

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	2009 Business Plan	2010 Business Plan	How are we doing?
	Results	Target	
FELONY CONVICTION RATE What: The conviction rate measures the percentage of filed adult felony cases resulting in conviction. Why: Measure 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 an excellent conviction rate.

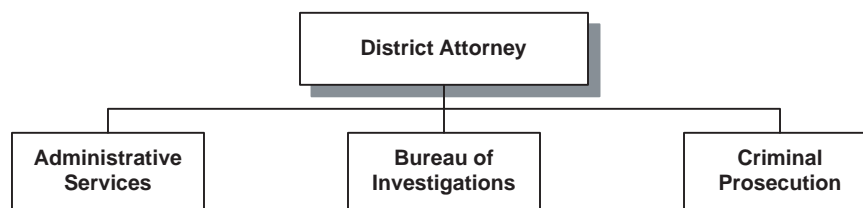
FY 2009-10 Key Project Accomplishments:

Our primary accomplishments require courageous crime victims and witnesses to come forward to report crime. Successful prosecution results from effective collaboration both among internal staff (prosecutors, investigators, and support staff) and with outside police agencies and the community.

- Overall Filings in 2009: Approximately 88,447 criminal cases against individuals were submitted to our office for review.
- Homicide Unit Prosecutions: This unit conducted 43 jury trials on murder cases and there were no acquittals. 4 cases resulted in hung juries and will be retried. Since 2005, there have been no acquittals when a homicide prosecutor has conducted a murder trial before a jury.
- Sexual Assault Unit Prosecutions: This unit prosecuted child molesters and rapists. The prosecutions resulted in an overall conviction rate of 94% and approximately 140 defendants were sentenced to state prison for their crimes.
- Gang and Target/Gang Unit Prosecutions: These units who prosecute hard core gang members successfully convicted 1,064 gang members in 2009.
- Gang Injunctions: Between 2006 and 2010, seven gangs have been successfully sued to enjoin them from terrorizing neighborhoods across Orange County. Hundreds of gang members are now prevented from nuisance and gang activities in various "safety zones" in Santa Ana, Anaheim, San Clemente, San Juan Capistrano, Orange, and Garden Grove. Major reductions in crimes have been reported.

- In 2009, Orange County DNA Cold Hits totaled 670. This record number of cold hits is in large part due to the full implementation of the felony arrest provision of Proposition 69, “The DNA Fingerprint, Unsolved Crime and Innocence Protection Act” passed by voters in November 2004. This provision requires law enforcement agencies collect DNA from adults arrested for or charged with any felony offense. The Taskforce Review Aimed at Catching Killers, Rapists and Sexual Offenders (TracKRS) Unit collaborated with local law enforcement agencies serving as a resource to ensure successful implementation of this new requirement.
- The District Attorney’s Office, in cooperation with local police, imposed injunctions on gangs in the cities of Orange and Garden Grove. This is in addition to those already in place in Anaheim, Santa Ana, San Clemente and San Juan Capistrano.
- The Gang Reduction and Intervention Partnership (GRIP) Program was initiated by the District Attorney’s Office and the Anaheim Police Department. In 2009, we partnered with state and local law enforcement to prevent juveniles from being victims of or participants in gang crimes. The program works to identify at-risk youth, to increase school attendance and to decrease gang activity. GRIP uses positive incentives in working with kids such as rewarding good attendance with trips to Angel’s Games, but it also conducts curfew sweeps. A typical curfew sweep will engage approximately 300 police officers and over 20 cities to detain minors who are violating city laws regarding curfews. GRIP provides education and counseling for the juveniles and their parents, as well as, requiring community service for juveniles associated with gangs.

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 Technology, Purchasing, and Research.

Bureau Of Investigation - 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 and DNA Collection at the four adult justice centers and the Central Jail Arraignment Court (CJ-1). 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 Sexual 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 two County agencies:

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

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

Each agency reimburses the Office the cost of investigative support to staff these operations.

Criminal Prosecution - 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, a District Attorney Investigator, 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 four Justice Centers (Central Justice Center, Harbor Justice Center - Newport Beach, North Justice Center and West Justice Center) and felony and misdemeanor juvenile petitions in the Lamoreaux (Juvenile) Justice Center. In addition to misdemeanor prosecution, each of the four adult Justice Centers includes a Felony Charging Unit. The Felony Charging prosecutors review potential felony cases presented by police agencies to the justice centers for filing consideration. In 2009, the Court added a new in-custody arraignment court in the Central Jail (CJ-1). This new court required the redeployment of prosecutors and support staff.

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 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. Real Estate Fraud was added in April 2009.

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

The Career Criminal Team 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.

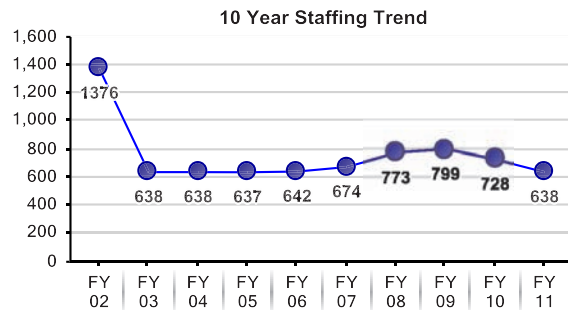
Cases arising out of the Office's Orange County Auto Theft Task Force (OCATT), primarily auto theft rings.

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. The Unit also provides prosecutors legal research assistance and training.

Ten Year Staffing Trend:



Ten Year Staffing Trend Highlights:

- The FY 2010-11 base budget includes deletion of 90 positions to meet the NCC limit. The Office is requesting restoration of these positions.
- During FY 2009-10 budget process, 58 positions were deleted as a result of Prop 172 Sales Tax shortfalls and Public Assistance Fraud funding reduction.
- In February 2009, eight positions were deleted as a result of the budget shortfalls.
- In December 2008, five positions that were not filled as a result of budget challenges were deleted.
- In December 2007, two positions that were vacant for over one year were deleted.
- During FY 2007-08, the Board approved an additional 28 positions: 12 positions to establish the DNA Unit; three positions to Homicide Unit; three positions to Sexual Assault Unit, five support staff positions; one Senior Systems Programmer/Analyst; one Investigator position to Joint Terrorism Task Force; two Deputy District Attorney positions to Economic Crimes Unit; and one Senior Accountant/Auditor.
- 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.
- The Board approved 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 requests to add staff to implement the District Attorney High Tech Crime Unit Expansion Strategic Priority approved by the Board on December 13, 2005.

- 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.

Budget Summary

Plan for Support of the County's Strategic Priorities:

The Office is directly responsible for implementing two of the 2008 County Strategic Priorities: District Attorney High Tech Crime Unit Expansion and Task force review aimed at catching Killers, Rapists and Sex Offenders (TracKRS) Unit - DNA Expansion. However, the Office is required to continue postponing its support of these strategic priorities due to a revenue shortfall, specifically, Prop 172 Sales Tax revenues.

Changes Included in the Recommended Base Budget:

This budget represents a 5% NCC reduction compared to the FY 2009-10 NCC limit. For budget purposes, the County is utilizing a formula based on a two-percent increase over FY 2009-10 projected sales tax revenue for the FY 2010-11 sales tax revenue budget projection.

The Orange County District Attorney's Office (OCDA) has implemented significant reductions over the last two years. The OCDA began Fiscal Year 2009-10 by initiating several expense reduction programs and implementing layoffs, temporary layoffs, furloughs, pay cuts, and deleting 15 prosecutor, 29 investigative, and 27 support positions. As the year continued, the OCDA endured additional staff losses through attrition including Assistant District Attorneys,

Senior Deputy District Attorneys, Investigative Managers, District Attorney Investigators, and experienced support staff. To offset the significant loss of staff, the OCDA introduced a variety of initiatives to reduce the resources required to prosecute certain types of cases.

Staff of the OCDA are interdependent and integrated. As a result of attrition, the OCDA has reached a tipping point where further cuts are unsustainable and could directly endanger public safety. To meet the FY 2010-11 NCC limit, the OCDA submitted one augmentation request of \$13.8 million to restore 90 positions to meet basic prosecution demands and provide Orange County residents and visitors with a safe community.

Requested Budget Augmentations and Related Performance Results:

Unit Amount	Description	Performance Plan	BRASS Ser.
Restore 90 Positions Amount:\$ 13,868,108	Restore 90 positions to meet goal of 90% felony conviction rate & avoid an impact on public safety.	OCDA requires adequate staffing to maintain the strategic goal of a 90% felony conviction rate.	2405

Proposed Budget History:

Sources and Uses	FY 2008-2009		FY 2009-2010		Change from FY 2009-2010	
	FY 2008-2009 Actual	FY 2009-2010 Budget As of 3/31/10	FY 2009-2010 Projected ⁽¹⁾ At 6/30/10	FY 2010-2011 Recommended	Budget Amount	Budget Percent
Total Positions	787	728	728	638	(90)	-12.36
Total Revenues	85,712,876	69,637,935	63,840,378	59,107,134	(10,530,801)	-15.12
Total Requirements	111,127,222	115,151,593	111,712,393	102,458,133	(12,693,460)	-11.02
Net County Cost	25,414,346	45,513,658	47,872,015	43,350,999	(2,162,659)	-4.75

(1) Requirements include prior year encumbrance and expenditures. Therefore, the above totals may not match FY 2009-10 projected requirements included in "At a Glance" (Which exclude these).

Columns may not total correctly due to rounding.

Detailed budget by expense category and by activity is presented for agency: District Attorney in the Appendix on page A38

Highlights of Key Trends:

- Workloads for prosecutors and investigators continued to rise. Coupled with this are continued changes in the way the Orange County Superior Court handles some types of cases requiring enhanced prosecution staffing at Justice Centers. These additional court locations and additional hearings result in the further compounding of prosecutor workloads.
- The type of evidence seized that requires high tech analysis continues to grow in complexity. Our high tech staff face increased demands to review digitized data, various communication, video, and computing devices for gang, homicide, sexual assault, as well as traditional high tech crimes such as identity theft cases. Moreover, the influx of complex fraud cases requires additional highly skilled forensic accountants 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 instances 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 while temporarily assigned to the Office.
- Continue to exercise fiscal prudence and monitor revenues and expenses. The OCDA has implemented significant reductions over the last two years to offset Prop 172 revenue shortfalls and mitigate NCC required. In FY 2009-10, the Office implemented an office-wide furlough program, layoffs, temporary layoffs, pay cuts, and deleting 15 prosecutor, 29 investigative, and 27 support



positions. As the year continued, the Office endured additional staff losses through attrition including Assistant District Attorneys, Senior Deputy District Attorneys, Investigative Managers, District Attorney Investigators, and experienced support staff. To offset the significant loss of staff, the OCDA introduced a variety of initiatives to reduce the resources required to prosecute certain types of cases.

- Continue to maximize usage of existing office and storage spaces and implement digital archiving of paper documents to reduce the requirement of leased space for those files.
- The Office will continue to work collaboratively with CEO/Budget Office and highlight variances and issues, which may impact budget requirements.

Budget Units Under Agency Control:

No.	Agency Name	Administrative Services	Bureau Of Investigation	Criminal Prosecution	Total
026	District Attorney	19,488,393	32,560,205	50,409,535	102,458,133
116	Narcotic Forfeiture and Seizure	0	0	1,039,182	1,039,182
122	Motor Vehicle Theft Task Force	0	0	3,213,052	3,213,052
12G	Real Estate Prosecution Fund	0	0	1,581,464	1,581,464
12H	Proposition 64 - Consumer Protection	0	0	4,175,021	4,175,021
14H	DA's Supplemental Law Enforcement Service	0	0	815,727	815,727
	Total	19,488,393	32,560,205	61,233,981	113,282,579

026 - District Attorney

Summary of Proposed Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2008-2009		FY 2009-2010		FY 2010-2011		Change from FY 2009-2010	
	Actual	Budget As of 3/31/10	Projected ⁽¹⁾ At 6/30/10	Recommended	Amount	Budget Percent	Amount	Percent
Fines, Forfeitures & Penalties	\$ 1,113,736	\$ 102,500	\$ 221,452	\$ 125,300	\$ 22,800	22.24%		
Intergovernmental Revenues	57,247,185	52,865,186	52,103,872	49,633,095	(3,232,091)	-6.11		
Charges For Services	2,522,847	3,635,000	2,269,488	3,028,354	(606,646)	-16.69		
Miscellaneous Revenues	191,475	10,500	94,395	1,550	(8,950)	-85.24		
Other Financing Sources	24,637,633	13,024,749	9,151,171	6,318,835	(6,705,914)	-51.49		
Total Revenues	85,712,876	69,637,935	63,840,378	59,107,134	(10,530,801)	-15.12		
Salaries & Benefits	104,433,268	104,701,833	100,485,465	92,736,569	(11,965,264)	-11.43		
Services & Supplies	11,186,106	13,910,703	14,592,583	13,140,508	(770,195)	-5.54		
Other Charges	1,790,822	1,826,341	1,826,340	1,826,340	(1)	0.00		
Capital Assets	949,060	331,000	356,289	322,000	(9,000)	-2.72		
Intrafund Transfers	(7,232,034)	(5,618,284)	(5,548,284)	(5,567,284)	51,000	-0.91		
Total Requirements	111,127,222	115,151,593	111,712,393	102,458,133	(12,693,460)	-11.02		
Net County Cost	\$ 25,414,346	\$ 45,513,658	\$ 47,872,015	\$ 43,350,999	\$ (2,162,659)	-4.75%		

(1) Requirements include prior year encumbrance and expenditures. Therefore, the above totals may not match FY 2009-10 projected requirements included in "At a Glance" (Which exclude these).

Columns may not total correctly due to rounding.

Proposed Budget Summary of Administrative Services:

Revenues/Appropriations	FY 2008-2009		FY 2009-2010		FY 2010-2011		Change from FY 2009-2010	
	Actual	Budget As of 3/31/10	Projected ⁽¹⁾ At 6/30/10	Recommended	Amount	Budget Percent	Amount	Percent
Intergovernmental Revenues	\$ 15,299,179	\$ 14,421,840	\$ 14,041,070	\$ 14,321,900	\$ (99,940)	-0.69%		
Charges For Services	103,122	117,681	117,681	117,681	0	0.00		
Miscellaneous Revenues	110,595	0	85,386	500	500	0.00		
Other Financing Sources	15,136,279	1,714,711	148,711	91,050	(1,623,661)	-94.69		
Total Revenues	30,649,175	16,254,232	14,392,848	14,531,131	(1,723,101)	-10.60		
Salaries & Benefits	12,807,036	12,669,074	12,823,066	12,293,886	(375,188)	-2.96		
Services & Supplies	6,420,468	7,629,941	8,084,911	6,981,058	(648,883)	-8.50		
Other Charges	1,790,822	1,826,341	1,826,340	1,826,340	(1)	0.00		
Capital Assets	863,385	280,000	240,843	282,000	2,000	0.71		
Intrafund Transfers	(671,253)	(691,197)	(691,197)	(599,550)	91,647	-13.26		
Total Requirements	21,210,458	21,714,159	22,283,963	20,783,734	(930,425)	-4.28		
Net County Cost	\$ (9,438,717)	\$ 5,459,927	\$ 7,891,116	\$ 6,252,603	\$ 792,676	14.52%		

Proposed Budget Summary of Bureau Of Investigation:

Revenues/Appropriations	FY 2008-2009		FY 2009-2010		Change from FY 2009-2010	
	Actual	Budget	Projected ⁽¹⁾	FY 2010-2011	Budget	Percent
Intergovernmental Revenues	\$ 18,421,836	\$ 15,420,080	\$ 15,695,175	\$ 15,217,000	\$ (203,080)	-1.32%
Charges For Services	414,694	337,319	365,708	334,319	(3,000)	-0.89
Miscellaneous Revenues	53,731	8,500	8,404	500	(8,000)	-94.12
Other Financing Sources	0	1,567,000	0	0	(1,567,000)	-100.00
Total Revenues	18,890,262	17,332,899	16,069,287	15,551,819	(1,781,080)	-10.28
Salaries & Benefits	38,522,608	37,476,456	36,665,544	33,639,474	(3,836,982)	-10.24
Services & Supplies	1,703,839	2,792,756	2,621,388	2,395,950	(396,806)	-14.21
Capital Assets	78,932	51,000	115,446	40,000	(11,000)	-21.57
Intrafund Transfers	(5,641,683)	(4,101,277)	(4,101,277)	(4,116,323)	(15,046)	0.37
Total Requirements	34,663,696	36,218,935	35,301,100	31,959,101	(4,259,834)	-11.76
Net County Cost	\$ 15,773,434	\$ 18,886,036	\$ 19,231,813	\$ 16,407,282	\$ (2,478,754)	-13.12%

Proposed Budget Summary of Criminal Prosecution:

Revenues/Appropriations	FY 2008-2009		FY 2009-2010		Change from FY 2009-2010	
	Actual	Budget	Projected ⁽¹⁾	FY 2010-2011	Budget	Percent
Fines, Forfeitures & Penalties	\$ 1,113,736	\$ 102,500	\$ 221,452	\$ 125,300	\$ 22,800	22.24%
Intergovernmental Revenues	23,526,170	23,023,266	22,367,627	20,094,195	(2,929,071)	-12.72
Charges For Services	2,005,031	3,180,000	1,786,099	2,576,354	(603,646)	-18.98
Miscellaneous Revenues	27,148	2,000	605	550	(1,450)	-72.50
Other Financing Sources	9,501,354	9,743,038	9,002,460	6,227,785	(3,515,253)	-36.08
Total Revenues	36,173,439	36,050,804	33,378,243	29,024,184	(7,026,620)	-19.49
Salaries & Benefits	53,103,624	54,556,303	50,996,855	46,803,209	(7,753,094)	-14.21
Services & Supplies	3,061,800	3,488,006	3,886,285	3,763,500	275,494	7.90
Capital Assets	6,744	0	0	0	0	0.00
Intrafund Transfers	(919,099)	(825,810)	(755,810)	(851,411)	(25,601)	3.10
Total Requirements	55,253,068	57,218,499	54,127,330	49,715,298	(7,503,201)	-13.11
Net County Cost	\$ 19,079,629	\$ 21,167,695	\$ 20,749,087	\$ 20,691,114	\$ (476,581)	-2.25%