



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: February 26, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Dave Alavezos PHONE: 636-5494				

SUBJECT: Approve Position Allocation changes and amending existing classification specifications for the Office of the District Attorney

REQUEST(S):

That the Board of Supervisors:

1. Approve the Personnel Resolution amending the Fiscal Year 2018/19 position allocation as follows: Delete one (1) FTE Legal Office Assistant II position, Position No. 07997, and one (1) FTE DA Investigator position, Position No. 00475; Add one (1) FTE Deputy District Attorney II position, and two (2) FTEs Prosecution Assistant positions, effective March 17, 2019.
2. Approve the attached amended existing classification specifications of Prosecution Assistant.
3. Direct department to delete position if Department of Motor Vehicles funding is not sufficient to fully fund the additional one (1) Deputy District Attorney II position in future fiscal years. Such position shall be deleted so as not to incur any Net County Cost, unless there are extenuating circumstances justifying retention of the affected position, and such position shall be approved by the Board of Supervisors.

SUMMARY:

In response to a continued effort to improve our organizational structure and to address current staffing needs, the Department is requesting several personnel changes, including adding three positions, amending the classification specifications for one position, and deleting two positions. All position changes have been reviewed by Human Resources and Development. Two positions affected are funded through special DMV Program funding, and all other positions affected are

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funded through the General Fund.

Impacts of Criminal Justice Reform

To address the severe impact criminal justice reform and the usage of body-worn cameras has had on the Office of the District Attorney's prosecutors, the Department is requesting to add two full-time prosecution assistant positions. Since January of 2015, California has seen the passage of more than 100 legislative bills directly affecting criminal law and procedure, as well as half a dozen major ballot initiatives that are now law. These unprecedented changes to the criminal justice system have had an enormous impact on procedure in the courts at the county level.

For example, the passage of Proposition 47, which re-classified certain crimes as misdemeanors instead of felonies, triggered the need for the District Attorney's Office to comprehensively re-review over 4,000 cases, then litigate each case during a special hearing. Further, the passage of Proposition 57 mandated that juvenile offenders charged with certain violent crimes now have a review before a judicial magistrate to determine if they can be charged as an adult. Known as a transfer hearing, this new process takes up to 10 months per case on average. And a recent amendment to California Penal Code 1473.7 allows a convicted criminal to file a motion to vacate a conviction or sentence if certain conditions apply. This has resulted in the need to review, respond to, and litigate what will eventually amount to thousands of cases that were already closed.

In addition, as more law enforcement agencies recognize the value of having their officers wear body cameras, the District Attorney's Office is seeing exponential growth in cases involving the recording of some parts of an investigation. Tulare County law enforcement agencies upload their body camera footage to a private web site, which is then accessed by the prosecutor to review for evidence. In its first year of use (2016), 1,341 video files were submitted to the site, for a total of 242 hours of viewing by prosecutors. In 2017, 20,661 video files were submitted, for a total of 2,046 hours of viewing by prosecutors. So far in 2018, 70,070 video files have been uploaded, for a total of 2,989 hours of viewing by prosecutors, the equivalent of approximately 124 straight days' worth of viewing.

Department's Response to Impacts of Criminal Justice Reform

The District Attorney has assessed the Department's needs, and is requesting to add two Prosecution Assistant positions to address the impacts criminal justice reform has had on its prosecutors.

Prosecution assistants already play an important role in the District Attorney's Office, but with the additional workload resulting from criminal justice reform, their role has become even more vital. The expert legal knowledge a trained prosecution assistant brings to the table is a critical part of the efforts of the District Attorney's Office to ensure that every case is presented fairly and accurately to a judge and

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jury. These two staff will assist prosecutors with the preparation of criminal complaints and legal motions, reviewing body camera footage, and doing legal research.

The annual maximum cost for one Prosecution Assistant position filled at step 2 is \$64,870. For the remaining 7.5 pay periods of FY 2018/19, the cost to add two FTE prosecution assistants is \$37,425. The Department has more than enough current salary savings to cover this cost, due mainly to several prosecutor vacancies. Because the Department is willing to delete vacant positions to meet its needs, the ongoing cost related to the addition of these two positions will be partially offset, as outlined under Funding below.

In conjunction with this request, the Department seeks to amend the existing prosecution assistant job classification specifications, which are outdated and specific to a grant program that is no longer in existence. There are no salary adjustments associated with this request.

Vehicle Theft Increase

Tulare County has seen a tremendous increase in the number of vehicle theft cases prosecuted in the last four years. In FY 2014/15, The District Attorney's Office prosecuted 160 vehicle theft cases. By FY 2017/18, that number more than doubled, as 382 vehicle theft cases were prosecuted.

Vehicle theft cases are prosecuted under the DMV Auto Theft Program (Unit 3183), which is funded by the Department of Motor Vehicles. This program works in association with the Tulare County Regional Auto Theft Task Force (TRATT). Currently, the DMV Auto Theft Program has two staff – one Deputy District Attorney, and one DA Investigator. The current Deputy District Attorney assigned to the DMV Auto Theft Program has the daunting responsibility of being the lone prosecutor of an increasingly larger caseload, and handling cases in both the Visalia (north county cases) and Porterville (south county cases) courthouses.

To meet program demands, the Department is requesting to add one Deputy District Attorney II position to take over the south county caseload. The annual maximum cost for this position is \$97,162. For the remaining 7.5 pay periods of FY 2018/19, the cost to add this position is \$28,028. This amount will be covered by deleting the current DA Investigator position (see Funding below), and will result in a savings of \$3,930 this fiscal year, and ongoing savings of \$13,624 in FY 2019/20.

This request is in alignment with Vehicle Code 9250.14, the legislation that authorizes the DMV Auto Theft program, which states that "moneys allocated to a county..." "shall be expended exclusively to fund programs that enhance the capacity of local police and prosecutors to deter, investigate, and prosecute vehicle theft crimes."

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Funding

To offset the expenses associated with these pressing needs, the Department is requesting to delete one vacant Legal Office Assistant II (position number 07997) and one vacant DA Investigator position (position number 00475). The annual maximum cost for the Legal Office Assistant II position is \$45,526. This position will be deleted March 17, 2019. The annual maximum cost for the DA Investigator position is \$110,786. This position will be deleted March 17, 2019.

FISCAL IMPACT/FINANCING:

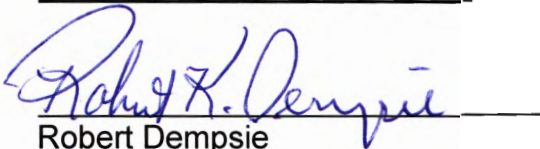
The FY 2018/19 cost difference in salary to add three new positions and delete two positions provides for an increase of \$20,363. The cost increase will be offset with department salary savings. No budget adjustment is necessary as the department will absorb the increased cost within its FY 2018/19 operating budget. There will no Net County Cost to implement these suggested changes in FY 2018/19.

For FY 2019/20 the department is estimating an anticipated Net County Cost of \$60,002. This amount will be an ongoing cost in future fiscal years to be charged to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year Strategic Business Plan and Management System includes an Organizational Performance initiative, which contains the goal of continually evaluating the organizational structure to improve service delivery. The Plan also includes Safety and Security initiatives to provide for the safety and security of the public. Approving this request ensures that the Department has the staff necessary to continue delivering essential public safety services in Tulare County.

ADMINISTRATIVE SIGN-OFF:



Robert Dempsie
Assistant District Attorney

Cc: County Administrative Office
Human Resources & Development

Attachment(s): 1) Personnel Resolution
2) Amended Classification Specifications for Prosecution Assistant
3) Class Designation

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE POSITION) Resolution No. _____
ALLOCATION CHANGES AND AMENDING) Agreement No. _____
EXISTING CLASSIFICATION)
SPECIFICATIONS FOR THE OFFICE OF)
THE DISTRICT ATTORNEY)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved the Personnel Resolution amending the Fiscal Year 2018/19 position allocation as follows: Delete one (1) FTE Legal Office Assistant II position, Position No. 07997, and one (1) FTE DA Investigator position, Position No. 00475; Add one (1) FTE Deputy District Attorney II position, and two (2) FTEs Prosecution Assistant positions, effective March 17, 2019.
2. Approved the attached amended existing classification specifications of Prosecution Assistant.
3. Directed department to delete position if Department of Motor Vehicles funding is not sufficient to fully fund the additional one (1) Deputy District Attorney II position in future fiscal years. Such position shall be deleted so as not to incur any Net County Cost, unless there are extenuating circumstances justifying retention of the affected position, and such position shall be approved by the Board of Supervisors.

BEFORE THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF AMENDING THE)
POSITION ALLOCATION LISTING) Resolution No. 2019-

Upon Motion of Supervisor (Name), Seconded by Supervisor (Name), the following was adopted by the Board of Supervisors, at an official meeting held February 26, 2019 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Attest: Jason T. Britt
County Administrative Officer/
Clerk, Board of Supervisors

By: _____
Deputy Clerk

Add, Delete, Reclassify or Amend	Effective Date	Previous Job Code	Previous Class Title	New Job Code	New Class Title	No. Of Pos	FTE	Grade	Position Number(s)	Dept ID	Job Cost Dist. No.
ADD	3/17/19	095800	Prosecution Assistant			2	2	342	****, ****	100105	1003200
ADD	3/17/19	004922	Attorney, DA/PD II-N			1	1	239	****	100103	1003183
DELETE	3/17/19	025600	Investigator-District Attorney			1	1	904	00475	100104	1003183
DELETE	3/17/19	027820	Legal Office Assistant II			1	1	822	07997	100101	1003200

Explanation: Add positions to allocation. Incumbent may be hired in at the I or II level for Attorney. Delete positions. Positions to be deleted are vacant.

PROSECUTION ASSISTANT

County of Tulare

DEFINITION

To assist in the preparation and processing of misdemeanor and low-level routine felony criminal cases. To assist in the administration of criminal diversion programs and to assist in the operation of a county wide truancy program. To assist with motions and criminal filings. To serve as a liaison between the District Attorney's Office and Police Departments, Diversion Program Coordinators, and School District Personnel.

DISTINGUISHING CHARACTERISTICS

This class provides for the employment of qualified paralegals or law students who are in the process of completing their legal education and are trained in the review, filing, and processing of misdemeanor and low-level routine felony cases. It is distinguished from the Attorney I class in that it performs the beginning and less difficult aspects of the legal research, is not required to represent the County in court, and has not been licensed by the State to practice law.

SUPERVISION RECEIVED AND EXERCISED

General supervision is provided by a Deputy District Attorney.

DUTIES

Review, prepare, file and process designated misdemeanor and low-level felony criminal cases utilizing the District Attorney's information and case management systems.

Review files and respond to and file criminal motions.

Prepare criminal complaints.

Read and comprehend complex legal language to check questions of law and evidence, and assist in the preparation of memoranda for legal opinions.

Assist in the maintenance of documents and correspondence files.

Record information and condense this information at a later time.

Organize and manage criminal cases for multiple diversion programs.

Assist school district personnel with the submission of criminal truancy cases and attend school district truancy hearings as needed.

Maintain diversion program records and truancy records for report writing research needs.

Serve as a liaison between the District Attorney's Office and Police Departments, Diversion Program Coordinators, and School District Personnel.

Essential job duties may be assigned that are not listed above but are relative to this job classification. (Reasonable accommodation will be made when requested and determined by the County to be appropriate under applicable law.)

MINIMUM QUALIFICATIONS

Minimum qualifications are used as a guide for establishing the education, training, experience, special skills and/or license which are required and equivalent to the following.

Knowledge of:

- Criminal law and procedure. Legal research methods, drafting legal documents, and opinion writing.
- Filing procedures and legal terminology.
- Legal ethics related to Criminal procedures.
- Legal office practices and procedures.
- Automated legal research methods and document preparation.

Skill/Ability to:

- Work and communicate effectively with people of various education and socioeconomic backgrounds by respecting beliefs, interpersonal styles and behaviors of both clients and co-workers.
- Operate contemporary office equipment inclusive of computer, keyboard, and all applicable electronic equipment.
- Read and analyze legal documents.
- Collect and examine factual data.
- Understand and apply legal principles and precedents.
- Explain legal actions/documents in a courteous, patient, and tactful manner.
- Present verbal statements of fact and law.
- Establish effective working relations with attorneys, officials, co-workers, and the general public.
- Follow and give verbal and written instructions
- Organize, maintain, and coordinate litigation files and calendars.
- Use computer systems to perform legal research and to process criminal cases. Analyze designated misdemeanor cases.
- Write clear, concise and accurate legal documents.
- Work under pressure of deadlines.
- Communicate verbally to convey legal information or ideas to others.
- Retain and recall information. Follow instructions and be able to work with minimal supervision.

Education:

- Completion of a Paralegal certification or equivalent to completion of one (1) year from a law school accredited by the Committee of Bar Examiners of the State Bar of California.

Education Equivalencies:

- Successful completion of the first year law student's examination (California mini-bar).

Experience:

- No experience required.

License or Certificate:

- Possession of, or ability to obtain, an appropriate, valid California driver's license.

DESIRABLE EMPLOYMENT STANDARDS

Knowledge of:

- Legal citations to assist attorneys.
- Interviewing techniques.
- Trial procedures and rules of evidence.

Skill/Ability to:

- Knowledge of DAMION system.

Experience:

- Two (2) years of journey level experience as a Paralegal in the criminal justice system.

[Prosecution Assistant] Job Code: #095800, Res: #07-0495, Updated: 07/24/07

Supplemental Information

Overtime Status: Eligible

Probation: Six (6) Months

BU: 03

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF NEW OR AMENDED) Resolution No. 2019-
CLASS SPECIFICATIONS, CLASS) Agreement No.
DESIGNATIONS AND COMPENSATION)**

Upon Motion of Supervisor (Name), seconded by Supervisor (Name), the following was adopted by the Board of Supervisors, at an official meeting held February 28, 2019 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Attest: Jason T. Britt
 County Administrative Officer/
 Clerk, Board of Supervisors

By: _____
 Deputy Clerk

* * * * *

Adopt the following new or amended class specifications, class designations, and compensation effective: March 17, 2019

Prosecution Assistant, Item No. 095800, Salary Grade: 342 (\$52,887 annual Step 5), Bargaining Unit 03, Competitive Service, Probation Period: 13 Pay Periods.