

## ***District Attorney***

### **DISTRICT ATTORNEY APPROPRIATION SUMMARY Fiscal Year 2011-12**

**ADMINISTERED BY: DISTRICT ATTORNEY**

Appropriation	FY 2010-11		BOS Adopted Budget	FY 2011-12	
	Actual	Position Allocations		Percent Change	Position Allocations
<b>OTHER OPERATING FUND</b> District Attorney - Fund 110	\$ 17,613,060	125	\$ 18,592,538	5.6%	125
<b>TOTAL ALL FUNDS</b>	\$ 17,613,060	125	\$ 18,592,538	5.6%	125

### **Mission Statement**

Our mission is to pursue justice, protect victims' rights and public safety on behalf of the people of the State of California and the County of Placer. Through vigorous, equal, and efficient enforcement of the criminal law, prosecutors working on behalf of the Office of the District Attorney represent the people of the State of California in the criminal justice system and work with law enforcement agencies to assure the rights of the innocent, to prosecute and hold accountable the guilty, and to protect victims' and witnesses' rights.

### **Budget Summary and Changes**

The FY 2011-12 Proposed Budget provides \$18,553,038 for the District Attorney's Office, representing a 1.6% increase when compared to the previous year. Funding is maintained for 104 positions out of the total 125 allocated, which is four positions fewer than prior year staffing levels. Two vacant legal secretaries (\$80,000), one administrative clerk (\$33,000), and one administrative technician (\$45,000) are defunded in FY 2011-12. Professional Services are reduced \$330,000 due to removal of prior year toxicology contract transition costs. The Department experienced grant funding reductions as follows: Elder Abuse (\$94,000), State Aid Auto Insurance Fraud (\$50,000), and the Federal Cold Case Grant (\$233,000). Other Post Employment Benefit expenditures are adjusted to include projected up-front set aside costs for new hires (\$195,000), offset by increases to Public Safety Sales Tax revenues and the use of available FY 2010-11 fund balance carryover.

Public Safety Sales Tax revenue trends have improved over the past year. Projected revenues for FY 2011-12 are budgeted at \$3.7 million, up approximately \$450,000 from the prior year Final Budget amount of \$3.2 million. This revenue source will be re-evaluated again at Final Budget, and adjusted accordingly.

Other funding requests submitted by the Department, but not recommended in the CEO Proposed Budget at this time include: Additional extra help expenditures (\$22,000).

### **Department Comments**

The District Attorney's Office is statutorily mandated to adhere to deadlines for filing cases and prosecuting defendants. These filing deadlines are often within 48 hours of an arrest that can arise from any one of the law enforcement agencies in Placer County. The District Attorney's Office also has constitutional mandates to deliver services to victims of crime pursuant to the California Constitution and a number of statutes, including Marsy's law. The continued mandates increase our duties and responsibilities while funding sources are decreasing.

***R. Scott Owens, District Attorney***

## ***District Attorney***

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The District Attorney's Office, over the last ten plus years, has been very successful in securing grant funding to meet our mission, mandates and needs. The success in this area has, during that time, allowed this office to provide additional services without correspondingly increasing the amount of funding requested from the general fund. In the last year, as grant resources and funding have decreased, accordingly the District Attorney's Office supplemental base budget requests funding to fulfill its mission in light of these losses. Our office is committed to continuing to seek alternative revenue sources to help reduce the general fund contribution to the overall budget.

The District Attorney's Office currently has 17 vacant / unfunded positions. To not exceed base budget, our office will have to reduce 4 vacant / funded positions, reduce contractual obligations and reduce extra help. We are requesting in the "Department Supplemental Requests" to maintain funding for the current funded 108 positions. In "Professional Special Services," we are requesting to maintain funding for contractual obligations for phlebotomy / Lab / PAS Services and to continue with contract employees. In "Charges from Departments," we are requesting the budget be increased to fulfill financial obligations to other county departments.

As a final comment, the District Attorney, in fulfilling its mission, engages in a wide range of services which result in funding expenditures. A set of very brief examples of those expenditures and efforts made in the recent past are set forth below, as are some of the accomplishments from calendar year 2010 and FY 2010-11:

- The office successfully located and brought back an abducted child from Tennessee.
- The Multidisciplinary Interview Center interviewed 168 children who were alleged victims of felony child maltreatment to include sexual and physical abuse as well as witnesses to felony crimes in calendar year 2010 – the highest number since opening doors in 1993. The interview center is nationally accredited and a member of California Network of Child Advocacy centers.
- Our victim advocacy unit, staffed with only three full time advocates, served a total of 3,431 victims in FY 2009-10.
- In 2010 we had a total of 31,938 witness contacts in our witness notification unit. Due to recent budget cuts this unit has been reduced from three positions to two positions and additional responsibilities have been added to their core responsibilities.
- For FY 2009-10 our office issued 19,442 subpoenas.
- Our office assisted in the writing of a county wide officer involved fatal incident protocol. This protocol, a first of its kind in Placer County, was adopted by all agencies within Placer County. The District Attorney investigations unit has assisted allied agencies with four officer-involved shootings during this past fiscal year pursuant to protocol.
- Our office created a Brady Protocol and Policy to assure compliance with our obligation to provide exculpatory information to the defense in the cases we prosecute. The Placer County policy was noted statewide for the cooperation between agencies and officer unions for thief cooperative efforts in achieving this policy.
- In August of 2010 we formed a partnership with the Department of Justice to reduce costs for drug and alcohol testing that will result in significant long term financial savings for the county.
- The office created new eyewitness identification procedures, which included the use of new forms and procedures that facilitated accuracy of identification. The policy was lauded as one of the best in the state.
- A supervising district attorney was invited to be on a task force organized by the National District Attorneys

## **District Attorney**

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Association (NDAA) regarding shaken baby syndrome together with a handful of prosecutors and eminent physicians who are outstanding in their fields, across the USA. In addition, two veteran deputy district attorneys were invited to speak at the NDAA summer conference in 2010. Both of these invitations were the first for Placer County District Attorney's office.

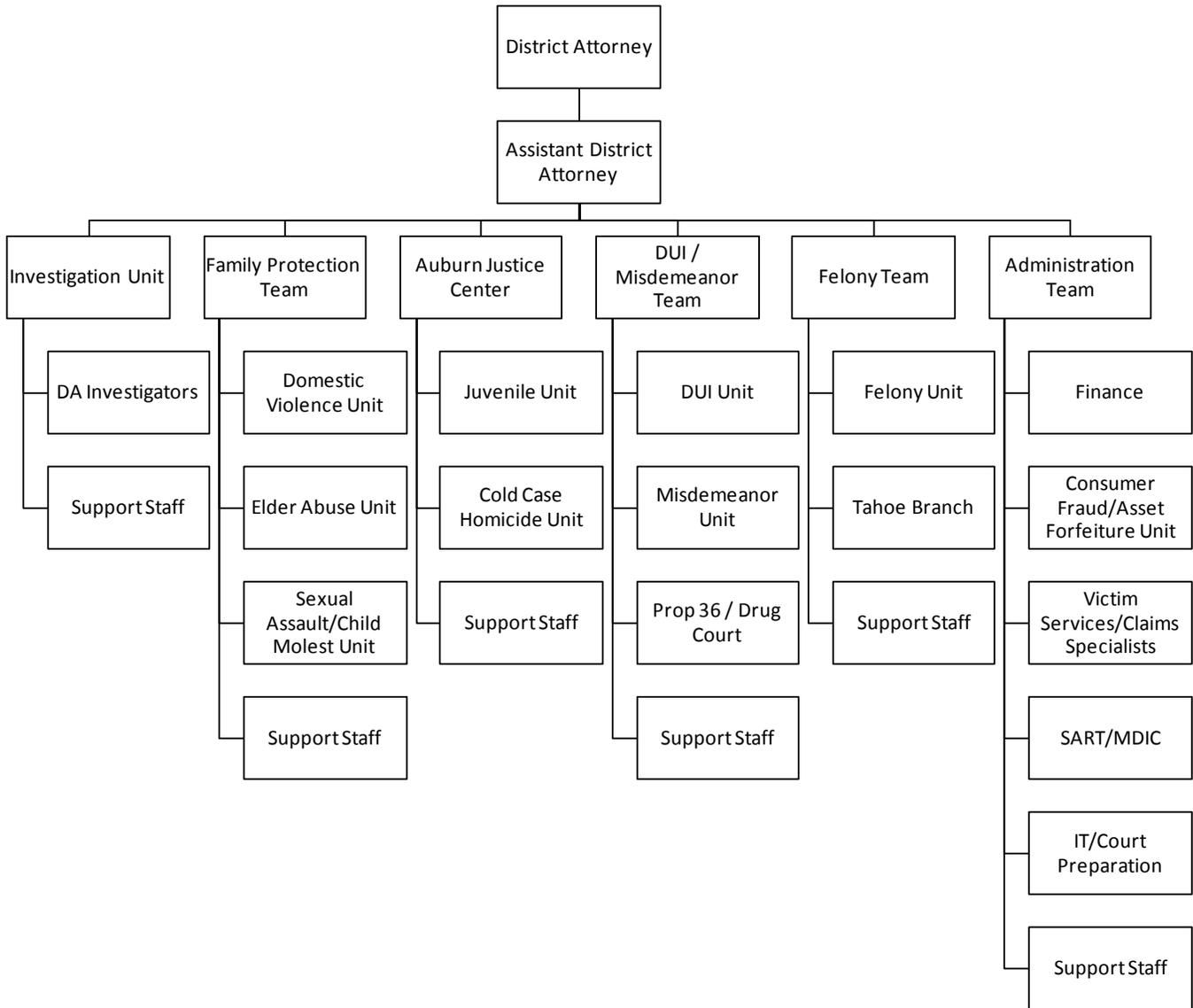
- Two deputy district attorney's of the District Attorney's Office were named Placer County's Prosecutors of the Year for 2010. They received the honor on the strength of their jury trial convictions in 2009 of two men who murdered another man in a case that also involved illegal drugs and the torturing of the victim. The trial lasted almost five months and over 60 witnesses were called.
- The office prosecuted People v. Virgo wherein the defendant was sentenced to 121 years in prison for a gun battle with the Placer County Sheriff's Office. The defendant stood off a Placer County Sheriff's Office SWAT team in a gun battle in which an estimated 50 to 70 rounds were fired in Newcastle in 2006. This was a month-long trial and over 20 witnesses testified at trial.
- The office prosecuted a Rocklin man through jury trial where he was found guilty of attempted murder in a stabbing incident at Sierra College. The victim suffered severe stab wounds to his chest and abdomen.
- The office protected the integrity of the justice system in the successful prosecution of a man who threatened a witness in a pending criminal case. As the pending drug case was approaching trial, the defendant made a phone call to one of the witnesses who had been served with a subpoena to testify against him in court. During that call he threatened to kill the witness and to burn down her house. That defendant was sentenced to 16 years in prison.
- A defendant who kidnapped a woman in a carjacking, who is a three strike offender, will be sentenced to 30 years to life in prison in March 2011. The victim in the case was driving her car to work one day when she was rear ended by the Defendant. When she got out to exchange information, the other driver, punched her in the face and forced her back into her car. He then drove her car, leaving his own vehicle on the roadside with the engine running. He drove around for about four hours before returning to an area near the original crime scene and releasing the woman.
- Another defendant was sentenced to 19 years and four months in state prison for an assault with a firearm and making a terrorist threat and admitting allegations of committing a hate crime in the assault case and to having been convicted of previous felonies. The defendant threatened one person with a knife and in a separate case, a month later, he pointed a rifle at a man and made racial taunts. The defendant's crimes were racially motivated based on a membership in the "Sacramaniacs", a white supremacist gang based in Sacramento.

### **Final Budget Changes from the Proposed Budget**

The Final Budget includes the following budget adjustments for the *District Attorney* Department:

- Expenditures are increased by \$39,500 in Special Department Expense for one-time purchases of: DAMION (Case Management System) E-Services Module (\$30,000); Forensic Cell Phone Examination System (\$8,500); and Bar Code Case Tracking of Damion Files (\$1,000)
- Funding is added to the reserve account, Designation for Contingency (\$13,205)

# DISTRICT ATTORNEY



## **District Attorney**

### **District Attorney 21710**

**Program Purpose:** The District Attorney oversees prosecution of serious and violent crime throughout the County and provides assistance with criminal investigations conducted by law enforcement agencies. The District Attorney makes reasoned and ethical decisions in initiating prosecutions; provides aid and assistance to those who have been victimized by crime; and directs resources for prosecuting criminal misconduct.

#### **Major Budget Adjustments Proposed for 2011-12**

- Increase \$634,347 for Salary and Benefits to maintain funding for 104 positions
- Increase \$194,775 for Up-Front Other Post Employment Benefits (OPEB) Set Aside for projected new hires
- Increase \$448,411 for Public Safety Sales Tax revenue
- Reduce \$329,620 for Professional Services related to Duplicative Toxicology contracts
- Reduce \$58,245 for Lease Purchase Principal and Interest
- Reduce \$93,000 for Elder Abuse revenue
- Reduce \$50,000 for State Aid Auto Insurance Fraud revenue
- Reduce \$233,194 for Federal Cold Case Grant revenue

### **POSITION INFORMATION**

<b>Changes in Funded Positions Salary Adjustments</b>	<b>2011-12 Positions</b>	<b>2011-12 Salary</b>
<b>DISTRICT ATTORNEY</b>		
District Attorney		
Administrative Clerk - Entry/Journey	-1	<sup>1</sup> \$ (32,917)
Administrative Technician	-1	<sup>1</sup> \$ (45,146)
Legal Secretary - Entry/Journey	-2	<sup>1</sup> \$ (80,222)
<b>District Attorney Total</b>	<b>-4</b>	<b>\$ (158,285)</b>

#### Notes

<sup>1</sup> Positions defunded to meet base budget.

County of Placer  
 Financing Sources and Uses by Budget Unit by Object  
 Governmental Funds  
 Fiscal Year 2011-12

Budget Unit Public Safety Operations Fund - 110

Function Public Protection

Activity District Attorney - 21710

Detail by Revenue Category and Expenditure Object	2009-10 Final Actuals	2010-11 Actual	2011-12 Recommended	2011-12 Adopted by the Board of Supervisors
1	2	3	4	5
<b>Revenue</b>				
<b>Fines, Forfeits &amp; Penalties</b>				
6851 Vehicle Code Fines-Alcohol	\$ 59,208	\$ 56,189	\$ 60,000	\$ 60,000
6860 Forfeitures & Penalties	1,155	4,040	2,500	2,500
6862 Consumer Fraud Fines	63,774	76,297	40,000	40,000
<b>Total Fines, Forfeits &amp; Penalties</b>	<b>\$ 124,137</b>	<b>\$ 136,526</b>	<b>\$ 102,500</b>	<b>\$ 102,500</b>
<b>Intergovernmental Revenue</b>				
7210 Elder Abuse	\$ 110,000	\$ 26,172	\$	\$
7211 State Aid Auto Insurance Fraud	65,379	84,568		
7234 State Aid - Mandated Costs	30,032	31,273		
7292 Aid from Other Governmental Agencies	129,100	191,425	75,095	75,095
7296 Aid from Children & Families 1st Commsn	68,666	75,346	84,000	84,000
7336 State - Victim/Witness Program	213,854	207,586	176,213	176,213
7337 State BOC Burial Grant		23,356		
7338 State Aid - Child Abuse Vertical Pros	155,642	48,529		
7339 State - DA - Bd of Control	237,256	297,944	254,000	254,000
7424 State Aid - Public Safety Services	3,410,656	3,738,837	3,668,796	3,668,796
7467 State Aid Supplemental Law Enforcement	80,654	80,646	80,000	80,000
7496 Fed Cold Cases Grant	213,495	176,559		
<b>Total Intergovernmental Revenue</b>	<b>\$ 4,714,734</b>	<b>\$ 4,982,241</b>	<b>\$ 4,338,104</b>	<b>\$ 4,338,104</b>
<b>Charges for Services</b>				
8122 Legal Services	\$ 14,701	\$ 30,316	\$ 28,364	\$ 28,364
8212 Other General Reimbursement		275		
8218 Forms and Photocopies	22,136	22,244	20,000	20,000
8219 Casino - Sales Tax In Lieu	9,647			
<b>Total Charges for Services</b>	<b>\$ 46,484</b>	<b>\$ 52,835</b>	<b>\$ 48,364</b>	<b>\$ 48,364</b>
<b>Donations</b>				
8755 Donation	\$ 4,150	\$ 3,500	\$	\$
<b>Total Donations</b>	<b>\$ 4,150</b>	<b>\$ 3,500</b>	<b>\$</b>	<b>\$</b>
<b>Miscellaneous Revenues</b>				
8746 Grants-Private Funds	\$ 79,505	\$	\$	\$
8764 Miscellaneous Revenues	20,285	15,332		
<b>Total Miscellaneous Revenues</b>	<b>\$ 99,790</b>	<b>\$ 15,332</b>	<b>\$</b>	<b>\$</b>
<b>Other Financing Sources</b>				
8779 Contributions from General Fund	\$ 11,116,654	\$ 11,616,832	\$ 11,616,832	\$ 11,616,832
8780 Contributions from Other Funds	38,011			
8954 Operating Transfers In	492,787	1,141,949	960,917	960,917
<b>Total Other Financing Sources</b>	<b>\$ 11,647,452</b>	<b>\$ 12,758,781</b>	<b>\$ 12,577,749</b>	<b>\$ 12,577,749</b>
<b>Total Revenue</b>	<b>\$ 16,636,747</b>	<b>\$ 17,949,215</b>	<b>\$ 17,066,717</b>	<b>\$ 17,066,717</b>
<b>Expenditures / Appropriations</b>				
<b>Salaries &amp; Benefits</b>				
1001 Employee Paid Sick Leave	\$ 5,092	\$ 51,229	\$ 6,000	\$ 6,000
1002 Salaries and Wages	8,664,047	9,102,168	9,722,070	9,722,070
1003 Extra Help	68,583	102,212	47,741	47,741
1005 Overtime & Call Back	16,973	61,911	4,000	4,000
1006 Sick Leave Payoff		26,491		
1011 Salary Savings			(26,149)	(26,149)
1018 Taxable Meal Reimbursements	167	575	350	350
1099 Salaries & Wages Undistributed	(130)			
1300 P.E.R.S.	1,927,369	2,007,511	2,419,617	2,419,617
1301 F.I.C.A.	635,409	642,656	718,102	718,102
1303 Other - Post Employment Benefits	798,413	818,531	807,146	807,146
1310 Employee Group Ins	1,104,839	1,073,190	1,053,007	1,053,007
1315 Workers Comp Insurance	53,411		21,167	21,167
1325 401 (k) Employer Match	6,029	6,734	6,750	6,750
<b>Total Salaries &amp; Benefits</b>	<b>\$ 13,280,202</b>	<b>\$ 13,893,208</b>	<b>\$ 14,779,801</b>	<b>\$ 14,779,801</b>
<b>Services &amp; Supplies</b>				
2050 Communications - Radio	\$ 6,992	\$ 9,112	\$ 7,680	\$ 7,680
2051 Communications - Telephone	143,585	125,997	162,335	162,335
2052 Mobile Communication Devices	7,147	6,592	7,000	7,000

**County of Placer**  
**Financing Sources and Uses by Budget Unit by Object**  
**Governmental Funds**  
**Fiscal Year 2011-12**

Budget Unit **Public Safety Operations Fund - 110**

Function **Public Protection**

Activity **District Attorney - 21710**

Detail by Revenue Category and Expenditure Object	2009-10 Final Actuals	2010-11 Actual	2011-12 Recommended	2011-12 Adopted by the Board of Supervisors
1	2	3	4	5
2140 Gen Liability Ins	24,034		26,663	26,663
2254 Witness & Criminal Indictment	15,250	7,677	12,000	12,000
2257 Witness Fees	23,621	3,450	40,000	40,000
2290 Maintenance - Equipment	17,294	23,312	20,000	20,000
2405 Materials - Bldgs & Impr			12,000	12,000
2439 Membership/Dues	33,132	28,830	37,645	37,645
2481 PC Acquisition	69,263	16,001	8,188	8,188
2511 Printing	57,594	48,759	65,393	65,393
2522 Other Supplies	55,054	102,794	81,651	81,651
2523 Office Supplies & Exp	20,468	8,748	38,500	38,500
2524 Postage	19,863	18,282	10,000	10,000
2555 Prof/Spec Svcs - Purchased	537,580	524,327	691,718	691,718
2556 Prof/Spec Svcs - County	26,025	26,962	27,000	27,000
2709 Countywide System Charges	18,965	11,133	11,278	11,278
2711 Rents & Leases - Auto	(7,253)	(4,248)	7,000	7,000
2770 Fuels & Lubricants	21,476	26,257	26,467	26,467
2838 Special Dept Expense-1099 Reportable	4,262			
2840 Special Dept Expense	22,199	21,202	32,825	72,325
2844 Training	5,445	12,215	9,000	9,000
2850 Law Enforcement Special Expenses	38,110	46,017	38,500	38,500
2860 Library Materials	10,873	13,741	8,000	8,000
2931 Travel & Transportation	5,072	7,752	7,000	7,000
2932 Mileage	10,870	10,847	12,000	12,000
2933 Lodging	7,786	11,568	9,096	9,096
2941 County Vehicle Mileage	100	65	1,145	1,145
2963 Program Meals		14		
2964 Meals/Food Purchases	5,519	4,756	6,000	6,000
<b>Total Services &amp; Supplies</b>	\$ <b>1,200,326</b>	\$ <b>1,112,162</b>	\$ <b>1,416,084</b>	\$ <b>1,455,584</b>
<b>Other Charges</b>				
3066 Victim Compensation Services	\$ 95,238	\$ 39,561	\$	\$
3551 Transfer Out A-87 Costs	480,796	1,141,949	960,917	960,917
3810 Lease Purchase Principal	50,069	32,969	3,575	3,575
3830 Lease Purchase Interest	6,797	1,548	180	180
<b>Total Other Charges</b>	\$ <b>632,900</b>	\$ <b>1,216,027</b>	\$ <b>964,672</b>	\$ <b>964,672</b>
<b>Capital Assets</b>				
4451 Equipment	\$ 9,365	\$ (542)	\$	\$
<b>Total Capital Assets</b>	\$ <b>9,365</b>	\$ <b>(542)</b>	\$	\$
<b>Intrafund Transfers Out</b>				
5291 I/T Maintenance - Computer Equipment	\$	\$	\$ 2,000	\$ 2,000
5310 I/T Employee Group Insurance	517,827	555,373	590,555	590,555
5404 I/T Maintenance - Services	163,623	193,404		
5405 I/T Maintenance - Bldgs & Improvements	7,014	812	174,022	174,022
5552 I/T - MIS Services	381,563	393,466	415,565	415,565
5553 I/T - Revenue Services Charges	538	555	1,010	1,010
5555 I/T Prof/Special Services - Purchased			10,000	10,000
5556 I/T - Professional Services	264,211	302,909	249,329	249,329
5880 I/T-Public Safety Svcs		300		
5965 I/T Utilities	71,349	77,158	78,000	78,000
<b>Total Intrafund Transfers Out</b>	\$ <b>1,406,125</b>	\$ <b>1,523,977</b>	\$ <b>1,520,481</b>	\$ <b>1,520,481</b>
<b>Intrafund Transfers In</b>				
5002 I/T - County General Fund	\$ (43,846)	\$ (37,747)	\$ (71,000)	\$ (71,000)
5011 I/T - Public Safety Fund	(18,575)	(94,025)	(57,000)	(57,000)
<b>Total Intrafund Transfers In</b>	\$ <b>(62,421)</b>	\$ <b>(131,772)</b>	\$ <b>(128,000)</b>	\$ <b>(128,000)</b>
<b>Total Expenditures / Appropriations</b>	\$ <b>16,466,497</b>	\$ <b>17,613,060</b>	\$ <b>18,553,038</b>	\$ <b>18,592,538</b>
<b>Net Cost</b>	\$ <b>(170,250)</b>	\$ <b>(336,155)</b>	\$ <b>1,486,321</b>	\$ <b>1,525,821</b>