

District Attorney

Patrick McGrath - District Attorney

FUND-BUDGET	FY 17/18 Adopted Budget	FY 18/19 CAO Recommended	Change
EXPENDITURES			
Salaries and Benefits	2,128,415	2,003,875	(124,540)
Services and Supplies	188,103	209,952	21,849
Other Charges	136,101	166,236	30,135
Fixed Assets			0
TOTAL EXPENDITURES	2,452,619	2,380,063	(72,556)
REVENUE			
Fed/State	228,751	245,747	16,996
Grant	15,500		(15,500)
Realignment	30,000	35,000	5,000
Fees/Misc	236,675	120,000	(116,675)
TOTAL REVENUE	510,926	400,747	(110,179)
FUND BALANCE	211,551	0	(211,551)
NET COUNTY COST	1,730,142	1,979,316	249,174

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 15 positions: 9 prosecutor positions (including the District Attorney), 2 District Attorney Investigators, and 4 support persons. Currently, one prosecutor position is vacant pending budget hearings.

As with all public agencies, the Office has been faced with budgetary challenges over the past ten 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 5 senior prosecutors (DDA III) with

an average of over 18 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 (DDA II) have completed their third year of experience, and have begun assignments in the specialized prosecution areas listed previously, and also have 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, an average of over 2,700 criminal cases will be filed and prosecuted in Yuba County courts each year.

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

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Investigative Staff The current investigative staff consists of 2 DA Investigators with an average over 17 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.

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 2017-2018

- Workload Management and performance in CY 2017 was measured in the areas of prosecutorial timeliness, consistency, and case outcomes.
 - 3,307 case reports were submitted for review and evaluation in CY 2017, a reduction of 485 reports from CY 2016. The CY 2017 ratio of reports reviewed per prosecutor was 367:1, a decrease

from the previous year's ratio of 421:1. The average over the past 10 years is 405:1 [range 367:1 to 476:1].

2,383 cases were filed with the court for prosecution, a reduction of 546 cases from CY 2016, an overall filing rate of 72%. The CY 2017 ratio of cases per prosecutor was 264:1, a decrease from the 325:1 ratio in CY 2016. The average over the past 9 years is 282:1 [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.

- 676 felony cases were filed in CY 2017. Case filing action was made within 15 working days in over 90% of the referred cases.

580 felony cases were tracked to closure in CY 2017. Of these, 81% were completed within eight months. Convictions were obtained in 89% of cases, with 71% resulting in a conviction to a charged felony offense and 29% resulting in a misdemeanor conviction. Of the closed cases, 31% included charges classified as either serious or violent felonies under the Penal Code and 15% of defendants had a past serious or violent felony offense conviction (an increase of 4%).

- 1,707 misdemeanor cases were filed in CY 2017. Case filing action was made within 15 working days in 96% of the referred cases.

1,652 misdemeanor cases were tracked to closure in CY 2017. Of these, 76% of misdemeanor cases were completed within four months, and 88% of cases

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were completed within eight months. Convictions were obtained against 83% 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 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 (46%) involve crimes which are no longer eligible for State Prison housing. 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 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

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Probation Department with a stabilized offender more likely to benefit from probation services and eventually reintegrate successfully into the community.

In the past four years, 410 felony offenders have been selected to enter this program, which is 16% of the felony caseload over that time; 203 offenders have successfully completed programming for a success rate of 49.5%. In CY 17, 103 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 the restructuring of the investigative unit and is a full member agency of the state Peace Office Training and Standards program.
- District Attorney Patrick McGrath was on a working group representing California prosecutors in discussions with the California Department of Corrections and Rehabilitation regarding the implementation of the Proposition 57 early prisoner release program.
- Vertical prosecutors and DA Investigators continued to provide specialized assistance to law enforcement officers investigating gang and child abuse cases.
- Yuba County gang prosecutors Mike Byrne and Mechele Cook continued to coordinate a working group of Yuba, Sutter, and Colusa County gang prosecutors and investigators sharing case information.

- District Attorney Patrick McGrath continued to co-chair the California District Attorney's Association statewide Training and Education Committee. The office also acted in CY 2017 as the technical training advisor to statewide prosecutor trainings in jury selection procedures, felony academy, and rural counties conference.

Goals and Objectives FY 2018-2019

Significant goals for FY 18/19 include the transition to a new District Attorney. Mr. Clint Curry will become the first Yuba County District Attorney to assume office from an outside employment in almost 40 years. Additional goals include finalizing the transition to the new case management system, the Chief Investigator's completion of a POST course in advanced law enforcement leadership, and a comprehensive review of office operations in anticipation of Mr. Curry's leadership.

Pending Issues/Policy Considerations FY 2018-2019

The most significant issue facing the Yuba County District Attorney's Office, and the Yuba County criminal justice system, in fiscal year 2018/2019 continues to be the lack of a stable funding source to meet operational costs.

As compared to the FY 17/18 budget, the FY 18/19 budget faces a revenue reduction of \$332,546 and an operational cost increase of \$102,738 assuming the current workforce is maintained. Consequently, \$435,284 of either additional outside funding or County General Fund monies are needed to keep the Yuba County District

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Attorney's Office intact at existing staffing levels. State grant monies for prosecutors were discontinued in 2012, and federal grant monies (approximately \$15,500) have been held in the advent of SB 54. The amount of Fund 108 fund balance available to the Office in FY 18/19 is unknown and believed to now be exhausted.

Prior budget reductions have reduced the existing staffing to the 1997 level. In the last ten years the prosecution staff has been reduced from 12 attorneys to 9, the investigative staff has been reduced from 3 to 2, and the support staff has been reduced from 5 to 4. A base FY 18/19 budget – one that matches operational expenses to anticipated revenue – will result in the further loss of 2 prosecutors, one investigator, and one support person. The overall office staff would be reduced to 11 positions, which is the staffing level in 1987.

A fiscal analysis comparing Yuba County District Attorney costs per capita for FY 16/17 to other neighboring or similar counties (Sutter, Nevada, Lake, Tehama, Mendocino, and Butte) showed a significant disparity. The Yuba County cost per capita was \$32.01, as opposed to the range of costs for the comparison counties (\$38.70 in Tehama to \$59.10 in Butte).

A personnel analysis comparing the Yuba County District Attorney's staffing to those of the other comparison counties also

shows a significant disparity. Examining personnel per capita, Yuba County recorded a ratio of one staff member for every 4,646 persons (1:4,646), as opposed to the low to high staffing range in the comparison counties (1:2,042 in Mendocino to 1:3,657 in Nevada).

These staffing and fiscal challenges exist as the state and the electorate has increased the workload by shifting additional responsibilities onto local prosecutors. State parole revocation hearings are now handled by the District Attorney's Office, which has resulted in over 1,100 court hearings in the past five years. There have been over an additional 500 violation hearings for those released from prison under the supervision of the Probation Department and opposed to state parole agents. Finally, there have been approximately 400 responses either in court hearings or by writing to felony resentencing petitions under Propositions 47 and 64, or to the Board of Parole Hearings related to opposing the early release of current inmates under Proposition 57. This workload is in addition to the caseload figures provided previously.

In conclusion, absent stabilization of public safety funding, significant policy decisions must be made regarding operational caseloads, the prioritization of cases to be accepted for review and filing, and the allocation of limited prosecution resources.

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	ACTUAL EXPENDITURES 2015-2016	ACTUAL EXPENDITURES 2016-2017	BOS APPROVED 2017-2018	DEPARTMENT REQUESTED 2018-2019	CAO RECOMMENDED 2018-2019
DISTRICT ATTORNEY						
108-2500-361.56-07	VEHICLE THEFT FEES	0	64,299-	58,000-	58,000-	58,000-
108-2500-361.56-29	CH 353 - D A	0	27,211-	20,000-	20,000-	20,000-
108-2500-361.62-03	PUB SAFETY SVCS-SALES TAX	0	204,362-	208,751-	219,931-	225,747-
108-2500-361.64-03	AB 109 DISTRICT ATTORNEY	0	42,349-	30,000-	30,000-	35,000-
108-2500-362.72-03	FEDERAL JAG GRANT	0	15,553-	15,500-	0	0
108-2500-371.91-01	DISTRICT ATTY COPIES	0	11,149-	10,000-	10,000-	10,000-
108-2500-371.97-09	D.A.SEIZED ASSETS	0	0	45,000-	15,000-	15,000-
108-2500-371.98-99	MISCELLANEOUS	0	28,015-	25,000-	25,000-	25,000-
108-2500-372.99-01	OPERATING TRANSFERS IN	0	74,812-	98,675-	12,000-	12,000-
108-2500-372.99-02	COUNTY CONTRIBUTION	0	1,728,376-	1,730,142-	1,730,142-	1,979,316-
* REVENUE		0	2,196,126-	2,241,068-	2,120,073-	2,380,063-
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**		0	2,196,126-	2,241,068-	2,120,073-	2,380,063-
Salaries & Benefits						
108-2500-421.01-01	REGULAR	1,270,607	1,450,651	1,535,829	1,247,720	1,501,894
108-2500-421.01-04	OVERTIME	0	716	0	0	0
108-2500-421.01-07	VACATION PAY	18,970	143	0	0	0
108-2500-421.02-01	CO SHARE PERS-UAL	0	0	0	186,718	186,718
108-2500-421.02-02	CO SHARE PERS-NORMAL	222,665	261,039	306,492	88,544	88,544
108-2500-421.02-04	GROUP HEALTH INSURANCE	147,193	188,502	213,504	163,483	163,483
108-2500-421.02-05	MEDICARE	15,261	17,272	19,083	16,441	16,441
108-2500-421.02-06	WORKERS COMP INS	29,990	64,865	45,994	40,552	40,552
108-2500-421.02-07	LIFE INSURANCE	1,194	1,285	1,404	1,049	1,049
108-2500-421.02-08	UNEMPLOYMENT INS	6,098	3,695	1,315	1,051	1,051
108-2500-421.02-09	RETIREE HEALTHCARE INS	3,693	4,663	4,794	4,143	4,143
* EXPENDITURE		1,715,671	1,992,831	2,128,415	1,749,701	2,003,875
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**	Salaries & Benefits	1,715,671	1,992,831	2,128,415	1,749,701	2,003,875

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	ACTUAL EXPENDITURES 2015-2016	ACTUAL EXPENDITURES 2016-2017	BOS APPROVED 2017-2018	DEPARTMENT REQUESTED 2018-2019	CAO RECOMMENDED 2018-2019
Services & Supplies						
108-2500-421.12-00	COMMUNICATION	2,487	2,365	2,500	2,500	2,500
108-2500-421.15-00	INSURANCE	6,828	16,271	20,829	86,152	86,152
108-2500-421.16-00	PER DIEM FEES/MILEAGE	48	24	600	600	600
108-2500-421.17-00	MAINTENANCE/EQUIPMENT	25,425	21,510	29,743	18,503	18,503
108-2500-421.20-00	MEMBERSHIPS	6,015	6,556	6,610	6,048	6,048
108-2500-421.22-00	OFFICE EXPENSE	22,992	58,258	54,475	24,200	24,200
108-2500-421.23-00	PROFESSIONAL SERVICES	11,477	7,561	5,000	5,000	5,000
108-2500-421.25-00	RENTS & LEASES/EQUIPMENT	0	4,394	3,807	3,807	3,807
108-2500-421.28-00	SPECIAL DPMT EXPENSE	1,005	0	2,500	2,500	2,500
108-2500-421.29-00	TRAVEL	15,568	17,870	12,100	13,114	18,930
108-2500-421.30-00	UTILITIES	0	0	49,939	41,712	41,712
*	EXPENDITURE	91,845	134,809	188,103	204,136	209,952
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**	Services & Supplies	91,845	134,809	188,103	204,136	209,952
Other Charges						
108-2500-421.53-01	A-87 CHARGES	150,406	225,022	145,101	175,236	175,236
*	EXPENDITURE	150,406	225,022	145,101	175,236	175,236
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**	Other Charges	150,406	225,022	145,101	175,236	175,236
Cost Reimbursements						
108-2500-421.90-00	REIMBURSEMENTS	5,400-	6,565-	9,000-	9,000-	9,000-
*	EXPENDITURE	5,400-	6,565-	9,000-	9,000-	9,000-
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**	Cost Reimbursements	5,400-	6,565-	9,000-	9,000-	9,000-
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***	DISTRICT ATTORNEY	1,952,522	149,971	211,551	0	0
****	DISTRICT ATTORNEY	1,952,522	149,971	211,551	0	0