



## Legislation Text

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**File #:** 21-5560, **Version:** 1

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**Department:** County Administration

**Department Head/Elected Official:** David Berry

**Regular or Supplemental RCA:**

- ☒ Regular RCA  
☐ Supplemental RCA

**Type of Request:** Discussion Item

**Project ID (if applicable):** N/A

**Vendor/Entity Legal Name (if applicable):** N/A

**MWDBE Participation (if applicable):** N/A

**Request Summary (Agenda Caption):**

Request for discussion and possible action on the criminal case backlog including 1) update on the status of initiatives to reduce the backlog; 2) request to provide \$657,465 in ARPA funding for 31 temporary positions to process evidence at the DA as well as 3 programmer positions effective October 23, 2021, while they finalize the technology improvements needed to create a permanent solution; 3) request to approve \$1,637,519 in ARPA funding and positions for Associate Judges for the District Criminal Courts effective January 7, 2022.

**Background and Discussion:**

Based on the recommendations made by Justice Administration department and the direction by Court on 6/29/2021, there were several initiatives to be further developed and for which the final budget and reporting was to be brought back to Court

**Expected Impact:**

The overarching impact is expected to be greater efficiency in the functioning of the Criminal Justice System which includes a reduction in case backlog and average time to disposition of cases, as well as hopefully a lower number of individuals in jail awaiting hearing.

Specifically, for the Associate Judges positions, the intended goals and outcomes for the program are:

- a. To allow courts more opportunities to explore contested discovery matters.
- b. To allow courts more time for contested pretrial matters.
- c. To reduce time constraints on the judges from increased dockets.

d. To alleviate time spent by judges on these matters so judges have more time for trials.

For the DA's Evidence Management request, the temporary positions would allow the DA's office to:

1. Clear the backlog of evidence for older cases (106K in Felony and 149K in Misdemeanor)
2. To keep abreast of the growing number of the items that the evidence team must process per year (up ~23% from last year for Felony and Misdemeanor cases)

The goal for programming staff is to help build a solution that allows for seamless intake, analysis and distribution of evidence from 86 law enforcement agencies to defense lawyers and the Courts and reduces the time to delivery of evidence as well as the need for permanent staff to process information.

#### **Alternative Options:**

These are initiatives that tackle the problem of resolving the criminal backlog by adding resources across the different departments and agencies. The alternative of not investing in the criminal justice processing system may result in a prolonged backlog that will likely take longer to clear.

#### **Alignment with Goal(s):**

- ☒ Justice and Safety
- ☐ Economic Opportunity
- ☐ Housing
- ☐ Public Health

- ☐ Transportation
- ☐ Flooding
- ☐ Environment

☐ Governance and Customer Service

#### **Prior Court Action (if any):**

A part of an ongoing discussion on Criminal Justice backlog that started 6/29/2021.

#### **Location:**

Address (if applicable list below):

- ☒ Countywide
- ☐ Precinct 1
- ☐ Precinct 2

☐ Precinct 3☐ Precinct 4 **Fiscal and Personnel Summary**

| Service Name  |             | FY 21-22           | Estimates          |                     |
|---|-------------|--------------------|--------------------|---------------------|
|   |             |                    | FY 22              | Next 3 FYs          |
| <b>Incremental Expenditures</b>   |             |                    |                    |                     |
| Labor Expenditures  |             | \$2,065,468        | \$5,992,020        | \$10,341,954        |
| Non-Labor Expenditures  |             | \$229,516          | -                  | -                   |
| <b>Total Incremental Expenditures</b>   |             | <b>\$2,294,984</b> | <b>\$5,992,020</b> | <b>\$10,341,954</b> |
| <b>Funding Sources</b> (General Fund, PIC Fund, Debt or CP, Grants, or Other - Please Specify) ARPA |             |                    |                    |                     |
| Existing Budget   | -           | -                  | -                  | -                   |
|   | -           | -                  | -                  | -                   |
|   | -           | -                  | -                  | -                   |
| Total Current Budget  |             | -                  | -                  | -                   |
| Additional Budget Requested   | <b>ARPA</b> | \$2,294,984        | \$5,992,020        | \$10,341,954        |
|   | -           | -                  | -                  | -                   |
|   | -           | -                  | -                  | -                   |
| Total Additional Budget Requested   |             | <b>\$2,294,984</b> | <b>\$5,992,020</b> | <b>\$10,341,954</b> |
| <b>Total Funding Sources</b>  |             | <b>\$2,294,984</b> | <b>\$5,992,020</b> | <b>\$10,341,954</b> |
| <b>Personnel</b> (Fill out section only if requesting new PCNs)                                     |             |                    |                    |                     |
| Current Position Count for Service  |             | -                  | -                  | -                   |
| Additional Positions Requested  |             | 127.5              | 127.5              | 127.5               |
| <b>Total Personnel</b>  |             | <b>127.5</b>       | <b>127.5</b>       | <b>127.5*</b>       |

*\*DA temporary positions requested for 1.5 years; programmers for 1 year; Associate Judges positions requested for two years*

**Anticipated Implementation Date:**

Associate Judges anticipated to start 01/07/2022

DA request for additional support - Temporary staff and programmers anticipated to start 10/23/2021.

**Emergency/Disaster Recovery Note:**

☒ Not an emergency, disaster recovery, or COVID-19 related item

☐ Emergency Item

☐ COVID-19 related Item

☐ Disaster Recovery related Item **Contact(s) name, title, department:**

Gayatri Garg, Director Performance Analysis, Office of Management and Budget

**Attachments (if applicable):**

See below for Associate Judges costs for District Courts. This assumes a start date of 01/07/2022.

## District Courts

| Expense Category | Department            | Position Name                 | # of Staff  | Total Salary from Memo | FY21-22*           | FY22*              | Out-years          | Full Year Cost |
|------------------|-----------------------|-------------------------------|-------------|------------------------|--------------------|--------------------|--------------------|----------------|
| Salaries         | District Court        | Associate Judge               | 6           | \$187,592              | \$173,162          | \$692,647          | \$1,385,294        |                |
| Salaries         | District Court        | Coordinator                   | 3           | \$119,037              | \$54,940           | \$219,760          | \$439,520          |                |
| Salaries         | District Court        | Court Reporter                | 3           | \$162,410              | \$74,958           | \$299,833          | \$599,666          |                |
| Equipment        | District Court        | Technology Equipment          |             |                        | \$35,652           | \$0                | \$0                |                |
| Salaries         | District Attorney     | Chief                         | 6           | \$180,006              | \$166,159          | \$664,637          | \$1,329,274        |                |
| Salaries         | District Attorney     | Prosecutor 2                  | 6           | \$143,399              | \$132,368          | \$529,472          | \$1,058,943        |                |
| Salaries         | District Attorney     | Prosecutor 3                  | 6           | \$122,973              | \$113,513          | \$454,053          | \$908,105          |                |
| Salaries         | District Attorney     | Investigator                  | 6           | \$131,837              | \$121,696          | \$486,783          | \$973,566          |                |
| Salaries         | District Attorney     | Paralegal                     | 6           | \$105,248              | \$97,152           | \$388,607          | \$777,214          |                |
| Equipment        | District Attorney     | Equipment                     | 30          |                        | \$150,000          | \$0                | \$0                |                |
| Salaries         | District Clerk        | Lead Clerk                    | 6           | \$71,496               | \$65,996           | \$263,985          | \$527,970          |                |
| Salaries         | District Clerk        | Assistant Clerk               | 2           | \$61,206               | \$18,833           | \$75,330           | \$150,660          |                |
| Equipment        | District Clerk        | Equipment                     |             |                        | \$43,864           | \$0                | \$0                |                |
| Salaries         | Sheriff's Office      | Bailiff                       | 3           | \$114,359              | \$158,343          | \$211,124          | \$422,249          |                |
| Salaries         | Community Supervision | Court Liaison Officer         | 4           | \$224,273              | \$138,014          | \$138,014          | \$276,028          |                |
| Salaries         | Community Supervision | Assessment Officers           | 2           | \$112,137              | \$34,504           | \$69,007           | \$138,014          |                |
| Salaries         | Community Supervision | PSI Writers                   | 2           | \$112,137              | \$34,504           | \$69,007           | \$138,014          |                |
| Salaries         | Community Supervision | Clinicians                    | 1           | \$79,558               | \$12,240           | \$48,959           | \$97,917           |                |
| Salaries         | Community Supervision | Clinical Supervisor           | 0.5         | \$63,000               | \$4,846            | \$38,769           | \$77,539           |                |
| Salaries         | Community Supervision | Supervision Officer Assistant | 1           | \$44,043               | \$6,776            | \$27,103           | \$54,206           |                |
| <b>Total</b>     |                       |                               | <b>93.5</b> |                        | <b>\$1,637,519</b> | <b>\$4,677,090</b> | <b>\$9,354,181</b> |                |

See below for costs for DA's personnel costs. Assumes a start date of 10/23/2021:

| Expense Category | Department        | Position Name   | # of Staff | Total Salary and Benefits | FY21-22*         | FY 22              | Out-year         |
|------------------|-------------------|-----------------|------------|---------------------------|------------------|--------------------|------------------|
| Salaries         | District Attorney | Temporary Staff | 31         | \$53,123                  | \$506,712        | \$1,013,423        | \$950,084        |
| Salaries         | District Attorney | Programmers     | 3          | \$163,316                 | \$150,753        | \$301,506          | \$37,688         |
| Software         |                   |                 |            |                           |                  |                    |                  |
|                  |                   |                 | <b>34</b>  |                           | <b>\$657,465</b> | <b>\$1,314,930</b> | <b>\$987,773</b> |

## Additional documents:

1. Evidence Management at DAO
2. CommCt AJ Program Status Letter 27 Sep 2021
3. DA 3441s