

2020200000—District Attorney

Law & Justice

Tori Verber Salazar, District Attorney

General Fund	2017-2018 Actual	2018-2019 Adjusted	2019-2020 Requested	2019-2020 Recommended	Increase/ (Decrease)
Expenditures					
Salaries & Benefits	\$28,691,249	\$31,984,948	\$34,478,772	\$34,478,772	\$2,493,824
Services & Supplies	3,139,541	2,811,893	2,906,793	2,906,793	94,900
Centrally-Budgeted Expenses	1,315,915	1,627,251	4,114,903	4,114,903	2,487,652
Fixed Assets	293,762	50,000	30,000	30,000	(20,000)
Total Expenditures	\$33,440,467	\$36,474,092	\$41,530,468	\$41,530,468	\$5,056,376
Expenditure Reimbursements	(3,105,721)	(3,609,522)	(3,860,132)	(3,860,132)	(250,610)
Total Appropriations	\$30,334,746	\$32,864,570	\$37,670,336	\$37,670,336	\$4,805,766
Earned Revenues By Source					
Fines/Forfeitures/Penalties	\$4,359	\$2,400	\$2,400	\$2,400	\$0
Interest/Rents	76	0	0	0	0
Aid From Other Governments	6,748,515	6,820,484	6,798,057	6,798,057	(22,427)
Charges For Services	312,531	429,900	434,900	434,900	5,000
Operating Transfers In	1,007,772	608,840	420,000	420,000	(188,840)
Total Revenues	\$8,073,253	\$7,861,624	\$7,655,357	\$7,655,357	(\$206,267)
Net County Cost	\$22,261,493	\$25,002,946	\$30,014,979	\$30,014,979	\$5,012,033
Staffing					
Allocated Positions	177.0	188.0	198.0	198.0	10.0
Temporary (Full-Time Equivalent)	3.2	3.7	3.3	3.3	(0.4)
Total Staffing	180.2	191.7	201.3	201.3	9.6

Purpose

The Office of the District Attorney (DA) is a constitutionally-mandated office whose primary function is to act as the public prosecutor of State law violations. To this end, the DA investigates such offenses and conducts collaborative investigations with local law enforcement agencies.

The DA also establishes policies and standards for filing criminal complaints; institutes proceedings for the arrest of persons suspected of public offenses; advises the Grand Jury; institutes criminal and/or civil proceedings to remedy consumer fraud, abate nuisances and environmental hazards; manages various grant programs; provides services to victims and witnesses of crime; and provides legal training for local law enforcement agencies.

The DA's Bureau of Investigations provides investigative support to the Department. The Bureau is also responsible for the service of criminal and civil processes.

Major Budget Changes

Salaries & Employee Benefits

- \$1,138,786 Salary and benefits adjustments.
- \$644,436 Add four Deputy DA positions.
- \$239,086 Add one Chief Deputy DA position.
- \$165,920 Add two Paralegal positions.
- \$137,202 Add one DA Investigator position.
- \$94,163 Add one Victim Advocate position.
- \$74,231 Add one Legal Technician position.

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Services & Supplies

- \$250,000 Increase in consultant services costs.
- \$141,915 Increase in computer maintenance and software and related licenses costs.
- \$54,634 Increase in communications and electronic media costs.
- \$42,304 Increase in security guard costs.
- \$35,000 Increase in court reporting and transcription costs.
- \$20,000 Increase in transportation and training costs.
- \$20,000 Increase in fleet services costs.
- (\$137,500) Decrease in software maintenance costs.
- (\$133,492) Decrease in investigator costs.
- (\$93,270) Decrease in law enforcement equipment purchases.
- (\$58,363) Decrease in professional services program costs.
- (\$51,297) Decrease in small tools and furniture purchases.

Centrally-Budgeted Expenses

- \$304,437 Increase in radio maintenance costs and data processing charges.
- \$70,159 Increase in rents/leases-automation equipment costs.
- (\$133,219) Decrease in Workers' Compensation and Casualty insurance costs.
- \$2,246,275 Addition of Countywide Cost Allocation Plan charges.

Expenditure Reimbursements

- \$154,576 Increase in reimbursement from other DA budgets due to increase in labor costs and administrative charges.
- \$49,249 Increase in reimbursement of costs related to reducing recidivism and related activities.

- \$29,542 Increase in reimbursement from Local Community Corrections.
- \$17,243 Increase in reimbursement from Human Services Agency.

Revenues

- \$765,257 Increase in Proposition 172 funding.
- (\$787,684) Decrease in State revenue received for Ready to Work Program in 2018-2019.
- (\$101,500) Decrease in transfer from DA-Narcotics budget.
- (\$87,340) Decrease in transfer from Identity Theft Piracy and Privacy grant.

Fixed Assets/Capital Improvement

- \$30,000 Vehicle.

Program Discussion

The 2019-2020 recommended DA main budget totals \$41,530,468, which is an increase of \$5,056,376 from the 2018-2019 adjusted budget. This change reflects salary and benefits adjustments, the addition of four Deputy DA positions, a Chief Deputy DA position, two Paralegal II positions, a DA Investigator II position, a Victim Advocate II position, and a Legal Technician II position, increases in costs for consultant services, computer maintenance, software and related license, security guard, court reporting and transcription, electronic media, communications, radio maintenance and rents/leases-automation equipment, and the addition of Countywide Cost Allocation Plan charges, offset by decreases in software maintenance, professional services, allocated insurance costs, law enforcement equipment purchases, and small tools and furniture purchases.

Felony Trial Unit

The Felony Trial Unit is responsible for the vertical prosecution of all main line criminal felony cases heard in the Stockton Court. Additionally, the Unit prosecutes Operation Ceasefire cases generated by the Stockton Police Department in a collaborative effort to reduce gun violence. The Unit has absorbed circuit court operations and is responsible for the prosecution of all South County felonies.

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Misdemeanor Unit

The Misdemeanor Trial Unit is responsible for the prosecution of all misdemeanor criminal cases brought before District Attorney's Office. This includes four separate weekly calendars: Driving Under the Influence; Domestic Violence; In-Custody Misdemeanors; and Out-of-Custody Misdemeanors. In addition to keeping calendars, the Unit is responsible for all misdemeanor motions, hearings, and trials. The Unit works collaboratively with misdemeanor prosecuting attorneys in both the North and South County circuit courts.

In 2018-2019, the Department began keeping detailed statistics on cases that go to trial. This includes tracking such information as the type of crime, the location of the crime, racial/gender statistics of both defendants and victims, case results, and the number of Court days between arraignment and the resolution of the case. This data collection will enable the Department to pinpoint the drivers of violence, destabilize organized crime, and make informed decisions.

Violent Criminal Enterprise Unit (VCEU)

The VCEU is responsible for prosecuting the individuals and groups who commit and drive serious and violent crime in the County. As the lead agency in the County's Gang Task Force, VCEU fosters collaboration and information sharing between and among the local, State, and Federal law enforcement agencies who investigate violent crime in the County as well as gun, drug, and human trafficking crimes committed by criminal street gangs. Through the Task Force, VCEU members provide education and training to law enforcement regarding changes in the law and stay apprised of changes in gang rivalries, alliances, and criminal behavior on the streets and in the jails and prisons.

In addition to prosecution, VCEU has also taken a leading role in efforts aimed at gang crime prevention and intervention. Members of the VCEU are actively involved in leading and contributing to community discussions regarding the dangers and risks related to gang crime and gang violence. Another example of the Unit's important community engagement is its active participation in the City of Stockton's Project Ceasefire program, which is aimed at combatting Stockton's longstanding firearm-related violence problems. In 2018, through partnership with the Stockton Police Department and other community agencies and organizations, VCEU helped reduce homicides in Stockton by 40% and non-fatal shootings by 34%. Part of that reduction is likely attributable to several proactive investigations in 2018 aimed at several feuding criminal street gangs operating in Stockton. These groups were believed, by community members and law enforcement, to be responsible for a staggering number of homicides and shootings in recent years. The investigative efforts, led in the DA's Office by VCEU and the Homicide Unit, resulted in the

apprehension and prosecution of a core group of individuals identified as repeat gun violence offenders for multiple homicides and related violent offenses.

For many years, criminal street gangs and gang members have called San Joaquin County home and have done business and waged war with each other in the streets, jails, and prisons of the community. Through a collaborative approach, the DA's Office, led by VCEU, fights to identify those relative few who choose to exploit and bring violence into the community, intervene with them and prevent criminal behavior whenever possible, and incarcerate whenever necessary.

Homicide Unit

The Homicide Unit reviews, charges and prosecutes murders, cold-case homicides, unlawful killings, and vehicular homicides. Additionally, the Unit reviews completed homicide cases in anticipation of Lifer Parole Hearings. Cases prosecuted by this Unit involve some of the most heinous and violent crimes committed within the County and usually entails substantial follow-up investigations, trial preparation, and the use of cutting-edge forensic DNA and social media analysis and evidence.

Experienced attorneys work closely with the law enforcement agencies responsible for investigating a crime from the inception. Prosecutors in this Unit understand surviving family members and friends suffer shock and grief. Together with staff from the Victims Witness Unit, prosecutors meet with victims' families to not only provide support, but also explain the criminal justice system.

While the overall number of homicides declined in the County for the calendar year, the number of cases filed actually increased as law enforcement agencies increased their case solved rates.

As part of the review of Lifer Parole Hearings, the Unit is working with Re:store Justice, a 501(c)(3) organization designed to facilitate engagement opportunities for victims of violent crimes, incarcerated violent offenders, District Attorneys, and the community with the goal to heal. Part of the mission of this approach is for all sides to discuss their experience with what happened, how victims were harmed, encourage the offender to take responsibility, and create consensus on how the offender can attempt to repair the damage of their crime.

Bureau of Investigation (BOI)

The DA's BOI provides investigative and trial support services to the DA and Deputy DAs who prosecute homicide, felony, and misdemeanor cases. The Bureau also supports regional crime reduction efforts, collaborating with local, State, and Federal law enforcement agencies, and is the

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primary law enforcement agency in the County authorized to conduct investigations of Child Abduction, Public Assistance Fraud and In-Home Supportive Services, Real Estate Fraud, Public Integrity, Environmental and Consumer Crimes, Witness Relocation, and Officer-Involved Critical Incidents.

In 2018, the Mainline Criminal Investigations Division completed over 4,000 tasks and personally served over 5,700 subpoenas. With the formation of the Witness Protection and Transportation Unit in 2018-2019, the Department was able to conduct 180 transportations of witness safely to and from their court appearances. In addition, the Mainline Division added a newly formed Lead Investigator position. This supervisory position, along with the current Division Lieutenant, reorganizes the Investigator supervision and increases the span of control ratio of Supervisor to Investigator. This change effectively increases monitoring, productivity, and efficiency of the Division, as well as enables Investigators to have a more direct contact with a supervisor.

In the Special Operations Division, Investigators in the Cold Case Homicide Unit reviewed over 28 unsolved investigations throughout the County, and at the current time were able to solve and close one of those investigations. This was done with one full-time Investigator and one part-time Investigator. These types of cases are time-consuming and require many hours reviewing hundreds of pages of reports, photographs, interviews, and evidence items. Many of these cases are several years old, and have not received the attention needed to bring closure due to the limited resources of law enforcement agencies in this area. Often times evidence can be resubmitted to a forensic lab for retesting using state of the art technologies not available at the time of the original investigation. From these tests, the Department is able to develop new investigative leads and follow-up to solve the case. Another example is the use of DNA testing along with genealogy databases.

The BOI has one Investigator assigned to the California Department of Corrections and Rehabilitation (CDCR) - Duel Vocational Institution. This partnership MOU provides investigative support to CDCR's Special Investigations Unit at the prison, by assisting with a multitude of investigations that range from inmate crimes, visitor crimes, and employee crimes. The Investigator provides training, advance investigative skills to their staff, and is a liaison between the prison and the DA's Office. In 2018, the BOI participated in 137 criminal investigations and 35 special internal criminal investigations at the direction of the Warden.

The Child Abduction Team (CAT) often uses the Hague Convention in order to process a child's return from other countries around the world. The Hague Convention was drafted originally in 1980 to ensure the prompt return of

children who have been abducted from their country of habitual residence or wrongfully retained in a signatory state, not their country of habitual residence. Currently, there are 77 countries who are partners in the treaty. The CAT Unit currently has four pending Hague cases; three in Mexico and one in Japan.

Recently, CAT Investigators were able to negotiate the return of a child from the Philippines, which was a great success since they are not a Hague country.

In 2018-2019, the prosecution team of the CAT did intake on 90 cases, which were all resolved. Of the 90 cases, the DA's Office assisted in the recovery or return of 33 children. Recoveries spanned through several states, including, Arizona, North Carolina, Nevada, and Texas. There were also several from California including Los Angeles, Sacramento, San Diego, Tracy, and other cities in San Joaquin County. Cases ranged from assistance with locating and serving a parent whose location was unknown and violations of family court orders, to parental and non-parental abductions.

Quality of Life Crimes Unit

The BOI Environmental Protection and Consumer Fraud Units had a successful year with a total of 127 investigations in 2018-2019. These investigations directly affect the everyday lives of County residents and the environment to unwanted waste products and toxins being released into the air, water, and ground, which if gone undetected, could have lasting impacts for generations to come.

The Real Estate Fraud Unit conducted 47 investigations in 2018-2019. These are often involved and complex cases requiring many hours to investigate and see the cases through the prosecution and court process.

The BOI Public Integrity Unit is fully staffed and in 2018-2019 handled and investigated 20 cases. These are difficult investigations and often times involve prominent public figures and/or County employees. These cases are carefully scrutinized and investigated in a professional and ethical manner. These types of investigations often times act as a deterrent and hold public figures and government employees accountable for their actions. The goal is prevention of criminal and unethical behavior in the future. The Unit has begun to provide community education presentations to various community organizations and government agencies.

The DA Insurance Fraud Units, Workers' Compensation and Auto Insurance Fraud, diligently investigated 93 cases in 2018-2019. These investigations are much like any other financial case that requires many hours of work by the Investigators.

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Identity Theft Unit

Over the last several years, the DA's Office has seen a tremendous upswing in identity theft-related crimes by groups and individuals. These groups often share their criminal information with other groups or criminal enterprises. Due to the voluminous nature of the evidence, additional resources and staffing were added in 2018-2019, in order to investigate and prosecute these rapid growing crimes.

The BOI Identity Theft Unit investigated over 240 cases in 2018-2019, which has more than doubled from previous years. Many cases go unreported to law enforcement and are settled by financial institution fraud departments. These financial losses are often passed down to consumers.

Identity theft is a personal crime, an attack on individual identity, and can affect anyone of any social or economic background. Identify theft is a crime that elders in the community fall prey to. The majority of these types of cases take up to three months to investigate and gather all the documentation, three months for forensic consultant to organize the evidence, and an additional three months until a Defense Attorney can review the evidence and be ready for a preliminary court hearing.

Identity theft investigations and prosecutions involve suspect and victim identification, record auditing, certified document collection and verification, interviews of those involved, account audits, and expert review and testimony. The Unit's proactive approach targets and monitors known identity theft criminals, subjects on probation and parole, identifying active and past participants in the County, and monitoring the Dark Web for victim profiles. Until contacted by a DA Investigator, many victims may not realize their identities have been stolen and utilized to make illegal purchases including vehicles, open credit cards and accounts, secure loans, offer items for sale they do not own, and steal deposits or rents. In some cases, information is used to make fraudulent driver's licenses.

The Unit works collaboratively with law enforcement. The Department has been working to expand community outreach, training, and education to assist with early intervention, prevention, and education.

Family Crimes Unit

The Family Crimes Unit (FCU) is responsible for the vertical prosecution of all felony domestic violence, elder abuse, child abuse, sexual assault, and human trafficking cases. In 2018-2019, the Unit reviewed nearly 6,000 cases for possible charges. The FCU attorneys are responsible for community outreach and education on child abuse, sexual assault and consent, dating violence prevention, elder fraud prevention,

and human trafficking. Outreach and education presentations are conducted regularly for schools, community organizations, faith communities, youth programs, law enforcement, and civic groups.

In addition, the San Joaquin County Family Justice Center (FJC) opened its doors in October 2018. The FJC is a one-stop location for victims of family crimes to access the outstanding services provided within the community. Attorneys from the FCU staff the FJC and are available to assist victims and witnesses with their cases.

Also in 2018, the County CAT and Sexually Violent Predator (SVP) Unit joined the FCU. The CAT investigates, locates, and recovers abducted children and prosecutes the perpetrators responsible. The SVP Unit prosecutes those convicted sex offenders who have served their custody time, and are deemed an unreasonably high-risk to commit another sex crime, and seeks to have them committed to a State Hospital.

Long-Term Planning

The Department anticipates the need of funding in future budget cycles for Information Systems Technology equipment to support a move to a paperless environment.

Supplemental Requests

The DA is requesting additional funding of \$1,479,938 for the following:

Re-Entry Post Conviction Team (8 Positions)

Funding of \$1,148,720 is requested to add a new Post-Conviction Review Unit (PCRU), which would be placed in the Special Operations Unit as an adjunct and complement to the Writs and Appeals Unit. Beginning in 2015, several laws and Supreme Court cases have greatly impacted post-conviction relief. The PCRU will consist of a Chief Deputy District Attorney, two Deputy District Attorneys, two Paralegals, a District Attorney Investigator, a Legal Technician, and a Victim Advocate. The PCRU will have responsibility over various post-conviction relief petitions, which include habeas petitions, appellate court remands, and alike.

Deputy District Attorney IV for Collaborative Courts

Funding of \$165,609 is requested to add a Deputy District Attorney position to staff the eight San Joaquin County Collaborative Courts. The Collaborative Courts serve as a post-incarceration, post-conviction program for individuals with felony and misdemeanor crimes. The County Superior Court bench has requested the DA to participate to bring a continuity of representation, an understanding of the criminal

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justice process, and protecting the due process rights of clients.

Deputy District Attorney IV for Cold Case

Funding of \$165,609 is requested to add a Deputy District Attorney IV to the BOI's Cold Case Homicide Unit to investigate, review, and prosecute cold case homicides and

sexual assault cases. Currently, the County has approximately 500 pending and unsolved Cold Case Homicide cases and over 200 pending and unsolved Cold Case Sexual Assault cases.

The recommended budget has been augmented by \$1,479,938 in order to address these requests.

Workload Data

	Actual			Est./Act. 2018-2019	Projected 2019-2020
	2015-2016	2016-2017	2017-2018		
Felony Filings					
Countywide	4,827	5,254	5,349	5,249	5,250
Stockton	3,518	3,923	3,848	3,741	3,576
Lodi*	400	427	433	434	510
Manteca/Ripon/Escalon/Tracy	909	904	1,068	1,074	1,164
Misdemeanor Filings					
Countywide	21,026	16,589	16,210	10,861	12,330
Stockton	14,752	10,055	9,461	6,061	6,678
Lodi*	2,801	2,495	2,343	1,514	1,320
Manteca/Ripon/Escalon/Tracy	3,473	4,039	4,406	3,286	4,332
Traffic**					
Countywide	N/A	N/A	N/A	4,434	4,880
Stockton	N/A	N/A	N/A	3,175	3,500
Lodi*	N/A	N/A	N/A	357	534
Manteca/Ripon/Escalon/Tracy	N/A	N/A	N/A	902	846
Parole/Probation/Transfer in Filings					
PRCS	N/A	690	444	426	480
PS	N/A	169	149	143	132
Transfer In	N/A	119	302	150	156
Countywide	N/A	N/A	N/A	719	768
Juvenile Division					
Felony	418	486	420	543	354
Misdemeanor	326	341	180	329	282
PRCS/PS/Transfer In	N/A	56	29	48	42
Countywide	744	827	600	920	678
Total Filings	26,597	23,704	23,083	22,183	23,906
Investigations					
Investigations Opened	400	450	1,870	1,400	2,000
Investigations Tasks	5,529	5,950	6,800	4,600	7,200
Subpoenas Served	2,028	4,075	5,600	3,900	5,750

* Lodi Court closed April 2013; reopened January 2015.

** N/A - Data separated and unavailable.