COUNTY ATTORNEY

2023 DCAO Budget Outlook
Mission:
Serve Davis County Residents and County Government with Professionalism

Use good judgment when making critical decisions. We realize that our decisions and actions significantly impact lives in our community.

Protect the community while upholding the constitutions of Utah and the United States. Act as a check and balance on the abuse of government and police power. Protect the rights of citizens while pursuing accountability for those who have committed criminal acts and victimized others, including vulnerable individuals.

Provide support to law enforcement agencies in investigating crime.

Prosecute appropriate cases and decline to prosecute cases that should not be brought in Justice, District, Federal and Juvenile Court, as well as the Utah Court of Appeals and Supreme Court.

Assist crime victims through a stressful, complicated and time consuming process.

Provide quality legal representation and advice to other branches of Davis County Government.

Interact with other elected Davis County Officials and Departments, as well as the Utah State Legislature on initiatives, proposals, and significant issues.

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2023 – Personnel Requests

Career Ladders:

1. Emily Cain to LS II
2. Stephanie Pitcher to CA IV
3. Kristin Woods to LT
4. Blithe Cravens to CA V
5. Brandy Fisher will be LS II (advancing October 2022)

Miscellaneous:

1. Convert McKenzie Nielsen's Victim Advocate position to FT and reallocate 50% Attorney and 50% Victim Services
2. Converted Rick Westmoreland's position to CA II/III/IV.
3. Converting Kathi Sjoberg's position to CA I/II/III.

New Requests:

1. 1 new Civil attorney
2. 1 new part-time CJC interviewer (to begin asap)
3. 1 new Victim Advocate (FT or PT if FT not feasible)
4. 2 internal promotions to CA VII
5. 1 internal promotion to Victim Services Supervisor
6. 1 (0-19hr) Law Clerk

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Prior Year Inputs/Outputs

FTE (2022 = 52):
PTE (2022 = 4)
(Attorney)
(Drug Court)
(Victim Services)
(CJC)

- **2. CIVIL DIVISION:** The Civil Division of the Davis County Attorney's Office has responsibilities that touch significantly on every aspect of county government. The civil division reviews and updates policies, drafts and negotiates agreements, advises County officials on day-to-day legal issues, and represents the County in district and federal court and before various administrative agencies. Their role is critical in keeping Davis County moving in the right direction, out of trouble and understating legal intersects that impact county government. Our Civil Division does higher caliber legal work representing Davis County departments, comparable to the best private law firms and better than other cities, counties and the State of Utah.

Core Functions & Services

Our Core Statutory Functions Outlined in the Utah Code:

- http://le.utah.gov/xcode/Title17/Chapter18A/17-18a.html?v=C17-18a_1800010118000101
- Public Prosecutor Duties (Which include Multiple Adult and Juvenile Courts):
- http://le.utah.gov/xcode/Title17/Chapter18A/17-18a-P4.html?v=C17-18a-P4_1800010118000101
- Civil Division Duties:
- http://le.utah.gov/xcode/Title17/Chapter18A/17-18a-P4.html?v=C17-18a-P4_1800010118000101
- Assist the Attorney General's Office as Required by Law:
- https://le.utah.gov/xcode/Title17/Chapter18A/C17-18a-S601_1800010118000101.pdf

National Prosecution Standards - Third Edition / NDAA (National District Attorney's Association:

- **1. THE PROSECUTOR'S RESPONSIBILITIES**
- 1-1.1 Primary Responsibility
- The prosecutor is an independent administrator of justice in the criminal justice system, which can only be accomplished through the representation and presentation of the truth. The primary responsibility of a prosecutor is to seek justice. This responsibility includes, but is not limited to, ensuring that the guilty are held accountable, that the innocent are protected from unwarranted harm, and that the rights of all participants, particularly victims of crime, are respected.
- 1-1.2 Societal and Individual Rights and Interests
- A prosecutor should zealously protect the rights of individuals, but without representing any individual as a client and therefore should put the rights and interests of society in a paramount position in exercising prosecutorial discretion in individual cases. A prosecutor should seek to reform criminal laws whenever it is appropriate and necessary to do so societal interests rather than individual or group interests should also be paramount in a prosecutor's efforts to seek reform of criminal laws.
- 1-1.6 Duty to Respond to Misconduct a prosecutor is obligated to respond to professional misconduct that has, will, or has the potential to interfere with the proper administration of justice.
- **CIVIL DIVISION AT LEFT SIDE OF PAGE.**

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Current Year Projected Outcomes

OUTSTANDING PERFORMANCE BY STAFF, AS EVIDENCED BY VERDICTS, CASE OUTCOMES, POLICE CHIEF COMMENDATIONS AND THE SUCCESS OF DAVIS COUNTY EMPLOYEES AND DEPARTMENTS

- Prudently used resources, including prosecutors, investigators, victim advocates, support staff and technology, to meet our statutory obligations in handling over 8,000 cases in a timely manner with minimal (almost no) complaints. The lives of victims, defendants and their families are on hold while our cases are pending. Quality legal talent exercised good judgment in order to make critical decisions in acceptable timeframes. Legal talent and judgment can be measured, to a large degree, in timeliness and case outcomes for Davis County. Just-Ware was implemented a few years back and is being transitioned to e-Prosecutor to provide measurements on caseload, timeliness and tracking case outcomes / dispositions. Judicial and clerical feedback, juror feedback, victim feedback, media input, law enforcement feedback (police Chiefs, officers and detectives), as well as intra-county department observations all sustain the conclusion of top-notch performance.

- Commended by BCI (Bureau of Criminal Identification) for our performance audit.

- Our Internet Crimes Against Children (ICAC) Task Force has won an award 6 times for being the most productive / successful in the State of Utah at protecting children. We will continue to do so. We will win this award again. We are committed and put significant talent and resources into this aspect of our duties.

- Civil Division: timely and accurately addressed all issues related to Davis County Government where the Civil Division has responsibility to provide legal guidance, document preparation / review and litigation support. Quality legal talent, with good judgment, made critical and accurate decisions in acceptable timeframes.

The judgment, work product and advice can be measured in successful case outcomes for Davis County as an entity. This can be verified by the Davis County Human Resources Department, County Commission and other departments of county government.

- Wise and efficient use of allocated resources resulted in the return of saved allocated budget money to the Davis County treasury (taxpayer) yet again.

Next Year [2023] Budget Initiatives

- Dealing with a massive **backlog of jury trials due to Covid-19 Pandemic** Shutdown Order of the Utah Supreme Court. Implementing programs such as diversion, plea in abeyance and integrating new staff. Office space and infrastructure.
- **CASE MANAGEMENT SYSTEM TRANSFER (e-Prosecutor)**. Technology solutions (storage and conversion tools) to manage the increasing complexity of cases and evidence. Items such as ankle monitors and Eye-Detect may make a difference in case management. CCJJ Reporting Requirements **[HB288 – Prosecutor Data Collection Amendments] being built into e-Prosecutor.**
- Office Space, infrastructure, equipment and **VEHICHES** that meet the job functions and actual staff needs.
- County Attorney's Office Web Page update.
- The nature of Evidence in cases we prosecute is rapidly increasing in complexity and scope. For example, many agencies now require their officers to wear body cameras and activate them during all interactions with defendants or witnesses. In a typical case, we may now have hours of video evidence that we must store, copy for the defense, and personally review. Many cases also require that evidence be collected from cell phones, tablets, computers, and social media, which can require search warrants and expert review. New privacy laws, procedures, and policies now make phone records, prescription records, bank records, email, and social media posts more time-consuming and cumbersome to obtain and protect.

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- *New Pre-trial release mandates require a significant amount of thought, time, personnel and resources to implement.

- Mental Health Issues are regularly injecting themselves into cases with respect to defendants and victims and sometimes dominate the litigation issues in such cases. Drugs, pornography and other addictions of significance.

- Officer involved use of force investigations and determinations / dealing with FOP tactics and evidence requirements (Use of Force Science).

- Meaningful alternatives to incarceration and after jail release programs that actually work and make JRI more than just pie in the sky – if at all possible. Personnel to track and monitor is part of the unfunded state mandate.

- Proliferation of Internet Crimes - White Collar Crimes – Domestic Violence – With Respect to Children

OTHER CRITICAL NEEDS:

- **Maintain competitive salaries** and sufficient staffing levels (attorneys and support personnel) to meet the ever increasing needs of investigation, prosecution, law enforcement advisement and victim management.

- Funding for prosecutor and investigator training on new and complex issues, including mental health and electronic evidence dynamics.

- <u>An increased need for competent expert witness funding DUE TO TRIAL BACKLOG</u>.