County of Santa Clara

Office of the District Attorney

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DATE: February 28, 2017

TO: Jeffrey V. Smith
County Executive

FROM: Jeffrey F. Rosen
District Attorney

SUBJECT: **Budget Submission for Fiscal Year (FY) 2018**

The District Attorney's Office is pursuing a number of key strategic initiatives that relate to this year's budget submissions. These initiatives are in various stages, but all are crucial to our mission of pursuing justice and enhancing public safety.

- The Community Prosecution unit continues to successfully engage at-risk communities to partner on efforts to prevent crime and to deal with other public safety challenges.
- The Office will be asking for the Board's support in the launch of the Crime Strategies Unit, which will enhance our ability to analyze: data in support of solving crimes, predictive models that can help us prevent crime before it happens, and whether different groups receive disparate treatment in the County's criminal justice system.
- Bringing victim services in-house to the DA's Office continues to be extremely successful, with the number of victims served increasing by more than 60% over previous levels.
- The Parent Project continues to provide transformative services to parents of at-risk youth, providing them with the tools to avoid the criminal justice system.
- The Office continues to successfully grow its paperless capabilities, with the aim of moving all misdemeanor cases to paperless in the coming fiscal year.
- Family Justice Centers in San Jose, North County, and South County, a collaboration involving our Office, law enforcement agencies and domestic violence prevention community-based organizations, continue to expand their service to domestic violence victims.
- The Crime Lab continues to offer excellent independent scientific analysis in support of the criminal justice system, while maintaining its accreditation and expanding the scientific disciplines in which it has achieved accreditation.
- Of course, the Office continues its core service of representing the people in all criminal justice matters.

The District Attorney's Office budget proposals for FY 2018 have been submitted through the Public Budget Formulation (PBF) system. Understanding that the County's budget situation limits the ability to make all of the improvements we would like to make, our proposals focus on the most important initiatives that will result in addressing community public safety concerns, improving the Office's data and evidence analysis capabilities, and providing resources needed to keep up with our caseload in certain targeted areas.

Key proposals include:

- Adding Criminalist resources to help our Crime Lab improve its ability to provide timely firearms analysis as a way to prevent further gun violence, while also ensuring that sexual assault evidence is analyzed within newly-required time parameters.
- Doubling the number of Parent Project classes we offer, in order to expand our ability to build parents' skills in helping keep their kids away from violence and other risky behaviors.
- Adding an Investigator who will focus on labor trafficking in our County.
- Adding resources to help our Office work with our criminal justice partners to transform the way the County deals with truancy.
- Adding resources in targeted areas to meet growing demands as a result of the passage of Proposition 57 (which made judges responsible for deciding whether to try juveniles as adults) and the increasing demand for Crime Lab services.
- Adding one-time resources for equipment and training needs at the Crime Lab.

Thank you for your careful consideration of these proposals that advance justice and public safety in our County.

Proposal 13253 **BU 202.1 Truancy Reform**

Net Position Added: 1.00 FTE
On-Going Net Cost: $188,700
One-Time Net Savings: $43,425

Recommended Action

Add an alternately-staffed Attorney IV-III-II-I position to change the County's practices in the area of truancy prevention to use evidence-based practices to achieve better outcomes.

Fiscal Impact

This proposal would involve the addition of one ongoing alternately-staffed Attorney-DA IV-III-II-I position at an annualized cost of approximately $174,000, and ongoing costs for supplies, training, etc. ($15,000). We have adequate space for this position.

Service Impact/Background

The Superior Court, Probation, and the District Attorney's Office have worked together to develop a series of reforms to the County's approach to truancy prevention. The reforms include disbanding the Truancy Court, and instead directing truants to the District Attorney's Office's truancy diversion programs; directing criminal misdemeanor diversion cases to Probation's existing programs; redirecting juvenile traffic infractions to adult traffic court; instituting an amnesty program for outstanding truancy fees and fines; and instituting DA Truancy Diversion Hearings focused on motivating truant youth to return to school without imposing fees and fines.
The Truancy Diversion Hearings would be led by the proposed additional Attorney, who would also focus on engaging in middle school truancy issues in East San Jose and assisting the Community Prosecutor serving East San Jose on various efforts, including the Public Health Department's "East San Jose PEACE Partnership" Initiative, which will study the root causes of violence in that area.
All of the partner agencies expect that these changes will reduce truancy in the County and better position truant youth to return to school, in part by reducing the financial burdens associated with truancy fees and fines. The effectiveness of the proposal will be measured by tracking truancy figures for County school districts.

Proposal 13256 **BU 202.6 Community Prosecution Coordinator**

Net Position Added: 1.00 FTE
On-Going Net Cost: $188,700
One-Time Net Savings: $43,425

Recommended Action

Add an Attorney to coordinate the Community Prosecution Unit and to undertake certain County-wide community prosecution initiatives.

Fiscal Impact

This proposal would add one alternately-staffed Attorney-DA IV-III-II-I at an annualized ongoing cost of approximately $174,000, along with associated ongoing Object 2 costs of $15,000. The estimated cost reflects our expectation that the position would need to be filled by a more senior prosecutor qualified for such a coordination role.
We have adequate space for this additional position.

Service Impact/Background

Over the past several years, the Board has approved the gradual establishment of a full team of five Community Prosecutors who are deployed in all areas of the County. The success of the program has pointed to the need for a coordinator for the unit, providing direction and assistance to the Community Prosecutors, developing common vision and objectives, and focusing on community prosecution efforts with a broader county-wide scope.
This proposal provides added benefit to the County's residents by bringing more leadership support for needed initiatives in the various neighborhoods in which Community Prosecutors are deployed, ultimately magnifying the impacts of the unit in terms of crime prevention, an improved partnership with law enforcement, and community engagement. The effectiveness of the addition would be measured by continued analysis of crime rates and other quality-of-life measurements in the neighborhoods targeted by the Community Prosecution Unit.

Proposal 13260 **BU 202.7 Chemistry/Trace Criminalist**

Net Position Added: 1.00 FTE
On-Going Net Cost: $143,745
One-Time Net Savings: $32,186

Recommended Action

Add a Criminalist to the Crime Lab to allow it to keep up with growing demand for analysis of drugs and trace evidence.

Fiscal Impact

This proposal would add one alternately-staffed Criminalist III-II-I at an annualized ongoing cost of approximately $129,000, along with associated ongoing Object 2 costs of $15,000.
We have adequate space for this additional position.

Service Impact/Background

The Chemistry/Trace Evidence Unit of the Crime Lab is comprised of seven Criminalists. A steady increase in the number of case submissions over the last few years has resulted in a caseload for each Criminalist that exceeds the level recommended in a study by the California Association of Crime Laboratory Directors. In addition, court precedent has been set in California for analyzing tablets and pills to establish their identity, rather than relying upon their morphology or stamp, which requires a more detailed analysis, further increasing the unit's workload.
This proposal would benefit the County by providing adequate capacity to perform required analyses of chemical and trace evidence in criminal cases, thus ensuring the speedy adjudication of such cases. The effectiveness of the addition will be measured by tracking the caseload of the Criminalists in the Chemistry/Trace Evidence Unit.

Proposal 13261 **BU 202.8 Comparative Evidence Criminalist**

Net Position Added: 1.00 FTE
On-Going Net Cost: $143,745
One-Time Net Savings: $32,186

Recommended Action

Add a Criminalist to the Crime Lab to place the analysis of various comparative evidence disciplines at the proper organizational level.

Fiscal Impact

This proposal would add one alternately-staffed Criminalist III-II-I at an annualized ongoing cost of approximately $129,000, along with associated ongoing Object 2 costs of $15,000.
We have adequate space for this additional position.

Service Impact/Background

The Crime Lab, as a full-service operation, provides analysis in many of the more traditional forensic disciplines such as Questioned Document analysis, footwear/tire mark analysis, and a variety of other comparative analysis disciplines. Because of their individual expertise, much of this casework is performed by a Supervising Criminalist and the Assistant Lab Director.
This proposal would benefit the County by allowing these management employees to focus on their managerial duties, and instead having that work performed by a qualified Criminalist. The effectiveness of the addition will be measured by tracking the turnaround time on these types of analyses, which would translate into additional hours for the managers focused on their leadership duties.

Proposal 13269 **BU 202.9 Crime Lab Facilities Staffing**

Net Position Added: 1.00 FTE
On-Going Net Cost: $127,377
One-Time Net Savings: $28,094

Recommended Action

Add one Facilities Maintenance Representative position in order to allow the existing Administrative Support Officer II position to focus on the management of clerical services, procurement and inventory, and property and evidence management.

Fiscal Impact

This proposal would add a Facilities Maintenance Representative position at an approximate annualized ongoing cost of $112,000, along with associated ongoing Object 2 costs of $15,000.
We have adequate space for this additional position.

Service Impact/Background

An Administrative Support Officer II (ASO II) is currently assigned to the Crime Lab. This position is responsible for facilities management functions for the Lab. The management of administrative functions such as clerical support, procurement and inventory of supplies, and property and evidence management, including 7 FTEs, is performed by the Assistant Lab Director and a Supervising Legal Clerk located in the West Wing.
The Office has previously submitted a budget proposal to add another ASO II position, which was not recommended by the CEO. This proposal would instead reassign the duties of the current ASO (we would anticipate doing this upon the expected retirement of the incumbent ASO II) to cover these administrative functions, assignments that would be much more consistent with the ASO II job specifications, and add a position for facilities management whose job specifications reflect that focus. The position would be managed by the Administrative Services Manager II who manages facilities issues for the rest of the Office.
This proposal would benefit the County by providing adequate administrative supervision, increasing the efficiency and effectiveness of the Crime Lab, without sacrificing the necessary expertise to ensure that the Lab facility continues to function effectively. The success of the addition would be measured by the reduced error rate of clerical work product, along with the fulfillment rate and turnaround time for internal facilities work orders.

Proposal 13270 BU 202.2 Proposition 57 Staffing

Net Position Added: 2.00 FTE
On-Going Net Cost: $330,802
One-Time Net Savings: $75,201

Recommended Action

Add an Attorney and a Paralegal to staff transfer hearings that will allow judges to decide as to whether juveniles are to be tried as adults, in accordance with the provisions of Proposition 57, which was approved by the voters in November.

Fiscal Impact

This proposal would add one alternately-staffed Attorney IV-III-II-I position at an approximate ongoing annualized cost of $174,000, an alternately-staffed Senior Paralegal/Paralegal at an approximate annualized cost of $127,000, along with associated Object 2 costs for the two positions of $30,000. We have adequate space for these two positions.

Service Impact/Background

The Court has established a calendar for transfer hearings regarding whether juveniles will be tried as adults. We expect that the hearings (likely 20-40 per year) will be research-heavy, individualized, fact-specific, and time-consuming.
In order to make recommendations about the appropriate venue for a particular case, attorneys for the defense will be collecting and introducing evidence of a minor's intellectual abilities, cognitive issues, school history, social history, psychological makeup, familial and community environment, trauma history, medical, educational, and substance abuse background, and potential for rehabilitation. Prosecutors will be collecting and introducing evidence in areas such as the minor's criminal history, performance on probation, the sophistication of the crime, the physical, emotional, and psychological impact to the victim, the threat posed by the minor to the community, and the likelihood of re-offense.

The benefit to the County of this proposal is ensuring that the people are represented in these hearings, with the goal of producing the most just result. Effectiveness will be measured in terms of the number of hearings conducted, without regard to the outcome of each hearing, as the most just result will vary depending on the facts of each case.

Proposal 13271 **BU 202.10 Crime Lab Equipmnet**

Net Position Added: 0.00 FTE
On-Going Net Savings: $0
One-Time Net Cost: $220,000

Recommended Action

Add one-time funding in the amount of $220,000 to purchase an X-Ray Fluorescence Spectrophotometer for the Crime Lab.

Fiscal Impact

This proposal would require $220,000 in one-time funding.

Service Impact/Background

The X-Ray Fluorescence Spectrophotometer would be used to enhance the Crime Lab's trace evidence analysis capabilities. This device is an industry standard for the analysis of glass, paint, and other materials. It is able to provide a more complete characterization of each item of evidence, and is capable, for example, of distinguishing different pieces of flat glass manufactured as little as two weeks apart. This capability will offer enhanced analysis for glass, paint, and miscellaneous materials, thereby decreasing the potential for false inclusions when comparing questioned and known evidence. The effectiveness of the addition will be measured by tracking the number of false inclusions identified.

Proposal 13273 **BU 202.11 Crime Lab Training**

Net Position Added: 0.00 FTE
On-Going Net Savings: $0
One-Time Net Cost: $80,000

Recommended Action

Add one-time funding to allow for a number of types of training and licenses for the new positions in the Digital and Multimedia Evidence unit ($40,000) and the purchase of smartboards for the Crime Lab training room ($40,000).

Fiscal Impact

This proposal would require $80,000 in one-time funding.

Service Impact/Background

The Board approved two new positions, a Criminalist and a Criminal Investigator, for the Crime Lab's Digital and Multimedia Evidence unit in FY 2017. The approval included funding for most of the necessary equipment for these positions, but did not include sufficient funds for specialized training and licenses needed in order to effectively perform this work. These funds would cover those gaps and allow the new positions to be fully functional.
The smart boards in the Crime Lab training room are eight years old and have lost a significant part of their ability to accurately capture images. The proposed funding would allow the Lab to replace those boards with 84" touch screen boards, similar to those used in the Sheriff's Office.

Proposal 13276 **BU 202.3 Gun Violence Reduction/DNA Processing Improvements**

Net Position Added: 5.00 FTE
On-Going Net Cost: $618,725
One-Time Net Savings: $160,931

Recommended Action

Add five Criminalists and associated Object 2 funds in order to process firearms and DNA evidence in support of a County-wide Gun Violence Reduction Project.

Fiscal Impact

This proposal would add five alternately-staffed Criminalist III-II-I positions, along with associated Object 2 costs of $75,000. There is adequate space at the Crime Lab to accommodate these new positions. Additional revenue from the reimbursement of Crime Lab expenses from customer law enforcement agencies in the amount of $100,000 would offset a portion of these costs.

Service Impact/Background

In our county, gun crimes are going unsolved due to inadequate staffing at our crime lab. Gun violence has a devastating impact on communities in this county, but solutions are available that would immediately assist with solving gun crime and curbing the spread of violence. This collaborative and evidence-based project seeks to hire personnel to process firearms evidence, solve more gun crimes, and bring the perpetrators of gun-related crime to justice. With disproportional victimization of minorities, we have a greater obligation to affect the victimization inequality in Santa Clara County with smarter, multidisciplinary, and coordinated approaches to violence. This proposal would involve police submitting 100% of appropriate collected guns for processing by the new lab employees. These employees would immediately process all submitted firearms in four manners: (1) visually examine the weapon for trace evidence, (2) swab for DNA, (3) process for fingerprints, and (4) submit expended shell-casings into the National Integrated Ballistic Information Network (NIBIN). This project is urgently needed as police investigators are not submitting hundreds of guns to the lab due to current backlogs and long processing times.

In 2017 the County of Santa Clara experienced dramatically increased violent crime in almost all of its cities. San Jose's total reported violent crime increased by 14.2%, Milpitas increased by 25%, Campbell by 21% and Morgan Hill by 15%. Gun violence is of particular concern in our county, as guns continue to flow into our jurisdiction at an increasing rate. Around 24,000 guns are sold in Santa Clara County annually, and the number has been increasing over time at a faster rate than our neighboring counties. Gun violence disproportionately impacts minority communities. In 2015, 51% of homicide victims and 58% of firearms injury victims were Latino, compared to a 26.3% representation in the county population. Also in 2015, 8% of homicide victims and 6% of firearms injury victims were African-American, compared to a 2.9% representation in the county population.

This initiative is achievable, and supported around the county as a common-sense way to solve the most serious kind of crime. In December 2016 representatives from every local police department met with crime lab leaders and a nationally-recognized firearms expert to conduct a gap analysis of current gun protocol. In a detailed report, expert Pete Gagliardi found that the crime lab currently has a massive backlog of firearms evidence due to inadequate staffing. Without additional staff, the unit would need months to clear the existing backlog. This causes major problems for local investigators who wait over a year in some cases to get gun evidence processed. The report recommended adding staff to process current and additional firearms so that all firearms are swabbed and entered into NIBIN within 72 hours to generate timely investigative leads.

NIBIN is a nationwide database of ballistics evidence. The technology allows crime lab staff to enter expended shell casings for immediate comparison against previously entered casings to determine matches between guns and cases. The faster we analyze ballistic evidence (in near real-time), the higher the likelihood that the gun will be located with the person who shot it. Each gun must be processed for DNA and fingerprints in order to determine the identity of the shooter. If this proposal is accepted, in 2017 the county police agencies will be changing their protocol to submit 100% of NIBIN eligible guns and casings, a departure from current practice wherein only some guns are submitted.

Three of the proposed positions would focus on firearms analysis, and the other two would focus on DNA analysis based on the DNA swabs described above. The DNA Criminalists would also help ensure that the Crime Lab complies with AB1517, which requires that all crime labs process Sexual Assault Response Team (SART) kits within 120 days of receipt.

The effectiveness of this addition would be measured by measuring the turnaround time for producing analysis of firearm evidence submitted to the Crime Lab, and measuring the compliance rate with the time limit to process SART kits.

Proposal 13286 **BU 202.4 Parent Project Expansion**

Net Position Added: 4.00 FTE
On-Going Net Cost: $464,131
One-Time Net Savings: $101,033

Recommended Action

Add a Supervising Community Worker, two Community Workers, and an Office Specialist III to allow the Office to double the number of Parent Project classes per year it offers to parents of at-risk youth.

Fiscal Impact

This proposal would add one Supervising Community Worker (this is a proposed new classification for which we have estimated the costs as equivalent to a Management Analyst) position at an annualized ongoing cost of approximately $136,000, two Community Worker positions at an approximate annualized cost of $179,000, and one Office Specialist III position at an approximate annual cost of $89,000, along with associated Object 2 costs of $60,000.
It is possible that the approval of these positions would cause the need to reorganize space and submit a Space Request, but at this time, we believe the additional positions could be accommodated through the relocation of certain positions.

Service Impact/Background

Currently, the Parent Project offers about 20 classes per year. These classes, which include 12 3-hour sessions, have consistently produced improved family relationships, reduced truancy and involvement in the criminal justice system, and more productive and successful young people in our County. The classes are delivered with a complement of three full-time staff (a Program Manager and two Community Workers), volunteer interns, and certified class instructors drawn from law enforcement agencies, County agencies, and other local jurisdictions.
The proposal would add a supervisor to assist with class coordination and logistics as well as performance tracking, two Community Workers to provide direct services to class participants, and an Office Specialist III to provide clerical and administrative assistance to the team. The addition of these positions would allow our Office to expand its offering to 40 classes per year (classes typically include 20-30 parents), allowing a much broader reach of this vital service to families of at-risk youth. These classes would continue to include offering classes at the County jails.
The effectiveness of this addition would be measured by the number of parents served, and by class evaluations received from participants.

Proposal 13287 **BU 202.5 Labor Trafficking Investigator**

Net Position Added: 1.00 FTE
On-Going Net Cost: $189,957
One-Time Net Savings: $2,989

Recommended Action

Add a Criminal Investigator to focus on the investigation, prosecution, and prevention of labor trafficking.

Fiscal Impact

This proposal would add one alternately-staffed Criminal Investigator II-I position at an annualized ongoing cost of approximately $172,000, along with associated ongoing Object 2 costs of $15,000, a vehicle at a one-time cost of $30,000, the associated ongoing fuel and maintenance costs of $3,000, and safety and radio equipment at a one-time cost of $10,000.
We have adequate space for this additional position.

Service Impact/Background

The Human Trafficking Commission voted in support of a Labor Trafficking Work Group recommendation to add this position, along with a Sheriff's Office Detective Sergeant to specialize in labor trafficking and exploitation investigations.

The County is increasingly effective at conducting sex trafficking investigations, but recognizes that labor trafficking investigations are vastly different, and require a specialized team. Labor trafficking is not advertised on websites, does not lend itself to placing an undercover investigator in a suspected trafficking situation, and has a much more diverse group of victims. Labor trafficking investigation requires the ability to analyze financial, insurance, tax, and corporate documents, as well as the experience and knowledge of such cases to know which types of evidence need to be collected, in order to prove trafficking and related exploitation charges.
Investigating and prosecuting labor trafficking cases will be of significant benefit to the County in that it can reduce the incidence of such crimes in our County, which have a disproportionate impact on those who do not speak English as the first language, as well as undocumented immigrants. The effectiveness of this addition will be measured in terms of the number of labor trafficking cases charged.

Proposal 13288 **BU 202.12 Paralegal Suprvision**

Net Position Added: 1.00 FTE
On-Going Net Cost: $156,111
One-Time Net Savings: $35,278

Recommended Action

Add a Supervising Paralegal to reduce the span of control in the management of Paralegals in the Office.

Fiscal Impact

This proposal would add one Supervising Paralegal at an annualized ongoing cost of approximately $141,000, along with associated ongoing Object 2 costs of $15,000. We have adequate space for this additional position.

Service Impact/Background

The Supervising Paralegal in the DA's Office is responsible for direct supervision of 35 FTEs. While there are two leads, these employees cannot perform many of the critical tasks of supervision. This span of control makes it very difficult for the Supervising Paralegal to spend time on strategic direction, interaction with key internal customers, and long-range planning, as he is forced to focus on coverage for staff absences and other day-to-day issues that demand attention.
This proposal would benefit the County by providing improved capacity to supervise the work of the Paralegal staff in the Office, thereby improving the quality of support to attorneys representing the people in court.

Proposal 13289 **145.1 Augment Staffing Resources in ISD Finance Unit**

Net Position Added: 0.00 FTE
On-Going Net Cost: $7,788
One-Time Net Savings: $0

Recommended Action

Reference: PBF BYR-DP #12887

Proposal 13290 **BU 202.13 Juvenile Justice Victim Services**

Net Position Added: 1.00 FTE
On-Going Net Cost: $116,905
One-Time Net Savings: $25,476

Recommended Action

Add a Victim-Witness Advocate position and associated furniture, supplies, and training costs to provide on-call victim services for victims in sometimes fast-moving juvenile court proceedings.

Fiscal Impact

This proposal would add one Victim-Witness Advocate position at an approximate ongoing annualized cost of $102,000, along with associated Object 2 costs of $15,000. A total of $100,000 of that amount would be offset by a transfer from Probation, funded by Juvenile Justice Crime Prevention Act funding. We have adequate space for this position.

Service Impact/Background

This proposal would add resources for victim services for victims in juvenile justice cases. The previous model was for a Community Worker in Probation provide victim-related work such as victim outreach, classes, and assistance for Probation Officers. Under this model, the DA's Victim Services Unit will provide more direct courtroom advocacy and other victim support services that it provides in all other criminal cases.

The proposed additional position will add to one existing Victim-Witness Advocate for juvenile cases, in support of an on-call model for Advocates, as victims often arrive for such cases without having had any previous contact with the DA's Office or the Probation Department, and the juvenile court process can be fast-moving and difficult to understand.

This will improve services to victims of these crimes. The Office will measure the effectiveness of this addition by tracking the number of victims of these crimes served, and by tracking their satisfaction through user surveys.

Proposal 13293 **145.2 Replace 2 Unclassified Analysts w/ Permanent Positions**

Net Position Added: 0.00 FTE
On-Going Net Cost: $7,549
One-Time Net Savings: $0

Recommended Action Reference: BYR-DP #12889

Proposal 13296 **BU 202.13 Juvenile Justice Victim Services**

Net Position Added: 0.00 FTE
On-Going Net Savings: $100,000
One-Time Net Savings: $0

Proposal 13297 **145.3 Add Infrastructure Staff to Manage Secure Data Xchg**

Net Position Added: 0.00 FTE
On-Going Net Cost: $12,770
One-Time Net Savings: $0

Recommended Action Reference: PBF BYR-DP#12885

Proposal 13300 **145.4 Add Dev Staff to Reduce Backlog& Accel Turnaround Time**

Net Position Added: 0.00 FTE
On-Going Net Cost: $9,914
One-Time Net Savings: $0

Recommended Action Reference: PBF BYR-DP #12890

Proposal 13301 **145.8 Transfer Ongoing Budget from GF IT Projects to ISF**

Net Position Added: 0.00 FTE
On-Going Net Cost: $16,885
One-Time Net Savings: $0

Recommended Action reference BYR-DP form # 13005