

District Attorney

Patrick McGrath - District Attorney

| 108-2500 | FY 16/17 Adopted Budget | FY 17/18 CAO Recommended | Change |
|---------------------------|-------------------------------|--------------------------------|---------------|
| EXPENDITURES | | | |
| Salaries and Benefits | 2,004,107 | 2,128,415 | 124,308 |
| Services and Supplies | 158,915 | 188,103 | 29,188 |
| Other Charges | 216,022 | 136,101 | (79,921) |
| Fixed Assets | 0 | 0 | 0 |
| TOTAL EXPENDITURES | 2,379,044 | 2,452,619 | 73,575 |
| REVENUE | | | |
| Fed/State | 229,642 | 228,751 | (891) |
| Grant | 13,500 | 15,500 | 2,000 |
| Realignment | 30,000 | 30,000 | 0 |
| Fees/Misc | 197,526 | 236,675 | 39,149 |
| TOTAL REVENUE | 470,668 | 510,926 | 40,258 |
| FUND BALANCE | 180,000 | 211,551 | 31,551 |
| NET COUNTY COST | 1,728,376 | 1,730,142 | 1,766 |

Program Description

The District Attorney is an elected state Constitutional officer whose responsibilities include prosecuting and investigating public criminal offenses, advising the Grand Jury and representing the interests of the People of California in criminal justice matters.

The Yuba County District Attorney's office is currently allocated 16 positions: 10 prosecutor positions (including the District Attorney), 2 District Attorney Investigators and 4 support persons. Currently, one prosecutor position is vacant and unfunded.

As with all public agencies, the Office has been faced with budgetary challenges over the past six years, which has reduced the office staffing levels by 25% and impacted all positions and levels of service.

Prosecution Staff The Prosecution staff consists of 7 senior prosecutors with an average

of over 17 years of experience in the office, and have specialized expertise in handling sexual assault, gang violence, major narcotic, and violent offenses. Every senior prosecutor has homicide case experience. The 2 junior prosecutors have completed their second year of experience, with an emphasis on misdemeanor crimes, legal motion work and felony domestic violence cases. Both junior prosecutors have gained supervised homicide case experience.

Over the past ten years prosecutors have reviewed on average over 4,000 investigations per year, which are submitted to the Office by local, state, and federal law enforcement agencies. Of these referrals, almost 2,900 criminal cases will be filed and prosecuted in Yuba County courts each year.

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Prosecutors appear at over 25 court calendars per week presenting both adult and juvenile criminal cases.

Investigative Staff The current investigative staff consists of 2 DA Investigators with an average over 16 years in law enforcement. DA Investigators are sworn peace officers acting as specialized detectives. DA Investigators have diverse duties, which range from conducting and analyzing complex criminal investigations to locating and securing the court attendance of uncooperative witnesses. Historically, DA Investigators are highly specialized in the investigation of adult and child sexual assault crimes and work as a team with other the officers of our local law enforcement agencies.

Legal Support Staff Both the prosecutors and DA Investigators are assisted by a team of 4 Legal Office Assistants. The duties of the legal support staff 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.

Each year, the support staff handles approximately 20,000 phone calls, meets over 5,000 members of the public who enter the office seeking assistance, issue over 5,000 subpoenas for witness attendance, and locate and organize the case files for over 25 court calendars during each week.

The support staff has previously been honored for exceptional teamwork and efficiency. It is the smallest – currently 4 members – but arguably the most productive among the small county DA offices in California. Support staff in other comparably sized small counties range from 6 to 11 staff.

Accomplishments FY 2016-2017

- Workload Management and performance in CY 2016 was measured in the areas of prosecutorial timeliness, consistency, and case outcomes.

- 3,792 case reports were submitted for review and evaluation in CY 2016. The CY 2016 ratio of reports reviewed per prosecutor was 421:1, an increase from the previous year's ratio of 410:1. The average over the past 9 years is 414:1 [range 367:1 to 476:1].

2,929 cases were filed with the court for prosecution, an overall filing rate of 77%. The CY 2016 ratio of cases per prosecutor was 325:1, an increase of 9% from CY 2015. The average over the past 9 years is 288:1 [range 237:1 to 334:1].

The recommended ratio for case review per prosecutor is 300:1. The recommended standard for cases per prosecutor is 200:1.

- 694 felony cases were filed in CY 2016. Case filing action was made within 15 working days in over 90% of the referred cases.

675 felony cases were tracked to closure in CY 2016. Of these, 78% were completed within eight months. Convictions were obtained in 88% of cases, with 69% of those cases resulting in a conviction to a charged felony offense.

Of the 675 closed cases, 30% (202) included charges classified as either serious or violent felonies under the Penal Code and 11% of defendants had

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a past serious or violent felony offense conviction. In areas of specialized prosecution, gang prosecutors initiated felony gang cases against 27 defendants. Child abuse prosecutors and DA Investigators conducted over 50 child forensic interviews and reviewed 39 investigations; the total caseload of filed cases was 50.

- 2,235 misdemeanor cases were filed in CY 2016. Case filing action was made within 15 working days in 96% of the referred cases.

1,985 misdemeanor cases were tracked to closure in CY 2016. Of these, 76% of misdemeanor cases were completed within four months, and 90% of cases were completed within eight months. Convictions were obtained against 82% of misdemeanor defendants, adjusted for defendants with multiple cases.

- Vertical prosecution – where one prosecutor handles a case from the start to the finish – is the gold standard of prosecution. Specialized vertical prosecution assignments continued in major narcotics, gang suppression, juvenile offenders, and child and adult sexual assault.

- District Attorney Supervised Rehabilitative Programming

In 2011 the State of California implemented a realignment of criminal justice responsibilities (Realignment), shifting new responsibilities onto the individual counties in an effort to reduce the State prison population.

In particular, Realignment reclassified the sentencing of over 500 felony crimes, requiring the prison sentences to be served

in the local jail of the committing county instead of in State's Prison. This shift of prisoners significantly impacted local jail capacity, as prisoners historically housed in State facilities were now housed for long incarceration times in local jails and consumed jail bed capacity historically used for low level misdemeanor offenders and pre-trial detainees.

In Yuba County, approximately half of the felony cases prosecuted each year involve crimes which are no longer eligible for State Prison housing (47% over the past four calendar years; 1,224 of 2,590 tracked felony cases). Given the high felony caseloads and the percentage no longer eligible for state housing, there was a significant concern that the felony caseload could overwhelm our jail bed capacity.

In response to this concern, the District Attorney's Office initiated a program in CY 2014 to divert a selected group of felony offenders from immediate prison sentences and into supervised rehabilitative residential programming. The majority of these offenders is not generally eligible for any type of probationary sentence because of their past criminal history, and therefore would be sentenced to serve their prison sentences in the Yuba County jail.

Under the DA Supervised Rehabilitative Programming effort, these offenders plead guilty to their felony crimes and agree to enter into a 6 to 24 month residential program prior to their sentencing. Almost all these programs are located outside of Yuba County.

If the offender successfully completes the program, the court and DA's office agree to place the offender on supervised probation for another 24 to 60 months. If the probation is violated, the court may

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sentence the offender up to the maximum allowable for the crime in question.

If the offender fails the program at any time, the offender is returned to court and may be sentenced up to the maximum allowable, or to a term which was agreed upon at the time the plea was originally entered. The DA's office controls whether an offender may receive a second chance in the residential program, depending on the nature of the failure and the background of the offender.

The overall goals of the program are to provide an opportunity for long term rehabilitation for an offender group historically difficult to manage, remove the offender from the community for a time period similar to a standard prison sentence, reduce the pressure on jail bed capacity and present the Yuba County Probation Department with a stabilized offender more likely to benefit from probation services and eventually reintegrate successfully into the community.

In the past three years, 307 felony offenders have been selected to enter this program, which is 16% of the felony caseload over that time; 157 offenders have successfully completed programming for a success rate of 51%. In CY 16, 81 offenders entered the program and 46 were successful. The overall success rate of these offenders on felony probation is yet to be measured.

- Leadership

- The Office completed its application process to become a member agency of the state Peace Office Training and Standards program. The program provides training and standards in support of the office's District Attorney

Investigators. The application process required a restructuring of the investigative unit's personnel and update to its policy and procedures.

- The Office initiated social media outreach through an official Yuba County District Attorney Facebook page.
- District Attorney Patrick McGrath was on a working group representing California prosecutors in discussions with the Governor's Office regarding the details and implementation of Proposition 57.
- Vertical prosecutors and DA Investigators continued to provide specialized assistance to law enforcement officers investigating gang and child abuse cases.
- The office continued to be a member agency of the California State Anti-Gang Intelligence Network, a group which includes federal, state, and local law enforcement agencies. The network shares intelligence and reviews best practices relative to both street level and institutional gang investigations. Deputy District Attorney Mike Byrne continued to serve on the Executive Steering Committee as the sole prosecution representative.
- Yuba County gang prosecutors Mike Byrne and Mechele Cook continued to coordinate a working group of Yuba and Sutter gang prosecutors and investigators sharing case information, and expanded the group to include Colusa County personnel.
- District Attorney Patrick McGrath continued to co-chair the California

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- District Attorney's Association statewide Training and Education Committee. The office also acted in CY 2016 as the technical training advisor to statewide prosecutor trainings in jury selection procedures and search warrant preparation and execution.
- District Attorney Patrick McGrath began serving a one year term as President of the California District Attorney's Association Foundation in July of 2016. The Foundation works on current issues affecting the criminal justice system and the changing role of prosecutors.
 - Legal Services Supervisor Tonya English continued to serve on the Board of Directors of the SunGard Public Sector West Regional Training user's group, which is the vendor of the current data management system linking the Probation Department, Sheriff's Office, Jail, and District Attorney's Office. The user's group coordinates training and proposes new applications and uses for the SunGard data management systems. Ms. English has been a Board member for 8 years.
 - The office continued to provide case review and assistance to military prosecutors at Beale Air Force Base assuming jurisdiction over local cases for prosecution under the Uniform Code of Military Justice.
- practices in light of the passage of Propositions 57 and 64.
- Two year periodic prosecution assignment reviews and rotations.
 - Acquisition and training on a new case management system for the District Attorney's office.

Pending Issues/Policy Considerations FY 2017-2018

- Potential impacts on the Yuba County criminal justice system posed by SB 54 [sanctuary state legislation]
- Public safety funding in Yuba County

Goals and Objectives FY 2017-2018

Significant goals for FY 17/18 include:

- Complete an update of the general Office Policy and Procedures manual.
- Review case filing and prosecution

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | ACTUAL EXPENDITURES 2014-2015 | ACTUAL EXPENDITURES 2015-2016 | BOS APPROVED 2016-2017 | DEPARTMENT REQUESTED 2017-2018 | CAO RECOMMENDED 2017-2018 |
|--------------------|--------------------------|-------------------------------------|-------------------------------------|------------------------------|--------------------------------------|---------------------------------|
| 108-2500-421.12-00 | COMMUNICATION | 2,519 | 2,487 | 2,400 | 2,500 | 2,500 |
| 108-2500-421.15-00 | INSURANCE | 19,613 | 6,828 | 16,272 | 20,829 | 20,829 |
| 108-2500-421.16-00 | PER DIEM FEES/MILEAGE | 3,607 | 48 | 600 | 600 | 600 |
| 108-2500-421.17-00 | MAINTENANCE/EQUIPMENT | 21,228 | 25,425 | 21,624 | 29,743 | 29,743 |
| 108-2500-421.20-00 | MEMBERSHIPS | 6,725 | 6,015 | 6,490 | 6,610 | 6,610 |
| 108-2500-421.22-00 | OFFICE EXPENSE | 22,667 | 22,992 | 77,385 | 54,475 | 54,475 |
| 108-2500-421.23-00 | PROFESSIONAL SERVICES | 3,997 | 11,477 | 9,500 | 5,000 | 5,000 |
| 108-2500-421.25-00 | RENTS & LEASES/EQUIPMENT | 0 | 0 | 4,600 | 3,807 | 3,807 |
| 108-2500-421.28-00 | SPECIAL DPMT EXPENSE | 0 | 1,005 | 2,500 | 2,500 | 2,500 |
| 108-2500-421.29-00 | TRAVEL | 13,689 | 15,568 | 17,544 | 12,100 | 12,100 |
| 108-2500-421.30-00 | UTILITIES | 0 | 0 | 0 | 49,939 | 49,939 |
| * | EXPENDITURE | 94,045 | 91,845 | 158,915 | 188,103 | 188,103 |
| ** | Services & Supplies | 94,045 | 91,845 | 158,915 | 188,103 | 188,103 |
| | Other Charges | | | | | |
| 108-2500-421.53-01 | A-87 CHARGES | 224,710 | 150,406 | 225,022 | 145,101 | 145,101 |
| * | EXPENDITURE | 224,710 | 150,406 | 225,022 | 145,101 | 145,101 |
| ** | Other Charges | 224,710 | 150,406 | 225,022 | 145,101 | 145,101 |
| | Cost Reimbursements | | | | | |
| 108-2500-421.90-00 | REIMBURSEMENTS | 17,247- | 5,400- | 9,000- | 9,000- | 9,000- |
| * | EXPENDITURE | 17,247- | 5,400- | 9,000- | 9,000- | 9,000- |
| ** | Cost Reimbursements | 17,247- | 5,400- | 9,000- | 9,000- | 9,000- |
| *** | DISTRICT ATTORNEY | 2,118,021 | 1,952,522 | 2,379,044 | 211,551 | 211,551 |
| **** | DISTRICT ATTORNEY | 2,118,021 | 1,952,522 | 2,379,044 | 211,551 | 211,551 |