Alameda County
District Attorney’s Office
Nancy E. O’Malley, District Attorney

2017 - 2018 MOE
BUDGET
PRESENTATION
Forging Our Future
Embracing Our Past
The District Attorney’s Office shall protect, promote and ensure public safety in Alameda County to the highest standards of excellence, professionalism and ethical integrity.
Ten years ago, we presented our Fiscal Year 2008-09 MOE Budget presentation to this Board, just as our nation entered what has become known as the Great Recession.

At that time, the District Attorney had 340.84 employees funded by the County (FTE).

The following year, we had just 320.91 FTE.
Ten Years Later

Although our country emerged from the Recession, we have yet to return to pre-2008 staffing levels (FTE).

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Full-Time Equivalent (FTE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2009-10</td>
<td>320.91 FTE</td>
</tr>
<tr>
<td>FY2010-11</td>
<td>315.83 FTE</td>
</tr>
<tr>
<td>FY2011-12</td>
<td>319.33 FTE</td>
</tr>
<tr>
<td>FY2012-13</td>
<td>319.33 FTE</td>
</tr>
<tr>
<td>FY2013-14</td>
<td>322.30 FTE</td>
</tr>
<tr>
<td>FY2014-15</td>
<td>326.05 FTE</td>
</tr>
<tr>
<td>FY2015-16</td>
<td>326.04 FTE</td>
</tr>
<tr>
<td>FY2016-17</td>
<td><strong>326.04</strong> FTE</td>
</tr>
</tbody>
</table>
During this same period, we have contributed more than $35 million to help close County budget gaps.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008-09</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>2009-10</td>
<td>$5,800,943</td>
</tr>
<tr>
<td>2010-11</td>
<td>$6,986,376</td>
</tr>
<tr>
<td>2011-12</td>
<td>$6,160,000</td>
</tr>
<tr>
<td>2012-13</td>
<td>$3,234,000</td>
</tr>
<tr>
<td>2013-14</td>
<td>$2,548,000</td>
</tr>
<tr>
<td>2014-15</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>2015-16</td>
<td>$2,772,000</td>
</tr>
<tr>
<td>2016-17</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

**Total** $35,601,319
<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>2016 – 17 Budget</th>
<th>Maintenance Of Effort</th>
<th>Change from 2016 – 17 Approved</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriations</td>
<td>$ 72,782,690</td>
<td>$ 74,859,947</td>
<td>$ 2,077,257</td>
<td>2.85%</td>
</tr>
<tr>
<td>Revenue</td>
<td>$ 14,070,911</td>
<td>$ 13,289,892</td>
<td>($ 781,019)</td>
<td>-5.55%</td>
</tr>
<tr>
<td>Net</td>
<td>$ 58,711,779</td>
<td>$ 61,570,055</td>
<td>$ 2,858,276</td>
<td>4.87%</td>
</tr>
<tr>
<td>FTE - Mgmt</td>
<td>244.66</td>
<td>244.66</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>FTE - Non Mgmt</td>
<td>81.38</td>
<td>81.38</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total FTE</td>
<td>326.04</td>
<td>326.04</td>
<td>-</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

* Includes DA Grants
# District Attorney

## Major Components of Net County Cost Change (in millions)

<table>
<thead>
<tr>
<th>Component</th>
<th>NCC Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary and Benefits Adjustment</td>
<td>$1.47</td>
</tr>
<tr>
<td>ISF Adjustment</td>
<td>$0.15</td>
</tr>
<tr>
<td>Revenue Adjustment</td>
<td>$1.23</td>
</tr>
<tr>
<td>Other Adjustments</td>
<td>$0.01</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$2.86</strong></td>
</tr>
</tbody>
</table>
Appropriation by Department

- **District Attorney**
  - Grants: $5.78M (7.72%)
  - Public Assistance Fraud: $0.98M (1.31%)
  - Realignment: $1.25M (1.67%)
  - Grand Jury: $0.53M (0.70%)

- **Family Justice Center**
  - $1.61M (2.15%)

- **District Attorney**
  - Appropriation by Department: $64.71M (86.45%)
Total Appropriation by Major Object

- **Salaries & Benefits**: $69.22M, 89.14%
- **Services & Supplies**: $8.43M, 10.86%

Intra Fund Transfers: -$2.79M
Total Revenue by Source

- **Fines, Forfeits & Penalties**: $2.30M, 17.33%
- **License Fees**: $0.97M, 7.29%
- **Other Revenue**: $2.15M, 16.14%
- **Charges for Services**: $0.02M, 0.15%
- **Use of Money & Property**: $0.14M, 1.02%
- **Federal Aid**: $0.40M, 3.03%
- **State Aid**: $7.31M, 55.04%
Mandated Services

The District Attorney’s Office is mandated by law to:

• Review and prosecute criminal cases in both the adult and juvenile justice systems
• Protect consumers, workers, and the environment, including enforcement through civil and criminal actions
• Preserve and protect public integrity
• Uphold the rights of victims of crime, and
• Support and protect victims of and witnesses to crime.
Expanding Mandates

In the last 10 years, the District Attorney’s mandates have expanded significantly:

- **2008**: Marsy’s Law – Victims Bill of Rights II
- **2011**: AB-109 Realignment
- **2014**: Proposition 47 – Reduced Penalties Initiative
- **2014**: SB-260 Youthful Offender Parole Program
- **2015**: Brady and Police Personnel Files
  Digital Discovery
In 2015, the California Supreme Court confirmed in *People v. Superior Court (Johnson) (2015)* 61 Cal.4th 696, that the Prosecutor’s duty to disclose material evidence that is favorable to the defense extends to evidence contained in a police employee’s confidential personnel file.

There are more than 4,500 police employees working in Alameda County.

The District Attorney now has a duty to inquire, uncover and disclose any material evidence in those 4,500 personnel files to the defense.
Penal Code 1054.1 provides that the **Prosecuting Attorney** shall discover to the Defendant or his or her Attorney all evidence known to be in the possession of the investigating agencies.

In 2016, that amounted to:

- More than **3 million pages** of discovery
- More than **10,000 recordings**
  - including witness statements, 911 calls, dispatch tapes, etc.
There are more than 3,000 sworn police officers in Alameda County.

At any given time 100+ are assigned to patrol, most with body cams.

100 patrol officers x 24 hours/day x 365 days per year =

876,000 hours of potential body cam footage each year.

Even if only 2% of that footage is relevant to a criminal case, that is still 17,520 hours of footage to collect and review every year.
Body Cameras

And its not merely that the D.A. has a duty to watch this footage. We also have to:

1. Implement collection procedures and obtain it from each of the various police agencies operating in Alameda County;
2. Sort, categorize and log it;
2. View it and redact for victim’s / juvenile’s privacy;
3. Copy it;
4. Provide copies to the Defense; and
5. Archive it for use at trial or on appeal.
Discovery Violations

In 2015, the State Legislature passed **AB 256**, adding a new section 141(c) to the Penal Code, making it a **FELONY** for a prosecuting attorney to intentionally withhold any digital image, video recording or relevant evidence upon a trial or proceeding.
Current Staffing

149 Attorneys

112 Attorneys assigned to Adult Criminal / Realignment / Collaborative Courts
  8 Attorneys assigned to Juvenile Justice Center
  2 Attorneys assigned to the Family Justice Center
  1 Attorney assigned to Grand Jury
23 Attorneys assigned to Civil Division
  3 Administrative Attorneys

67 Inspectors

47 Victim Service Professionals

126 Support Staff

389* Total

* Although the D.A. maintains a total staff of 389 employees, the County funds only 326.04 FTE. The remaining 63 positions are funded through a combination of grants, MOU services contracts, and other revenue.
Workload Measures
Adult Criminal Cases

• 40,932  Police Reports Reviewed for Charging
  Average: 3,149 reports reviewed per charging DDA
• 8,948  Defendants Charged with Felonies
• 21,493  Defendants Charged with Misdemeanors
• 4,083  Felony Probation/Parole/PRCS Violations
• 8,306  Misdemeanor Probation Violations
  Average: 433 cases per criminal DDA
Eight Attorneys Assigned to Juvenile Division

- 1,055 Juvenile Cases Presented
  Average: 527 reports reviewed per charging DDA
- 737 Petitions Filed
- 525 Hearings Conducted
  Average: 87 hearings per DDA
Workload Measures

Victim Services

- 12,985 Victims receiving services.
- 88,879 Number of services provided.
- 2,458 Applications processed to the Victims of Crime Fund (VOC).
- 1,097 Number of victim restitution orders secured.

$ 2,347,039 VOC funds obtained for Alameda County Victims

$9,449,096 Victim Restitution Orders (total)
The District Attorney’s Civil Division is comprised of 23 Attorneys and 20 Inspectors handling the following types of investigations and prosecutions:

- Environmental Protection
- Consumer Fraud
- Prevailing Wage Theft
- Worker Exploitation / Labor Trafficking
- Real Estate and Mortgage Fraud
- Health Care Fraud and Prescription Drug Abuse
- Public Assistance Fraud
- Insurance Fraud
- Worker’s Compensation Insurance Fraud
Workload Measures
Civil Division

- 884 New investigations opened
- 194 Criminal cases filed
- 32 Civil lawsuits settled

$11,334,935 Civil penalties awarded

All investigations performed by D.A. Inspectors and all prosecutions and civil lawsuits handled by D.A. Attorneys.
Innovative Programs

The District Attorney’s Office has created, supports and staffs a number of unique and innovative programs designed to create opportunities for persons accused of crime and provide opportunities for a fresh start.

- Mentor Diversion Court
- Early Intervention Court
- Pretrial Release Pilot Project
- Pacific Education Services (PES)
- Project Clean Slate
- Prop 47 Resentencing
- BSCC – Pay for Success
- Recidivism Reduction Project
Innovative Programs
Juvenile Justice Center

- Restorative Justice
  - 91 juvenile offenders referred
- Girls Court
  - 106 participants
- SafetyNet
  - 50 new cases reviewed and safety plans developed
  - More than 600 total since 2011
- Collaborative Mental Health Court
  - 76 Juveniles participated
- Young Women’s Saturday Program
  - 33 new participants
Innovative Programs
Juvenile Justice Center

Our Service Dog, Bart, has been helping provide comfort for child victims at our Juvenile Justice Center.

Bart has become a key participant in our Juvenile Mental Health Court.

He’s pretty happy to receive pets from our Camp Sweeney residents as well.
High 5
From
Dep. Dog
Bart
The Family Justice Center

• 11 years in operation

• Serving more than 14,000 victims and family members every year
Innovative Programs
Family Justice Center

• Youth Empowerment Programs (YEP)
  - Camp HOPE – Week long, overnight camp for at-risk kids
  - Kid Zone – ACFJC safe space for play, art, computer learning, etc.
  - Natalie’s Nook – ACFJC Reading/Learning Center 0-7 yr. old
  - Homework Helpers
  - P.U.L.S.E. (Pop-Up Library Services for Everyone)

• The SPA (Safe Place Alternative)
• STEP-UP (Survivor Training Empowerment Program – Utilizing your Potential)
• STEP-UP 2 Work
Innovative Programs:

- Family Justice Center
- Natalie’s Nook
- SPA
- PULSE
- Natalie’s Nook
- Women’s Equality Day
- STEP-UP Women’s Celebration
Innovative Programs
Childhood Literacy
Youth Empowerment

Why does the DA invest its resources in youth empowerment and early childhood literacy?

- One half of all young adults with criminal records have reading problems
- 78% of juvenile crime is committed by high school dropouts
- Half of youths with a history of substance abuse have reading problems
- 7 out of 10 inmates in State Prison perform at the lowest literacy levels
- California once used fourth grade literacy rates as a factor in determining how many jail cells to build in the future.

It's about making a difference.
A Survivor’s Story

Meet Mayra and her son, Alex

April 2013
Mayra was being abused by her partner. She and her son, Alex, came to the Alameda County Family Justice Center for help. They were linked to partners … all under one roof.
Mayra and Alex received the help and support they needed to heal

Alex celebrated his 4th birthday at KidZone
A Story of Success

Alex is now seven and recently received Student of the Month and Excellent Reader Awards…

…and Mayra is giving back by becoming a Sexual Assault counselor with BAWAR
Conclusion

The District Attorney’s Office is proud of the ways we are meeting our mandates and the innovative programs we have pioneered and implemented that are providing opportunities for rehabilitation and building safer communities.

Fiscal 2017-18 will undoubtedly present us with financial challenges, and the need to increase staffing for both the D.A. and the Public Defender is apparent.

As we move forward together, we ask for this Board’s leadership in creating a solution to our staffing needs and your support for our proposed Fiscal Year 2017-18 budget.