



SUMMARY REPORT

Agenda Date: 10/19/2021

To: Board of Supervisors

Department or Agency Name(s): District Attorney's Office

Staff Name and Phone Number: Jill Ravitch 565-3068, Shane Lewis 565-3150

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Chief Deputy District Attorney for the Environmental and Consumer Law Division (ECLD) and Other Allocation Changes

Recommended Action:

- A. Adopt a resolution amending the Department Allocation list adding 1.0 full-time equivalent (FTE) Chief Deputy District Attorney, deleting 1.0 full-time equivalent Deputy District Attorney IV, and deleting 1.0 full-time equivalent Legal Processor II.
- B. Adopt a resolution authorizing adjustments to the Fiscal Year 2021-2022 Adopted Budget to provide additional appropriations of \$23,895 for the addition of 1.0 FTE Chief Deputy District Attorney in the Environmental and Consumer Law Division, reimbursed by the District Attorney's Consumer Protection Special Revenue fund. (4/5 vote)

Executive Summary:

This item requests authorization to add one full-time Chief Deputy District Attorney to supervise the Environmental and Consumer Law Division (ECLD), a team that currently consists of five attorneys, two support staff and support from the Investigative Bureau. The requested position changes will eliminate one Deputy District Attorney IV in order to accommodate the need for a Chief Deputy District Attorney in the unit, who will then supervise a team of four Deputy District Attorneys. The increase in complex environmental, consumer fraud and multi-jurisdictional civil litigation cases necessitates an attorney manager with specific knowledge and expertise to lead this division.

Discussion:

The District Attorney's Office requests the addition of one full-time Chief Deputy District Attorney to manage the Environmental and Consumer Law Division (ECLD).

The Environmental and Consumer Law Division handles a wide variety of complex and protracted criminal and civil cases. Cases this unit investigates and prosecutes include the following: environmental, consumer fraud, white-collar crimes, price-gouging, embezzlement, insurance fraud, worker's compensation fraud, OSHA and worker safety cases, unfair business practices, political campaign violations, and Brown Act violations.

The specialized prosecutors in Environmental and Consumer Law Division must be trained and competent in both criminal and civil litigation. Many of the larger cases are multi-jurisdictional demanding that the

attorneys assigned have the expertise to proactively network with the Attorney General and with other counties to start new cases and/or be invited to join existing cases as a core team county.

A Chief Deputy District Attorney focused on consumer and environmental protection and civil litigation would substantially benefit the protection of our community, the unit and the office as a whole. Locating the new Chief Deputy District Attorney at the Environmental and Consumer Law Division offices will enable that person to be involved in day-to-day management, including the details of all cases and investigations, be readily available to discuss case issues, offer contemplative advice, and to train and mentor all staff including attorneys, investigators and support staff. A dedicated Chief Deputy District Attorney will ensure that the work performed, and subsequent fines/forfeitures/penalties which fund the Environmental and Consumer Law Division, will be used to ensure proper community safety and enforcement. The Chief Deputy District Attorney will also help foster sustainable revenue growth by networking and collaborating with other prosecuting offices, law enforcement agencies, and referring agencies to maintain the expected level of enforcement.

The two positions that are being deleted are currently vacant. The deletion of the vacant Legal Processor II position is needed to offset the cost for a Department Information Technician I position that was added as a part of the June 2021 budget hearings to provide IT support that the department needs for business applications, disaster/emergency support, and telework requirements. Support staff needs of the ECLD Unit are currently supported by a Legal Secretary and a Legal Assistant. The DDA IV position is being deleted to accommodate the need for a Chief Deputy District Attorney position in the unit.

Prior Board Actions:

N/A

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses		\$23,895	\$23,895
Additional Appropriation Requested	\$23,895		
Total Expenditures	\$23,895	\$23,895	\$23,895
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		\$23,895	\$23,895
Use of Fund Balance	\$23,895		
Contingencies			
Total Sources	\$23,895	\$23,895	\$23,895

Narrative Explanation of Fiscal Impacts:

The increase reflects the change in salary/benefits by adding a Chief Deputy District Attorney and deleting a vacant Deputy District Attorney IV. Estimated annual salary and benefits for a Deputy District Attorney IV is \$315,336, and annual salary and benefits for a Chief Deputy District Attorney is \$339,231, resulting in an annual cost increase of \$23,895.

The elimination of the Legal Processor II position will not have any fiscal impact in FY21-22, because the reduced cost has already been factored into the Adopted Budget as salary savings to offset the addition of a Department Information Systems Technician I that was included in the Adopted Budget.

The increased costs for the position swap will be reimbursed by the ECLD Fund, which receives revenue from Fines/Forfeitures/Penalties. ECLD Fund revenue has averaged \$1.2 Million over the last five years, whereas expenses have averaged \$1.1 Million over the same period.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
Chief Deputy District Attorney	\$13,249.73-\$16,105.61	1	
Deputy District Attorney IV	\$12,194.00-\$14,823.77		1
Legal Processor II	\$3,755.08-\$4,563.84		1

Narrative Explanation of Staffing Impacts (If Required):

A Chief Deputy District Attorney focused on consumer and environmental protection and civil litigation would substantially benefit the protection of our community, the unit and the office as a whole.

Attachments:

1. Position Resolution
2. Budget Resolution

Related Items "On File" with the Clerk of the Board:

N/A