

**COUNTY OF MADERA
BUDGET UNIT EXPENDITURE DETAIL
BUDGET FOR THE FISCAL YEAR 2013-14**

Department: **DISTRICT ATTORNEY
(03510)**
Function: **Public Protection**
Activity: **Judicial - Other**
Fund: **General**

<u>ACCOUNT CLASSIFICATION</u>	ACTUAL EXPENDITURES <u>2011-12</u>	BOARD APPROVED EXPENDITURES <u>2012-13</u>	DEPARTMENT REQUEST <u>2013-14</u>	CAO RECOMMENDED <u>2013-14</u>
SALARIES & EMPLOYEE BENEFITS				
710102 Permanent Salaries	1,075,339	1,223,407	1,402,198	1,402,198
710103 Extra Help	195,576	164,239	86,161	86,161
710105 Overtime	14,295	5,000	5,000	5,000
710200 Retirement	323,650	384,633	420,573	420,573
710300 Health Insurance	137,420	213,759	259,328	259,328
710400 Workers' Compensation Insurance	93,820	110,980	161,762	161,762
710500 Other Benefits	1,195	0	0	0
TOTAL SALARIES & EMPLOYEE BENEFITS	1,841,295	2,102,018	2,335,022	2,335,022
SERVICES & SUPPLIES				
720300 Communications	5,146	5,300	5,300	5,300
720600 Insurance	99,682	105,034	152,640	152,640
720702 Witness Fees	377	1,500	1,500	1,500
720800 Maintenance-Equipment	717	1,000	1,000	1,000
721100 Memberships	8,035	8,000	10,520	10,520
721300 Office Expense	31,190	29,624	34,100	34,100
721400 Professional & Specialized Services	43,441	28,150	30,150	30,150
721600 Rents & Leases - Equipment	26,511	30,000	42,900	42,900
721900 Special Departmental Expense	12,177	16,000	16,000	16,000
721910 Juvenile Justice Commission	0	3,500	2,000	2,000
721912 Special Departmental Expense - POST Training	0	2,000	2,000	2,000
722000 Transportation & Travel	13,711	18,750	21,750	21,750
TOTAL SERVICES & SUPPLIES	240,987	248,858	319,860	319,860
FIXED ASSETS				
740300 Fixed Assets - Equipment/Furniture	18	0	0	0
TOTAL FIXED ASSETS	18	0	0	0
TOTAL - DISTRICT ATTORNEY	2,082,300	2,350,876	2,654,882	2,654,882

DISTRICT ATTORNEY

COMMENTS

The District Attorney is responsible for criminal prosecution of all violations of State and County laws, as well as civil prosecutions of certain violations of State and County laws.

WORKLOAD

	<u>Actual</u> <u>2011-12</u>	<u>Estimated</u> <u>2012-13</u>	<u>Projected</u> <u>2013-14</u>
FILES OPENED*	7,862	7,800	7,900
CONSOLIDATED COURTS			
Juvenile Petitions	666	550	600
Jury Trials	63	70	75
Felonies Filed	1,530	1,500	1,600
Misdemeanors Filed	3,463	2,950	3,000

* In December 2009, the District Attorney instituted direct filing of misdemeanor driving-without-a-license cases. These cases are now direct-filed to the court by the law enforcement agencies. While the filing is no longer the responsibility of the DA's office, prosecutor's still make appearances on these cases within traffic court, impacting attorney workload. In Fiscal Year 2011-12, there were 2,179 direct-filed cases, a 10% increase from the year before. As of February 2013, there have been 1,337 direct-filed cases in the 2012-13 Fiscal Year.

REVENUE

	<u>Actual</u> <u>2011-12</u>	<u>Estimated</u> <u>2012-13</u>	<u>Projected</u> <u>2013-14</u>
Bad Check Restitution	\$2,577	\$2,000	\$2,000
Copies	0	0	0
Cancel Warrants	82	100	150
Misc reimbursement & Refunds	198	130	130
DA Seized Funds (Consumer Protection or Other)	13,140	12,161	3,000
Other Court Fines	750	0	0
Asset Forfeiture	6,325	8,000	14,000
AB 109	0	34,393	39,100
Total	<u>\$23,072</u>	<u>\$56,784</u>	<u>\$58,380</u>

DISTRICT ATTORNEY

AB 109 REVENUE

On September 27, 2011, Madera County Board of Supervisors adopted the County of Madera Public Safety Realignment Plan. As part of this plan, the District Attorney will receive a share of the state realignment revenue. This additional revenue (estimated \$39,100) will offset part of the Extra Help Deputy District Attorney (DDA) I that will backfill the vacated spot that resulted from transferring a DDA I to the new Office of Traffic Safety DUI grant.

OUT-OF-COUNTY TRIAL COST ESTIMATE

During the 2013-14 Fiscal Year, the District Attorney is anticipating two homicide trials that will require a change of venue and added travel expenses. The District Attorney requested roughly \$324,000 to cover such expenses. The County Administrative Office acknowledges this potential; however, additional funding is not recommended as part of the budget. If additional travel expenses are actually incurred during the 2013-14 Fiscal Year and exceed the budgeted allocations, the District Attorney will be advised to request a mid-year budget adjustment.

STAFFING

<u>Permanent</u>	2012-13 Authorized		2013-14 Recommended	
	<u>Funded</u>	<u>Unfunded</u>	<u>Funded</u>	<u>Unfunded</u>
Administrative Analyst I/II	0.75 ⁽¹⁾		0.75 ⁽¹⁾	
Assistant District Attorney	0.40 ⁽²⁾		0.40 ⁽²⁾	
Chief Criminal Investigator	0.25		0.25	
Deputy District Attorney I/II/III/Senior	8.50	1.06	9.50	.06
District Attorney	0.95 ⁽³⁾		0.95 ⁽³⁾	
District Attorney Investigator I/II/Senior	2.00 ⁽⁴⁾		2.00 ⁽⁴⁾	
Investigative Assistant	0.00	1.00	0.00	1.00
Office Assistant I/II	0.00	1.00	1.00	
Office Services Supervisor I/II, or Senior Legal Secretary	1.00		1.00	
Program Assistant II, Senior Program Assistant, or Legal Secretary I/II (Not to exceed two Legal Secretaries)	3.00	3.20	6.00 ⁽⁵⁾	.20
Supervising Deputy District Attorney	<u>1.00</u>		<u>1.00</u>	
Total Permanent	17.85	6.26	22.85	1.26

- (1) 0.25 of the Administrative Analyst position is funded in the District Attorney-Welfare Fraud budget.
- (2) 0.60 of the Assistant District Attorney position is funded in the District Attorney – COPS budget (03530).
- (3) 0.05 of the District Attorney position is funded in the District Attorney-Welfare Fraud budget.
- (4) Only one District Attorney Investigator can be Senior.
- (5) Clerical funding increased due to the movement from extra help to permanent.

DISTRICT ATTORNEY

STAFFING (continued)

Understaffing is significantly impacting the function of the District Attorney's Office. This is for a number of reasons: the courts added an additional department in 2007 without a concurrent increase in District Attorney staff to handle; the number of homicide cases has now reached 20; non-homicide gang cases involving shootings and stabbings are on the rise; the average experience level of prosecutors in the District Attorney's Office has become very low; and the low clerical staffing has caused criminal case referrals to slow to 60-90 days for processing, which causes statute of limitations problems on misdemeanor cases.

To address these issues the District Attorney is proposing to 1) add an additional Deputy District Attorney to assist in prosecuting homicide and gang cases; 2) restore funding for an entry level Deputy District Attorney and eliminate funding for a part-time extra help Deputy District Attorney position; 3) re-establish one (1) of the two (2) Supervising Deputy District Attorney positions which has been underfilled with a line Deputy District Attorney for the past two (2) years; and 4) restore funding to allow hiring of a clerical staff member into an unfunded position; and 5) convert three (3) long-term Program Assistant extra help positions to funded permanent positions.

SALARIES & EMPLOYEE BENEFITS

- 710102** **Permanent Salaries** (\$1,402,198) are recommended increased \$178,791 based on the cost of recommended staff.
- 710103** **Extra Help** (\$86,161) is recommended reduced \$78,078 based on current actual costs for Extra Help staff.
- 710105** **Overtime** (\$5,000) is recommended unchanged for District Attorney Investigators to serve papers and contact witnesses after hours and on weekends.
- 710200** **Retirement** reflects the County's anticipated contribution to Social Security and the Public Employee's Retirement System.
- 710300** **Health Insurance** is based on the employer's share of health insurance premiums.
- 710400** **Workers' Compensation** reflects the Department's contribution to the County's Self-Insurance Internal Service Fund.

SERVICES & SUPPLIES

- 720300** **Communications** (\$5,300) is recommended unchanged based on current actual costs for cell phones for the investigators and office phones for staff.

DISTRICT ATTORNEY

SERVICES & SUPPLIES (continued)

- 720600** **Insurance** reflects the Department's contribution to the County's Self-Insured Liability Program.
- 720702** **Witness Fees** (\$1,500) is recommended unchanged for witness fees, which are the responsibility of the District Attorney.
- 720800** **Maintenance – Equipment** (\$1,000) is recommended unchanged for maintenance agreements, mobile radio repairs, computer and photo equipment repairs, and CLETS maintenance.
- 721100** **Memberships** (\$10,520) are recommended increased \$2,520 based on actual expenses for membership in the California District Attorneys' Association for the District Attorney (\$2,755) and all Deputy District Attorneys (\$2,980), Fresno-Madera Chiefs' Association (\$200), and payment of the California State Bar dues for each Attorney in the Department (\$4,585), as required in the MOU.
- 721300** **Office Expense** (\$34,100) is recommended increased \$4,476 for general office supplies, copying costs, maintaining legal periodicals and books, and the purchase of printed forms. The increase of \$4,476 is due to the addition of two Deputy District Attorneys and their need for computers (\$3,780) and office furniture (\$650 for desk and chair).
- 721400** **Professional & Specialized Services** (\$30,150) is recommended increased \$2,000 for the DAMION Case Management System maintenance and for polygraph and handwriting analysis, expert witness fees, interpreters, laboratory technician cost, auto accident experts, on-line legal services, background investigations, and various other classes of experts or exams. This does not reflect increases necessary to cover the rising costs of pathology and pathologist's testimony at trial.
- 721600** **Rents & Leases – Equipment** (\$42,900) is recommended increased \$12,900 for the leasing of five vehicles from Central Garage (\$38,100) and for rental of a copy machine (\$4,800) based on prior year expenses. The five vehicles are used by the investigators in performance of their duties and average 7,300 miles per month.
- 721900** **Special Departmental Expense** (\$16,000) is recommended unchanged for witness expenses, CD and DVD media, photographic services, prison and court records, investigator's equipment, and \$5,000 for special funds.
- 721910** **Juvenile Justice Commission** (\$2,000) is recommended reduced \$1,500 in accordance with the submitted request by the commission and includes compensation and mileage reimbursement for the 12 commission members, plus photo copy and postage charges.

SERVICES & SUPPLIES (continued)

721912 **Special Departmental Expense - POST Training** (\$2,000) is recommended unchanged for training expenses for the District Attorney Investigators. Any funds expended for this purpose are reimbursed to the County by POST.

722000 **Transportation & Travel** (\$21,750) is recommended increased \$3,000 for meetings, conferences, private mileage reimbursement and transportation of prisoners, if required. Actual training costs are offset by Asset Forfeiture funds that have been included in the revenue estimate, or Consumer Protection funds awarded to the District Attorney's Office.