2
Deputy DA III	7	7
District Attorney Investigator	3	3
Legal Office Assistant I/II	3	2
Legal Services Supervisor	1	1
<b>Total</b>	<b>18</b>	<b>17</b>

The proposed budget reflects the following changes to revenue, projected costs, and charges since the submission of the original budget package:

- A-87 cost plan charges were adjusted to reflect a 17% increase (\$29,182), as opposed to a 41% (\$68,710) increase.

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- Downward adjustments to benefit and insurance costs, and increases to the projected share of public safety fund balance attributable to the District Attorney's Office.
- The Legal Office Assistant position scheduled for lay-off in FY 13/14 was vacated in April of 2012, creating additional fund balance savings and allowing the position to remain unfunded as originally planned without the need for a lay-off.
- An additional \$129,639 of non-General Fund revenue was realized to retain the current prosecutor and investigative staffing level in the office. This revenue was obtained through a cooperative agreement between the Yuba County Sheriff's Office and the Yuba County Probation Department, and included a combination of public safety fund balance and realignment monies. This Office is significantly indebted to both those agencies and their respective leadership for this action.

## Workload Impacts

### Support Services

**Background:** The office has 4 allocated support positions providing all legal services and administrative support to the office. Support staff in other comparably sized counties range from 6 to 11 staff.

Support services include inputting all case referrals into the case management system, preparing physical case files, copying and providing discovery to defense attorneys, preparing subpoenas and notifying witnesses of case status, and closing case files upon case completion.

Two of the four positions are directly responsible for the intake and file preparation for all criminal case referrals and case filings, split between felony and misdemeanor cases

(3,963 total case referrals in CY 2012). One position is responsible for reception, subpoena issuance and witness notifications, and case closeout and evidence release. The remaining position is a supervising position which directly supports both the other positions and the District Attorney in budget and business management areas.

Previous time/workload studies show that the support staff is taking approximately 20,000 phone calls during the year, meeting over 5,000 members of the public who enter the office seeking assistance, issue over 5,000 subpoenas for witness attendance, and "pulls" files for 26 court calendars during each week.

**Impact:** The proposed budget would eliminate one of the four support positions. Consideration was given to eliminating the reception position, which would in turn limit public office hours for both walk-in and telephone contacts, and require the shift of the other reception duties to the remaining support staff.

In consultation with the Legal Services Supervisor, it was decided that the reception position would remain and the misdemeanor support position will be eliminated. In CY 2012, the misdemeanor support position handled the intake and file preparation of 1,948 cases. The duties and workload of that position will be assumed by the Legal Services Supervisor, who will also retain her current duties.

### Prosecution Services

**Background:** The office has 11 allocated prosecutor positions; 9 are filled and 2 are unfilled. Current assignment areas are outlined below.

Current felony prosecution assignments include three specialized vertical prosecution assignments handling major narcotic cases, child abuse cases, and gang violence cases. Two prosecutors are assigned to gang violence cases and adult sexual assault cases, respectively, in

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addition to general felony prosecution duties. Only one prosecutor is assigned to a non-specialized general felony caseload. All share case review and filing.

One prosecutor has primary responsibility over the misdemeanor court calendar and trial assignments, with case review and filing duties shared with two other prosecutors. The Chief Deputy DA and the District Attorney handle the felony case status and sentencing court calendars, and case review and filing, in addition to their management/supervision duties.

Juvenile court prosecution is no longer a vertical prosecution assignment due to previous staffing reductions, and is rotated among 3 prosecutors every 4 months.

Prosecutor workloads, as measured by reviewed and filed cases over the past 5 calendar years, are reflected below. By way of comparison, previous data from the Sacramento County District Attorney’s office has noted a report ratio under 300:1 and a cases filed ratio under 200:1.

	Historical Staffing (12 prosecutors)	Current staffing (9 prosecutors)
<b>Cases reviewed</b>		
Annual average: (CY 2008 – 2012)		
4,253	354:1	472:1
<b>Cases filed</b>		
Annual average (CY 2008 – 2012)		
2,869	239:1	319:1

Previous prosecutor staffing reductions (25%) resulted in a filing standard revision enacted in July of 2011 which reduced the felony workload by filing low-level felony offenses as misdemeanors (primarily theft and narcotic cases), and rejected the prosecution of certain misdemeanor offenses in order to accommodate the prosecution of the previous low-level felonies.

While that revision was successful in numerically reducing both case referrals and

case filings in CY 2012, there was still an actual 10% increase in the prosecutor to case workload ratio due to prosecutor staffing reductions.

Impact: The proposed budget would leave the prosecution staffing intact.

## Investigator staffing and workloads

The office has 3 allocated District Attorney Investigator positions, with one position unfilled. Investigative staff in other comparably sized small counties ranges from 4 to 10 sworn investigators.

Each DA Investigator supports the general felony and misdemeanor prosecutors with supplemental case investigation and witness location. Each Investigator also has assignments in specialized areas such as child abduction, child abuse, gang suppression, jail intelligence, and sensitive public integrity investigations done independently of front-line law enforcement. Approximately 20% of felony cases and 5% of misdemeanor cases require additional investigative work.

Impact: The proposed Base and Requested budget would have no impact on the investigative staffing level.

The proposed budget would impact investigative efficiency due to the elimination of one of the two current vehicles assigned to the Office and used by the investigative staff.

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## Accomplishments and Goals

### CY 2012

#### Workload Management

During the past year, the office was involved in the prosecution and investigation of more homicide cases at one time (16) than at any other time in the history of the office. The homicide workload was shared by 6 of the 9 prosecutors in the office and by both DA Investigators.

Workload performance in CY 2012 was measured in the areas of prosecutorial timeliness, consistency, and case outcomes. Of felony cases closed in CY 2012, 87% were completed within five months. Convictions were obtained in 87% of cases, with 74% of those cases resulting in a conviction to a charged felony offense. Case filing decisions were made within 15 working days in 90% of the referred cases.

82% of misdemeanor cases were completed within five months. Convictions were obtained against 88% of misdemeanor defendants. Case filing decisions were made within 15 working days in 73% of the referred cases.

Specialized vertical prosecution assignments continued in major narcotics, gang suppression, child physical and sexual abuse, and adult sexual assault. The vertical prosecution of juvenile offenders and felony domestic violence offenses was previously eliminated due to budget-related staffing reductions.

An emphasis on successful and timely driving under the influence cases continued. Office records show that 383 DUI cases were filed in CY 2012. A total of 393 cases (reflecting cases filed in CY 2012 and in previous years) reached disposition. Of these, 97% of charged offenders were convicted of an alcohol impaired driving offense.

#### Leadership

The office continued to be selected by the California District Attorney's Association to provide statewide training on the interpretation and implementation of statewide criminal justice realignment.

Vertical prosecutors and DA Investigators continued to provide specialized assistance to law enforcement officers investigating gang and child abuse cases.

The office continued to co-chair the California District Attorney's Association statewide Training and Education Committee. The office also acted as the technical training advisor to statewide prosecutor trainings in felony sentencing, leadership / management, and search and seizure.

The office provided case review and assistance to military prosecutors assuming jurisdiction over local cases for prosecution under the Uniform Code of Military Justice.

BUDGET EXPENDITURE DETAIL  
BUDGET FOR THE FISCAL YEAR 2013-2014

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	ACTUAL EXPENDITURES 2010-2011	ACTUAL EXPENDITURES 2011-2012	BOS APPROVED 2012-2013	CAO RECOMMENDED 2013-2014
DISTRICT ATTORNEY					
Salaries & Benefits					
108-2500-421.01-01	REGULAR	1,497,891	1,397,810	1,405,238	1,450,334
108-2500-421.01-07	VACATION PAY	8,863	0	0	0
108-2500-421.02-02	CO SHARE PERS	194,208	198,699	207,062	225,696
108-2500-421.02-04	GROUP HEALTH INSURANCE	169,905	145,926	149,299	168,372
108-2500-421.02-05	MEDICARE	17,276	15,573	15,813	16,474
108-2500-421.02-06	WORKERS COMP INS	16,412	16,050	19,391	21,944
108-2500-421.02-07	LIFE INSURANCE	1,222	1,073	1,065	1,089
108-2500-421.02-08	UNEMPLOYMENT INS	6,628	6,013	6,078	6,348
108-2500-421.02-09	RETIREE HEALTHCARE INS	0	1,339	1,381	1,408
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*	Salaries & Benefits	1,912,405	1,782,483	1,805,327	1,891,665
Services & Supplies					
108-2500-421.12-00	COMMUNICATION	2,777	1,629	2,400	2,400
108-2500-421.15-00	INSURANCE	45,834	35,647	16,430	11,901
108-2500-421.16-00	PER DIEM FEES/MILEAGE	1,035	55	1,000	600
108-2500-421.17-00	MAINTENANCE/EQUIPMENT	14,676	14,650	18,700	25,141
108-2500-421.20-00	MEMBERSHIPS	6,510	6,400	6,400	6,490
108-2500-421.22-00	OFFICE EXPENSE	23,103	18,705	19,200	19,561
108-2500-421.23-00	PROFESSIONAL SERVICES	17,017	5,414	5,000	5,000
108-2500-421.28-00	SPECIAL DPMT EXPENSE	1,234	0	2,500	2,500
108-2500-421.29-00	TRAVEL	21,805	17,190	18,200	14,360
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*	Services & Supplies	133,991	99,690	89,830	87,953
Other Charges					
108-2500-421.49-00	DEPRECIATION	930	0	0	0
108-2500-421.53-01	A-87 CHARGES	141,492	197,866	168,035	197,217
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*	Other Charges	142,422	197,866	168,035	197,217

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	ACTUAL EXPENDITURES 2010-2011	ACTUAL EXPENDITURES 2011-2012	BOS APPROVED 2012-2013	CAO RECOMMENDED 2013-2014
	Cost Reimbursements				
108-2500-421.90-00	REIMBURSEMENTS	60,154-	40,736-	49,465-	9,900-
*	Cost Reimbursements	60,154-	40,736-	49,465-	9,900-
**	DISTRICT ATTORNEY	2,128,664	2,039,303	2,013,727	2,166,935
***	DISTRICT ATTORNEY	2,128,664	2,039,303	2,013,727	2,166,935