



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: District Attorney  
Department No.: 021  
For Agenda Of: January 26, 2021  
Placement: Departmental  
Estimated Time: 45 minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

**TO:** Board of Supervisors

**FROM:** Department Director(s) Mona Miyasato, County Executive Officer  
Joyce E. Dudley, District Attorney

Digitally signed by Mona Miyasato  
Date: 2021.01.13 11:21:06 -08'00'

Contact Info: Barney Melekian, Assistant County Executive Officer  
Michael Soderman, Chief Financial & Administrative Officer, x82303

**SUBJECT: KPMG Operational and Performance Review – District Attorney’s Office**

**County Counsel Concurrence**

As to form: N/A

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

It is recommended that the Board of Supervisors:

- a) Receive and file a report on KPMG’s Operational and Performance Review of the District Attorney’s Office;
- b) Provide direction as appropriate; and
- c) Find that the proposed actions do not constitute a “Project” within the meaning of the California Environmental Quality Act, pursuant to 14 CCR 15378(b)(2), as it consists of general policy and procedure making.

**Summary Text:**

The review of the District Attorney’s Office is the seventh review of a County department completed by KPMG. The purpose of the review is to identify areas where improvement in service delivery, efficiency, and effectiveness is possible. KPMG’s report, entitled “Improving Performance to Better Serve our County Residents: County-wide Operational Performance Review – District Attorney” is attached. In addition, the Office’s response and implementation timeline is also attached.

**Overview of the Department:**

The Office has 142 Full-Time Equivalent (FTE) positions with the following primary areas of focus: Administration and Support, Criminal Prosecution and Civil/Environmental Prosecution. Criminal Prosecution includes the Victim-Witness Assistance Program and the Bureau of Investigations. The Office's Adopted Fiscal Year (FY) 2020-21 operating budget is \$28,845,800 million, which is approximately 2.4% of the total County adopted operating expenditure budget.

The mandatory duty of the District Attorney's Office is to diligently pursue those who are believed to have violated the criminal codes of the State (People v. Hartman (1985) 170 Cal.App.3d 572 and California Government Code § 26500). The Office also has the duty to protect the rights of victims of crime, where "victims of crime are entitled to have the criminal justice system view criminal acts as serious threats to the safety and welfare of the People of California" (California Constitution, Art. I § 28 and Marsy's Law).

The District Attorney team consists of deputy district attorneys, criminal investigators, victim advocates, legal support staff and administrative/information technology staff housed in six offices in three locations throughout the County: Santa Barbara, Lompoc and Santa Maria. The team is organized to review, file and prepare cases for prosecution; enforce terms and conditions of criminal probationers; assist victims throughout the criminal justice process, including efforts to recover restitution; and participate in proactive efforts to deter crime.

The Office's mission is to pursue truth and justice by employing the highest ethical standards in vigorously prosecuting the guilty, protecting the innocent and preventing crime. The Office's major responsibilities are to:

- Prosecute adult and juvenile offenders for felony and misdemeanor crimes or civil violations countywide.
- Provide investigative and technical support to prosecutions.
  - The Bureau of Investigations assists in investigating alleged crimes and gathering evidence to be used in the prosecution of criminal cases.
  - There are two primary missions of the Bureau of Investigations. The first is the traditional function of criminal investigation and trial preparation, which is the development of evidence of proof beyond a reasonable doubt. The second is specialized investigative assignments in areas such as real estate fraud, public assistance fraud, insurance fraud, consumer and environmental protection, parental child abduction, arson, complex theft, internet crimes against children, misconduct by public officials and cannabis compliance. In these types of investigations, the Bureau serves as the primary investigating agency.
  - The Bureau also provides victim services support following mass casualty events.
- Provide comprehensive services to over 4,000 crime victims annually to mitigate impacts of crime and prevent future crimes.
  - The Victim-Witness Assistance Program assists victims of violent crimes in obtaining restitution, coordinates witness appearances, and handles counseling and referral information for victims of domestic violence.
  - The Victim-Witness Assistance Program is responsible for verifying claims for losses victims experienced as a result of crime, and now assists with financial recovery.

- The Victim-Witness Assistance Program also maintains administrative oversight for the Sexual Assault Response Team (SART) program, which facilitates forensic medical and legal services to sexual assault victims in Santa Barbara County.

### **Overview of KPMG Recommendations:**

In brief summary, the KPMG report identifies 14 recommendations. The recommendations are divided into six categories: Workload Management, Organizational Structure, Discovery, Data-Driven Decision Making, Performance Management and Initiative Management. These recommendations are summarized below, and are discussed more fully in the attached response and implementation table.

#### *Workload Management:*

- **1.1:** Enhance timekeeping and workload tracking for attorneys, investigators, and legal office professionals (LOPs) to transition to a data-driven workload allocation and staffing model.
- **1.2:** Delegate administrative responsibilities from attorneys to LOPs to more efficiently distribute workload across staff.

#### *Organizational Structure:*

- **2.1:** Delegate basic legal tasks from attorneys to LOP IIIs, as permitted under California law, to expand attorney capacity.
- **2.2:** Review mid-level attorney pay for parity with benchmark counties to strengthen retention.
- **2.3:** Streamline the case filing process to create consistency and accountability.

#### *Discovery:*

- **3.1:** Track discovery volume and processing time to acquire data-driven understanding of related workload.
- **3.2:** Develop action plan to manage expected increases in the volume of digital discovery.
- **3.3:** Delegate processing of digital-media based discovery materials to nonsworn investigative technicians to more efficiently manage workload.
- **3.4:** Develop standardized training for law enforcement and enhance outreach efforts.

#### *Data-Driven Decision Making:*

- **4.1:** Develop and refresh SOPs and ensure adherence to standard processes.
- **4.2:** Develop interim reporting solutions for key metrics to guide management decision-making.

#### *Performance Management:*

- **5.0:** Strengthen performance measurement processes to enable regular evaluation of progress towards established targets.

#### *Initiative Management:*

- **6.1:** Develop a strategic roadmap for key initiatives to facilitate coordination, prioritization, and sequencing.
- **6.2:** Expand outcome tracking for diversion programs.

The District Attorney's Office generally agrees with the majority of these recommendations, and some are already underway. While several of the recommendations can be accomplished with existing staff and

resources, there are many which require outside expertise, software acquisition and/or additional staffing resources.

**Background:**

The County contracted with KPMG in May 2019, following a competitive process, to conduct these operational and performance reviews as part of the Renew '22 initiative. The Board of Supervisors funded these reviews in order to provide a high-level assessment of departments, identify strengths and opportunities, and benchmark financial and operational areas with similar jurisdictions. The Board approved the initial contract with KPMG to review nine departments (“year one,” or first phase). The Board approved three subsequent amendments related to the initial contract to expand the scope of work to have KPMG provide a more focused and detailed review of specific County programs and processes at the request of the departments reviewed. The current contract cost is \$1,477,439 for reviews of nine departments. Completed reviews include the County Executive Office, General Services, Human Resources, Planning and Development, Cannabis Permitting Process and Public Defender. The review of Public Health is near completion. The final two departments (Sheriff and Probation) included in the initial set of reviews are underway.

In October 2020, the Board approved Amendment No. 4 to the contract with KPMG to review the next set of departments, and perform a focused review of the cannabis tax revenue assessment and collection process. The three additional departments included in this amendment are Fire, Social Services and Behavioral Wellness. The proposed cost of the work associated with this amendment is \$806,881 and the work is expected to be completed by December 31, 2021.

**Performance Measure:**

Performance measures will be developed in conjunction with the report recommendations and included in the FY 2022-23 budget to track progress and cost/benefit of the operational and performance reviews.

**Fiscal and Facilities Impacts:**

While some recommendations can be achieved with existing staff and resources, many will require outside expertise, software acquisition, and/or additional staffing resources. Staff will evaluate these requests through the annual budget process.

**Attachments:**

- a) KPMG report: Improving Performance to Better Serve our County Residents: County-wide Operational Performance Review – District Attorney
- b) District Attorney’s response to KPMG review and implementation timeframe
- c) PowerPoint presentation

**Authored by:**

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