

## 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	2003 Business Plan Results	2004 Business Plan Target	How are we doing?
<b>CONVICTION RATE</b> <b>What:</b> Percentage of filed felony cases resulting in conviction <b>Why:</b> 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 excellent conviction rates. However, conviction rate may decline if funding is further reduced below current reduced level of service.
<b>PUBLIC SURVEY ON FEELINGS OF SAFETY AND SECURITY</b> <b>What:</b> An annual survey measuring public perception of safety and security. <b>Why:</b> Indicates achievement of the Office's goal of creating a sense of security in the community	On a 10-point scale with "1" representing a feeling of "extremely unsafe" and "10" representing a feeling of "complete safety," the most common response was 9 and the mean was 7.93. These numbers are similar to numbers reported in 2000 and 2001.	To meet or exceed prior year response.	Survey responses indicated Orange County residents feel safe, yet, slightly less so than in prior years. If sufficient funding is not maintained, caseloads will continue to reach unmanageable levels, compromising our ability to adequately prosecute criminals and thereby, jeopardize public safety.

#### FY 2003-2004 Key Project Accomplishments:

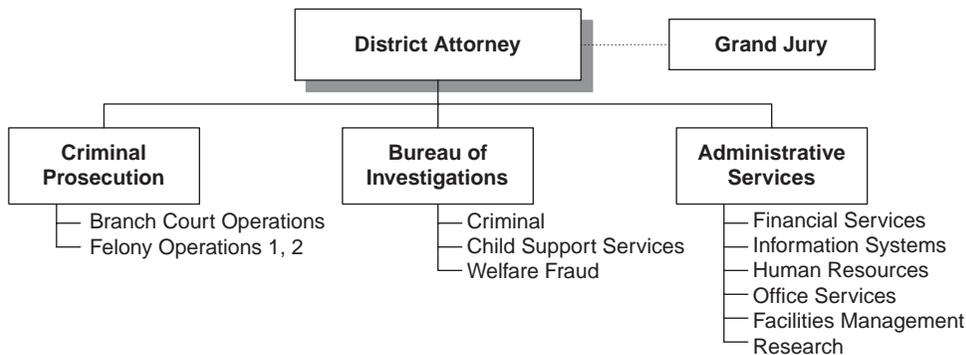
- In spite of budget reductions, continued to operate one of the most efficient district attorney offices. Managed considerably higher caseloads, spent less per case filed, and per capita than comparable, like-sized counties.
- Successfully convinced the California Supreme Court that the penalty enhancing provision of the criminal street gang statute (P.C. 186.22(d)) applies to all crimes, including misdemeanors. This benchmark provides all California law enforcement a valuable tool in curtailing gang crime.
- Implemented the District Attorney Case Management System, which serves as the hub for the County of Orange's Integrated Law & Justice system.

#### At a Glance:

Total FY 2003-2004 Actual Expenditure + Encumbrance:	77,861,982
Total Final FY 2004-2005 Budget:	80,718,573
Percent of County General Fund:	3.25%
Total Employees:	637.00

- Implemented grant-funded Due Diligence program to solve open homicide and sexual assault cases and bring perpetrators to justice.
- Produced and provided police officers responding to crime scenes with a training booklet entitled "The Officer's Quick Field Reference Guide for Domestic Violence and Stalking."
- Continued collaboration with Probation and Sheriff on the grant-funded SMART (School Mobile Resource Team) program targeted at preventing and addressing school violence and Truancy Response program.
- Obtained renewal of funding for four vertical prosecution programs combating Statutory Rapes, Child Abuse, Major Narcotics, and Career Criminals.
- Used grant funds to create and distribute bilingual resource materials in Spanish, English, and Vietnamese providing information on Home Invasion Robbery and Consumer Fraud, Crime Prevention, and Identity Theft. Materials were produced in print form and some topics were provided in video format as public service announcements.
- Expanded the Office web site to increase availability and accessibility of information to the public and media by listing status of high-profile cases, providing explanations of the workings of the criminal justice system, outlining the responsibilities of witnesses, and providing resources for victims.
- Two Employee Recognition Programs were coordinated by the Labor Management Committee to recognize stellar individual achievement and teamwork initiatives benefiting the Office and/or County.

## Organizational Summary



**ADMINISTRATIVE SERVICES** - This Division provides a myriad of support services including accounting, budgeting, human resources services, information systems, office support services, 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 investigation of officer-involved shootings throughout the County.

**CRIMINAL PROSECUTION** - The Criminal Prosecution Division prosecutes of felony and misdemeanor crimes.

Felony Operations 1: Prosecutes the majority of violent felony crimes. Units in this area include: Homicide, Sexual Assault, Family Protection, Gangs, TARGET, and Felony Panel (prosecutes a variety of felony crimes not handled by specialized felony units).

Felony Operations 2: Contains vertical and non-vertical prosecution units. The units include: Economic Crimes (auto theft, auto insurance fraud, workers' compensation insurance fraud, high tech crime, identity theft, 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 and illegal drug manufacturers); Career Criminal (prosecutes dangerous repeat offenders); Welfare Fraud Criminal Prosecution Unit; Law and Motions Unit (researches and presents writs and appeals and other court motions); and the Felony Projects/Special Assignment Unit (prosecutes a variety of specialized felonies (arson, hate crimes, political corruptions, and cases dealing with Mentally Disordered Offenders) and investigates Officer Involved Shootings).

Branch Court Operations: Prosecutes adult misdemeanor crimes in each of the five Justice Centers and handles felony and misdemeanor petitions in the Juvenile Unit. In addition, each of the five Justice Centers includes a Felony Charging Unit 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 53,000 misdemeanor cases annually, approximately 15,000 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 of Supervisors approved the Office's augmentation request converting six long-term extra-help positions to regular status to comply with Memorandum of Understanding requirements.
- A deletion of one position for the AB 1913 Truancy Program was included in the First Quarter Budget Report submitted to the Board on November 25, 2003.
- Each year since FY 2001-02, the Board of Supervisors has approved funding for five Attorney III positions to provide prosecution support to implement Proposition 36, Substance Abuse Crime Prevention Act approved by voters in November 2000.

**Budget Summary**

**Plan for Support of the County's Strategic Priorities:**

The Office is directly involved in four of the 2004 County Strategic Priorities that require funding: District Attorney High Tech Crime Unit (Strategic Priority 3A); Identity Theft (Strategic Priority #3B); Soil and Groundwater Contamination Prosecution (Strategic Priority #15); and Proposition 36 Underfunding (Strategic Priority #19). As funding allows, the Office will endeavor to support these priorities.

The Office of the District Attorney's core business is public safety and security. In spite of increased case filings and rising staffing costs, the Office reduced the FY2003-04 Budget to below the FY2002-03 actual expense level. As a result, in FY2003-04, the Office imposed a freeze on 5.3% or 12 prosecutor positions and 14% or 14 investigator positions. The balance between budget management and adequate prosecution is a delicate one. The Office is approaching a breaking point where the cumulative impact of reduced staffing levels may begin to impact the ability to adequately prosecute and investigate crimes. Nevertheless, the Office is mandated to



prosecute crime. If the Office's ability to effectively prosecute crimes is compromised, either by having an unmanageably high number of cases or influx of more complex cases, the Office will be forced to unfreeze positions and, if required, request additional funding from the Board of Supervisors.

### Changes Included in the Base Budget:

The CEO's recommended base budget for FY2004-05 includes a county general fund reduction of \$1,345,799 over the already reduced level of service funded in the FY2003-04 budget. Furthermore, to mitigate County General Fund demand, the Office continues to operate in a reduction mode and plans to transfer a total of \$4.1 million from Fund 14B to offset FY2004-05 general fund requirements.

For FY 2004-05, the Office is submitting two augmentation requests. The first augmentation transfers \$1,207,931 from Fund 14B to maintain a reduced level of service to provide mandated prosecution. Even at this level, prosecutors, investigators, and support staff will have higher caseloads resulting in less time spent preparing cases for trial. 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. This reduction will impact core criminal prosecution functions and critical victim/witness contract services.

The second augmentation is requesting additional funds of \$199,963 from County General Fund to support the Proposition 36 program at the FY2003-04 level. The Office requests a total appropriation of \$652,440 to fund five (5) Attorney positions to participate in all judicial processes. A deputy district attorney is present at each court proceeding, e.g., arraignment, preliminary hearing, pre-trial conference, pre-trial motions and trial, as well as at violation hearing, and court monitoring. The Proposition 36 Trust Fund Committee recommended an allocation of \$452,477 from the SACPA Trust Fund, which is insufficient to fund five (5) attorneys to provide the mandated minimum level of service. 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.

### Approved Budget Augmentations and Related Performance Results:

Unit/Amount	Description	Performance Plan	Ref. Num.
<b>Restore Reduced Level of Service (FY 04-05)</b> <b>Amount: \$ 1,207,931</b>	This request restores reductions that were made to develop a base budget at Net County Cost limit.	Without restoration of the funding fewer cases will be filed and conviction rate will decline.	026-717
<b>Proposition 36 Backfill (FY 04-05)</b> <b>Amount: \$ 452,477</b>	To support the shortfall in funding from the Proposition 36 Trust Fund for Penal Code 1210 matters.	To comply with the statute, determining those who are eligible to receive the program.	026-721

### Final Budget and History:

Sources and Uses	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Total Positions	-	638	636	637	1	0.16
Total Revenues	58,934,499	55,992,264	54,681,065	58,729,869	4,048,804	7.40
Total Requirements	76,946,953	79,140,967	77,057,000	80,718,573	3,661,573	4.75
Net County Cost	18,012,454	23,148,703	22,375,935	21,988,704	(387,231)	-1.73

(1) Amounts include prior year expenditures and exclude current year encumbrances. Therefore, the totals listed above may not match Total FY 2003-04 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 459.

### Highlights of Key Trends:

- Caseloads are increasing to intolerable levels. Over the last two years, felony filings, which are the more complex, serious, and violent crimes, have increased 6% and an additional 4% respectively. This trend is particu-

larly troublesome since it is coupled with a budget dictated temporary freeze of key prosecutor and investigator positions. The Office requires sufficient resources to adequately prosecute crime.

### Budget Units Under Agency Control

No.	Agency Name	Administrative Services	Bureau Of Investigations	Criminal Prosecution	Total
026	District Attorney	17,063,717	23,136,871	40,517,985	80,718,573
116	Narcotic Forfeiture And Seizure	0	0	909,574	909,574
122	Motor Vehicle Theft Task Force	0	0	2,872,053	2,872,053
14H	DA's Supplemental Law Enforcement Service	0	0	875,913	875,913
	<b>Total</b>	<b>17,063,717</b>	<b>23,136,871</b>	<b>45,175,525</b>	<b>85,376,113</b>

## 026 - DISTRICT ATTORNEY

### Summary of Final Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Fines, Forfeitures & Penalties	\$ 6,409,220	\$ 483,010	\$ 1,383,629	\$ 528,160	\$ (855,469)	-61.83%
Intergovernmental Revenues	50,655,361	48,510,285	51,466,937	50,813,178	(653,759)	-1.27
Charges For Services	448,372	406,972	542,188	441,971	(100,217)	-18.48
Miscellaneous Revenues	217,816	10,000	144,366	10,000	(134,366)	-93.07
Other Financing Sources	1,203,730	6,581,997	1,143,945	6,936,560	5,792,615	506.37
<b>Total Revenues</b>	<b>58,934,499</b>	<b>55,992,264</b>	<b>54,681,065</b>	<b>58,729,869</b>	<b>4,048,804</b>	<b>7.40</b>
Salaries & Benefits	61,375,754	65,603,790	65,182,969	70,579,219	5,396,250	8.28
Services & Supplies	8,617,150	8,173,122	6,636,529	12,077,267	5,440,738	81.98
Other Charges	1,093,367	1,179,092	1,178,592	1,372,887	194,295	16.49
Fixed Assets	361,053	344,847	149,082	358,417	209,335	140.42
Other Financing Uses	9,589,049	7,761,464	7,761,464	0	(7,761,464)	-100.00
Intrafund Transfers	(4,089,419)	(3,921,348)	(3,851,637)	(3,669,217)	182,420	-4.74
<b>Total Requirements</b>	<b>76,946,953</b>	<b>79,140,967</b>	<b>77,057,000</b>	<b>80,718,573</b>	<b>3,661,573</b>	<b>4.75</b>
<b>Net County Cost</b>	<b>\$ 18,012,454</b>	<b>\$ 23,148,703</b>	<b>\$ 22,375,935</b>	<b>\$ 21,988,704</b>	<b>\$ (387,231)</b>	<b>-1.73%</b>

(1) Amounts include prior year expenditures and exclude current year encumbrances. Therefore, the totals listed above may not match Total FY 2003-04 Actual Expenditure + Encumbrance included in the "At a Glance" section.

### Final Budget Summary of Administrative Services:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Intergovernmental Revenues	\$ 15,811,806	\$ 15,653,750	\$ 15,219,664	\$ 15,188,000	\$ (31,664)	-0.21%
Charges For Services	59,682	78,034	88,678	78,034	(10,644)	-12.00
Miscellaneous Revenues	47,128	10,000	77,179	10,000	(67,179)	-87.04
Other Financing Sources	52,421	116,477	116,477	76,000	(40,477)	-34.75
<b>Total Revenues</b>	<b>15,971,037</b>	<b>15,858,261</b>	<b>15,501,998</b>	<b>15,352,034</b>	<b>(149,964)</b>	<b>-0.97</b>
Salaries & Benefits	9,411,832	10,317,726	10,253,761	10,564,930	311,169	3.03
Services & Supplies	4,750,287	5,793,468	4,397,546	5,952,617	1,555,071	35.36
Other Charges	1,093,367	1,179,092	1,178,592	1,372,887	194,295	16.49
Fixed Assets	317,549	169,000	149,082	182,570	33,488	22.46
Other Financing Uses	9,589,049	999,294	7,761,464	0	(7,761,464)	-100.00
Intrafund Transfers	(677,590)	0	(807,186)	(1,009,287)	(202,101)	25.04
<b>Total Requirements</b>	<b>24,484,494</b>	<b>18,458,580</b>	<b>22,933,259</b>	<b>17,063,717</b>	<b>(5,869,542)</b>	<b>-25.59</b>
<b>Net County Cost</b>	<b>\$ 8,513,456</b>	<b>\$ 2,600,319</b>	<b>\$ 7,431,261</b>	<b>\$ 1,711,683</b>	<b>\$ (5,719,578)</b>	<b>-76.97%</b>

### Final Budget Summary of Bureau Of Investigations:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Intergovernmental Revenues	\$ 17,764,299	\$ 17,509,013	\$ 16,987,207	\$ 19,295,000	\$ 2,307,793	13.59%
Charges For Services	224,233	208,938	241,325	208,937	(32,388)	-13.42
Miscellaneous Revenues	166,972	0	59,426	0	(59,426)	-100.00
<b>Total Revenues</b>	<b>18,155,505</b>	<b>17,717,951</b>	<b>17,287,958</b>	<b>19,503,937</b>	<b>2,215,979</b>	<b>12.82</b>
Salaries & Benefits	18,982,788	19,903,739	20,072,493	22,893,117	2,820,624	14.05
Services & Supplies	1,061,002	1,326,574	1,131,357	1,989,450	858,093	75.85
Fixed Assets	31,226	155,928	0	155,928	155,928	0.00
Other Financing Uses	0	6,762,170	0	0	0	0.00
Intrafund Transfers	(2,172,839)	(3,220,906)	(2,002,959)	(1,901,624)	101,335	-5.06
<b>Total Requirements</b>	<b>17,902,177</b>	<b>24,927,505</b>	<b>19,200,890</b>	<b>23,136,871</b>	<b>3,935,981</b>	<b>20.50</b>
<b>Net County Cost</b>	<b>\$ (253,328)</b>	<b>\$ 7,209,554</b>	<b>\$ 1,912,932</b>	<b>\$ 3,632,934</b>	<b>\$ 1,720,002</b>	<b>89.91%</b>

### Final Budget Summary of Family Support:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Intergovernmental Revenues	\$ 174,294	\$ 0	\$ 0	\$ 0	\$ 0	0.00%
<b>Total Revenues</b>	<b>174,294</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>
Services & Supplies	4,510	0	38	0	(38)	-100.00
<b>Total Requirements</b>	<b>4,510</b>	<b>0</b>	<b>38</b>	<b>0</b>	<b>(38)</b>	<b>-100.00</b>
<b>Net County Cost</b>	<b>\$ (169,784)</b>	<b>\$ 0</b>	<b>\$ 38</b>	<b>\$ 0</b>	<b>\$ (38)</b>	<b>-100.00%</b>

### Final Budget Summary of Criminal Prosecution:

Revenues/Appropriations	FY 2002-2003 Actual Exp/Rev	FY 2003-2004 Budget As of 6/30/04	FY 2003-2004 Actual Exp/Rev <sup>(1)</sup> At 6/30/04	FY 2004-2005 Final Budget	Change from FY 2003-2004 Actual	
					Amount	Percent
Fines, Forfeitures & Penalties	\$ 6,409,220	\$ 483,010	\$ 1,383,629	\$ 528,160	\$ (855,469)	-61.83%
Intergovernmental Revenues	16,904,962	15,347,522	19,260,066	16,330,178	(2,929,888)	-15.21
Charges For Services	164,456	120,000	212,185	155,000	(57,185)	-26.95
Miscellaneous Revenues	3,716	0	7,760	0	(7,760)	-100.00
Other Financing Sources	1,151,309	6,465,520	1,027,468	6,860,560	5,833,092	567.72
<b>Total Revenues</b>	<b>24,633,663</b>	<b>22,416,052</b>	<b>21,891,108</b>	<b>23,873,898</b>	<b>1,982,790</b>	<b>9.06</b>
Salaries & Benefits	32,981,133	35,382,325	34,856,715	37,121,172	2,264,457	6.50
Services & Supplies	2,801,351	1,053,080	1,107,588	4,135,200	3,027,612	273.35
Fixed Assets	12,278	19,919	0	19,919	19,919	0.00
Intrafund Transfers	(1,238,990)	(700,442)	(1,041,492)	(758,306)	283,186	-27.19
<b>Total Requirements</b>	<b>34,555,773</b>	<b>35,754,882</b>	<b>34,922,812</b>	<b>40,517,985</b>	<b>5,595,173</b>	<b>16.02</b>
<b>Net County Cost</b>	<b>\$ 9,922,110</b>	<b>\$ 13,338,830</b>	<b>\$ 13,031,704</b>	<b>\$ 16,644,087</b>	<b>\$ 3,612,383</b>	<b>27.72%</b>