

026 - DISTRICT ATTORNEY

Operational Summary

Mission:

To enhance public safety & welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner.

Strategic Goals:

- Protect the public from criminal activity.
- Create a sense of security in the community.

Key Outcome Indicators:

Performance Measure	2002 Business Plan Results	2003 Business Plan Target	How are we doing?
CONVICTION RATE What: Percentage of filed felony and misdemeanor cases resulting in conviction Why: Measures the Office's ability to effectively represent the People of the State of California.	Conviction rate exceeded 90%	To meet or exceed 90% conviction rate	The Office has maintained an excellent conviction rate; however, funding reductions jeopardize the Office's ability to continue this success. Failure to provide funding to adequately support criminal prosecution will increase the risk of losing cases and thereby jeopardize public safety.
PUBLIC SURVEY ON FEELINGS OF SAFETY AND SECURITY What: An annual survey measuring public perception of safety and security Why: Indicates achievement of the Office's goal of creating a sense of security in the community	Average response was 8.02 on a 1 to 10 point scale in FY 2001-02. As a result of budget reductions, the Office was unable to disseminate a survey in FY 2002-03. A survey is planned in FY 2003-04.	To meet or exceed a rating of 8 on a 1 to 10 point scale	Very positive responses have indicated that the vast majority of Orange County residents feel safe. Insufficient funding jeopardizes the Office's ability to continue this success

Fiscal Year FY 2002-2003 Key Project Accomplishments:

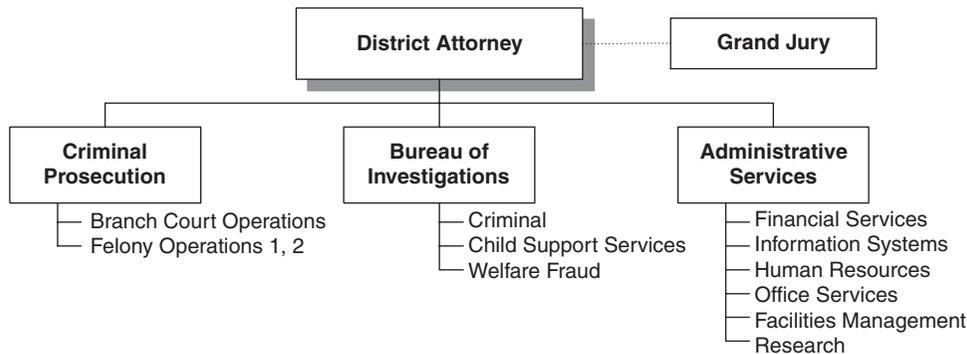
- In spite of severe budget cuts, reviewed approximately 80,000 cases, filed approximately 68,700 cases and prosecuted over 46,000 cases achieving a conviction rate of over 90%.
- To address staff shortages, reorganized branch court operations to include responsibility for the Felony Charging Unit.
- Completed the development phase of the Case Management System. Implementation of this system, which will serve as the hub for the County of Orange's Integrated Law & Justice system, is scheduled in FY 2003/04.
- Successfully settled landmark lawsuit with ARCO to clean up contamination and protect the County's drinking water.
- Secured a \$500,000 grant to fund due diligence efforts to solve open homicide and sexual assault cases and bring perpetrators to justice.

At a Glance:	
Total FY 2002-2003 Actual Expenditure + Encumbrance:	75,862,246
Total Final FY 2003-2004 Budget:	76,305,464
Percent of County General Fund:	3.11%
Total Employees:	638.00



- Reinstated the OCEA Labor Management Committee. One of the key accomplishments of this group was to coordinate cost cutting and revenue generation ideas for the Office and County. Many of the suggestions were implemented in 2002.
- The grant-funded Prevent Laundering from Underwriting Gangs (PLUG) program directly investigated cases resulting in over \$1,000,000 in seizure of laundered funds and has several other cases under investigation.
- Continued grant funded collaboration with Probation and Sheriff on SMART (School Mobile Resource Team) targeted at preventing and addressing school violence and Truancy Response programs.
- Conducted the first annual Branch Courts Award Program to recognize outstanding achievement by police and community members in promoting a safer community.
- Used grant funds to create resource booklets in Spanish, English, Korean, and Vietnamese to provide information on Domestic Violence, Home Invasion Robbery, and Consumer Fraud.
- The Government & Community Relations Unit received an 2002 Acts of Caring Award from the National Association of Counties for their innovative use of volunteers as “cultural ambassadors.”

Organizational Summary



ADMINISTRATIVE SERVICES - This Division provides administrative and technical support for the Office. This support includes office services, accounting, budgeting, human resources services, information systems, facilities management, research, purchasing, and compliance review/audit.

BUREAU OF INVESTIGATIONS - The Bureau consists of law enforcement personnel who provide investigative and other related technical services for the agency's prosecutors. Investigators provide trial support by conducting complex criminal investigations as well as interviewing and subpoenaing witnesses.

Investigators also assist other County law enforcement agencies with complex investigations, cases involving multiple jurisdictions, and officer-involved shootings.

CRIMINAL PROSECUTION - The Criminal Prosecution Division (DAMC) handles the prosecution of felony and misdemeanor cases.

Felony Operations 1: Handles most of the Office's felony prosecutions. Units in this area include: Homicide, Sexual Assault, Family Protection, Gang, TARGET, and Felony Panel (prosecutes a variety of felony crimes).

Felony Operations 2: Contains vertical and non-vertical prosecution units. The units include: Economic Crimes (auto theft and auto insurance fraud, workers' compensation fraud, high tech crime, and high-dollar fraud crimes); Consumer and Environmental Protection Unit (prosecutes improper usage or dumping of hazardous materials and companies and individuals that engage in fraudulent business practices); Narcotic Enforcement Team (prosecutes major narcotic traffickers, methamphetamine lab, etc.); Career Criminal (prosecutes repeat serious offenders); Welfare Fraud Criminal Prosecution Unit; Law and Motions Unit

(researches and presents writs and appeals and other court motions); and the Felony Projects Unit (prosecutes a variety of felonies, political corruption cases, extraditions, cases dealing with defendants under consideration for parole, including those with Mental Disordered and Not Guilty by Reason of Insanity).

Branch Court Operations: Oversees the criminal prosecution of adult misdemeanor crimes in each of the five Justice Centers; felony and misdemeanor petitions in the Juvenile Unit; and the Felony Charging Unit. The Felony Charging Unit is designed to make the filing of felony cases more efficient and consistent. Between new filings and the completion of existing cases, the Division handles approximately 55,000 misdemeanor cases annually, approximately 12,000 of the Office's felony filings, and the vast majority of the 12,000 juvenile petitions presented to the Office each year.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- During FY 2002-03, the Office deleted six positions funded by the Regional Gang Enforcement Team (RGET) federal grant program, which expired on December 31, 2002.
- In FY 2003-04, the Board approved the Office's augmentation request converting six long-term extra-help positions to regular status to comply with Memorandum of Understanding requirements.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The Office of the District Attorney's core business is public safety and security.

The Office dramatically cut prosecution and investigative services to address sales tax revenue shortfalls in FY2001/02 and FY2002/03. In spite of this dramatic revenue decline, totaling over \$9 million in two years, the Office sustained operations, without requiring additional County General Funds. It is noteworthy these budget management strategies resulted in a reduction in the Office's base budget level of service.

The Office is directly impacted by seven of the County's 2003 Strategic Priorities: Community Court (County Strategic Priority #7); South County Courthouse (County Strategic Priority #12); Central Arraignment Facility (County Strategic Priority #22); District Attorney High Tech Crime Unit (County Strategic Priority #23); Orange County Identity Theft Task Force (County Strategic Priority #29); Proposition 36 Underfunding (County Strategic Priority #38); and Soil and Groundwater Contamination Prosecution (County Strategic Priority #43). As funding allows, the Office will endeavor to support these priorities.

Changes Included in the Base Budget:

The CEO's recommended base budget would result in a reduction of \$5,735,454 over the already reduced level of services funded in the FY2002/03 budget.

As previously noted, the "base budget" represents an accumulation of over \$9 million in budget cuts over the last two fiscal years. These cuts were implemented to address two consecutive years of sales tax revenue shortfalls. Thus, the Office, through prudent budget management and reducing staffing and service levels, sustained operations well below the base level. Moreover, to mitigate County General Fund demand, the Office carried forward \$2.3 million in Fund 14B to offset FY2003/04 general fund requirements.



The Office is requesting four augmentations. The first augmentation requests \$5,368,765 to restore funding to sustain staffing at the existing reduced level, with the exception of Proposition 36 funding, which is requested as a stand-alone augmentation. The \$5,368,765 augmentation is required to maintain the current staffing level and avoid layoffs. Even at this level, prosecutors, investigators, and support staff will have higher caseloads resulting in less time spent preparing cases for trial which jeopardizes public safety. This augmentation restores reductions that were made to develop a base budget at the Net County Cost limit as required by the CEO. Without restoration, the mandated minimum level of service cannot be provided, the layoff of 42 positions would be required (19 Attorneys, 17 Investigators, and 6 Support Staff). This reduction will impact core criminal prosecution functions and critical victim witness contract services. Prosecution of cases in all areas will be negatively impacted as staff will not be available to adequately investigate or prosecute crimes. The People will not be adequately represented, less cases will be filed, and the conviction rate will decline.

The second augmentation requests an additional \$1,389,706 to fund attorneys and investigators at an adequate staffing level. To mitigate the general fund impact of sales tax shortfalls, attorney and investigator positions have remained vacant. These prolonged vacancies jeopardize the Office's ability to sustain quality prosecution services.

This augmentation will provide sufficient appropriations to fill 4 attorney and 4 investigator positions. This would still leave 8 attorney and 10 investigator positions vacant.

The third augmentation requests funding to support the Proposition 36 program at the FY2001/02 and FY2002/03 staffing levels. The CEO is recommending reducing Proposition 36 funding to \$200,000 for FY 03/04. This represents thirty-one percent (31%) of the existing funding level. The District Attorney requests General Fund backfill of the reduction. Failure to fund will severely reduce the Office's participation in the program and drastically diminish the representation of the People of the State of California in these cases. The actual program costs exceed this requested allocation.

The fourth augmentation requests converting six long-term extra-help positions to regular status to comply with Memorandum of Understanding requirements.

Finally, included in the recommended base budget is the deletion of one Investigator Position or \$88,732. This position provided Background Investigation services for the Orange County Department of Child Support Services (CSS) in FY 2002/03. CSS requested to end this service effective 06/30/03.

Approved Budget Augmentations and Related Performance Results:

Unit/Amount	Description	Performance Plan	Ref. Num.
RESTORE REDUCED LEVEL OF SERVICE/PROPOSITION 172 BACKFILL Amount: \$ 5,368,765	DA absorbed \$9M in cuts last 2 years. \$5.4M to fund reduced level of mandated prosecution services.	Continue to provide basic public safety needs at existing reduced staffing level.	026-001
PROPOSITION 36 BACKFILL Amount: \$ 345,799	Required to provide attorney support to the program. Actual program costs exceed approved amount.	Continued handling of Prop 36 cases.	026-003
EXTRA HELP CONVERSION Amount: \$ 0	Convert 6 EH positions to regular to comply with MOUs.	Maintain current level of service.	026-004
IMPACT OF MAY REVISE Amount: \$ 95,033	Reflects the impact of the State's May budget revise on the District Attorney.	N/A	026-005

Final Budget and History:

Sources and Uses	FY 2001-2002	FY 2002-2003	FY 2002-2003	FY 2003-2004	Change from FY 2002-2003	
	Actual Exp/Rev	Budget As of 6/30/03	Actual Exp/Rev ⁽¹⁾ At 6/30/03	Final Budget	Amount	Percent
Total Positions	-	632	632	638	6	0.95
Total Revenues	114,596,168	59,987,394	58,934,499	52,970,961	(5,963,538)	-10.12
Total Requirements	116,201,416	76,939,489	76,946,953	76,305,464	(641,489)	-0.83
Net County Cost	1,605,248	16,952,095	18,012,454	23,334,503	5,322,049	29.55



(1) Amounts include prior year expenditures and exclude current year encumbrances. Therefore, the totals listed above may not match Total FY 2002-03 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Detailed budget by expense category and by activity is presented for agency: District Attorney in the Appendix on page 457.

Budget Units Under Agency Control

No.	Agency Name	Administrative Services	Bureau Of Investigations	Criminal Prosecution	Total
026	District Attorney	16,459,286	21,276,294	38,569,884	76,305,464
116	Narcotic Forfeiture & Seizure	0	0	863,223	863,223
122	Motor Vehicle Theft Task Force	0	0	2,694,755	2,694,755
14H	DA'S Supplemental Law Enforcement Svcs	0	0	1,016,518	1,016,518
	Total	16,459,286	21,276,294	43,144,380	80,879,960