

## Criminal Prosecution

### DESCRIPTION OF MAJOR SERVICES

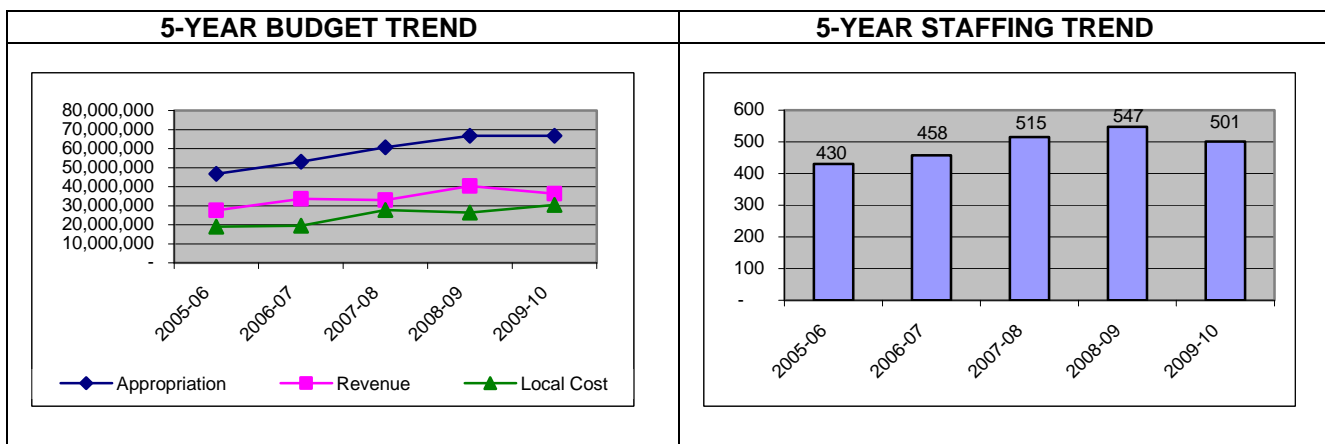
The District Attorney is the public prosecutor and has the mandated responsibility to prosecute crimes committed within the County of San Bernardino, including all city jurisdictions, pursuant to Government Code 26500. Additionally, the District Attorney's Office: provides legal assistance for criminal investigations conducted by law enforcement agencies throughout the county; is the legal advisor to the Grand Jury and is authorized to submit evidence and seek indictments from that body; initiates civil commitment petitions to keep Mentally Disordered Offenders and Sexually Violent Predators in locked facilities; employee civil proceedings in asset forfeiture matters to seek the proceeds of criminal activity; and utilized civil proceedings to seek sanctions and injunctive relief against businesses that pollute or create dangerous conditions for employees and citizens.

The District Attorney also has a duty to investigate crimes: District Attorney investigators work to prepare cases for trial and initiate special criminal investigations. The office also administers several state grants and other state revenues that fund prosecutors and investigators who handle Real Estate Fraud, Auto Insurance Fraud, Workers' Compensation Fraud, and other special areas of prosecution.

The District Attorney has an ethical and legal responsibility to the victims of crime. The office seeks restitution for victims and provides emotional and financial support for victims and their families.

Finally, as the public prosecutor who handles all cases in the name of The People, the District Attorney has a responsibility to keep the citizens of this county informed through regular interaction with the media and the public

### BUDGET HISTORY



### PERFORMANCE HISTORY

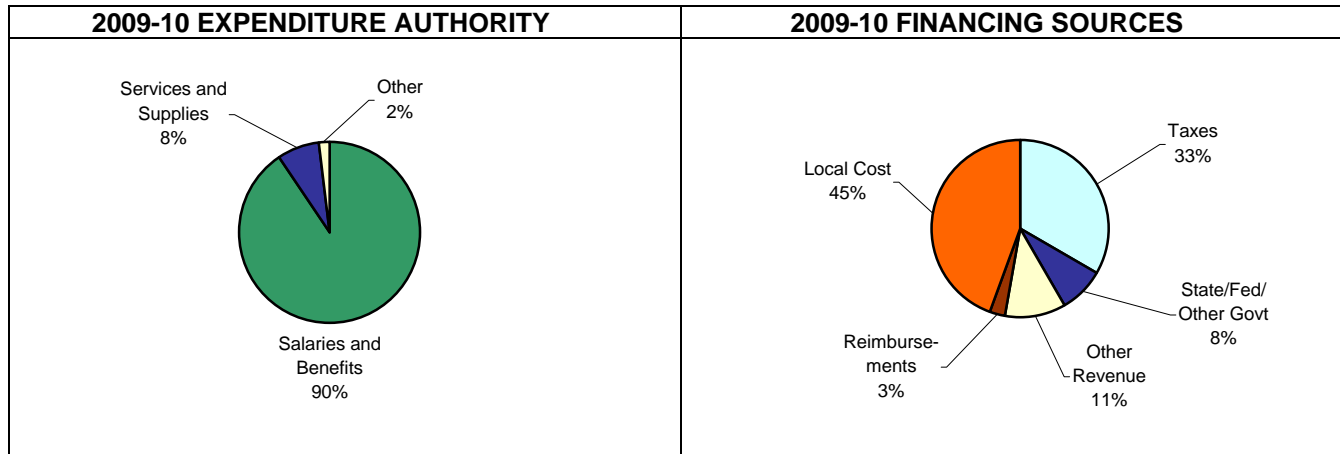
	2005-06 Actual	2006-07 Actual	2007-08 Actual	2008-09 Modified Budget	2008-09 Estimate
Appropriation	46,663,607	53,185,916	60,597,679	68,543,219	69,300,475
Departmental Revenue	27,625,474	33,634,907	32,921,226	40,734,720	37,005,954
Local Cost	19,038,133	19,551,009	27,676,453	27,808,499	32,294,521
Budgeted Staffing				547	

Estimated appropriation for 2008-09 is anticipated to be over modified budget by \$0.75 million. This overage is primarily due to \$0.6 million attributed to attorney overtime and varied cash outs such as retirements, administrative and attorney leave. Additionally, the department will recognize a decrease to reimbursements in the amount of \$0.15 million due to reductions to reimbursements for state programs (Cal MMeT).

Estimated departmental revenue for 2008-09 will be under modified budget by approximately \$3.7 million primarily due to a reduction of Prop 172 revenue of \$3.5 million, a decrease in state grant awards estimated at \$0.5 million, and an increase in varied other revenue of \$0.3 million.



**ANALYSIS OF PROPOSED BUDGET**



As a result of the current economic condition, the 2009-10 proposed budget was impacted by a salary reduction and a Prop 172 reduction. The salary reduction plan represents a decrease of \$3,101,534. Also included is a reduction in Prop 172 revenue of \$700,000. Budgeted staffing was reduced by 25 filled positions for the salary reduction and 9 vacant positions for the Prop 172 reduction for a total decrease in budgeted staffing of 34 positions.

**IMPACTS DUE TO BUDGET REDUCTIONS**

Brief Description of Budget Impact	Budgeted Staffing	Appropriation	Departmental Revenue	Local Cost
Salary Reduction Reduction made to salaries and benefits - deleted 4 Senior Investigator positions, 15 Deputy District Attorney positions, and 6 Office Assistant III positions.	(25)	(3,101,534)	-	(3,101,534)
Prop 172 Reduction Reduction is based on estimated shortfall anticipated in Prop 172 for 2009-10 resulting in 9 position reductions. These positions consist of 1 Deputy District Attorney, 3 Office Assistant IIIs, 1 Secretary II, 1 Victim Advocate II, 1 Victim Witness Advocate Claims Tech I, 1 Executive Secretary II and 1 Investigative Tech II.	(9)	(700,000)	(700,000)	-
<b>Total</b>	<b>(34)</b>	<b>(3,801,534)</b>	<b>(700,000)</b>	<b>(3,101,534)</b>

LAW AND JUSTICE



GROUP: Law and Justice  
 DEPARTMENT: District Attorney  
 FUND: General

BUDGET UNIT: AAA DAT  
 FUNCTION: Public Protection  
 ACTIVITY: Judicial

	2005-06 Actual	2006-07 Actual	2007-08 Actual	2008-09 Estimate	2008-09 Final Budget	2009-10 Proposed Budget	Change From 2008-09 Final Budget
<b>Appropriation</b>							
Salaries and Benefits	44,905,973	50,672,139	57,314,718	64,488,995	62,309,163	62,240,691	(68,472)
Services and Supplies	3,726,323	4,419,910	5,368,844	4,767,614	4,301,318	4,152,349	(148,969)
Central Computer	317,948	430,798	484,186	625,979	625,979	663,269	37,290
Travel	-	-	-	371,569	333,316	347,290	13,974
Equipment	-	36,291	5,816	-	-	50,000	50,000
Vehicles	96,824	-	184,054	-	-	-	-
Transfers	505,503	568,238	703,213	1,138,795	1,124,202	1,182,588	58,386
Total Exp Authority	49,552,571	56,127,376	64,060,831	71,392,952	68,693,978	68,636,187	(57,791)
Reimbursements	(2,888,964)	(3,010,460)	(3,463,152)	(2,242,477)	(2,172,710)	(2,035,403)	137,307
Total Appropriation	46,663,607	53,116,916	60,597,679	69,150,475	66,521,268	66,600,784	79,516
Operating Transfers Out	-	69,000	-	150,000	150,000	150,000	-
Total Requirements	46,663,607	53,185,916	60,597,679	69,300,475	66,671,268	66,750,784	79,516
<b>Departmental Revenue</b>							
Taxes	23,625,000	27,971,251	25,987,500	23,537,500	27,037,500	22,837,500	(4,200,000)
Fines and Forfeitures	128	-	2,191	2,500	1,500	1,500	-
State, Fed or Gov't Aid	3,889,891	5,629,823	4,718,593	5,360,138	5,810,694	5,787,629	(23,065)
Current Services	17,850	18,934	58,390	2,575	30,000	100	(29,900)
Other Revenue	790	14,899	96,008	524,623	255,345	453,817	198,472
Other Financing Sources	91,815	-	-	-	-	-	-
Total Revenue	27,625,474	33,634,907	30,862,682	29,427,336	33,135,039	29,080,546	(4,054,493)
Operating Transfers In	-	-	2,058,544	7,578,618	7,157,849	7,177,961	20,112
Total Financing Sources	27,625,474	33,634,907	32,921,226	37,005,954	40,292,888	36,258,507	(4,034,381)
Local Cost	19,038,133	19,551,009	27,676,453	32,294,521	26,378,380	30,492,277	4,113,897
				Budgeted Staffing	547	501	(46)

Salaries and benefits of \$62,240,691 fund 501 budgeted positions resulting in slight decrease of \$68,472. This decrease primarily takes into account an increase due to Memorandum of Understanding (MOU) and retirement costs totaling \$3.0 million, a mid-year increase of \$0.7 million for criminal courtroom costs, and a decrease for salary reductions and Prop 172 shortfall of \$3.8 million, as mentioned earlier.

Budgeted staffing increased 4 positions based on approved mid year to staff criminal courtrooms. This increase was offset by a decrease of 34 positions for the salary reduction and Prop 172 reduction, 13 positions for budget adjustments due to grant reductions, attorney leave cash outs and to make adjustments for a technical change in the way positions are budgeted. Budgeted staffing was also adjusted to reflect a decrease of 3 filled positions to accurately portray 3 dual share positions.

Services and supplies of \$4,152,349 are decreased by \$148,969. The decrease represents the department's efforts to reduce all but mandatory expenses. Reductions are across all budget units to accommodate projected revenue shortfalls.

Travel of \$347,290 are based on departmental analysis of past travel related expenses. These expenses include mandated training and associated costs. This budgeted amount includes travel costs associated with special prosecution units, including real estate fraud, auto insurance fraud, workers compensation fraud, specialized prosecutions group, including HazMat and industrial deaths, and the child abduction and recovery unit.

Equipment of \$50,000 represents a switch for the office located on Hospitality Lane. Corresponding revenue is budgeted to be brought in from SBI-DAT.

Transfers of \$1,182,588 primarily represent rents paid to Real Estate Services. Increased costs reflect a new lease agreement for the Needles office, and regular yearly increases for all other leased facilities.



Reimbursements of \$2,035,403 represent payments from other department for Welfare Fraud Prosecution and truancy prosecution. The decrease of \$0.1 million is primarily due to the loss of funding for the Street Enforcement grant.

Operating transfers out of \$150,000 represents funding to County Fire for a Haz Mat Specialist II to be available to the Specialized Prosecution group.

Taxes (Prop 172) of \$22,837,500 million represent a decrease of \$4.2 million based on current downward trends in sales tax receipts.

State, federal and government aid revenue of \$5.7 million is decreased by \$23,065 as a result of reduction in the COPS grant.

Other revenue of \$453,817 is increasing to reflect full funding with a direct agreement with the San Manuel Tribe for Indian Gaming.

Operating transfers in of \$7,177,961 are increasing to offset the MOU increases for staff financed by special revenue fund budget units.

ADDITIONAL GENERAL FUND FINANCING REQUESTS						
Rank	Brief Description of Request	Budgeted Staffing	Appropriation	Departmental Revenue	Local Cost	Proposed 2009-10 Performance Measurement
1	Operating Expenses: Cal-Wrap. (Policy Item Request)  One-time funds requested are to augment the department's CAL-WRAP program. The CAL-WRAP program is a state reimbursable program that allow District Attorney (DA) offices to assure the safety of witnesses that provide credible evence from danger and intimidation or retaliatory violence. The DA has a \$120,000 account that distributes funds to witnesses who qualify for assistance and submit claims to replenish the account. Reimbursements may take 203 months requiring the DA to loan money for this program. Additionally, costs have increased consecutively for the past two fiscal years in the amounts of \$65,000 and \$233,000.	-	100,000	-	100,000	
		<i>Percentage of CAL-WRAP expenses funded</i>				100%
2	Operating Expenses: Fleet, professional services, training and associated travel and rent. (Policy Item Request)  Onoing costs are requested to augment the department's vehicle fleet costs (\$50,000), professional services/expert witnesses (\$300,000), training/associated travel and rent (\$150,000). Funding for professional services is important to the department to cover the increasing cost of various professional services to include expert witnesses. The department also seeks additiinal funding to assist with costs that are associated with District Attorney investigators who conduct numerous duties such as, transport suspects, witnesses at times across the state. Additionally, funding for the department's training and travel budget that will keep investigators up to date on various mandates, laws for prosecution of cases resulting in assistance for victims of crime. With the increase in office space additional funding is needed to ensure that staff will be able to prepare for cases, investigate cases and assist the victims of crime.	-	500,000	-	500,000	
		<i>Percentage of vehicle fleet costs, professional services and training/travel funded.</i>				100%
<b>Total</b>		<u>-</u>	<u>600,000</u>	<u>-</u>	<u>600,000</u>	

