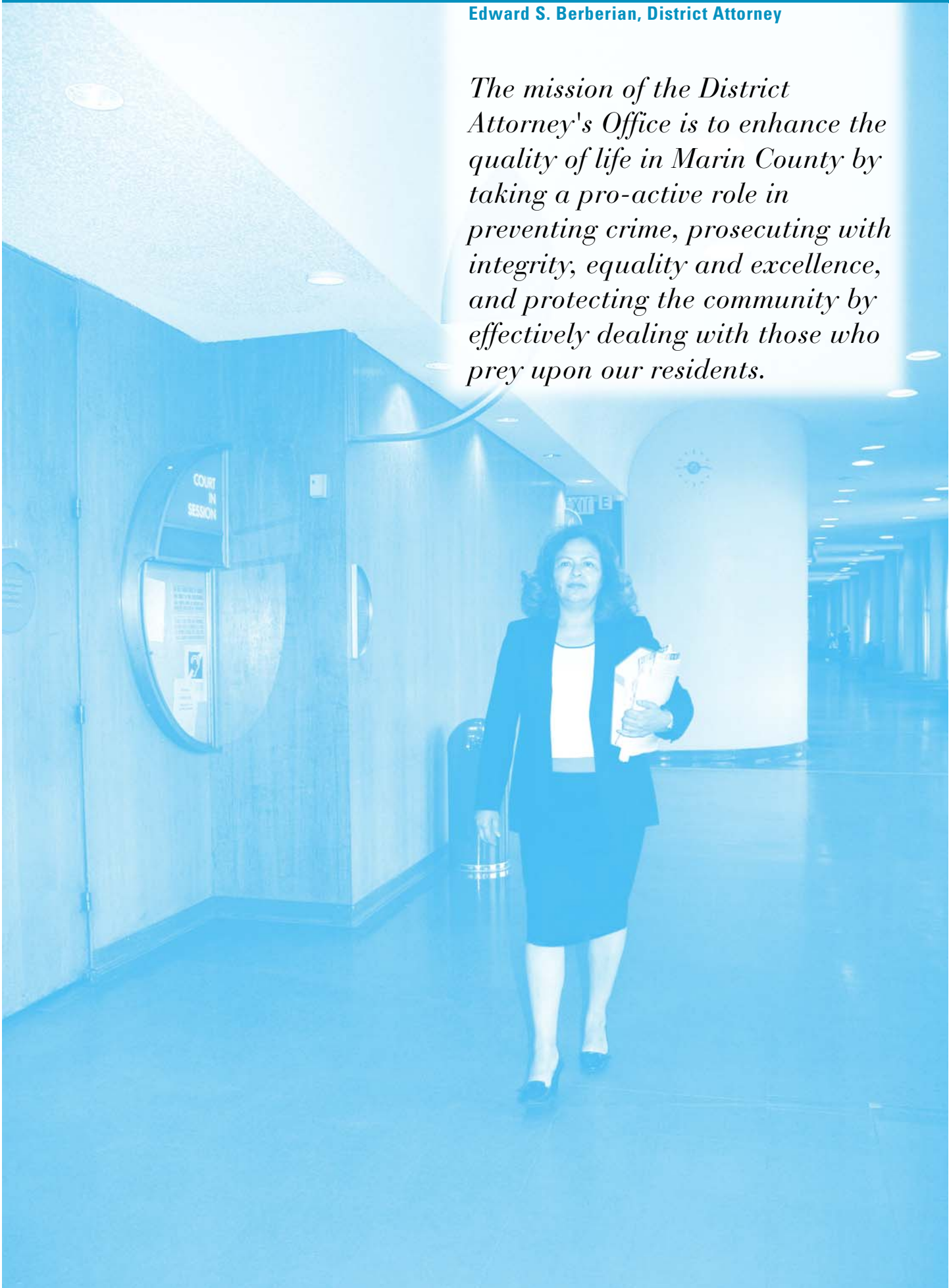


# District Attorney

Edward S. Berberian, District Attorney

*The mission of the District Attorney's Office is to enhance the quality of life in Marin County by taking a pro-active role in preventing crime, prosecuting with integrity, equality and excellence, and protecting the community by effectively dealing with those who prey upon our residents.*



## DEPARTMENT SUMMARY

All Funds	FY 2007-08 Actual	FY 2008-09 Proposed	FY 2008-09 Approved	FY 2009-10 Recommended	FY 2009-10 Change
<b>Expenditures</b>					
Salaries & Benefits	\$11,692,985	\$12,336,762	\$12,330,973	\$12,427,376	\$96,403
Service and Supplies	2,834,017	3,749,021	3,743,465	3,482,555	(260,910)
Interdepartmental Charges	363,695	343,294	343,294	306,240	(37,054)
<b>Total Expenditures</b>	<b>\$14,929,946</b>	<b>\$16,429,077</b>	<b>\$16,417,732</b>	<b>\$16,216,171</b>	<b>(\$201,561)</b>
<b>Revenues</b>					
Intergovernmental Revenues	6,138,359	7,092,713	7,092,713	6,593,792	(498,921)
Charges for Current Services	195,677	100,085	100,085	100,085	-
Miscellaneous Revenues	772,318	686,942	686,942	955,630	268,688
<b>Total Revenues</b>	<b>\$7,106,354</b>	<b>\$7,879,740</b>	<b>\$7,879,740</b>	<b>\$7,649,507</b>	<b>(\$230,233)</b>
<b>Net County Cost (NCC)</b>	<b>\$7,823,591</b>	<b>\$8,549,337</b>	<b>\$8,537,992</b>	<b>\$8,566,664</b>	<b>\$28,672</b>
<b>Allocated Positions (FTE)</b>	<b>95.75</b>	<b>95.55</b>	<b>93.75</b>	<b>90.75</b>	<b>(3.00)</b>

## Department Overview

The Office of the District Attorney is the public prosecutor responsible for attending the courts and conducting all prosecutions for public offenses on behalf of the people. The California Constitution mandates that each County have an elected District Attorney. The District Attorney is an officer of the County and also an officer of the state when engaged in the prosecution of crimes defined under state law.

The District Attorney's Office has two operational divisions that provide mandated services in the areas of prosecution, protection and prevention: the General Prosecution Division and the Targeted Prosecution Division. The units within the divisions are responsible for conducting the prosecution of public offenses committed within Marin County.

The General Prosecution division has within its structure five vertical felony trial teams, as well as the Misdemeanor Trial Unit. Vertical prosecution is one of the key organizational components whose construct reduces inconvenience to crime victims and law enforcement personnel.

The Targeted Prosecution division has a number of operational units that focus on specific activities. The specialized units include: Intake, Family Violence, Juvenile, Sexual Assault Specialist, Insurance Fraud, Law and Motion, Consumer Fraud and the Community Justice Attorney whose responsibilities

include elder financial abuse, the Drug Courts and the Mental Health Court.

As an adjunct and in support of the two prosecutorial divisions of the office, there is an Administrative Unit, Investigations Unit and Victim/Witness Program Unit.

## Accomplishments FY 2008-09

- Participated in the Family Violence Court, including the monitoring of defendants in misdemeanor cases who have been determined to be of high risk for re-offending in order to help break the often escalating cycle of violence
- Provided a quality prosecution team despite reductions in hi-tech identity theft and vertical prosecution grants from the state
- As part of the final year of a three-year grant worked with criminal justice and community partners in order to train law enforcement and adult protective personnel in the many facets of elder abuse investigation and prosecution
- Continued services and programs at the Jeanette Prandi Children's Center where over 350 children have been interviewed since its opening in 2000
- Through the office's Multidisciplinary Team (MDT) and Rapid Response Team (RRT), continued to intervene, investigate

# District Attorney

PUBLIC SAFETY

and prosecute those who are abusing or neglecting Marin County's senior citizens

## Goals and Initiatives FY 2009-10

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### GOAL I

**PROTECTION: Engage in and support all activities that will aid in continuing to reduce the County's crime rate and stop the victimization of county residents**

#### FY 2009-10 Initiatives

- Work with community partners to provide expert assistance on elder abuse cases
- Work with Marin County Office of Education and other County departments to implement Safe Schools and prevention programs to reduce juvenile crime and gang violence

### GOAL II

**PROSECUTION: Continue vigorous prosecution efforts toward the serious offender, the violent offender and the sexual predator**

#### FY 2009-10 Initiatives

- Continue to support targeted training for Family Violence Team members
- Maintain vertical prosecution approach involving attorneys, inspectors and victim advocates to felony family violence caseload
- Continue to work with the United States Attorney for the Northern District of California in order to cross-designate Marin Deputy District Attorneys as Assistant United States Attorneys for the purposes of federally prosecuting selected Marin-based offenses

### GOAL III

**PREVENTION: Increase the District Attorney's Office presence in collaborative programs with community and family partners in order to build trust and confidence in the justice system and meet the long-term goal of crime prevention**

#### FY 2009-10 Initiatives

- Continue to assist with the specialty (restorative) courts system
- Work with partner agencies and the courts to establish protocols and procedures surrounding the new family violence calendar or court

### GOAL IV

**EXCELLENCE IN MANAGEMENT: Provide excellent customer service, both externally and internally, and strive to continuously improve our stewardship of the department**

#### FY 2009-10 Initiatives

- Provide training and resources to employees to improve their job-related skills
- Work with Human Resources and various unions to provide fair compensation to all segments of staff

## Description and Impacts of Budget Reductions

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FTE Reduced	Change in Expenditure	Change in Revenue	Change in Net County Costs	% NCC Change
(3.00)	(\$331,630)	-	(\$331,630)	-3.9%

- **Description:** Reduce 1.0 FTE Deputy District Attorney II; 1.0 FTE District Attorney Inspector; and 1.0 Legal Process Assistant II.
- **Programmatic Impacts of Proposed Changes:** Reductions could result in increased caseloads for remaining staff members and reduced capacity to prosecute cases.

- Maintaining a high quality prosecution program in the face of potentially significant budget reductions



## Key Challenges and Outstanding Issues

- Providing adequate and meaningful elder abuse prosecution resources with existing or potentially reduced attorney and investigative staffing
- Maintaining the integrity of felony vertical prosecution of family violence cases in light of recent appellate court decisions that have increased litigation
- Providing adequate and meaningful attorney coverage of the expanding restorative justice courts
- Maintaining a meaningful Family Violence Court and/or Calendar that has broad-based acceptance
- Implementing the Parole Advocacy Program supported by the department's Victim Assistance Unit

## Overview of Programs

### FY 2009-10 Estimated Cost of Program Services

DISTRICT ATTORNEY PROGRAM SUMMARY				
General Fund Program Services	FTE	Total Expenditures	Total Revenues	Net County Cost
Prosecution Services	72.75	\$11,123,494	(\$3,084,337)	\$8,039,157
Consumer Protection	6.00	\$868,688	(\$868,688)	-
Victim / Witness Services	7.00	\$607,991	(\$181,939)	\$426,052
High Tech and Identity Theft Prosecution	4.00	\$434,795	(\$434,795)	-
Collaborative Justice	1.00	\$101,455	-	\$101,455
<b>Total</b>	<b>90.75</b>	<b>\$13,136,423</b>	<b>(\$4,569,759)</b>	<b>\$8,566,664</b>
<b>% of Budget</b>			<b>35%</b>	<b>65%</b>
Other Funds Program Services	FTE	Total Expenditures	Total Revenues	Transfer/ Use of Fund Balance
High Tech and Identity Theft	0.00	\$3,079,748	(\$3,079,748)	-
<b>Total</b>	<b>0.00</b>	<b>\$3,079,748</b>	<b>(\$3,079,748)</b>	<b>-</b>

## Prosecution Services

### Program Description and Responsibilities

Prosecution Services	FTE	Total Expenditures	Total Revenues	Net County Cost
<b>FY 2009-10 General Fund Program Budget</b>	<b>72.75</b>	<b>\$11,123,494</b>	<b>(\$3,084,337)</b>	<b>\$8,039,157</b>

The Prosecution Services program has two operational divisions, General Prosecution and Targeted Prosecution, that provide mandated services in the area of prosecution, protection and prevention. These divisions are responsible for conducting the prosecution of public offenses committed within Marin County.

# District Attorney

## PUBLIC SAFETY

### FY 2009-10 Program Initiatives

- Continue to implement the department's elder abuse training program for law enforcement personnel, social workers and judicial officers
- Work with community partners to provide expert assistance on elder abuse cases
- Work with Marin County Office of Education and other County departments to implement Safe Schools and Prevention Programs to reduce juvenile crime and gang violence

### Consumer Protection

#### Program Description and Responsibilities

Consumer Protection	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2009-10 General Fund Program Budget	6.00	\$868,688	(\$868,688)	-

The Consumer Protection Unit is responsible for handling a broad spectrum of consumer protection activities. The primary focus of this unit is to protect residents from fraudulent or dishonest business practices. There are four major areas of responsibility:

- **Enforcement:** This area of responsibility deals with illegal business practices, environmental issues, major fraud and restitution collection. This unit includes investigation as well as civil and criminal prosecution of cases involving unfair business practices, false or misleading advertising, State antitrust violations, State securities law violations, contractor licensing law violations and toxic substance and environmental law violations.
- **Mediation:** This area of responsibility handles consumer-business vendor dispute mediation and education of both consumers and retailers.
- **Referral:** This area of responsibility consists of directing consumer complaints received by staff to the proper State regulatory agencies established to deal with issues such as air pollution, campaign law violations, water pollution and toxic spills.
- **Outreach:** This area of responsibility involves providing speakers upon request to community groups who are concerned about con artists, scams or financial abuse of elders. The unit works with local non-profits and commissions devoted to preventing seniors from being victims of theft or embezzlement.

### FY 2009-10 Program Initiatives

- Continue the aggressive prosecution of significant false advertising and unlawful business practice cases
- Continue to expand outreach and awareness programs services to all segments of the community about financial elder abuse, the pitfalls of abusing credit and other economic crimes
- Successfully conclude pending civil and criminal cases filed by this unit

### Victim / Witness Services

#### Program Description and Responsibilities

Victim / Witness Services	FTE	Total Expenditures	Total Revenues	Net County Cost
FY 2009-10 General Fund Program Budget	7.00	\$607,991	(\$181,939)	\$426,052

The Victim/Witness Services program is responsible for providing direct services, referral services and community outreach services to victims and witnesses of crime. Some of the direct services offered by the program include advisement of case status, support throughout the criminal justice process, assistance with Victims of Violent Crime (VOVC) restitution claims to the State Board of Control, crisis intervention support, assistance with Victim Impact Statements, referrals to other agencies, and assistance with recovery from the effect of the crime.

Program staff participates in the Child Abuse Treatment (CHAT) program as part of the Jeannette Prandi Children's Center (JPCC) and provides assistance to families through referrals and help with the criminal justice process and victim compensation claims.

### FY 2009-10 Program Initiatives

- Continue to support targeted training for Family Violence Team members
- Maintain vertical prosecution approach involving attorneys, inspectors and victim advocates to address felony family violence caseload

## Collaborative Justice

### Program Description and Responsibilities

Collaborative Justice	FTE	Total Expenditures	Total Revenues	Net County Cost
<b>FY 2009-10 General Fund Program Budget</b>	1.00	\$101,455	-	\$101,455

In collaboration with the Marin County Superior Court, Public Defender, Probation and Health and Human Services departments, the District Attorney has implemented Collaborative Justice Court models including the Adult Drug Court, Juvenile Drug Court, the Support and Treatment After Release (STAR) Mentally Ill Offender Court and Treatment Program and a Proposition 36 Court. These collaborative courts help to coordinate the rehabilitation and treatment of offenders by focusing on health and social issues that are often the underlying causes of crime.

Offenders must meet acceptance guidelines to participate in each court and enrollment is limited. Participants must follow a treatment program and meet certain goals and standards to "graduate" from the court. Participating departments meet weekly with the presiding judge to discuss the progress of participants prior to holding weekly sessions where participants check in with the judge and may face penalties for variance from the program's requirements.

For more information about Collaborative Justice, please reference the following program descriptions:

- Health and Human Services: Support and Treatment After Release (STAR) Program, Proposition 36 Court, Adult Drug Court
- Public Safety: Juvenile Drug Court

## High Tech and Identity Theft Prosecution

### Program Description and Responsibilities

High Tech and Identity Theft Prosecution	FTE	Total Expenditures	Total Revenues	Net County Cost
<b>FY 2009-10 General Fund Program Budget</b>	4.00	\$434,795	(\$434,795)	-
<b>FY 2009-10 High Tech and Identity Theft Fund Program Budget</b>	0.00	\$3,079,748	(\$3,079,748)	-

The High Technology Theft Apprehension and Prosecution (HTTAP) program is supported by two grants from the Governor's Office of Emergency Services.

The HTTAP program develops a comprehensive written strategy to address high technology crime throughout California and reports annually to the State Legislature. The program seeks to assist local law enforcement and District Attorneys in providing the tools necessary to successfully interdict high technology crime in the jurisdiction of the five task forces. Investigation and prosecution of identity theft crimes is also included under this program, including Internet tracing and computer forensics, conducting identity theft "sting" operations and shutting down fraudulent document printers employed as paper mills.

### FY 2009-10 Program Initiatives

- Continue providing forensic assistance to regional law enforcement agencies, District Attorneys and participating Federal agencies and fielding questions involving issues such as forensic exams, search warrants and evidence-gathering
- Conduct formal education and training to law enforcement and informational seminars for the general public
- Employ new strategies targeting the unauthorized use of equipment to obtain services such as: satellite and cable subscriber services; online child exploitation; online fraud and unauthorized use or disclosure of data from corporate, private or government computer systems

## Performance Measures

### Prosecution Services

**Objective: Increase awareness of potential elder abuse with local law enforcement agencies**

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
<b>Workload Measures</b>				
Number of community outreach presentations	n/a	1	5	5
Number of patrol briefings attended at local police agencies	n/a	0	3	3
Number of meetings with local policy agency investigation units	n/a	8	6	6
<b>Effectiveness Measures</b>				
Number of elder abuse cases filed	n/a	16	5	5

**Department Comments:**

By raising awareness in the community and law enforcement agencies, signs of abuse should become easier to identify and more preventable. When abuse has already occurred, law enforcement will have a better understanding of how to collect important evidence which may be used in prosecuting defendants.

### Victim / Witness Services

**Objective: Obtain high client satisfaction rating from clients using one of the victim-witness outreach centers**

MEASURES	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Estimate	FY 2009-10 Estimate
<b>Workload Measures</b>				
Number of intakes at four victim/witness centers	147	100	125	125
<b>Effectiveness Measures</b>				
Number of eligible clients using services	140	90	125	125
Percent increase of clients seen annually per location	n/a	n/a	5%	5%
Client satisfaction rating (1-7 scale)	n/a	7	7	7

**Department Comments:**

These measurements are important in order to determine the effectiveness of the Victim Regional Site program and make necessary adjustments in order to best serve the community.

