

026 - DISTRICT ATTORNEY

Operational Summary

Mission:

To enhance public safety and 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.

Key Outcome Indicators:

Performance Measure	2006 Business Plan	2007 Business Plan	How are we doing?
	Results	Target	
FELONY CONVICTION RATE What: Percentage of filed adult felony cases resulting in conviction. Why: Measures the Office's ability to effectively represent the People of the State of California.	Felony conviction rate exceeded 90%.	To meet or exceed 90% felony conviction rate.	The Office has maintained excellent conviction rates.

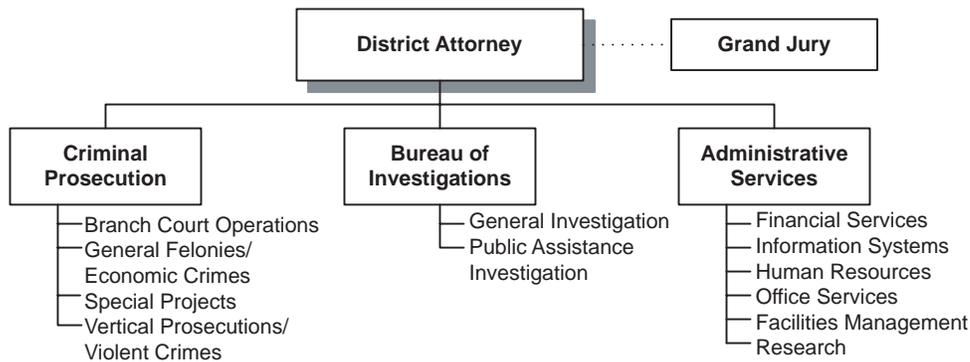
FY 2006-07 Key Project Accomplishments:

- Justice for Crime Victims: Ensuring justice for crime victims, their families, and the community at large remains a top priority. In 2006, the Office sustained a felony conviction rate in excess of 90%. Having violent offenders in prison and off the streets protects the public from further victimization.
- Making Communities Safer: Operation Safe Neighborhood, which enjoined a Santa Ana criminal street gang in July 2006, resulted in a 46% decrease in crime in the Safety Zone in the four months following the injunction compared to the four months leading up to it. In November 2006, a similar injunction was served on an Anaheim gang.
- Leveraging Technology: From the crime scene to the courtroom, the Office continues to leverage technology to bolster public safety. The importance of leveraging technology was acknowledged in 2006 by the County's adoption of two District Attorney technological initiatives as County Strategic Priorities in the December 2006 Strategic Financial Plan. The initiatives include: TrackRS (Task Force Aimed at Catching Killers, Rapists, and Sex Offenders) Unit Expansion and High Tech Crime Unit Expansion. Two major technological initiatives implemented in 2006 include the partnering with local police agencies to expand the collection of DNA at crime scenes and electronically filing cases and receiving initial hearing from the Superior Court.

At a Glance:

Total FY 2006-2007 Actual Expenditure + Encumbrance:	89,324,979
Total Final FY 2007-2008	105,717,601
Percent of County General Fund:	3.48172%
Total Employees:	773.00

Organizational Summary



Administrative Services - In addition to providing office services support to the prosecution and investigative units mentioned below, the Administrative Services Division provides a myriad of support services including: Accounting, Budgeting, Facilities, Human Resources, Information Systems, Purchasing, and Research.

Bureau Of Investigations - The Bureau consists of both sworn and non-sworn personnel responsible for providing investigative and other related technical services to support criminal prosecution. 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 and in-custody deaths occurring in Orange County. Additionally, the Bureau operates two investigative units:

The Anti-Terrorism/Organized Crime Unit is the only countywide intelligence unit operating in the surveillance of organized crime. Investigations conducted by this unit have resulted in prosecution of serious crimes, including murder.

The TracKRS (Taskforce review aimed at catching Killers, Rapists and Sex Offenders) Unit provides a variety of resources to assist peace officers in the investigation of homicides and sexual assaults.

The Bureau of Investigation provides contract criminal investigation services on a cost reimbursement basis to three County agencies:

Social Services Agency: Investigative staff prevent, detect, and investigate various forms of public assistance fraud. Additionally, legal staff conduct public assistance fraud prosecutions.

Department of Child Support Services: Investigative staff locate and serve subpoenas to non-custodial parents who do not comply with support orders.

Housing and Community Development: Investigative staff identify and investigate individuals suspected of Section 8 Housing Fraud.

Criminal Prosecution - The Criminal Prosecution Division prosecutes felony and misdemeanor crimes. Prosecution operations are divided into the following four areas:

Vertical Prosecutions/Violent Crimes: Prosecutes the majority of violent felony crimes. Units in this area include:

The Homicide Unit prosecutes non-gang related homicides, including those with special circumstances.

The Sexual Assault Unit prosecutes rapists, sexually violent predators, child molesters and other violent sexual assaults.

The Family Protection Unit prosecutes violent assaults, attempted murders, felony domestic violence, child abuse, child abduction, stalking, and elder abuse.

The Gang Unit prosecutes crimes committed by gang members, including murders and attempted murders.

The TARGET Unit is comprised of anti-gang teams which include a police officer, a probation officer, and a prosecutor. These teams are housed in police departments throughout the county. TARGET prosecution is focused on the eradication of gang crime and violence by targeting the gang's "serious offenders."

The DNA Unit is comprised of specialists in the use of DNA evidence in prosecution.

Branch Court Operations: Prosecutes adult misdemeanor crimes in each of the five Justice Centers (Central Justice Center, Harbor Justice Center - Laguna Niguel, Harbor Justice Center - Newport Beach, North Justice Center, West Justice Center) and felony and misdemeanor juvenile petitions in the Lamoreaux (Juvenile) Justice Center. In addition to misdemeanor prosecution, each of the five Justice Centers includes a Felony Charging Unit. The Felony Charging prosecutors review potential felony cases presented by police agencies to the District Attorney for filing.

General Felonies/Economic Crimes: Prosecutes variety of general felonies and includes:

The Felony Panel Unit prosecutes a variety of felony crimes not handled by specialized felony units.

The Consumer/Environmental and Insurance Fraud Unit prosecutes complex cases involving environmental crimes and also companies and individuals that engage in fraudulent or unlawful business practices affecting large groups of people. Additionally, this unit prosecutes workers' compensation insurance fraud, auto insurance fraud, medical and disability fraud crimes.

The Economic Crimes Unit prosecutes high tech crime, identity theft, high-dollar fraud crimes and includes the White Collar Crime Prosecution Team.

The Narcotic Enforcement Team (NET) Unit prosecutes major narcotic traffickers and illegal drug manufacturers. Additionally, the NET Unit conducts distribution of forfeitures proceedings from illegal drug trade.

The Career Criminal Unit prosecutes dangerous repeat offenders. Many of these cases involve potential life sentences.

The Public Assistance Fraud Unit prevents, detects and prosecutes crimes related to fraudulent receipt of public assistance. This unit is funded by the Social Services Agency.

Cases arising out of the Office's Orange County Auto Theft Task Force (OCATT), specifically auto theft rings.

Special Projects: Oversees for special projects, coordination of high profile cases, and two prosecution units:

The Special Prosecutions Unit prosecutes a variety of specialized felonies (arson, hate crimes, political corruption, and cases dealing with Mentally Disordered Offenders). Additionally, this unit investigates Officer Involved Shootings.

The Law and Motion Unit conducts over 700 Felony Pretrial Motions, Writs and Appeals annually. This unit also provides prosecutors legal research assistance and training.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- As mandated by AB 196 and SB 542, in December 2001, the Board of Supervisors approved an ordinance to create the Department of Child Support Services effective July 1, 2002. As a result, a total of 782 Family Support Division positions were transferred to this newly created County department.
- In the last three years, the Board approved additional staff to handle increased felony case filings, Family Violence Court Expansion, and growing workload demand of the Sexual Assault Unit and the Task Force Aimed at Catching Killers, Rapists and Sex Offenders (TracKRS) project; meet the specialty court requirements; participate in the Department of Justice's DNA Demonstration



Program; and implement grant-funded DUI Vertical Prosecution and Workers' Compensation Insurance Fraud programs.

- In addition, the Board approved the establishment of the District Attorney's White Collar Crime Prosecution Team (WCCPT) effective January 1, 2006, which comprises Attorney, Investigator, Paralegal, Attorney's Clerk, Investigative Auditor, and Investigative Assistant positions, to investigate and prosecute complex fraud cases including embezzlement, larceny, computer crime, identity theft, as well as other fraud scams. The operating costs of this prosecution team are being funded by the DA Consumer Protection Fund 2AH. The Board also approved the Office's augmentation request to add staff to implement the District Attorney High Tech Crime Unit Expansion Strategic Priority approved by the Board on December 13, 2005.
- For FY 2007-08, the Office was approved by the Board through Budget Augmentation Requests to add 32 positions: Six Attorney III positions to staff arraignment courts; four Attorney III positions to Felony Filing Unit; three positions to the Sexual Assault Unit; four positions to support Gang Injunctions; five Office Specialists at the branch courts; one Systems Programmer Analyst; one position to Financial Services; three positions to Economic Crimes Unit; three positions to High Tech Crime Lab; one Investigative Commander position; and one Forensic Scientist III position to DNA cases.
- There was a budgetary transfer of 52 existing public assistance fraud positions from the Social Services Agency to the District Attorney effective July 6, 2007.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The Office is directly responsible for implementing two of the 2006 County Strategic Priorities: District Attorney High Tech Crime Unit Expansion and Task Force Review Aimed at Catching Killers, Rapists and Sex Offenders (TrackRS) Unit Expansion. These strategic priorities are to be funded by the Southwest Border Prosecution Initiative and Public Safety Sales Tax Reserves, Fund 14B, respectively. In FY 2007-08, the Office was approved by the Board through an Augmentation Request to add three (3) positions to implement the High Tech Crime Unit Expansion priority.

Changes Included in the Base Budget:

There are no significant changes in base budget requirements. This budget represents continued operation at FY 2006-07 level of service.

For budget purposes, a 4.0% increase over FY 2006-07 projected sales tax revenue is budgeted for FY 2007-08. An Operating-Transfer-in of \$10.7 million from Fund 14B reserves is included to cover FY 2007-08 operating costs. In addition, the base budget also includes \$225,805 in Proposition 36 revenue to fund the continuation of the Office's program participation. This funding amount, which is approximately 48% lower than the original allocation of \$438,080 from the SACPA funding to the District Attorney in FY 2006-07, will partially fund the Office's continued participation in this statutorily mandated program.

Approved Budget Augmentations and Related Performance Results:

Unit Amount	Description	Performance Plan	BRASS Ser.
Add 1 Position for Revenue/ Compliance Unit Amount:\$ 91,520	Additional staff is needed to handle increased workload in budget, grant admin & audit compliance.	Meet mandated reporting deadlines.	2182
Add 6 Attorney III Positions for Misdemeanor Arraignment Courts Amount:\$ 800,493	There are 8 misdemeanor arraignment courts in Orange County not currently staffed by prosecutors.	Prosecutors will be present to handle 45,000 misdemeanor cases.	2476
Add 4 Attorney III Positions for Felony Filing Unit Amount:\$ 533,445	Filing felony cases requires substantial time, expertise, and felony prosecution experience.	Assign prosecutors to evaluate 16,000 felony filings.	2479
Add 3 Positions for Sexual Assault Unit Amount:\$ 377,832	Caseloads for prosecutors in this Unit continue to grow. These positions will address this workload.	Reduce caseloads per attorney from an average of 31 per attorney to 20 per attorney.	2480



Approved Budget Augmentations and Related Performance Results: (Continued)

Unit Amount	Description	Performance Plan	BRASS Ser.
Add 1 Forensic Scientist III for Cold Cases Amount:\$ 96,446	Forensic Scientist III will provide expertise/analysis to facilitate bringing perpetrator to justice	Improve efficiency of the processing of cases with DNA evidence.	2483
Add 4 Positions for Gang Injunctions Workload Amount:\$ 524,602	To continue to thwart terrorism and intimidation caused by gangs throughout the County.	Develop and implement three to five additional gang injunctions on Orange County gangs.	2484
Add 3 Positions to Economic Crimes Unit (Strategic Priority) Amount:\$ 395,392	Prosecute identity theft, major fraud, white collar crime and other high tech crimes.	Provide adequate staffing to yield manageable caseload levels.	2486
Add 3 Positions for High Tech Crime Unit (Strategic Priority) Amount:\$ 264,971	The high tech crime lab is a key component of the County's High Tech Crime Strategic Priority.	Maintain responsiveness to requests for digital forensic services.	2487
Add 1 Position for Bureau of Investigations (BOI) Amount:\$ 208,883	Effective management requires span of control be commensurately expanded.	Equalize the span of control at the Commander and Supervising Investigator levels.	2495
Add 5 Office Specialist Positions for Office Support Amount:\$ 265,423	The growing number of cases requires additional support staff to keep pace.	Eliminate logging/filing workload backlogs.	2496
Add 1 Systems Programmer/Analyst II for Information Technology Support Amount:\$ 80,337	The Application Development Team support the DA's mission critical Case Management System.	Create and support new critical system programs.	2497

Final Budget History:

Sources and Uses	FY 2005-2006		FY 2006-2007		Change from FY 2006-2007		
	Actual	Exp/Rev	Budget	Actual Exp/Rev ⁽¹⁾	FY 2007-2008	Actual	
			As of 6/30/07	As of 6/30/07	Final Budget	Amount	Percent
Total Positions		661	689	689	773	84	12.19
Total Revenues	63,083,583		70,043,864	64,519,582	80,196,532	15,676,950	24.30
Total Requirements	86,007,024		94,842,117	88,533,777	105,717,601	17,183,824	19.41
Net County Cost	22,923,441		24,798,253	24,014,195	25,521,069	1,506,874	6.27

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2006-07 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 A39

Highlights of Key Trends:

- Continue to experience significantly increased workload resulting from the growing number of case filings.
- With an increased number of specialty courts and having more felony cases tried in the branch courts, there is a requirement of enhanced prosecution staffing at Justice Centers resulting from changes in the way the Orange County Superior Court handles some types of cases.
- Increased demands and continuing growth in complexity of the type of evidence require high tech analysis. Moreover, the influx of complex fraud cases requires additional skilled forensic professionals to review complex records to detect fraud or analyze cash-flows.
- Continue to evaluate staffing levels to ensure sufficient resources are available to address both the volume and complexity of caseloads. Caseload demands are managed through staff rotations and in some instance use of volunteer staff. The Office has successfully utilized volunteer attorneys through the Trial Attorney Partnership

program whereby experienced private attorneys are trained and deputized to prosecute certain types of misdemeanor cases.

- Continue to exercise fiscal prudence and monitor revenues and expenses due to the Office's major operating revenue, sales tax revenue not being reliable source as it is subject to unforeseen economic influences.

- Continue to maximize usage of existing office and storage spaces and implement digital archiving of paper documents to reduce the space required to store these files.

Budget Units Under Agency Control:

No.	Agency Name	Administrative Services	Bureau Of Investigations	Criminal Prosecution	Total
026	District Attorney	22,508,365	30,170,352	53,038,884	105,717,601
116	Narcotic Forfeiture and Seizure	0	0	721,953	721,953
122	Motor Vehicle Theft Task Force	0	0	3,197,031	3,197,031
12H	Proposition 64 - Consumer Protection	0	0	1,436,051	1,436,051
14H	DA's Supplemental Law Enforcement Service	0	0	1,031,811	1,031,811
	Total	22,508,365	30,170,352	59,425,730	112,104,447

026 - District Attorney

Summary of Final Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2006-2007		FY 2006-2007		Change from FY 2006-2007	
	FY 2005-2006	Budget	Actual Exp/Rev ⁽¹⁾	FY 2007-2008	Actual	
	Actual Exp/Rev	As of 6/30/07	As of 6/30/07	Final Budget	Amount	Percent
Fines, Forfeitures & Penalties	\$ 270,812	\$ 153,000	\$ 417,293	\$ 143,000	\$ (274,293)	-65.73%
Intergovernmental Revenues	60,254,262	61,417,607	60,744,727	62,402,387	1,657,660	2.73
Charges For Services	795,113	1,796,891	667,129	1,948,800	1,281,671	192.12
Miscellaneous Revenues	105,895	28,000	148,447	28,000	(120,447)	-81.14
Other Financing Sources	1,657,500	6,648,366	2,541,986	15,674,345	13,132,359	516.62
Total Revenues	63,083,583	70,043,864	64,519,582	80,196,532	15,676,950	24.30
Salaries & Benefits	71,440,769	82,857,248	80,529,679	97,763,928	17,234,249	21.40
Services & Supplies	7,427,309	12,591,351	9,211,346	14,338,030	5,126,684	55.66
Other Charges	1,643,842	1,694,430	1,694,430	1,765,452	71,022	4.19
Fixed Assets	541,417	1,225,170	345,963	1,235,450	889,487	257.10
Other Financing Uses	8,220,770	0	0	0	0	0.00
Intrafund Transfers	(3,267,082)	(3,526,082)	(3,247,641)	(9,385,259)	(6,137,618)	188.99
Total Requirements	86,007,024	94,842,117	88,533,777	105,717,601	17,183,824	19.41
Net County Cost	\$ 22,923,441	\$ 24,798,253	\$ 24,014,195	\$ 25,521,069	\$ 1,506,874	6.27%

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2006-07 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Final Budget Summary of Administrative Services:

Revenues/Appropriations	FY 2006-2007		FY 2006-2007		Change from FY 2006-2007	
	FY 2005-2006	Budget	Actual Exp/Rev ⁽¹⁾	FY 2007-2008	Actual	
	Actual Exp/Rev	As of 6/30/07	As of 6/30/07	Final Budget	Amount	Percent
Intergovernmental Revenues	\$ 17,692,263	\$ 18,339,520	\$ 17,953,716	\$ 18,756,000	\$ 802,284	4.47%
Charges For Services	103,719	116,530	98,201	111,783	13,582	13.83
Miscellaneous Revenues	87,317	28,000	114,532	28,000	(86,532)	-75.55
Other Financing Sources	127,236	759,187	894,985	558,927	(336,058)	-37.55
Total Revenues	18,010,535	19,243,237	19,061,433	19,454,710	393,277	2.06
Salaries & Benefits	9,698,642	11,578,401	10,415,111	12,367,481	1,952,370	18.75
Services & Supplies	4,841,885	7,163,463	5,795,150	8,175,006	2,379,856	41.07
Other Charges	1,643,700	1,694,430	1,694,430	1,765,452	71,022	4.19
Fixed Assets	356,434	850,100	242,476	1,192,000	949,524	391.59
Other Financing Uses	8,220,770	0	0	0	0	0.00
Intrafund Transfers	(592,359)	(953,465)	(924,906)	(991,574)	(66,668)	7.21
Total Requirements	24,169,071	20,332,929	17,222,261	22,508,365	5,286,104	30.69
Net County Cost	\$ 6,158,536	\$ 1,089,692	\$ (1,839,172)	\$ 3,053,655	\$ 4,892,827	-266.03%

Final Budget Summary of Bureau Of Investigations:

Revenues/Appropriations	FY 2006-2007		FY 2006-2007		Change from FY 2006-2007	
	FY 2005-2006	Budget	Actual Exp/Rev ⁽¹⁾	FY 2007-2008	Actual	
	Actual Exp/Rev	As of 6/30/07	As of 6/30/07	Final Budget	Amount	Percent
Intergovernmental Revenues	\$ 19,520,496	\$ 20,503,177	\$ 20,032,506	\$ 20,603,471	\$ 570,965	2.85%
Charges For Services	276,536	228,507	311,097	249,935	(61,162)	-19.66
Miscellaneous Revenues	13,093	0	13,410	0	(13,410)	-100.00
Other Financing Sources	0	155,247	0	691,927	691,927	0.00
Total Revenues	19,810,126	20,886,931	20,357,013	21,545,333	1,188,320	5.84
Salaries & Benefits	23,721,289	26,699,744	25,718,967	34,743,679	9,024,712	35.09
Services & Supplies	1,187,971	2,398,538	1,721,088	2,855,370	1,134,282	65.90
Other Charges	142	0	0	0	0	0.00
Fixed Assets	184,982	375,070	97,022	43,450	(53,572)	-55.22
Intrafund Transfers	(1,798,950)	(1,811,257)	(1,483,149)	(7,472,147)	(5,988,998)	403.80
Total Requirements	23,295,434	27,662,095	26,053,928	30,170,352	4,116,424	15.80
Net County Cost	\$ 3,485,308	\$ 6,775,164	\$ 5,696,915	\$ 8,625,019	\$ 2,928,104	51.40%

Final Budget Summary of Criminal Prosecution:

Revenues/Appropriations	FY 2006-2007		FY 2006-2007		Change from FY 2006-2007	
	FY 2005-2006	Budget	Actual Exp/Rev ⁽¹⁾	FY 2007-2008	Actual	
	Actual Exp/Rev	As of 6/30/07	As of 6/30/07	Final Budget	Amount	Percent
Fines, Forfeitures & Penalties	\$ 270,812	\$ 153,000	\$ 417,293	\$ 143,000	\$ (274,293)	-65.73%
Intergovernmental Revenues	23,041,503	22,574,910	22,758,504	23,042,916	284,412	1.25
Charges For Services	414,858	1,451,854	257,831	1,587,082	1,329,251	515.55
Miscellaneous Revenues	5,485	0	20,506	0	(20,506)	-100.00
Other Financing Sources	1,530,264	5,733,932	1,647,001	14,423,491	12,776,490	775.74
Total Revenues	25,262,922	29,913,696	25,101,136	39,196,489	14,095,353	56.15
Salaries & Benefits	38,020,838	44,579,103	44,395,511	50,652,768	6,257,257	14.09
Services & Supplies	1,397,454	3,029,350	1,695,108	3,307,654	1,612,546	95.13
Fixed Assets	0	0	6,465	0	(6,465)	-100.00
Intrafund Transfers	(875,773)	(761,360)	(839,585)	(921,538)	(81,953)	9.76
Total Requirements	38,542,519	46,847,093	45,257,498	53,038,884	7,781,386	17.19
Net County Cost	\$ 13,279,597	\$ 16,933,397	\$ 20,156,362	\$ 13,842,395	\$ (6,313,967)	-31.32%