

District Attorney  
RECOMMENDED BUDGET • FY 2021 -22

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MISSION

The District Attorney’s office is dedicated to objectively and effectively investigating and prosecuting matters under the Law, while recognizing the dignity of all individuals to achieve justice and minimize trauma to victims.

DEPARTMENT BUDGET SUMMARY

**DEPT : 22    DISTRICT ATTORNEY**

Description	Prior Year Actual	Current Year Adopted	CAO Recommended	Difference from Adopted
Fines & Penalties	6,350	6,817	6,500	(317)
IG Rev - State	1,836,188	1,523,120	1,776,463	253,343
IG Rev - Federal	1,017,162	1,136,650	1,269,681	133,031
Service Charges	26,168	26,000	23,150	(2,850)
Miscellaneous Rev	4,946	4,232	4,232	0
Other Fin Sources	1,070,070	782,284	777,174	(5,110)
<b>Total Revenue</b>	<b>3,960,884</b>	<b>3,479,103</b>	<b>3,857,200</b>	<b>378,097</b>
Salaries & Benefits	10,587,738	11,979,713	12,186,728	207,015
Services & Supplies	1,376,731	1,410,194	1,815,687	405,493
Other Charges	10,930	11,000	11,700	700
Fixed Assets	148,732	20,000	0	(20,000)
Other Fin Uses	29,790	0	34,000	34,000
Intrafund Transfers	314,733	357,776	312,897	(44,879)
Intrafund Abatement	(357,240)	(377,973)	(376,536)	1,437
<b>Total Appropriations</b>	<b>12,111,412</b>	<b>13,400,710</b>	<b>13,984,476</b>	<b>583,766</b>
<b>FUND 1000 GENERAL FUND TOTAL</b>	<b>8,150,528</b>	<b>9,921,607</b>	<b>10,127,276</b>	<b>205,669</b>

MAJOR BUDGET CHANGES

Revenues

*State Revenue*

\$253,343      Increase due mainly to the projection for Public Safety Sales Tax returning to normal levels after being reduced in the FY 2020-21 Adopted Budget, in anticipation of reduced receipts due to the coronavirus pandemic.

*Federal Revenue*

\$133,031      Increase due to grants awarded in FY 2020-21 in multiple programs.

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### Appropriations

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#### *Salaries and Benefits*

\$207,015      Decreases in the Workers' Compensation charge (\$64,825), to bring the program funding level to an acceptable confidence level as provided by the Risk Management Division, and salaries and other benefits (\$73,866), due the deletion of one limited term allocation, are offset by increases in CalPERS retirement costs (\$220,047), health benefits (\$116,714) and retiree health costs, bilingual pay, and Medicare (\$8,945)

#### *Services and Supplies*

\$405,493      Increases include rent, utilities, and other building-related costs (\$30,700); Professional Services, for the rapid DNA machine purchased in FY 2020-21 (\$47,000) and other grant-funded services (\$50,649), psychiatric medical services provided through the Child Abuse Treatment grant (\$172,940); and Law Enforcement Equipment for the purchase of less-lethal weapons (\$40,000). The remainder of the increases are occurring across multiple line items due to vendor cost increases, and adjustments to align with actual costs in the previous fiscal year (\$14,129). General Liability Insurance premium is increasing by \$50,075 as departmental charges are resuming following a rate holiday in FY 2020-21.

#### *Other Financing Uses*

\$34,000      Increases in the operating transfer to Fleet Services for the purchase of a new Fleet vehicle to replace a vehicle that had been purchased using grant funds and was not a part of the County fleet.

#### *Intrafund Transfers*

(\$44,879)      Decrease due to reduced charges from the Central Fiscal Unit.

## PROGRAM SUMMARIES

### Automobile Insurance Fraud

The El Dorado County District Attorney's Auto Fraud Unit is made up of Deputy District Attorneys and District Attorney Investigators who work closely with the California Department of Insurance, California Department of Motor Vehicles, Insurance Investigators, and the Arson Task force in the prevention, investigation, and prosecution of various forms of automobile insurance fraud. The Auto Fraud Unit investigates not only the typical auto insurance fraud and perjury cases (where an individual presents a false or fraudulent claim for non-existent injuries or damages) but also complex schemes involving car dealership fraud and conspiracy to defraud multiple customers relating to the sales, transfers, and loan payoffs concerning the purchase of new and used vehicles. This program is funded on an annual basis through a grant application to the State Department of Insurance.

### Core Prosecution

#### *Alcohol and Drug Impaired Vertical Prosecution Program*

This program is made up of a specialized team of one Deputy District Attorney, one District Attorney Investigator, and a contracted crime scene reconstruction expert who work closely together to prosecute alcohol and drug-impaired-driving cases.

A portion of this program is funded through an Office of Traffic Safety grant, which is applied for and awarded on an annual basis.

#### *Core Prosecution*

The main functions of this unit are to prosecute adult and juvenile offenders for criminal offenses, evaluate law enforcement reports and documents, assist in search warrant preparation, prepare and file legal briefs and memoranda relating to prosecution activities and appeals, conduct original and supplemental investigation of cases, and prepare for and conduct trials, post-trial and sentencing hearings, and appeals.

#### *Multi-Disciplinary Interview Center (MDIC) aka The Fausel House Child Advocacy Center*

The User Agencies comprised of the Sheriff, Placerville Police Department, Health & Human Services Agency, and District Attorney work together toward the mutual goal of facilitating the investigation of child abuse cases in order to minimize the trauma to child victims and their families residing in the western portion of El Dorado County and to maximize the effectiveness of criminal prosecution.

Funding for the Child Advocacy Center program is received through the California Governor's Office of Emergency Services. This grant is applied for and awarded on an annual basis.

#### *Child Abuse Treatment*

The specialized Investigator coordinates and conducts interviews of children involved in child abuse cases. This employee is also a vital part of the Multidisciplinary Interview Center as well as assisting with victim coordination on major felony cases.

During FY 2020-21, a new funding source was procured to extend services for the Child Abuse Treatment Program. The program now includes contracted psychotherapy services for children who have experienced abuse, as well as services for their families on how to cope with the trauma. Grant funds are received through the California Office of Emergency Services and applied for on an annual basis.

#### *Elder Abuse Prosecution*

Deputy District Attorneys and Investigators work with the Sheriff's Office, Adult Protective Services, and Senior Legal Services to investigate and prosecute Elder Abuse Cases.

#### *SB 90*

As required by law, the District Attorney's office is mandated by the State of California to appear on behalf of the District Attorney's office for cases where defendants were convicted of a crime and classified as one of the following: Sexually Violent Predator, Mentally Disordered Offender, or Not Guilty By Reason of Insanity. The Deputy District Attorney appears at recommitment hearings to insure that the offender is not released back into the community.

Another subset of the SB 90 program is Child Abduction and Recovery. In most instances these abductions involve a parent that does not have custody of the child(ren) and has taken them out of the

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county/state. The investigator works with families and law enforcement agencies to recover the child and return them to their legal guardian.

## *Special Victims Unit - Sexual Assault/Domestic Violence/Violence Against Women*

This unit currently covers all of the adult sexual assault, child sexual assault, child pornography, child abuse, and sexual registrant violators for the entire county. This unit also handles all of the domestic violence cases on the Western Slope as well as specialized cases of violence against women.

These cases are vertically prosecuted due to their extremely sensitive nature. Deputy District Attorneys spend a significant amount of time meeting with victims and their families. These cases are all extremely sensitive and involve substantial time outside of the courtroom preparing for trial and conducting follow up investigations. Most of these cases result in prison sentences. Many involve potential life sentences and end up going to trial.

Funding for the Sexual Assault and Violence Against Women program components of the Special Victims Unit is received through the California Governor's Office of Emergency Services. These grants are applied for and awarded on an annual basis.

## *Welfare Fraud*

Deputy District Attorneys and Investigators work with the Health & Human Services Agency to pursue the prevention, detection, investigation, and prosecution of fraud perpetrated in the course of public assistance benefit issuance.

Funding for this program is reviewed on an annual basis.

## *Cold Case Homicides*

Currently, there are approximately 60 cold case homicides in El Dorado County. In addition, there are approximately 50 missing person cases and 7 sets of unidentified human remains that need to be subjected to DNA testing and Genetic Genealogy testing to see if they can be identified. Approximately 75% of the cold case homicides are from the Sheriff's Office jurisdiction and 25% are from the City of South Lake Tahoe. The vast majority of these cases are from the 1970s – 1990s. These figures do not include cold sexual assault cases.

One of the unique characteristics of cold homicide cases is that often the killer is a serial killer. In many cases there is evidence to indicate that the defendant(s) were responsible for other deaths that were never prosecuted. Due to increased technology in DNA testing the potential of bringing the killers to justice is now a possibility.

## Environmental Crimes

This unit provides the investigation and prosecution of environmental cases. The El Dorado County District Attorney's Environmental Unit is made up of Deputy District Attorneys and District Attorney Investigators who work closely with various California and County Agencies, including El Dorado County Environmental Management, Code Enforcement, and Department of Transportation; California Department of Fish & Game; California Air Resources Board; California Attorney General's Office; California District Attorney Association; State Water Resources Control Board; Lahontan Regional Water Quality Control Board, California Department of Forestry, as well as statewide cases with various other District Attorney's Offices. This unit is responsible for the review and filing of environmental

cases throughout El Dorado County. This unit investigates various forms of environmental crimes, including Hazardous Waste & Underground Storage Tank (UST) violations, Hazardous Material Business Plan violations (which put our first responders at risk of hazardous waste exposure), and illegal/improper release of deleterious materials to state waters and rivers in El Dorado County. Moreover, the unit files both criminal and civil complaints against individuals and businesses who are committing violations of various environmental protection statutes, including civil Business and Professions Code section 17200 cases concerning unlawful business practices.

Funding for this program is achieved through the use of defendant judgments that are deposited into a trust fund. These funds are ongoing as cases are prosecuted on an annual basis. The total amount of judgments can vary depending on case load within the fiscal year.

### Proposition 64

The El Dorado County District Attorney's Consumer Fraud Unit is made up of Deputy District Attorneys and District Attorney Investigators who work closely with various California and County Agencies including Amador, Sacramento, and Yolo County District Attorney's Offices, the California Department of Corporations, California Department of Motor Vehicles, California Department of Weights & Measures, California Department of Forestry, California Department of Home Furnishings, California Bureau of Automotive Repair, and the El Dorado County Code Enforcement and Department of Agriculture, in the investigation and prosecution of various forms of consumer fraud and unlawful business practices. Further, this unit is involved with the review and handling of District Attorney Fraud Hotline and Consumer Fraud Complaints, as well as community outreach and fraud alerts concerning current fraud schemes and tactics. This unit investigates unlawful business practices in various forms, including cases against companies who have been short-selling underweight product for years, and businesses that have been defrauding customers through false advertising and mislabeling of products. Moreover, the unit files both criminal and civil complaints against individuals and businesses who are committing violations of various consumer protection statutes - including civil Business and Professions Code section 17200 cases concerning unlawful business practices. This program is funded through the use of funds collected from defendant judgments.

### Real Estate Fraud

This unit provides the investigation and prosecution of Real Estate Fraud. The funding for Real Estate Fraud is ongoing. As the real estate instruments specified under GC 27388 are recorded, a \$1.00 fee is assessed with 90% of the fee being deposited into a Special Revenue Account for use by the District Attorney's office for the investigation and prosecution of Real Estate Fraud. In addition to the recorded document fees, funding from a specialized grant will be utilized.

### Victim Witness Assistance

The Victim Witness Assistance program serves as a resource to crime victims. The advocates funded under this grant are required to provide the following services: crisis intervention, emergency assistance, resource referral and assistance, direct counseling and therapy, claim assistance, property return, orientation, court escort, case status/ disposition, and notification of family and friends. It is anticipated that funding for mass victimization advocacy will continue in FY 2021-22. This funding will aid in preparing Victim Witness Centers for participation in coordinated community responses to mass victimization/terrorism incidents.

Funding is received through the California Governor's Office of Emergency Services. This grant is applied for and awarded on an annual basis.

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## Victim Witness Claims

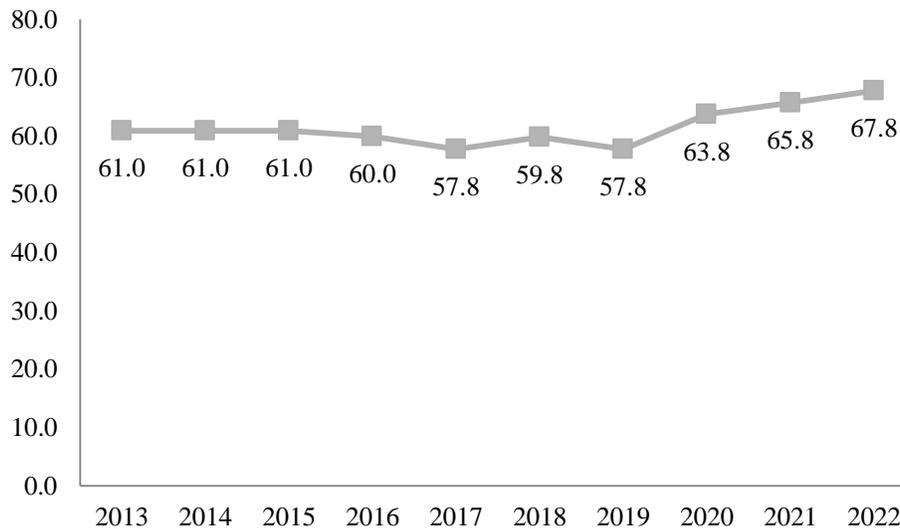
The Claims Specialists provide application intake, data entry, and eligibility determination, and verify losses, including medical, dental, wage loss, support loss, mental health counseling, funeral, burial, and relocation expenses. The benefit of having the claims processed in our county is that bills can be paid in a timely manner. The average processing time of claims done directly by the Victim Compensation Board is 3-6 months, which causes ongoing stress to victims as providers will cut off services until payment is received. Funding is received through a joint partnership agreement with the California Victim Compensation Board. This grant is applied for and awarded every three years.

## Workers' Compensation Insurance Fraud

The El Dorado County Workers Compensation Unit provides the investigation and prosecution of Workers' Compensation Insurance Fraud in El Dorado County. This includes claimant, premium, uninsured employer, and medical provider fraud. Claimant fraud includes employees making false or exaggerated claims. Premium fraud occurs when employers misstate the type of work and/or work experience of their employees in order to pay a lower premium. Uninsured employers are those who don't protect their employees by failing to obtain required workers' compensation coverage. Medical provider fraud can occur when medical professionals bill for services not rendered, misrepresent the service provided, or bill for unnecessary services. This program is funded on an annual basis through a grant application to the State Department of Insurance.

### STAFFING TREND

Staffing for the District Attorney’s Office has remained fairly stable over the last decade. The reduction in FY 2016-17 was related to the transfer of administrative staff to the CAO Central Fiscal Division. The recommended staff allocation for FY 2021-22 is 67.8 FTEs, which reflects the addition of three allocations during FY 2020-21 as grant funding was awarded, and the recommended deletion of one Limited Term Deputy District Attorney. This allocation was funded through a grant from the Department of Insurance that was not renewed. The allocation is recommended for deletion pursuant to Board of Supervisors Policy B-16, which states that the General Fund share of a program should not increase if other funding is reduced.



### RECOMMENDED BUDGET

This Budget is recommended at \$13,984,476, which is an increase of \$583,766 (4.4%) when compared to the FY 2020-21 Adopted Budget. The General Fund provides 72.4% of the funding for the department, and total General Fund support is increased by \$205,669 (2%) when compared to the FY 2020-21 Adopted Budget.

#### CAO Adjustments

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The Department has an allocation for a Limited Term Deputy District Attorney in the automobile fraud program, which is funded through the California State Department of Insurance. This funding was reduced; however, the Department requested General Fund support in the amount of \$168,000 for the program to continue at the current level and to convert the Limited Term allocation to a permanent allocation. Pursuant to Board of Supervisors Policy B-16, which states that the General Fund share of a program should not increase if other funding is reduced, the CAO is recommending that the Limited Term allocation be deleted and not replaced.

The Department submitted a supplemental request for \$85,000 of additional appropriations for Extra Help employees, for a total of \$235,000. This request was deferred, and may be considered with the Adopted Budget, if the need still exists and additional funding is available.

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The Department also requested \$40,000 to purchase less-lethal weapons to support the Department's efforts to comply with state-mandated policies regarding use of force and de-escalation techniques. This funding has been included in the Recommended Budget. The Department's final supplemental request was \$22,000 for software to access encrypted devices, such as cell phones, to assist in criminal investigations. After discussion with the Department, it was determined that this cost could likely be absorbed through savings in other Services and Supplies during the Fiscal Year.

### Sources & Uses of Funds

The District Attorney's Office is primarily funded through discretionary General Fund revenue; however, several State grants provide funding for various programs within the office. The Office also receives a portion of the Public Safety Sales Tax (\$1,141,832), and revenue transfers-in from special revenue funds for the Workers Compensation Fraud, Real Estate Fraud, and Environmental Crimes programs (\$741,174). The Department is drawing down \$36,000 in Public Safety Realignment funds.