

# District Attorney's Office

## Policy B-1 Discussion

Submitted by V. Pierson

#16

at Board Hearing of 3.2.10

# Department Challenges

- The greatest challenge to the District Attorney's Office has not only been the number of large cases, but the magnitude of resources required to investigate and prosecute these cases
- Joseph Nissensohn – cold case homicide involving the murder of Cathy Graves, age 17, in August, 1990, in South Lake Tahoe. We are also prosecuting two counts of homicide out of Monterey County. Received case for prosecution on or about January 29, 2008.
- During the first quarter of FY 09/10 Nancy and Phillip Garrido were arrested and charged with the kidnapping and forcible rape of Jaycee Dugard. This case has taken up a large amount of personnel resources that had originally been budgeted under various grant programs. As of February 1<sup>st</sup> \$105,000 in salaries and benefits have been expended on this case with the year end projection falling just under \$200,000. This case will be billed to the State as a SB 90 case and although the District Attorney's Office does not directly receive the reimbursement for costs incurred, such reimbursements will be made directly to the county general fund.
- Steven Colver and Tylar Witt – homicide involving the murder of Tylar Witt's mother in El Dorado Hills in June, 2009.
- David Charles Zanon – homicide, death penalty case involving the murder of CHP Officer Douglas Scott Russell in July, 2007.

# Department Challenges Continued

- Patricia Presba and Jaime Ramos – homicide involving the murder of Ron Presba in June, 2008.
- Christine Varozza and Nicholas Denham – homicide involving the murder of Gerald Ludden in June, 2008.
- Ulysses Roberson- cold case homicide involving the murder of the defendants 4 year old son
- Tony McClung - One count of Penal Code § 187(a) - Murder, with special allegation of use of a deadly weapon, occurring on or about September 2, 2006. Scheduled for trial March, 2010, but may be continued.
- Morris Greenberg - One count of Penal Code §(a) - Murder, with special allegation of intentional/personal discharge of firearm causing great bodily injury and death, occurring on or about July 20, 2008, scheduled for trial March, 2010.
- **Unprecedented number of major fraud crimes**

# Department Challenges Continued

The elimination of staff due to budget cuts, along with the increased number of major crimes has resulted in the District Attorney's Office discontinuing to prosecute certain misdemeanor cases

# Challenges Continued

- **Financial:**
- Included in this presentation is a ten year funding analysis for the District Attorney's Office. The most noted challenge in this summary is the decline in general fund dollars. Below is a summary of some of the more poignant statistics:

Description	06/07	07/08	08/09	09/10
Grant Funding as % of Total Revenue	42%	52%	59%	63%
NCC as % of Total Appropriations	70%	71%	69%	68%
General Funded FTE	58.6	58.31	50.31	46.35
Grant Funded FTE	6.6	7.89	13.49	13.95
Grant Funded FTE as % of Total Personnel	10%	12%	21%	23%

# 10 Year Funding Analysis



	A	B	C	D	E	F	G	H	I	J
	DISTRICT ATTORNEY TEN YEAR FUNDING ANALYSIS									
5	Funding Source	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10
6	Prop 172	691,798	652,845	680,745	820,674	938,467	889,277	863,906	746,117	731,784
7	Vehicle Theft	179,559	174,202	181,721	187,447	191,917	193,100	193,870	190,575	188,040
8	Grant	967,533	989,059	863,427	1,003,266	760,812	851,724	1,223,019	1,441,066	1,657,634
9	Other Revenue	33,866	19,835	33,692	23,729	105,488	117,195	84,135	77,429	33,600
10	Total Revenue	1,872,756	1,835,941	1,759,585	2,035,116	1,996,684	2,051,296	2,364,930	2,455,187	2,611,058
11	Grant Funding as % of Total Revenues	52%	54%	49%	49%	38%	42%	52%	59%	63%
12										
13										
14	SB 90 Historical Funding to General Fund	154,018.00	165,539.00	32,016.00	20,908.00	23,657.00	36,121.88	48,487.47	46,965.22	Not available
15										
16										
17	Class 30	3,828,238	3,896,005	4,137,454	4,420,899	5,133,272	6,081,642	7,288,305	7,214,735	7,188,896
18	Class 40	622,194	531,214	424,941	722,670	646,750	600,335	673,289	538,678	699,925
19	Class 50	2,187	390	150	359	1,294	1,355	784	6,314	-
20	Class 60	42,633	27,915	66,709	13,851	57,022	57,381	11,042	6,551	14,970
21	Class 70	52,776	16,460	-	-	-	15,709	-	-	-
22	Class 72	(101,498)	49,313	110,541	107,913	119,005	138,784	204,103	198,035	215,956
23	Class 73	-	-	-	-	-	-	(4,000)	(125,000)	(3,906)
24	Total Expenditures	4,446,530	4,521,297	4,739,795	5,265,692	5,957,343	6,895,206	8,173,523	7,839,313	8,115,841
25	NCC	(2,573,774)	(2,685,356)	(2,980,210)	(3,230,576)	(3,960,659)	(4,843,910)	(5,808,593)	(5,384,126)	(5,504,783)
26	NCC as % of Total Appropriations	58%	59%	63%	61%	66%	70%	71%	69%	68%
27										

A	B	C	D	E	F	G	H	I	J	
DISTRICT ATTORNEY TEN YEAR FUNDING ANALYSIS										
	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	
5	Funding Source									
28	Personnel Allocation									
29	District Attorney	1	1	1	1	1	1	1	1	
30	Chief District Attorney	1	1	1	1	1	1	1	1	
31	Assistant District Attorney	2	2	2	2	2	2	2	2	
32	Deputy District Attorney	14	14	14	15	19	20	20	18.5	
33	Chief Investigator	1	1	1	1	1	1	1	0	
34	Supervising/Sr. Investigator	2	2	2	2	2	2	2	2	
35	Investigator	7	7	6	7	9	9	10	10	
36	Support Staff	28.7	48.2	27.5	26.2	28.2	30.2	27.8	26.8	
37		56.7	53.2	55.5	53.2	57.2	66.2	63.8	60.3	
38										
39	Personnel Funding									
40	General Fund					58.6	58.31	50.31	46.35	
41	Grant Funded					6.6	7.89	13.49	13.95	
42	Total Personnel					65.2	66.2	63.8	60.3	
43	Grant Funded FTE as % of Total Personnel					10%	12%	21%	23%	
44										
45	As detailed under Personnel Funding the total number of General Fund FTE's has decreased from FY 07/08 by 11.96 or 21% while Grant Funded FTE's has increased by 6.06 or 77%. The District Attorney's Office has established grant funding as a priority to assist the county with it's financial obligation in fighting crime, however, the District Attorney's Office has continued to receive less General Fund dollars as a result. The outcome of that initiative is the District Attorney's Office being penalized for seeking additional funding.									
46										
47										
48										
49										
50										
51										
52	Reports Received	7076	7740	8514	8280	8510	7051	7795	3508	
53	Cases Filed Total	6154	6701	7285	7109	7216	5953	6144	2832	
54	Cases Filed as % of Reports Received	87%	87%	86%	86%	85%	84%	79%	81%	
55										
56	Misdemeanor	4316	5405	5953	5844	5939	4680	4916	2315	
57	Misdemeanor Cases as % of Cases Filed	70%	81%	82%	82%	82%	79%	80%	82%	
58										
59	Felony	1838	1296	1332	1265	1277	1273	1228	517	
60	Felony Cases as % of Cases Filed	30%	19%	18%	18%	18%	21%	20%	18%	
61										
62	Population	2001	2002	2003	2004	2005	2007	2008	2009	
63		160,468	164,020	167,177	170,331	173,668	177,766	179,722	Unreported	



# Grant Funding

- The District Attorney's Office has sought out grant programs to assist the county with the financial obligations in fighting crime; however, this initiative has resulted in the office being penalized by receiving less county funding. The continued decline in general fund dollars comes at a time when the District Attorney's Office is working more high profile murder cases and an overwhelming number of financial crimes with less resources and staff.
- Grant funding represents 63% of the projected budget for FY 09/10. In order to recognize and bill for those revenue dollars the district attorney staff must time study hours worked under the program. When general crime cases require the use of grant study personnel it reduces the number of billable hours to the grant resulting in reduced revenues to the department.