



# Improving performance to better serve our county residents

Countywide operational performance review –  
Santa Barbara District Attorney's Office

December 2020

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# Executive summary

## Scope and methodology

The County of Santa Barbara (the County) contracted with KPMG in May 2019 to conduct an operational and performance review of all County departments. The District Attorney's Office (the Office) review commenced in June 2020. The purpose of this review is to provide a high-level assessment of the Office, identify strengths and opportunities, and benchmark financial and operational areas with similar jurisdictions with the focus to improve the overall operational efficiency, effectiveness, and service delivery provided by the Office.

Over a 16-week period, the KPMG team conducted the following activities:

- **More than 20 interviews** with Office leadership and staff to understand the organizational structure, roles and responsibilities, operations, and processes of the Office
- **Analysis of data available, reports, and policy documents** to understand the demands upon and the operations of the Office
- A **benchmarking and leading practice review** of the County with eight recommended benchmark counties: Marin, Monterey, Placer, San Luis Obispo, Santa Cruz, Solano, Sonoma, and Tulare. Specific additional counties were analyzed based on feedback from District Attorney's Office leadership, subject matter experts, and available online information.

This report outlines the findings of the operations and performance review and details recommendations for the management of the District Attorney's Office.



As revenue and cost constraints grow due to the economic impact of the COVID-19 pandemic, pressure will increase for public safety agencies to diagnose cost drivers and develop savings solutions—without undermining the delivery of public safety services to county residents. Given this fiscal environment, this report outlines recommendations to maximize the impact of the District Attorney's Office's available resources through strengthened staffing, workload, and performance management as well as technology and process improvements.

# Executive summary

## Office orientation

**Mission statement:** The mission of the District Attorney's Office is to pursue truth and justice by employing the highest ethical standards in vigorously prosecuting the guilty, protecting the innocent, and preventing crime.

### District Attorney's responsibilities within the scope of this review:

- 1 Review, file, and prepare cases for prosecution
- 2 Enforce terms and conditions of criminal probationers
- 3 Assist victims throughout the criminal justice process, including efforts to recover restitution
- 4 Participate in proactive efforts to deter crime

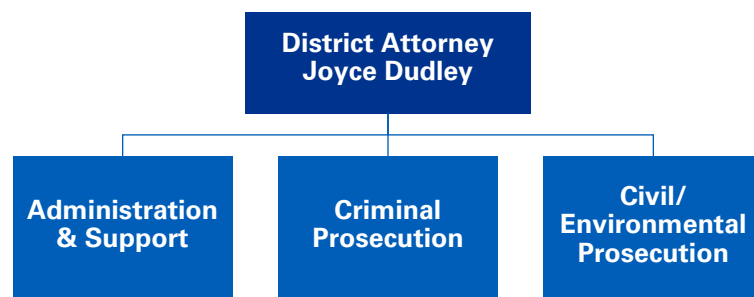
### Adopted budget (2020/21):

\$28.6M	\$265K	142
Operating Expenses	Capital Expenses	Full-time Equivalents (FTE)

### County benchmarks:

	Budgets in \$1000	Santa Barbara County	Average
FY19	District Attorney FTE	141	131
	Percent of Enterprise	3.31%	3.83%
	District Attorney Budget	\$27,339	\$24,341
	Percent of Enterprise	2.40%	2.34%

### Organizational structure



# Executive summary

## Commendations

### Dedication of staff

The staff of the District Attorney's Office demonstrated a clear and vocal commitment to the pursuit of justice and, often, a willingness to work long hours to achieve this goal. Commitment to diversion, fair application of the law, and a strong dedication to high ethical standards were consistent throughout the Office.

### Creation of the misdemeanor diversion program

The Office should be commended for developing and implementing a misdemeanor diversion program, which demonstrates the Office's commitment to reducing court congestion and connecting justice-involved residents to services that address their criminogenic needs. Additionally, the Office has commendably announced its intention to develop a felony diversion program, which will build on the accomplishments of the misdemeanor program, however, as noted publicly by the District Attorney, the success of a felony diversion program relies on a strong partnership with other public safety agencies and community partners.

### Development of a digital discovery process

As discussed in Recommendation 3 of this report, the volume of digital discovery facing the Office has increased dramatically in recent years. While this report outlines continued opportunities to more efficiently manage this workload, the Office has already developed multiple technological solutions to begin addressing this ongoing challenge.

### Initiation of case management system procurement

Procurement of an updated case management system with expanded capabilities has the potential to advance many of the recommendations detailed in this report, from strengthening performance management to enhancing workload tracking. The Office should be commended for recognizing the limitations of its current case management system and moving towards the procurement of a new system, while remaining committed to maximizing the use of its current systems and data in the interim period.

# Executive summary

## Renew '22 Mapping

The recommendations made within the Office operational and performance review have been aligned to the Renew '22 Transformation Behaviors to help ensure that the recommendations are driving towards the Renew '22 strategic vision, as seen in Figure 1 below. The blue tiles identify the Renew '22 Transformation Behaviors that align to each recommendation.

			Transformation Behaviors				
			Alignment with Vision	Data Driven Decision Making	Strategic Thinking	Risk Taking	Collaborative Problem Solving
Office Recommendations	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					
	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 enhance consistency and accountability					
	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					
	4.1	Develop and refresh standing operating procedures (SOPs) and ensure adherence to standard processes					
	4.2	Develop interim reporting solutions for key metrics to guide management decision-making					
	5.0	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets					
	6.1	Develop a strategic roadmap for key initiatives to facilitate coordination, prioritization, and sequencing					
	6.2	Expand outcome tracking for diversion programs					

Figure 1 – Source: KPMG LLP

# Executive summary

## Office recommendations

The recommendations outlined below focus on empowering the Office to more efficiently manage its operations in delivering criminal justice services to County residents.

#	Office recommendations
<b>Workload management</b>	
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
<b>Organizational structure</b>	
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 enhance consistency and accountability
<b>Discovery</b>	
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
<b>Data-driven Decision-making</b>	
4.1	Develop and refresh standing operating procedures (SOPs) and ensure adherence to standard processes
4.2	Develop interim reporting solutions for key metrics to guide management decision-making
<b>Performance management</b>	
5.0	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets
<b>Initiative management</b>	
6.1	Develop a strategic roadmap for key initiatives to facilitate coordination, prioritization, and sequencing
6.2	Expand outcome tracking for diversion programs

This report details recommendations that can be implemented by the District Attorney's Office to enable increased operational efficiency and effectiveness. However, the review also identified challenges and

improvement opportunities affecting the Office that will require interagency collaboration to address. Referenced below, these interagency recommendations will be detailed in an addendum report to the CEO.

## **Interagency observations**

### **Observation and analysis**

#### **Track continuances as a first step to assessing their impact on County costs and operations**

- In interviews, Office leadership and attorneys cited continuances as a challenge to Office operations, this same challenge was also expressed during the review of the Public Defender's Office. When trying to develop a data-driven understanding of the magnitude or impacts of this challenge, it became clear that no criminal justice agency tracks the number of continuances that occur each year or assesses the drivers and impact of these continuances. As a first step toward addressing continuances, and in order to estimate their fiscal and operational impact, the California courts and criminal justice agencies should collaborate to track the number and driver of continuances that occur in the County on an annual basis in order to review the drivers of these continuances and their impact on County operations.

#### **Share responsibility to request criminal history checks with the Public Defender to balance administrative burden**

- Historically, the Public Defender did not have the authority to request a defendant's criminal history from the Department of Justice, so the effort was led by the District Attorney's Office. However, pursuant to sections 11105 (b) (8) and 11105 (b) (9) of the California Penal Code, public defenders and defense attorneys representing a client in a criminal matter now have the authority to request a certified copy of a person's criminal record. The Office should work with the Public Defender to realign the administrative burden related to these requests to defense counsel or, at the very least, to develop an arrangement to share the administrative burden associated with these criminal history requests.



# Executive summary

## Current and recommended operating model

Figure 2 below summarizes the District Attorney's Office's current-state operating model across six design layers, as well as the target state that can be achieved by implementing the recommendations outlined in the following sections. Each operating model layer describes a continuum of maturity that articulates how the Office can be designed to deliver services optimally. These layers were also used to structure the observations, analysis, and recommendations of the review of the Office. Detailed descriptions of the six design layers can be found in Appendix D.

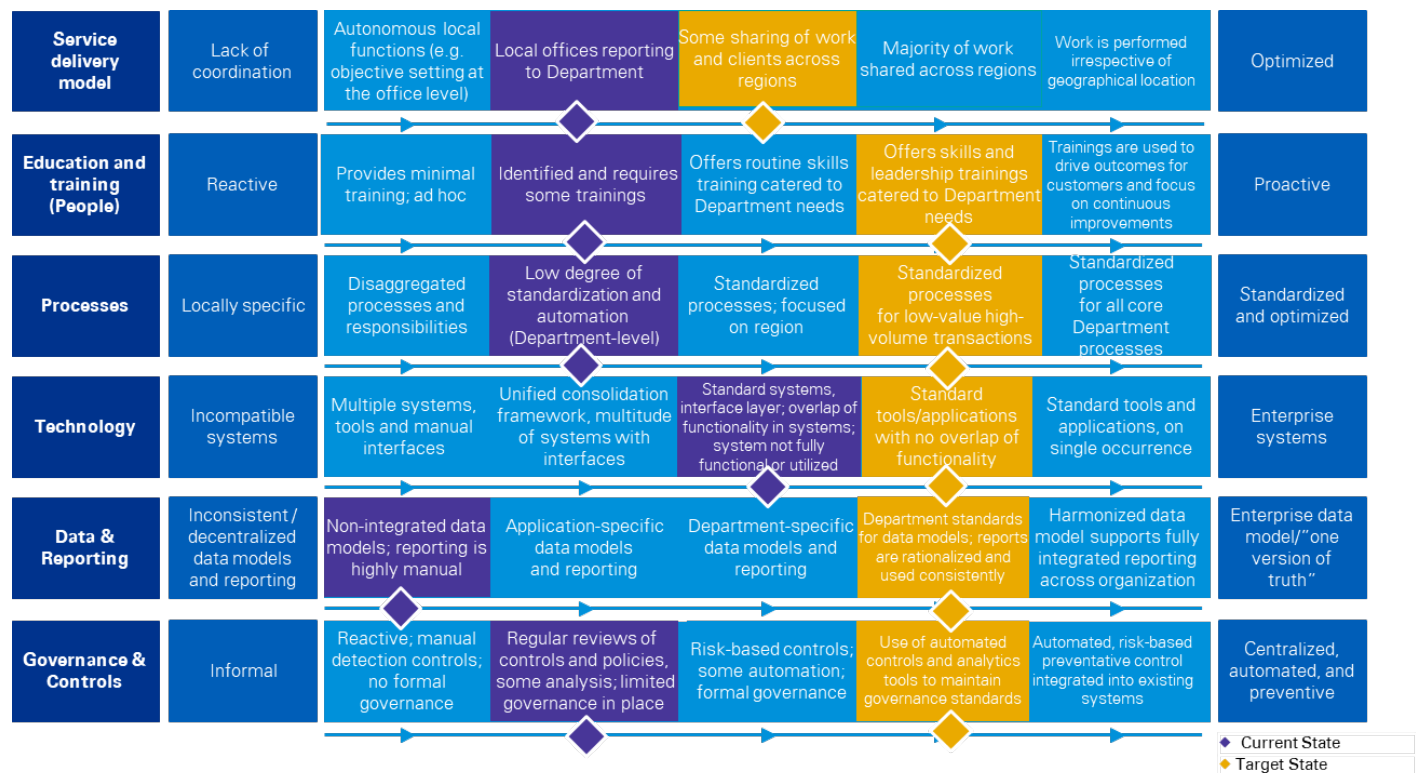


Figure 2 – Source: KPMG LLP

# Office recommendations

The recommendations outlined below focus on empowering the Office to more efficiently manage its operations in delivering public safety services to County residents.

#	Office recommendations
<b>Workload management</b>	
1.1	Enhance timekeeping and workload tracking for attorneys, investigators, and 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
<b>Organizational structure</b>	
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 enhance consistency and accountability
<b>Discovery</b>	
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
<b>Data and Technology</b>	
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
<b>Performance management</b>	
5.0	Strengthen performance measurement processes to enable regular evaluation of progress towards established targets
<b>Initiative management</b>	
6.1	Develop a strategic roadmap for key initiatives to facilitate coordination, prioritization, and sequencing
6.2	Expand outcome tracking for diversion programs

# Workload management

## 1.1 Enhance timekeeping and workload tracking for attorneys, investigators, and LOPs to transition to a data-driven workload allocation and staffing model

### Observation and analysis

Across the attorney, LOP, and investigator levels, interviewees stated that while caseloads across the Office are declining, the remaining cases have also become more complex. Interviewees asserted that due to this increased complexity, workload across the Office has increased, as each individual case may require more staff attention and time.

As indicated below, data analysis confirms that the Office's overall caseload has declined; however, the Office's current data tracking practices do not allow for an assessment of changes in case complexity or associated workload. Specifically, the Office currently records the volume of cases across the Office and by attorney, but staff do not track their time by activity or by case, except in certain circumstances. Caseloads alone can be a crude indicator of workload as they do not capture detailed case complexity. To address this challenge, organizations such as the National District Attorneys Association (NDAA), National Center for State Courts, and American Prosecutors Research Institute have conducted workload studies by using time tracking data to create a "case weight" for each case type category.<sup>1</sup> This case weight estimates the average total number of hours required to provide effective adjudication – at the attorney and staff levels – and can be applied to current or projected caseloads to develop an estimate of the workload carried by staff. These data-driven estimates can augment the qualitative assessments currently provided by Office management and leadership. For example, the NDAA notes, "Time tracking allows prosecutor offices to take an evidence-based approach to managing office resources. It provides capabilities for users to record activities and time spent on those activities and provides reports to managers to understand the time needed to complete activities."<sup>2</sup> While the NDAA has utilized point in time studies for time tracking, which is an option in this recommendation presented below, continuous time tracking would bring the added benefit of allowing for ongoing performance and workload monitoring to inform operational and staffing decision-making.

Time tracking is a key tool for understanding staff workload, developing data-driven performance measures, and understanding the number and type of staff necessary to manage the Office's current workload. For example, time-tracking information may allow Office leadership to identify time-consuming tasks that can be automated, streamlined, or delegated to other staff levels. Additionally, this time-tracking and workload data can be used to create a data-driven business case to realign the Office's staffing positions to demand; to include the right resources in the right places for the right reasons; and to identify risks related to retention, burnout, development, or training. Understanding workload will also naturally augment the Office's current processes for understanding the complexity of cases, allowing for an enhanced ability to distribute cases.

This recommendation analyzes the caseload information currently available from the Office's case management system and current data tracking processes before outlining a series of steps to

<sup>1</sup> <https://nmsc.unm.edu/reports/2007/b.%20NMSC%202006-07%20Workload%20Final%20Report.pdf>  
<https://kycourts.gov/resources/publicationsresources/Publications/InterimReportJudicialWorkload.pdf>  
<http://www.imijustice.org/wp-content/uploads/2019/12/NDAA-APRI-How-Many-Cases.pdf>  
<sup>2</sup> <https://ndaa.org/wp-content/uploads/PCMS-Functional-Specifications.pdf>

implement enhanced time-tracking and workload management practices. To minimize the administrative burden of this time tracking, Office leadership may consider options such as tracking time by hour (rather than smaller increments), relying on periodic sampling (rather than continuous tracking), or utilizing estimates from Delphi panels. One important item to note is that while quantitatively tracking caseloads and workloads is important, there must be an ability to contextualize workload with being able to provide high quality service to the people of the State of California.

### Context: declining caseloads and increasing full-time employees (FTEs) from 2017 to 2019

An analysis of caseload data reveals the Office has reduced the number of misdemeanor filings in recent years, while felony filings have remained largely flat. With this shift, felonies have become an increasing percentage of overall case filings, rising from 19 percent in 2017 to 22 percent in 2019. During this same period, the total number of cases filed by the Office declined by 10 percent. The 10 percent overall decline is representative of a 1,529 decrease in the number of misdemeanor case filings, which occurred concurrently to an increase of 29 felony filings, as shown in the following graph. During the same period, there was an 8 percent increase in budgeted FTEs. Separately, the Office's budgeted FTE count increased from 130 FTEs to 141 FTEs from 2017 to 2019. Of these eleven new positions, it is worth noting that eight were secured through grant funding and dedicated to special assignments other than General Prosecution, only one position was added to assist with General Prosecution. Two of the new positions are supervisory in nature.

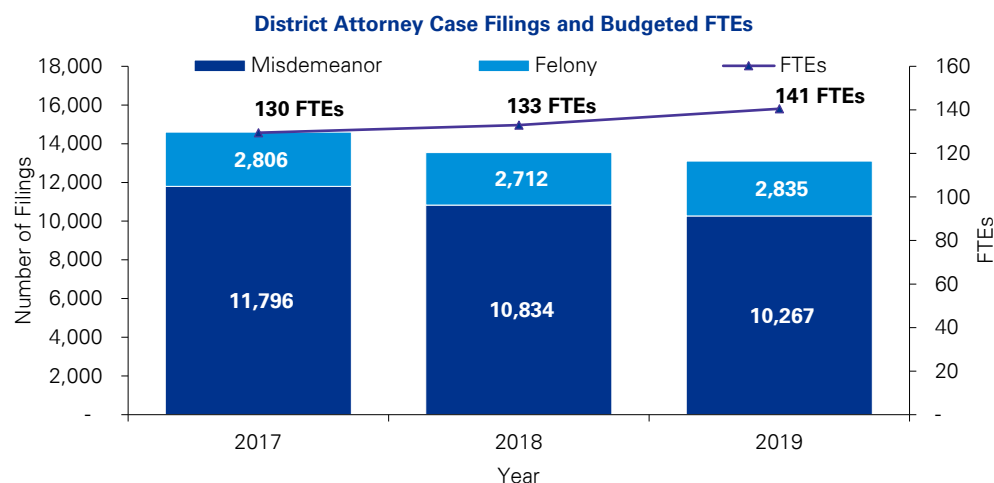


Figure 3: Source – KPMG extract of Damion data

Despite this decrease in cases and increase in FTEs, in interviews, staff reported feeling overburdened by their current workload, in particular at the attorney and investigator levels:

- Investigative staff reported insufficient staff to perform the work required, leading to reduced work quality or inability to perform requested investigations across case types. Benchmark analysis suggests that Santa Barbara has fewer investigators per attorney and per capita than its peer cohort. Santa Barbara County has the second lowest number of investigator FTEs of the comparison cohort; Marin County, which has the lowest number of investigator FTEs, has a population approximately half that of Santa Barbara County.

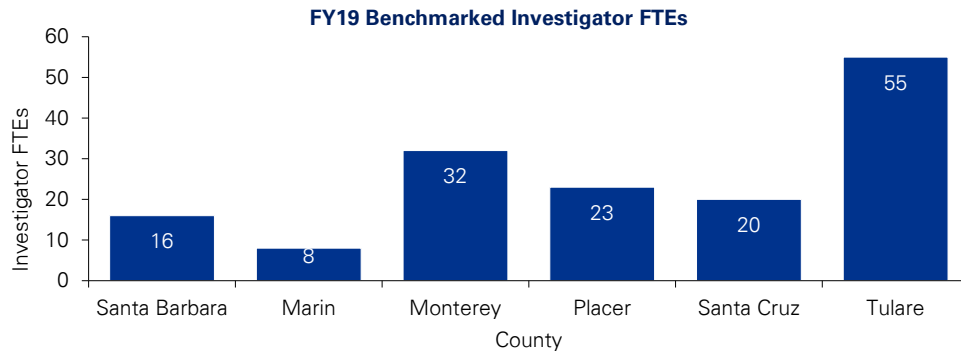


Figure 4: Source – KPMG LLP

— Additionally, the attorney to investigator ratio for Santa Barbara County is 3.7 attorneys to one investigator, which is the highest of their cohort counties and 117% higher than the average.

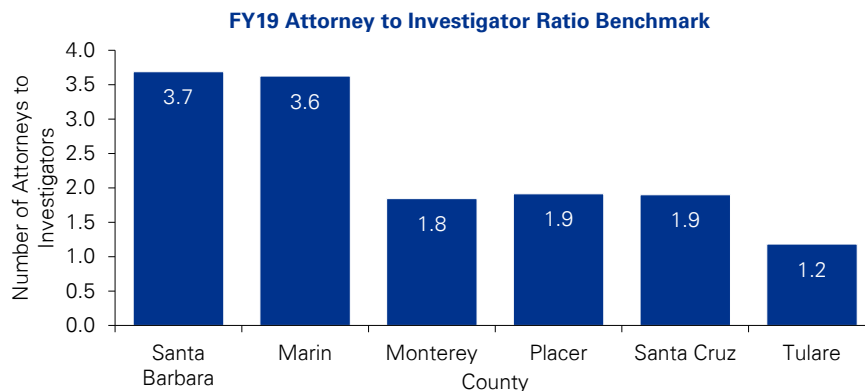


Figure 5 – Source: KPMG LLP

— While the budgeted number of attorneys increased by 9 percent between FY17 and FY19, from 47 to 51 staff, it was noted in every attorney interview that it is common for attorneys to work until midnight during the week and routinely work full days during the weekends. It is not possible to verify these hours based on the Office’s current data tracking practices; as salaried employees, attorneys do not record their total hours worked. As noted above, ten of the eleven added positions were either supervisory or grant funded and dedicated to tasks other than General Prosecution.

Without more detailed time-tracking data, it is difficult to ascertain whether workload has increased or declined at the Office and whether current staffing levels are sufficient to meet this workload. Below, this recommendation outlines three steps to develop a workload-driven staffing model based on time-tracking data.

#### Action 1: Increase adherence to SOPs for core responsibilities and data entry

Prior to implementing enhanced time-tracking processes, the Office should better codify, clarify, and homogenize the expected responsibilities of each employee class and standardize these guidelines across all offices. While the Office does have a Policies and Procedures manual on its intranet, in interviews, staff across the Office reported varying operational practices to complete key tasks, evidencing a lack of adherence to SOPs. Specifically, interviewees at the LOP and attorney levels reported there is a lack of standardization across offices in the way in which work is performed and by whom. There is an LOP “cheat sheet” that is intended to guide how each *attorney* prefers key tasks to be performed. However, there is also variance across offices and across attorneys as to whether these key tasks are performed by LOPs or by the attorney themselves and how this information is

recorded within the case management system. For example, in some cases, LOPs may be responsible for tasks such as filling out rejection forms, creating restitution orders, and filling out criminal protective orders, yet in other instances, these tasks may be carried out by attorneys.

As a first step towards recording reliable time-tracking data at the attorney, LOP, and investigator levels, the Office should develop codified SOPs at each staff level. It should be noted that the Office has recently established a Quality Control Data Committee to evaluate data management within the Office. The Office may also benefit from the dissemination of continuous trainings regarding these SOPs as needed.

### **Action 2: Implement interim time and workload tracking processes, and commission a time study**

Once staff responsibilities and task assignment have been standardized across staff levels, the Office should implement time-tracking processes to develop an understanding of the effort consumed by each task. Time tracking may be carried out continuously in order to give Office leadership the most robust insight into Office operations. Alternatively, if continuous time tracking is not the desire of Office leadership or creates a significant administrative burden, other jurisdictions have utilized time tracking analyses over a six-week period to compile initial workload estimates<sup>3</sup>. It is at the discretion of the Office whether this is an effort conducted internally or supported by an outside consultant. Internal time-tracking can be phased in via multiple formats:

- As a near-term, interim solution that is available with the Office's current technology systems, the Office should develop a time-tracking spreadsheet that can be quickly filled out by the employees. This spreadsheet can be Excel-based and stored in SharePoint or the Office's shared drive and should include standard fields by employee type in drop-down menus. To minimize the administrative burden associated with this work, time may be tracked in hourly blocks by task, similar to the time-tracking practices observed in other case-driven county departments. In addition to tracking case ID, case type, and time stamps, exemplar fields for high frequency or high effort activities may include court time/preparation time, legal research, training, administrative time, and legal document drafting. Additional detail on exemplar time-tracking metrics are detailed in the table below. The Office's time-tracking spreadsheet should document which tasks are case-related and which are not directly related to an active case.
- In the midterm, the Office should investigate options to develop time-tracking functionality inside Damion that would allow for automated time tracking to limit the administrative burden of this work. This time-tracking functionality should also be incorporated into the Office's new case management system, as that procurement process proceeds.

The following image presents a few examples of key activities to better understand workload by employee type. This list is not comprehensive and should be considered a starting point.

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<sup>3</sup> <https://nmisc.unm.edu/reports/2007/b.%20NMISC%202006-07%20Workload%20Final%20Report.pdf>

Attorney	LOP	Investigator
<ul style="list-style-type: none"> <li>— Papering (prosecution use only)</li> <li>— Conference, negotiations, preparation for court appearance or trial</li> <li>— Case file documentation</li> <li>— Preparation for sentencing or pre-sentencing</li> <li>— Post-sentencing procedures, activities, and appeals</li> <li>— Voluntary dismissals</li> <li>— In court</li> <li>— Evidence processing</li> </ul>	<ul style="list-style-type: none"> <li>— Calendar scheduling</li> <li>— Administrative work related directly to a case while not in court (case creation, note taking, research, motion writing, creation of trial binders, etc.)</li> <li>— Follow-up time with witnesses, victims, or coordination with defendant attorneys</li> <li>— In court</li> <li>— Processing discovery including generating discovery requests, uploading, downloading, and reviewing</li> <li>— Transcript requests</li> </ul>	<ul style="list-style-type: none"> <li>— Time in field broken out by tasks (interview, subpoena delivery, evidence collection, surveillance, transportation of evidence, witness location, assist in search warrants, etc.)</li> <li>— Administrative work directly related to a case while not in court</li> <li>— In court</li> <li>— Evidence processing (video, email, text message, cell phone cloning, etc.)</li> </ul>

Figure 6 – Source: KPMG LLP

The above time tracking data can be used to develop workload estimates and performance standards tied to key tasks conducted across the Office, as well as to the performance metrics enumerated in Recommendation 5. This detailed analysis can be used by leadership to clarify expectations, realign responsibilities, understand staffing requirements at each position level based on realigned responsibilities, and define performance standards.

1.0 System and Staffing Analysis	2.0 Case Type/Case Task Summary	3.0 Time Study	4.0 Professional Standards
<ul style="list-style-type: none"> <li>— This process will tie Damion data, clients, cases, and staff to time tracking data</li> <li>— This step should also help to identify which employees are performing what work</li> </ul>	<ul style="list-style-type: none"> <li>— This step will categorize case types and tasks associated into measurable buckets</li> <li>— Can help to measure which tasks are best performed by attorneys versus support staff</li> </ul>	<ul style="list-style-type: none"> <li>— This is the measurement of individual tasks as aggregated into case types to develop a comprehensive understanding of case complexity, productive hours, and operational efficiency</li> </ul>	<ul style="list-style-type: none"> <li>— The process should take private and public expertise to provide a consensus estimate of the amount of time defense should expect to spend on a case</li> <li>— Align responsibility to the appropriate positions to understand staffing needs</li> </ul>

Figure 7 – Source: KPMG LLP

Prosecutor's Offices have conducted similar workload studies to determine an expected amount of time consumed by core tasks. For example, a 2007 analysis performed on all prosecutor offices in the state of Wisconsin<sup>4</sup> assessed whether staffing levels were sufficient to meet demand. This analysis provided a weighted caseload formula that documented the length of time spent on the activities related to casework. Similarly, a 2015 performance audit of the Orange County District Attorney's Office recommended the implementation of a time study for attorneys in specific units to assess disparities in workload.<sup>5</sup> If conducted in Santa Barbara, a similar analysis could be used by the executive team of the Office to develop a series of performance and workload standards for staff and guide an efficient distribution of workload across functions. As noted above, time tracking studies may use point in time data or continuous monitoring. Continuous time tracking brings the added benefit of

<sup>4</sup> [https://docs.legis.wisconsin.gov/misc/lc/study/2010/special\\_committee\\_on\\_criminal\\_justice\\_funding\\_and\\_strategies/103\\_august\\_30\\_2010/07\\_9full](https://docs.legis.wisconsin.gov/misc/lc/study/2010/special_committee_on_criminal_justice_funding_and_strategies/103_august_30_2010/07_9full)  
<sup>5</sup> <http://orangecountyda.org/civicax/filebank/blobdload.aspx?BlobID=23375>



allowing for ongoing performance and workload monitoring to inform operational and staffing decision-making.

### Action 3: Assess distribution of cases across attorneys and develop a case assignment process to allocate workload efficiently

With the enhanced time-tracking and workload estimates detailed above, the Office may be able to more efficiently manage staff workload, using reliable estimates of required effort and productive hours available. At present, in interviews, staff expressed that caseloads are not evenly distributed among staff, a phenomenon that is supported by data analysis.

The following pages detail key findings from an analysis of the available caseload data at the attorney and investigator level. The data currently available does not allow for the tracking of LOP workloads.

The graphic below presents the distribution of open cases as of Quarter 2 of 2020 and demonstrates significant variations in caseloads among attorneys. The current average caseload of attorneys is 79 cases per attorney, with one-third of the attorneys carrying caseloads higher than the current average. Based on interviews, it is likely that the majority of this variation in caseloads is attributable to case type, case weight, attorney tenure, and various other circumstances that is not currently recorded within the case management system. Current employee workload is measured using the quantitative caseload data and is evaluated via an experiential and qualitative review process.

The graph below shows the current caseload data recorded in Damion. Due to limitations in current data tracking processes, it does not differentiate by case complexity, case weight, time tracking, or other factors necessary to demonstrate attorney workload. Therefore, based on the limitations of this data set it is recommended that additional measures related to data tracking are implemented to provide Office leadership with a data set that is sufficiently robust to inform decision-making. While the experiential and qualitative review process could still be employed, a more robust data set that allows for accurate workload reporting would enhance this process. The caseload data below may also be skewed by current data recording practices and data quality, which further evidences the need for enhanced data tracking processes including case type, case weight, and attorney tenure data to allow for more effective workload management.

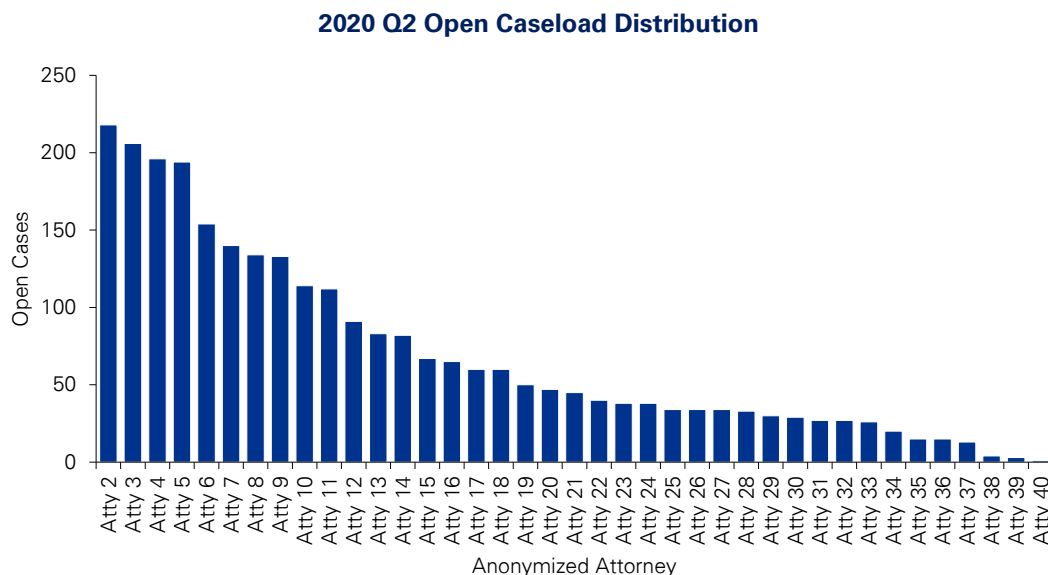


Figure 8 – KPMG LLP analysis of Damion data extract

During the same time period, when broken out by geographical location, the discrepancy of the breakout of caseload averages becomes much more prevalent, showing that Lompoc attorneys carry,



on average, 1.5 times as many cases as the Santa Barbara attorneys and 4.5 times as many as the Santa Maria attorneys.

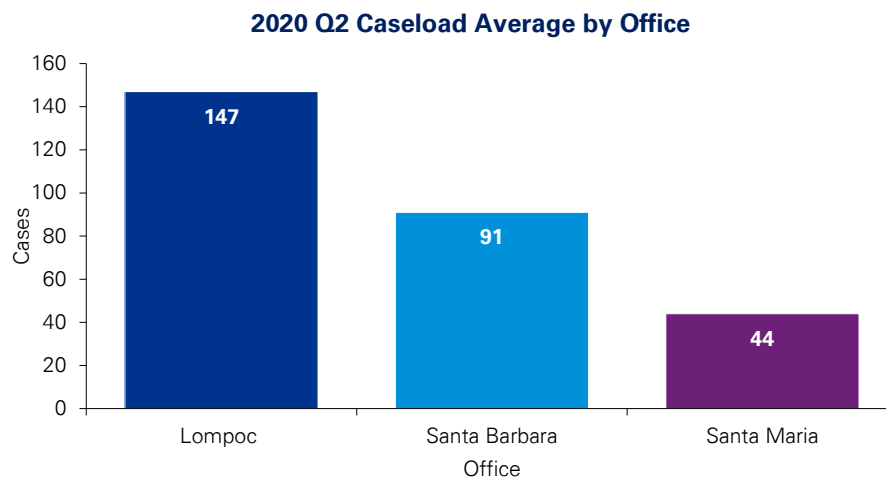


Figure 9 – KPMG LLP analysis of Damion data extract

At the investigator level, tasks are tracked via the case management system and demonstrate an unequal distribution of caseloads among the investigators. The below data outlines the activities recorded by all investigators and investigator assistants in 2019, this data set may include employees that joined or left the division during that time period. The data denotes if employees were employed on a full or part-time basis.

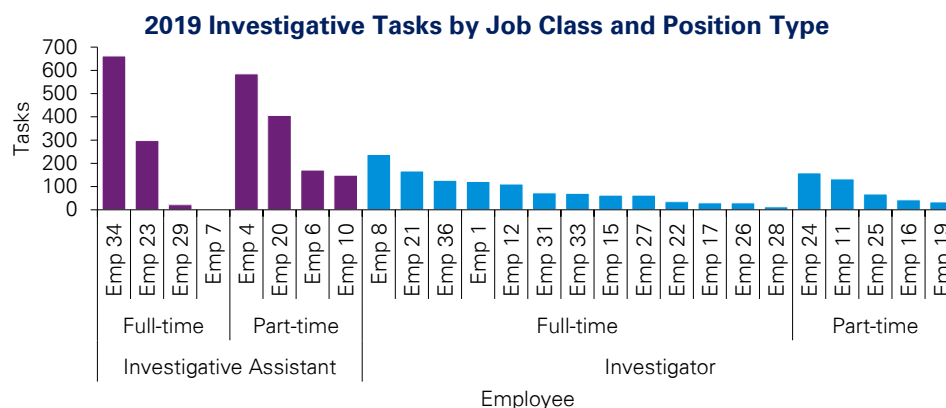


Figure 10 – KPMG LLP analysis of Damion data extract

The graph above again relies on the Office's current caseload tracking data, which does not include detail on case complexity, time tracking, or expected workload and outlines the limitations within the current data reporting. Without this enhanced data, it is not possible to quantitatively assess whether the case and task distribution outlined above represents the most efficient use of Office resources and positions staff to produce high-quality work and therefore it is recommended that enhanced time tracking and data recording be undertaken within the case management system to improve the level of insights that can be generated into workload and staffing allocation. Once the Office has implemented the timekeeping and workload exercises detailed in this recommendation, it can use the resulting workload analysis to assess the efficiency of its current workload distribution and develop processes for allocating attorney, LOP, and investigator tasks based on a data-informed assessment of the amount of work required.

## Anticipated impact

Improved time tracking will enable Office leadership to better understand their staff's current workload, assess how responsibilities could be distributed more effectively, and estimate the workload associated with incoming cases, allowing for cases to be allocated based on this information. Additionally, these practices will provide leadership with a data-driven assessment of the Office's current staffing level, enabling the Office to make a case for changing the size or composition of its workforce to best meet demand. Finally, this time-tracking data can facilitate the identification of the efficiency opportunities that will have the greatest impact on time management.

## 1.2 Delegate administrative responsibilities from attorneys to LOPs to more efficiently manage and distribute workload across staff

### Observation and analysis

In interviews, attorneys report spending significant time on administrative responsibilities that could be delegated to other staff. For example, attorneys describe updating notes in Damion, filling out rejection forms, creating restitution orders, and filling out protective orders—tasks that do not appear to require a law degree. While some of these activities may need to be completed by attorneys in some instances, there appears to be opportunities to delegate further workload to LOPs. The LOP position description lists many of these legal support tasks as core responsibilities. Delegation of these responsibilities from an attorney to an LOP, in accordance with the County's job descriptions, will enable attorneys to focus on activities that require legal training and allow them to more consistently function at the top of their license.

Given the limitations of the Office's current time-tracking processes, it is difficult to quantitatively assess the amount of staff time dedicated to administrative responsibilities and the extent to which this work is currently being conducted by attorneys or LOPs. The enhanced time-tracking processes described in the recommendation above will enable the collection of data to validate the qualitative findings from the attorney and LOP interviews.

As indicated by the graphic below, the attorney-to-LOP ratio for the Office aligns closely to cohort counties. During interviews, executive staff indicated that one LOP could support up to four attorneys. The graphic below shows Santa Barbara's current ratio is 1.5 attorneys per LOP.

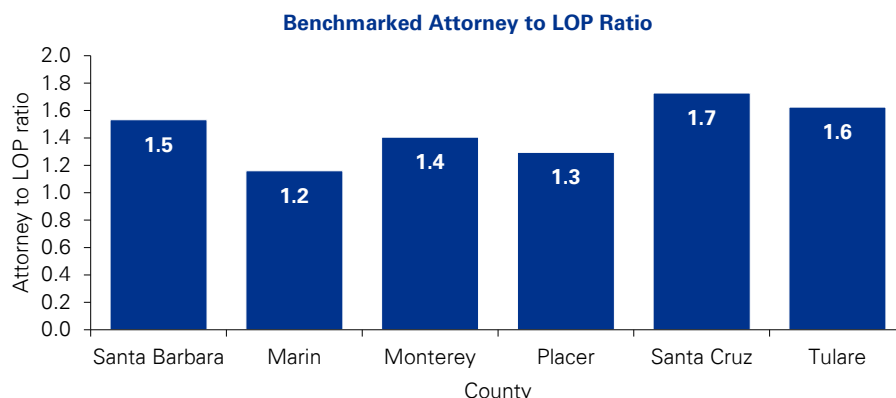


Figure 11 – Source: KPMG LLP

If a task does not require legal expertise, it should be performed by the lowest cost profile employee possible who can competently perform the work. Reducing the administrative responsibilities carried

by Office attorneys will allow these professionals to focus their attention on tasks that can only be completed with their specialized training and licensure. However, both attorneys and LOPs indicated that there is no standard documentation around which responsibilities should be performed by which staff.

As detailed in the previous recommendation, it is recommended that the Office leadership refresh and ensure that SOPs are operationalized to guide which duties should be performed by each level of employee to ensure each staff member operates to the top of their license and training. Second, the Office should use these SOPs, combined with the enhanced time-tracking and workload data described in the previous recommendation, to rebalance the Office's staffing ratios across attorneys, investigators, and LOPs to most efficiently meet demand for services. If significant workload is redirected from attorneys to LOPs, the Office may need to work with the CEO's Office to identify if there is a need for additional LOP staff, the workload analysis should be utilized to determine staffing needs at each level following the projected redistribution of activities.

#### **Anticipated impact**

By delegating nonlegal work to administrative staff, the Office can more efficiently match each employee's workload to their specialized skill set. This recommendation has the potential to increase the capacity, quality, and level of service provided by the Office, particularly at the attorney level, without hiring staff or procuring new technology.

# Organizational structure

## 2.1

### Delegate basic legal tasks from attorneys to LOP IIIs, as permitted under California law, to expand attorney capacity

#### Observation and analysis

Recommendation 1.2 identifies administrative tasks that can be shifted from attorneys to LOPs. Additionally, under California law, paralegals or legal assistants (terms that are used interchangeably in state code) are permitted to carry out a range of legal tasks under the supervision of an attorney, including case planning and development, legal research, drafting documents, and making recommendations to a supervising attorney. Shifting less complex legal tasks, such as legal research or drafting documents, to LOP IIIs will free up attorney capacity to focus on more complex legal issues. While some of these basic legal tasks may be delegated at present to legal interns and Investigative Assistants, there appears to be opportunities to further delegate low level legal work to LOP IIIs.

Experienced LOPs, specifically LOP IIIs, may meet the state's educational requirements to complete paralegal or legal assistant work; namely, at a minimum, the possession of a bachelor's degree, one year of law-related experience under the supervision of an attorney, and a written declaration from the attorney that the individual is qualified to perform paralegal tasks. California law also allows individuals to work as a paralegal if they have a high school diploma or GED and three years of law-related experience under the supervision of an attorney and a similar written declaration from that attorney. California law also requires paralegals to complete eight hours of continuing legal education every year. More importantly, the job description for LOP IIIs in Santa Barbara County allow for the assignment of legal tasks to be performed.

Based on interviews, the Office's LOP IIIs, who meet the educational requirements, may not be dedicating significant time to the basic legal tasks outlined in their current job description, such as legal research or fact gathering. Examples of legal work that can be performed by LOP IIIs under California law would be independently drafting legal documents in preparation for attorney review and collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney. However, at present, all levels of LOPs report spending significant time on administrative tasks, such as uploading documents to Damion or answering phones and no requirement for LOP IIIs to provide basic legal support.

As detailed in Recommendation 1, the Office should implement processes to better track and understand LOP workload. At present, there is no data to determine the proportion of LOP III time spent on administrative tasks versus legal tasks. If the Office were to implement a timekeeping and workload review process, it should develop a comprehensive understanding of the extent to which LOPs are spending time on each of the above permitted activities. Based on this analysis, Office leadership can determine whether the Office would benefit from reallocating the responsibilities performed at the LOP level, with LOP Is focused on administrative responsibilities and LOP IIIs dedicated to the basic legal tasks permitted to paralegals. This delegation would be dependent upon the Office having sufficient LOPs to handle the workload associated with administrative tasks. The sufficiency of current LOP staffing levels can also be verified through the outputs of the workload study outlined in Recommendation 1. Subsequent to this enhanced understanding workloads, roles,

and responsibilities, there will need to be a fundamental consideration around the structure and workforce mix of the organization to provide the most cost effective and optimal use of resources.

### Anticipated impact

Utilizing LOP IIIs to assist in basic legal tasks will not only improve the legal and technical expertise of the LOP staff, it will assist in reducing the workload burden of attorneys, allowing the Office to more efficiently match each employee's workload to their specialized skill set. This shift may be particularly important given reports of increasing case complexity. Shifting basic legal tasks to LOP IIIs will allow attorneys to focus their attention on complex responsibilities associated with the Office's current caseload. This recommendation has the potential to increase the quality and level of service provided by the Office, without hiring staff or procuring new technology. In particular, it may improve the efficacy of Office attorneys by allowing them to focus their time and attention on the most complex legal issues.

## 2.2 Review mid-level attorney pay for parity with benchmark counties to strengthen retention

### Observation and analysis

A challenge enumerated repeatedly in interviews was the inability to retain mid-level attorneys. The perspective shared by executive leadership was that mid-level attorney pay was not comparable to cohort counties. An analysis of the average salary for mid-level attorneys in benchmark counties confirms this view, with average salary for DDA III being 9 percent lower than the average across benchmark counties and the average for a DDA II being approximately 4 percent lower than the average.

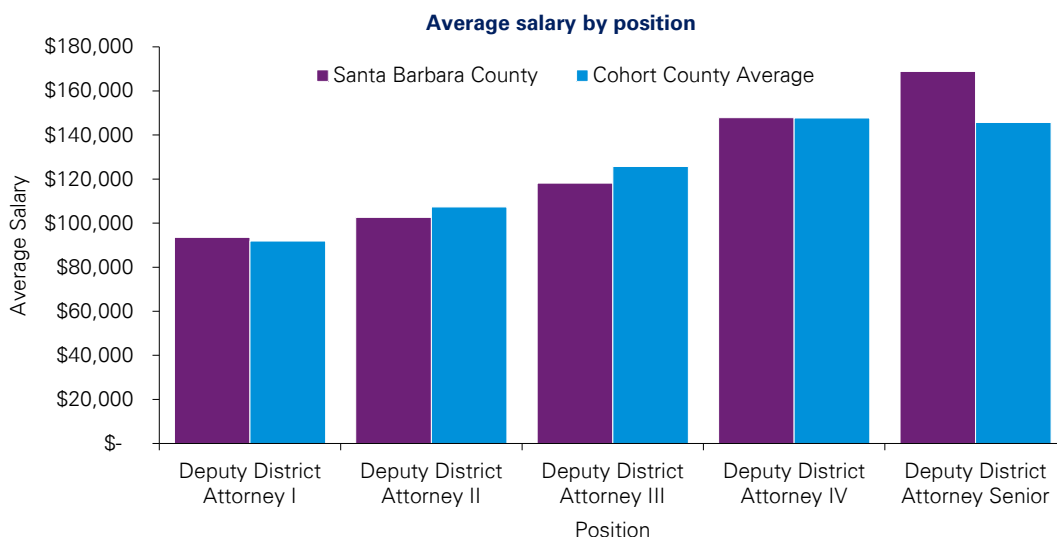


Figure 12 – Source: KPMG LLP

However, when analyzing the attrition and retention rates of all DDA positions, retention for DDA III is not the only challenge. As illustrated in the following graph, data demonstrates that between the years of 2017 and 2019, there has been a net loss of FTEs in DDA III, IV, and Senior, and a net gain for DDA I and II. Separately, as demonstrated in the graphic above, the salaries for DDA I, IV, and Senior are either leading or competitive when compared to cohort counties.

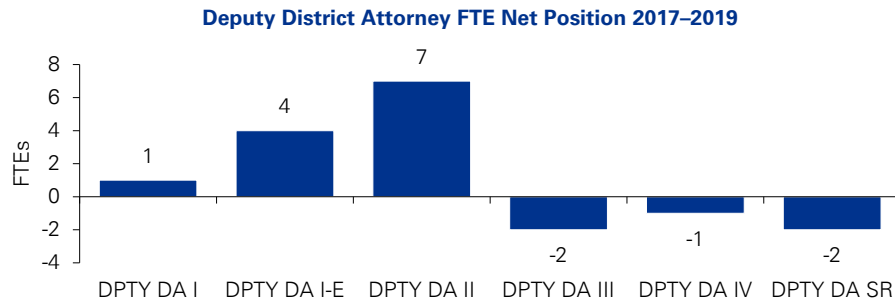


Figure 13 – Source: KPMG LLP analysis of District Attorney data

This indicates that there are more challenges to retention than salary alone and warrants further investigation by the Office. This should be conducted in collaboration with County HR in the attempt to understand both the drivers of attrition as well as develop comprehensive strategies around recruitment pipeline building and creative incentive structures. This collaboration should focus on developing a prioritization framework for recruitment and retention planning as well as enhancing the understanding of the areas of high risk. As noted above, the general assumption by Office leadership is that salary is the leading driver of attrition; however, the data suggests that it may be a more complicated challenge. The Office may benefit from an in-depth review of its compensation practices, including the attorney positions described above as well as salaries for staff in the Victim Witness Unit, which interviewees attested may not be commensurate with the skillset desired.

#### Anticipated impact

By studying and resolving challenges in retention, the Office can position itself to compete for and retain the talent it needs to fulfill its mission in the long term. While success in this area will require collaboration with County HR, increased retention of experienced attorneys will help drive greater organizational stability and contribute to improved outcomes for the Office.

## 2.3 Streamline the case filing process to enhance consistency and accountability

### Observation and analysis

During interviews, it was enumerated by staff that the case filing process was at times conducted inconsistently across offices. Staff noted that misdemeanor attorneys in Santa Barbara and Santa Maria file their own cases (with the exception of domestic violence cases), while the Lompoc Office designates one attorney to manage the filing for all cases. Office leadership notes that this variation is designed to reduce misdemeanor attorney workload in the Lompoc office however it may be worth exploring the adoption of the same practices across all offices. In follow up conversations, Office leadership asserted that the case filing processes are standardized and further supported by the hiring of an Extra Help attorney as of summer 2020. There may be additional staffing required to maintain this current structure, if the Office is not able to maintain its current Extra Help staffing.

It is recommended that the Office prioritize developing consistent and sustainable processes for case filing. While there is very little literature and few studies conducted around leading practices in this particular area, there should be strong consideration around adopting the model in which there are a team of attorneys tasked exclusively to filing cases. A potential variation to this is that the positions could be treated as rotational and an opportunity to cross-train. Establishing this team will allow for a finite number of attorneys to become experts in not just filing practices, but in

implementing the guiding principles and prosecutorial philosophy of the District Attorney. While it is important to embrace the notion of prosecutorial discretion when filing charges which allows for prosecutors to make an informed, independent decision regarding a case they have been presented, this must be exercised within the confines of policies and standards of the elected leader of the Office. For example, as enumerated in Recommendation 6.2, it was discussed in interviews that there are attorneys who are receiving cases that qualified for diversion in which it was not offered, and there are supervisors who noted that cases could have been diverted but were not when doing case audits. While there is merit to the argument that this is an example of prosecutorial discretion, the fact remains that the District Attorney has a misdemeanor diversion program currently, and recently publicly committed to exploring a felony diversion program, and establishing a team of dedicated attorneys who specialize in filing cases will help to minimize and mitigate deviations from the policies and preferences of the District Attorney. The focus of this recommendation lies in the process of filing cases and helping provide an efficient approach for all Offices and staff and is not commenting on the prosecutorial discretion exercised within this process.

#### **Anticipated impact**

By creating a team of dedicated filing attorneys, there will be a more streamlined approach which will help enhance the consistency of the case filing process by limiting the number of attorneys tasked with this responsibility.

# Discovery

## 3.1 Track discovery volume and processing time to acquire data-driven understanding of related workload

### Observation and analysis

In interviews, Office staff frequently referenced the growing workload consumed by the collection, processing, and analysis of digital evidence, in particular videos, digital photos, cell phone extracts, and audio files. The trend is supported by the Office's data tracking: from FY14 to FY18, the total volume of discovery processed by the Office grew by roughly 100 percent, and the growth rate of audio, cell phone extracts, transcripts, and videos has been closer to 200 percent. At present, the Office tracks the number of discovery items processed but not their size.

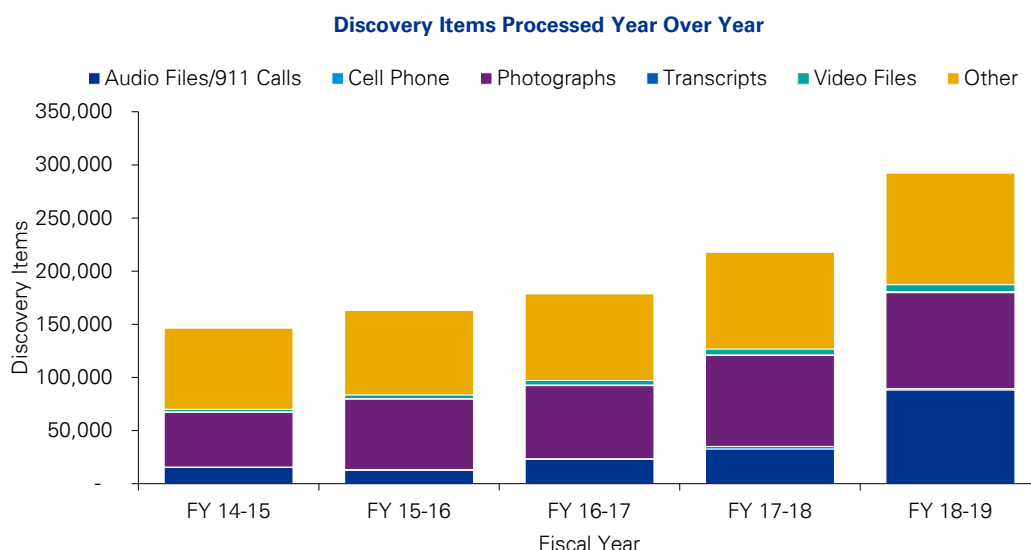


Figure 14 – Source: KPMG LLP analysis of Damion extract

There is processing time and workload associated with each piece of evidence received by the Office. For digital evidence, processing may include tasks such as copying or moving the storage location of an item or more complicated tasks such as analysis and review. Recommendation 3.2 outlines steps that the Office can take in partnership with County ICT to reduce the workload associated with the storage and processing of video. As enumerated in more detail in Recommendation 1, the Office does not currently require staff members to track the amount of time spent on tasks associated with the work they are performing. Given this lack of data, the Office is not currently able to quantify the increased amount of staff time consumed by processing discovery, following the significant increase in volume received. It is recommended that the Office expand its procedures for tracking discovery to include both the size of files received and the associated staff workload with processing these files. As noted in Recommendation 1, time tracking can be conducted on a continuous basis or in a time-limited pilot.



Looking forward, the volume of digital discovery received by the County is likely to continue to increase. During interviews, it was noted by staff that fewer than half of the arresting agencies in Santa Barbara County equip their officers or deputies with body-worn cameras. As the use of body-worn cameras becomes more common, the submission of video evidence will likely increase. Additionally, the County is on the precipice of upgrading its 911 call center into an NG911 system. NG911 will transform the call center into an internet protocol (IP)-based 911 system. This will increase the depth of the profile of the caller by appending items such as geolocation to each call for service, and it will allow the public to send voice, video, photos, and text messages to the call center. Given this expected increase in the volume of body-worn camera footage received and the volume of digital media submitted by the public, the Office may continue to see increasing staff workload dedicated to processing digital discovery if technology or policy solutions are not developed.

To proactively address this expected development, the Office should take the following steps to enhance the understanding of workload, budgetary need, and priority of effort with regards to discovery.

**Action 1: Develop an enhanced understanding of the amount of time it takes to process and review evidence, as well as the size of the files received**

While the Office currently tracks the volume of evidence they receive, they do not have any insight into the size of those files and the amount of time staff is spending on processing and reviewing discovery items required and therefore the associated workload. Below is an example of the type of analysis that the Office should be able to conduct to develop an understanding of the workload on staff. Based on FY18, actual evidence submissions for digital media and a 10- and 20-minute assumption for processing and review respectively, as provided by LOPs in interviews, there is a need for greater than 31,000 hours for processing and 62,000 hours for review, as detailed in the chart below. The Office would benefit from a review of which staff bring the appropriate skill set while remaining a cost-effective resource to carry this significant workload.

	Processing Time (hours) 10 minute assumption	Review Time (hours) 20 minute assumption
Audio Files/911 Calls	14,707	29,414
Cell Phones	199	398
Photographs	15,050	30,100
Transcripts	152	304
Video Files	1,106	2,212
Potential Work Hours	31,215	62,429

Figure 15 – Source: KPMG LLP

**Action 2: Develop a strategy for identifying trends in evidence submission, upcoming legislative and policy actions that will impact the volume of evidentiary submissions**

The latter being critical in light of having limited staff and resources and the fact that not all evidence can be processed at once and immediately. This strategy should include envisioning shifting work to specialized, nonsworn staff, upgrading technology to enable deep dives into data, and working with the CEO's office to develop a data-driven staffing plan to manage current and expected workload.

In developing this strategy to most efficiently manage discovery, the Office may benefit from continuing to collaborate across partner agencies such as the Sheriff and Public Defender, given their involvement in the discovery process. This collaboration would benefit from interagency process mapping to identify opportunities to streamline processes, improve cycle times, and enhance collaboration for sharing evidence.

#### **Anticipated impact**

Establishing a comprehensive understanding of what evidence is being submitted, the rate at which the volume of submitted evidence is increasing, the amount and type of staff time needed to process the evidence, and the drivers of an increase in evidence will allow the Office to make informed, fact-based decisions on staffing, budget, priority, and future actions needed to be taken.

### **3.2 Develop action plan to manage expected increases in the volume of digital discovery**

#### **Observation and analysis**

Damion is unable to accommodate large data files, such as videos and cell phone clones, to specific cases. This poses an increasing challenge due to the increases in digital discovery described in the preceding recommendation. The Office's initial solution to this technological hurdle was to have LOPs and attorneys access the digital media via physical storage devices such as CDs, Blu-rays, and USB drives. This solved an immediate challenge, but created two additional challenges: (1) to use these means requires capital costs for the devices themselves and (2) the creation of the physical storage devices was time consuming and, according to interviewed staff, would frequently make a computer unusable during the creation processes.

The Office should be commended for developing a solution to these challenges through the use of CoreFTP. CoreFTP is an internally hosted file transfer protocol solution that allows for the secure upload and download of digital discovery. They should also be commended for recognizing the limitations to CoreFTP, which is that the files are stored on local server space and developing the next version, which is called eDisclosure. eDisclosure will be a packaging and delivery application for discovery, which will be embedded within Damion to allow staff to more efficiently package and deliver evidence. The Office indicated that eDisclosure will be live by the end of calendar year 2020.

However, even after eDisclosure is implemented, there are still going to be significant challenges around the conveyance of digital discovery, as there are still lengthy upload and download times that prevent employees, and other agencies that need to access discovery, from being able to focus on other computer-related tasks. Moreover, the County has partially implemented Next Generation 911(NG911), as discussed in the previous recommendation, which will create a potentially much higher number of digital discovery items that will take longer to upload and download.

The Office should collaborate with County ICT to focus on maximizing the bandwidth allocation at all three geographical offices and ensure that there is consistent gigabit internet. A common concern raised among staff was the inability to use computers as they are uploading or downloading large files, and this should be addressed by ensuring gigabit internet is available. Separately, the Office should also ensure that the LOPs who are currently tasked with receiving, processing, and delivering digital discovery have computers that have increased processing power and memory. This will allow them to upload and download large files without decreasing the functionality of the computers.

### **Anticipated impact**

Ensuring that each geographical location has gigabit internet and more powerful computers will aide in the timely processing of digital discovery without limiting the ability of LOPs to continue to use their computer.

#### Observation and analysis

In interviews, Office staff describe expending significant amount of time on the receipt, upload, analysis, and download of digital media. As detailed in Recommendation 3.1, LOPs are tasked with receiving and processing the initial transfer of discovery materials, which are then reviewed by attorneys. Meanwhile, investigators typically are responsible for identifying and processing new evidence as the case moves forward based on requests from attorneys.

The Office's investigators are mid-, or end-career sworn officers with extensive law enforcement experience. It may be most efficient to shift some of the technical discovery-related tasks currently handled by sworn investigators to specialized, nonsworn staff with a lower cost profile, such as an investigative technician. For example, nonsworn staff may be well positioned to address challenges around rendering of the video, installation of codecs to view the videos, video or photo editing to enhance the quality, or receiving and processing cell phone clones to get emails or text messages.

During interviews, it was noted by both attorneys and investigators that they can spend hours listening to collected audio and video to find the relevant sections to a case; however, due to the fact that time tracking is not currently conducted in the Office, there is an inability to quantify the amount of time the increase in volume of discovery is having on staff. As shown in the graphic below, there has been a marked increase in the volume of digital discovery processed by the Office since FY14, indicating that there is an increase in workload even though precise task times are known or not.

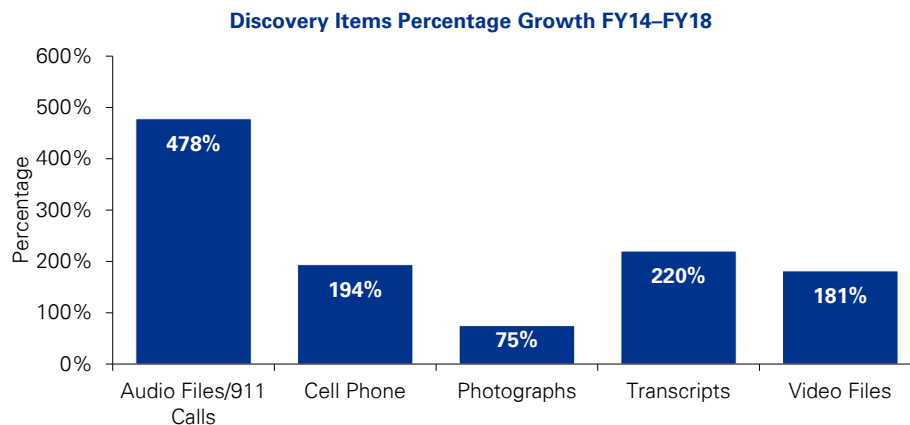


Figure 16 – Source: KPMG LLP analysis of Damion extract

The Office is creating a Cyber Unit that will focus on the receipt and processing of digital media; however, it will be staffed by two investigators, with no nonsworn staff are currently expected to be in the unit. It is important to note that investigators and attorneys need to review the evidence to make an informed decision as it relates to the case, however they should not be the employees that receive, process, and prepare the evidence for viewing, as this does not require their specialized skill set.

The County should consider hiring nonsworn investigative technicians to perform the evidence collection, processing, and identification work that is required. This role should focus on not just receiving and processing the digital media-based evidence, but also performing the initial analysis on the evidence to highlight focus areas for review by the investigator and attorney. This role will help to alleviate the receipt and processing of discovery from LOPs, the follow-up and editing of technology-related evidence by investigators and expedite the review of technology-related evidence by attorneys. Additionally, these nonsworn investigative technicians can be given the technical training and expertise to perform these specialized duties efficiently while remaining a lower-cost position than

attorneys or sworn investigators, who require additional training and skills to perform a broader array of duties.

#### **Anticipated impact**

By utilizing nonsworn and non-attorney employees to perform digital media processing, preparation, and initial review, there will be a cost savings associated with ensuring the correct cost-profile position is performing the work as well as a downstream impact on productivity for investigators and attorneys as they will be performing work that is appropriate for their field and training.

### **3.4 Develop standardized training for law enforcement and enhance outreach efforts**

#### **Observation and analysis**

When a law enforcement agency submits evidence for the District Attorney's review, they submit a form and evidence to the District Attorney's Office. In interviews, attorneys, LOPs, and investigators noted a lack of consistency in the volume of evidence and the quality of the information submitted to the Office from law enforcement agencies when initiating this charging process.

For example, interviewees report that in some instances, law enforcement agencies may submit only the bare minimum of evidence to support charges and then slowly submit the remainder of the evidence at a later date. In other instances, the documentation submitted may be incomplete, such as missing contact information for witnesses and victims. It is important to note that none of the interviewees felt that these delays or omissions were intentional on the part of outside agencies; rather, they stem from the complicated nature of filing charges and the ever-increasing volume of evidence, as enumerated in Recommendation 3.1.

Both attorneys and investigators experience a downstream operations impact from this incomplete or delayed evidence transfer. Investigators may be required to do additional administrative and investigatory work to find and interview victims and witnesses. Between 2017 and 2019, there has been an 8 percent increase in the number of cases assigned to investigators for follow-up, rising from 3,586 cases in 2017 to 3,874 cases in 2019 with each case having an average of two tasks per case.

Office leadership previously developed training documents and hosted roundtables and workshops with the various law enforcement agencies in Santa Barbara County that enumerated the preferred and appropriate procedures and techniques around investigation of, and filing charges in, domestic violence cases. This improved the level of awareness of law enforcement agencies in the appropriate and modern techniques regarding the investigation and awareness of domestic assault as well as reduced the amount of time needed to file charges. Rolling out these trainings and communications around evidence conveyance can yield multiple positive benefits to Office operations, including streamlined workload, reduced delays, and more comprehensive evidence transfer.

These trainings should continue to be given to local law enforcement, and workshops should be offered to go over these best practices for all cases and why they are important. It is important to note that the Office cannot implement all elements of this recommendation independently and that success will be dependent upon cooperation from law enforcement partners. However, further investing in this effort may yield efficiencies in Office operations related to workload and evidence transfer.

### **Anticipated impact**

Further developing training documentation around best practices and procedures for the processes around submitting charges will not only improve the quality of information conveyed, it will also create positive downstream impact on workloads and case management within the Office.

# Data-driven Decision-making

## 4.1 Develop and refresh SOPs and ensure adherence to standard processes

### Observation and analysis

The Office currently utilizes a case management system, Damion, and Office leadership has been actively working on the procurement of a new case management system with additional capabilities, which should be implemented in the coming years. The Office relies on Damion to track key critical metrics, business processes, and operations, such as case assignments, caseloads, and discovery.

According to interviews with staff, system-generated reports and data outputs from Damion often require heavy data cleansing due to challenges with data consistency and integrity, and the reports produced may require significant caveats to interpret. As a result, the reliability, utility, and efficiency of the Office's internal reporting processes are limited by these challenges with data integrity and the need for manual cleansing. This in turn hinders the effectiveness of the Office's current data tracking and performance management efforts, preventing Office leadership from receiving a data-driven perspective into the Office's performance and operations.

Office leadership should be commended for their plan to invest in a new case management system in the coming years to improve the Office's capacity to efficiently track and analyze performance data. As the procurement and implementation of a new system likely remains years away, however, the Office would benefit from developing interim solutions to improve its data tracking processes in the near-term. This recommendation outlines two steps critical to improving Office's data tracking processes, working within the capabilities of Damion.

#### **Action 1: Refresh and enhance SOPs and ensure appropriate implementation to remedy inconsistent data entry**

A review of data extracted from Damion, as well as interviews with Office staff, reveal inconsistent practices around data entry across the District Attorney's three office locations. The Office's IT staff should be commended for their efforts to account for these data discrepancies, for example by adding disclaimers to data sets. However, the Office would benefit from addressing this key root cause of its data reliability challenges through the development of SOPs regarding data entry and the dissemination of these SOPs to staff across the three office locations, as detailed below.

LOPs are responsible for creating and updating cases inside Damion, managing case creation, case updates, discovery updates, and other administrative tasks that occur as a case moves through the criminal justice process. However, within and between the geographical offices, there are discrepancies in data recording practices across LOPs, leading to inaccurate key data points, which inhibits the ability for accurate analysis and reporting. For example, key pieces of information are stored in Damion in free text or nonstandardized fields, such as evidence type, content, and related information. Given the lack of SOPs for entering information into these nonstandardized fields, analysis of information in Damion may require data cleansing, caveating, and standardization on the back end to enable comparison and clear interpretation.

The Office does possess standardized documents that detail Damion's functionality and capabilities. However, there is currently no documentation to standardize how LOPs and other staff enter data into the system, which leads to variations in processes and data quality across staff and offices. The Office is aware of this challenge regarding data entry and has begun implementing steps to address this

issue, including the addition of a Legal Support Manager position and Quality Control Data Committee to provide additional oversight to related to this issue.

Standardizing data entry processes and procedures will help to further enhance the Office's ability to analyze performance and operational data to assess performance, problem-solve challenges, and guide management decision-making. This step will require the development of documentation that explicitly describes the required actions to be taken, the expansion of existing trainings and refresher courses related to SOPs, and, most importantly, routine check-ins by supervisors to ensure that the work is being performed appropriately.

#### **Action 2: Assess opportunities to automate data entry to streamline LOP workload**

Following the refresh of these SOPs, the Office should assess the extent to which data entry can be automated, both in Damion and in the new system yet to be procured. During interviews it was noted that a significant portion of LOP time is spent on duplicative data entry, as well as free text field entry. For example, when filling out forms or motions for attorneys Damion does not prepopulate the fields that are required. This becomes particularly time intensive where there are multiple defendants. There is an opportunity to improve the quality of data and reduce the amount of LOP time spent on data entry by developing identifying opportunities to develop drop-down menus, radial button selections, and binary choices to mitigate natural human variations in data entry and consistency.

#### **Anticipated impact**

By refreshing and helping to ensure adherence to standard processes for entry of key operational and performance data into Damion, the Office will lay the groundwork for enhanced, efficient performance measurement and operational analysis. These standardized processes for data entry will enable the development of a reliable reporting solution for key metrics, as discussed on the following pages.

### **4.2 Develop interim reporting solutions for key metrics to guide management decision-making**

#### **Observation and analysis**

As the Office progresses towards procuring a new case management system, the Office's IT Division has produced documentation that clearly states the desired capabilities and functionalities for the next system. As mentioned above, however, procurement and implementation of this system is likely years away. As a result, it is recommended that the Office develop interim reporting capabilities for key metrics that can be implemented.

In interviews, supervisors noted they lack the reporting tools to most efficiently gain a real-time understanding of caseloads, workloads, and key performance indicators. While qualitative observations provide valuable insights, quantitative data can augment these observations and build the evidence base for key decisions. Without this qualitative insight, supervisors are limited in their ability to predict backlogs, efficiently distribute workload, or proactively manage caseloads. The requirements for the future case management system<sup>6</sup> document a desire to acquire this reporting capability, as noted in requirement number "GN1016," which reads:

*"Ability to track caseloads – assigned/pending/opened/stage of case, etc. – in a manner that provides a picture of that particular user's productivity."*

The Office's IT Division is currently working on several projects to enhance the Department's IT capabilities—for example, by partnering with organizations such as Hewlett Packard and Dell EMC to troubleshoot IT challenges and identify potential uses for artificial intelligence (AI).

<sup>6</sup> "CMS Requirements" created by the District Attorney's Office



In interviews, line attorneys and supervisors referred to an existing quarterly report that provides a post-hoc view of caseloads from the previous quarter. This report lacks, however, a forward-looking view of upcoming deadlines, key activities, and potential threats or conflicts. Additionally, the current timeline of quarterly reporting may be insufficient to provide supervisors with adequate insight into their staff's workload and caseload to enable optimal performance.

Damion is currently capable of producing, in raw data extracts, the data points required to answer basic operational questions and to guide supervisors in developing an enhanced understanding of key factors such as caseloads, interactions, case age, and case types. This data can then be visualized through an automated Power BI dashboard, thereby producing a high-quality report using technology systems and data currently available to the Office. By developing an interim solution to produce more frequent reports that provide forward-looking, current-state, and retrospective views of Office activity, supervisors will be better able to identify challenges early, solve problems proactively, and flex staff or other resources appropriately.

Below is an example of the type of dashboard that can be created with the current data structure in the case management system to provide a real-time understanding of cases, clients, case type, temporal demand, and potential demand for interacting with witnesses and victims. This dashboard was built on a basic data extract from Damion of open cases in 2019 that could be automated to refresh weekly and give a current view of caseloads and productivity for attorneys and supervisors alike. The Office appears to possess staff with the technical capabilities to implement and manage this automated dashboard.

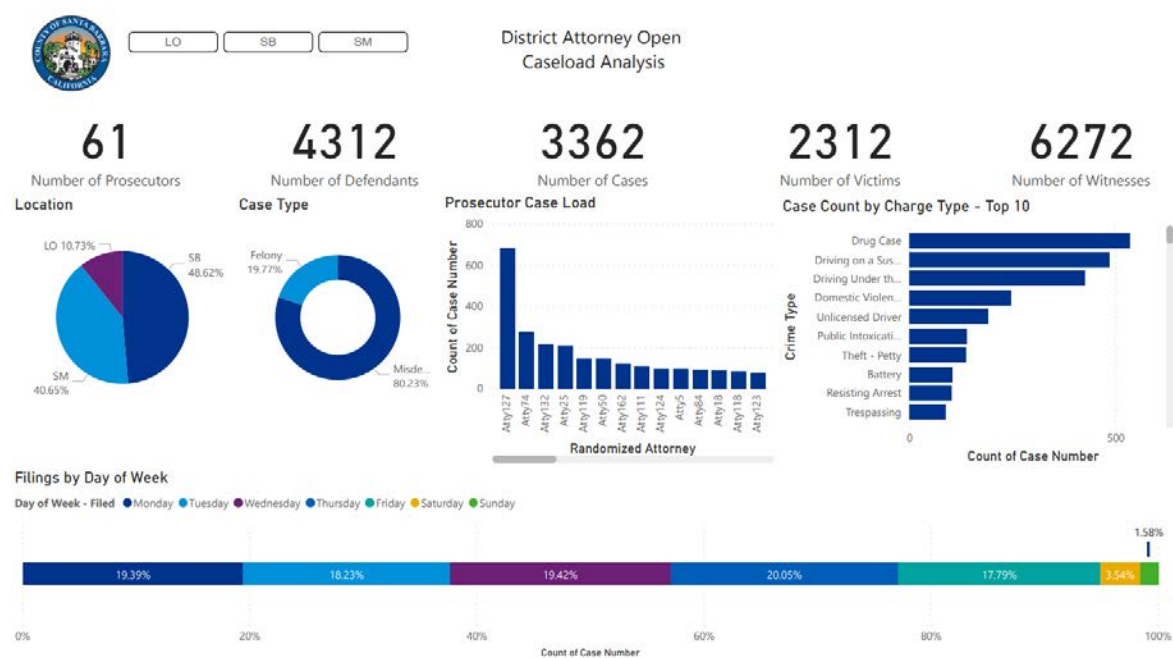


Figure 17 – Source: KPMG LLP analysis of Damion extract

The above graphic provides a high-level visualization of key metrics related to the Office's open caseload, including:

- The share of cases at each office location
- The share of cases by case type (e.g., felony or misdemeanor)
- The share of cases filed by day of week

- The top charge types
- Caseload by attorney.

These metrics can be used to inform management decision-making around issues such as staff scheduling, case assignment, and the use of demand management levers such as diversion. These reports can also be customized to fit varying audiences across the Office. For example, an executive-level view would look at the organization as a whole, a supervisor-level view would start with an office-level or functional area view, and a staff-level report could be customized to fit an individual's caseload, broken down at the felony and misdemeanor level.

Additional metrics that may be useful in guiding executive decision-making are detailed on Recommendation 5 regarding performance management. All of the metrics visualized in the dashboard above can be created based on the Office's current data tracking processes. Some of the recommended performance management metrics detailed in Recommendation 5 may require the Office to expand its current data recording practices.

### **Anticipated impact**

Developing interim operational reporting solutions is critical to having an enhanced understanding of the input, throughput, and output of the Office while a new case management system is under procurement. Accurate, customizable reports can enable strategic decision-making around topics such as caseload and performance management and complement and augment the important qualitative aspects of prosecuting cases.

# Performance management

5

## Strengthen performance measurement processes to enable regular evaluation of progress towards established targets

### Observation and analysis

In the annual budget, the Office lists five key performance measures, which provide some insight into the extent to which the Office is achieving aspects of its strategic performance goals—for example, resolving cases in a manner that makes effective use of court and criminal justice resources. During the interview process, however, leadership and staff noted that the Office does not possess codified performance metrics beyond those listed in the budget book. These indicators alone are insufficient to provide a comprehensive view into performance at the initiative or Office levels, particularly if they are only updated annually during the budgeting process.

This recommendation outlines a series of steps to expand key performance indicators (KPIs) to provide a comprehensive view of performance at the Office and employee levels and to operationalize the data collected to deliver performance feedback and enable continuous improvement. These comprehensive key performance indicators will enhance the Office's capabilities in two ways:

- These performance indicators will provide quantitative evidence of the Office's progress towards the achievement of key initiatives and can be used to advocate for additional resources when necessary or to shift resources across teams or initiatives.
- Office leadership and management will gain increased visibility into their team's performance, thereby enabling the rapid detection and resolution of issues that may arise. This will complement the qualitative understanding leadership and management may already possess, augmenting those insights with further data and evidence to drive decisions and action.

### Action 1: Develop comprehensive performance measures at the initiative and Office levels

The Office would benefit from the development of additional performance measures to more robustly measure and drive performance at the initiative and office levels. These additional measures can relate to internal processes, quality of service provided, and outcomes achieved.

These measures should be aligned to the Office's strategy and designed to provide management and leadership with a data-driven perspective into the Office's progress towards the goals enumerated in this strategy. For example, potential Office-wide KPIs may include but are not limited to:

- Share of cases referred to a diversion program
- Share of diversion referrals who complete required programming
- Share of cases resolved without a trial by pretrial stage
- Ratio of pleas to a lesser charge as compared to pleas as charged.

These example KPIs are not intended to be exhaustive, but rather to provide a starting point to better understand efficiency and effectiveness across the Office.

Additionally, the graphic below outlines exemplar performance measures by employee group. The KPIs are drawn from leading practices nationally, although they may need to be modified to align to the mission statement of the District Attorney in Santa Barbara County.

Attorney	LOP	Investigator
<ul style="list-style-type: none"> <li>Ratio of convictions/cases charged (broken out by felony and misdemeanor)</li> <li>Percent of cases placed into treatment or alternative programs</li> <li>Percent of cases diverted</li> <li>Ratio of pleas to lesser charge/pleas as charged</li> <li>Percent of cases rejected for filing that led to successful re-filing</li> <li>Average time from receipt of case to filing of charges</li> <li>Average time from filing of charges to bring cases to disposition</li> <li>Percent of cases with prosecutorial errors</li> <li>Number of meritorious ethics violations</li> <li>Percentage of cases resolved without trial</li> </ul>	<ul style="list-style-type: none"> <li>Number of motions filed on time as a % of total motions</li> <li>Average time to collect records after assigned</li> <li>Cycle time on transcriptions</li> <li>Average time to create case file after receiving information</li> <li>Average time to process discovery after it is received</li> </ul>	<ul style="list-style-type: none"> <li>Average time to complete tasks as assigned (broken out by category and assignment)</li> <li>Cycle time of subpoena generation and delivery</li> <li>Average time to contact and interview witnesses</li> <li>Time to collect records</li> <li>Client contact frequency and success</li> </ul>

Figure 18 – Source: KPMG LLP

## Action 2: Utilize performance data to guide Office decision-making

Recommendation 4 within the Data-driven Decision-making section of this report outlines opportunities for the Office to leverage existing data from the Damion case management system to develop automated reports in Power BI to more efficiently aggregate and visualize the data necessary to assess some of the KPIs listed in the preceding recommendation. Many of the metrics detailed in the table above can be calculated based on the Office's current data recording practices, while some may require the Office to begin recording additional fields, such as the success rate of client contacts. Additionally, the Office should pursue a capability of efficiently tracking KPIs as it progresses towards the procurement of a new case management system.

Utilizing Damion and Power BI, the Office should be able to develop and run performance reports on at least a biweekly basis. These performance reports can inform management and leadership decision-making around case assignment, prioritizing investments and other initiatives, performance coaching, and other issues. The data-driven view into Office operations provided by these reports can also enable the rapid detection and resolution of issues that may arise, such as unequal distribution of workload, patterns in suboptimal case outcomes, or trends in staff turnover.

## Action 3: Develop a consistent, structured feedback loops for performance at the individual, team, and office-levels

Performance metrics provide value in managing performance at the office, team, and individual levels, enabling employee development while allowing management to make adjustments to maximize the performance of the teams they supervise. In interviews, Office staff across levels noted that processes to deliver performance feedback and coaching are infrequent and unpredictable, outside of the EPR process. At the attorney level, staff reported quarterly case audits and monthly roundtables, where attorneys present on their cases for suggestions from their peers. Additionally, Office leadership notes there is an Office-wide "open door" policy; that staff are encouraged to meet with supervisors and managers to discuss any concerns that they have, and that many supervisors and managers hold routine one-on-one or team check-ins with staff.

In interviews however, attorneys stated they do not consistently receive feedback from their supervisors at either of these meetings. Additionally, there appears to be no additional structured processes to provide an opportunity to discuss challenges that a staff member may be feeling or

provide a chance for staff to ask questions. At the LOP and investigator levels, staff report that performance is discussed only on an *ad hoc* basis if something goes wrong.

The Office should be commended for the creation of the Supervising Attorney position to provide further support and guidance to attorneys. To continue this work, and to further establish a culture of open communication, constructive and proactive coaching, and continuous improvement, the Office should establish a formal process to facilitate regular performance coaching and feedback at the individual and team level. Shifting from an *ad hoc* approach to a formalized approach may maximize the outcomes achieved collectively by Office staff and allow for celebration of joint success. It is recommended that Office leadership establish biweekly or monthly performance discussions at the functional leader and staff level. These conversations can be used to discuss not only opportunities for improvement (both in terms of staff performance and office processes) but also career development, retention, succession planning and to identify staff who may be carrying too heavy of a caseload or workload. These individual-level meetings should be augmented by a monthly Officewide management meeting as well as monthly performance management meetings at the team level. In these meetings, Office and team leadership can share successful practices, discuss solutions to challenges identified, and reinforce performance goals at the individual, team, and Office levels.

By strengthening and formalizing performance feedback loops, the Office can more systematically share effective practices, provide support and coaching to employees, and deliver higher-quality services to residents of Santa Barbara County.

#### **Anticipated impact**

By developing KPIs, analyzing these reports on a regular basis, and establishing a formal structure to discuss and implement this data, the Office will have a greater ability to evidence the results it is achieving for County residents, measure progress towards established strategic goals, proactively detect and address challenges as they arise, and provide support and coaching to its staff.

# Initiative management

## 6.1 Develop an overarching strategic roadmap to facilitate coordination, prioritization, and sequencing across key initiatives

### Observation and analysis

The Office, over the past decade, has launched a number of critical and promising initiatives that seek to improve the efficiency of Office operations and the outcomes delivered by Office staff. Office leadership should be commended for identifying areas of need and continuously working to improve the services their staff delivers to the residents of Santa Barbara. High visibility and promising initiatives include:

- The procurement of a new case management system (launched)
- A misdemeanor diversion program (operational for approximately a decade yet a continuing priority for Office leadership)
- A felony diversion program (announced). Interviewees noted that the establishment of this program will be dependent on the identification of community partners and programs to which felony defendants can be diverted.

At present the departments initiatives are outlined in the department budget pages which outlines the priority, sequencing, and investment required for each of the initiatives, however, there appears to be a lack of an overarching strategy document or a roadmap to align and prioritize efforts across all of these initiatives and to help ensure that they are implemented successfully and sustainably. This overarching strategy will help outline the priority, sequencing, and investment required across each of the initiatives and any resourcing or funding constraints which may delay implementation.

It is recommended that the Office develop a strategic roadmap and implementation plan to identify scope, investment, and prioritization of key initiatives across the Office. In articulating this document, the Office should identify short-, medium-, and long-term goals for the each of the identified initiatives. These initiatives should also be prioritized by their level of urgency, community impact, and operational need as well as the level of effort and investment required in their implementation. Having identified short-, medium-, and long-term goals, the strategy roadmap should then detail implementation plans that include project management fundamentals including a target timeline, key milestones, required staffing, and outcome measurement. This roadmap will allow executive leadership to establish clear prioritization and timelines for its initiatives, help ensure that the most critical efforts receive the resources, staffing, and attention necessary to remain on track, and more effectively monitor and problem-solve initiatives should they become delayed.

To cite one example, the Office would benefit from developing a strategic roadmap to guide its technology initiatives and investments. During interviews it was noted that the IT function in the department is largely characterized as reactive. The Office is currently juggling a series of initiatives related to data and technology, including the establishment of CoreFTP and eDisclosure, the procurement of a new case management system, and efforts to expand data collection and reporting. However, there is no overarching process to identify anticipated technology needs or to prioritize or synchronize these improvement efforts. The Office should develop one overarching IT strategy to guide its technology investments in the near term. It may also benefit from the creation of similar

implementation roadmaps related to other ongoing key initiatives, such as misdemeanor and felony diversion, which are discussed in greater detail in the following recommendation.

### **Anticipated impact**

As the Office continues to deploy or prepares to deploy a series of key initiatives, the development of an overarching strategy document or a roadmap will support leadership in effectively sequencing, resourcing, and tracking the implementation of these programs. For example, this document may be used to determine the staffing and budget needs associated with each initiative as well as key timelines associated with each initiatives. Office leadership can then appropriately prioritize and sequence the implementation in a manner that efficiently utilizes available Office staffing and resources to achieve the highest priority goals.

## **6.2 Expand outcome tracking for diversion programs**

### **Observation and analysis**

Attorneys refer eligible defendants into the Office's misdemeanor diversion program, the delivery of which is contracted through an outside provider, based on guidelines that dictate which cases are eligible for diversion based on charge type. There are a series of exclusionary charges, meaning if a defendant is charged with a certain crime they do not qualify for the program. If defendants register for and complete the diversion program within the allotted period of time, charges will not be filed.

According to the dataset received from the misdemeanor program provider, in 2019, 11 percent of misdemeanor cases presented were diverted. This data set does not note the percentage of clients who complete the program, provide historical data, or provide data at the geographical office level. There is a discrepancy between the diversion data recorded within the Office's case management system and that provided from the program provider. This data discrepancy highlights the need for improved data management internally within the Office in addition to the enhanced level of detail to record outcomes from the program.

The Office would benefit from enhancing the data management and outcome tracking related to the misdemeanor diversion program. In particular, this enhanced data tracking should be designed to allow the Office to assess the effectiveness of the program's operations. For example, key operational questions include but are not limited to:

- Are eligible defendants being referred to the program consistently?
- Of those referred, what percentage complete the program?
- Of those who do not complete the program, what are the drivers of this failure to complete?

To gain insight into these questions, key metrics would include the number of individuals referred, the number of referred individuals who successfully complete the program, the reason for an individual's withdrawal or dismissal from the program, and the estimated financial savings to the Office and the County through avoided attorney and court time due to diversion. There are currently no performance reports produced by the vendor who provides the services given to the attorneys.

Additionally, while the Office has announced its desire to launch a felony diversion program, Office leadership stated that the creation of this program is contingent upon the identification of sufficient community-based programs to which felony defendants can be diverted. The Office would benefit from collaborating with the Probation Department, Sheriff's Office, Behavioral Wellness, and other County agencies to identify potential partners to launch this program. Upon implementation, the felony diversion program would benefit from outcome tracking similar to that described above.

### **Anticipated impact**

Diversion programs have the potential to reduce court congestion and connect justice-involved residents to services that address their criminogenic needs while streamlining the workload facing the District Attorney's Office. By directing eligible defendants to community-based resources outside of the criminal justice system, the Office can focus its resources and staff time on prosecuting cases that Office leadership determines require criminal justice involvement for resolution. Expanded outcome tracking will help to maximize that the Office's diversion programs are delivering to participants and to County residents and will enable problem solving and continuous improvement of program operations.





# Implementation Tear Sheets

The implementation roadmap is accompanied by a detailed “tear sheet” for each Office recommendation outlined in the roadmap that would have the most impact or is anticipated to be the most difficult to implement. Each tear sheet provides an explanation of the activities, resources required, impact, level of effort, and other considerations. With careful assessment of these factors and the organization’s current capabilities, the sequence of recommendations reflects the appropriate course action that the County should take in implementing the recommendations.

# Workload Management

## Enhance timekeeping and workload tracking for attorneys, investigators, and LOPs to transition to a data-driven workload allocation and staffing model

This tear sheet describes the steps needed to be taken to improve timekeeping and workload tracking for staff and develop a data-driven workload allocation and staffing model.

### Key Activities:

- Increase adherence to SOPs for core responsibilities and data entry through re-training of staff on official procedures to perform work, periodic performance check-ins, and work shadowing. This should be conducted by supervisors of functional areas, and a focus should be on aligning policies and practices across staff, teams, and geographical offices.
- Begin tracking time for key tasks performed by staff. Collect four to six weeks of time tracking data. Leadership may need to remain involved to help ensure staff compliance with time tracking.
- Use time tracking data to assess the time consumed by other core functions of the Office at each staff level, including attorney, administrative, and investigative responsibilities.
- Based on the time tracking and workload data above, review the Office's current workload assignment processes to determine whether tasks are being assigned to the appropriate staff level (for example, can pieces of work be delegated from high cost staff, such as attorneys, to lower cost staff). Additionally, determine whether process improvements can be implemented to reduce the time associated with high workload tasks.
- Utilize time tracking data to develop estimates for the workload associated with various case type (e.g., felony vs. misdemeanor cases, adult vs. juvenile cases). Based on this workload analysis, assess the distribution of cases and tasks across staff.
- Deploy workload estimates to guide case assignment process – to help ensure the most efficient management of the Office's current cases – and to develop a data-driven staffing plan for the Office.
- Develop reports to depict current staff workload across the Office. Leadership can use these reports to review the equity of staff workloads and to make case assignment and staffing determinations.

Resources		Deliverables
<ul style="list-style-type: none"> <li>— Office leadership</li> <li>— IT staff</li> </ul>		<ul style="list-style-type: none"> <li>— Creation of workload standards</li> <li>— Revised standard operating procedures</li> <li>— Implementation of time tracking</li> <li>— Development of workload analysis</li> </ul>
Level of Impact	Level of Effort	Duration
High impact	High effort	12 months

# Organizational Structure

## Delegate basic legal tasks from attorneys to LOP IIIs, as permitted under California law, to expand attorney capacity

This tear sheet provides iterative steps to realign roles and responsibilities to the appropriate staff level.

### Key Activities:

- Develop an inventory of the current tasks and responsibilities currently conducted by LOPs and attorneys. Functional leadership throughout the Department should create this inventory through staff focus groups, interviews, and through collaboration with County HR. This work can build upon the time tracking analysis described in the previous tear sheet.
- Assess whether process improvements or automation can be implemented to reduce the time associated with high workload tasks. Determine in what areas LOPs and attorneys are performing duties that do not align with their job descriptions or qualifications.
- Utilize the above inventory, as well as the workload data developed through Recommendation 1, to distribute LOP administrative workload most efficiently across the LOP I, II, and III levels, with low-level tasks concentrated at the LOP I and II levels.
- Utilize the above inventory to identify discreet legal-based tasks that can be performed by LOP IIIs or paralegals under California law. Utilize time tracking data to determine the volume of attorney time that could be freed up through the delegation of these responsibilities and develop a plan to redeploy this capacity. Assess the LOP III staffing need to take on these responsibilities.
- Initiate pilot to test delegation of basic legal tasks from attorneys to LOP IIIs to expand attorney capacity. This pilot should involve a small number of high performing LOPS and should be conducted with thorough oversight by an attorney to help ensure the newly delegated tasks are being performed correctly.
- Solicit feedback from pilot participants to identify strengths and weaknesses related to implementation. Implement modifications as needed to address any issues.
- Following initial pilots, create standard operating procedures, manuals, and trainings to implement the revised roles and responsibilities Office-wide.

Resources		Deliverables
<ul style="list-style-type: none"> <li>— Department leadership, supervisors, and staff</li> </ul>		<ul style="list-style-type: none"> <li>— Revised and clarified job responsibilities</li> <li>— Standard Operating Procedures, manuals, and trainings</li> <li>— Realignment of activities and workload</li> </ul>
Level of Impact	Level of Effort	Duration
High impact	High effort	9 – 12 months

# Discovery

## Track discovery volume and processing time to acquire data-driven understanding of related workload

This tear sheet describes steps that should be taken to develop a more comprehensive, quantitative understanding of workload associated with current and future discovery.

### Key Activities:

- Conduct a time tracking exercise to document the amount of staff time it takes to process and review evidence. This exercise should run for four to six weeks. Participants should also record the size of each file or document received as well as the length of time from receipt to processing.
- Use this time tracking data to develop a data-driven understanding of the workload associated with the current volume of discovery received. Develop a data-driven staffing estimate of the number of FTE's required to manage this workload. This staffing plan should also determine the appropriate staff level to manage discovery, with tasks delegated to low-cost staff when possible.
- Develop a strategy for identifying trends in evidence submission, upcoming legislative and policy actions that will impact the volume of evidentiary submissions, and a prioritization around the types of cases that receive priority for the purposes of processing and review of evidence. The strategy should include envisioning shifting work to specialized, non-sworn staff, upgrading technology to enable deep dives into data, and working with the CEO's office to develop a data-driven staffing plan to manage current and expected workload.

Resources		Deliverables
<ul style="list-style-type: none"> <li>— Office leadership</li> <li>— IT staff</li> </ul>		<ul style="list-style-type: none"> <li>— Time analysis for processing discovery</li> <li>— Workload and staffing analysis for discovery processing</li> <li>— Strategy for analysis of evidence trends</li> <li>— Realignment of evidence processing duties</li> </ul>
Level of Impact	Level of Effort	Duration
High impact	High effort	6 – 12 months

# Data-driven Decision-making

## Develop and implement SOPs to remedy inconsistent data entry into Damion across Office locations

This tear sheet describes the steps that should be taken to minimize inconsistent data entry into Damion.

### Key Activities:

- Develop Standard Operating Procedures (SOP) to guide LOP and attorney interactions with Damion. These documents should depict in detail the expectation of how and when staff input data into Damion – including clear instructions regarding the use of “free text” fields.
- Assess opportunities to minimize LOP workload through automation of data entry. Specific focus should be on high-volume transactions in which automation will bring the greatest workload and time reduction. This exercise should be led by the IT staff and LOP manager.
- Conduct regular quality assurance of data entry practices and data quality within Damion. Additionally, establish an internal monthly meeting which provides status updates to department leadership, identifies challenges to progress, and activates the appropriate employees to best address those challenges.

Resources		Deliverables
<ul style="list-style-type: none"> <li>— Office leadership</li> <li>— IT staff</li> </ul>		<ul style="list-style-type: none"> <li>— SOPs for data entry and standardization</li> <li>— Establishment of a regular quality assurance process to support change management</li> </ul>
Level of Impact	Level of Effort	Duration
High impact	Medium effort	3 – 6 months

# Performance Management

## Strengthen performance measurement processes to enable regular evaluation of progress towards established targets

This tear sheet provides the iterative steps towards developing and measuring performance metrics across the Office.

### Key Activities:

- Develop a comprehensive list of performance metrics at the initiative and Office levels. These measures should be aligned to the Office's strategy and designed to provide management and leadership with a data-driven perspective into the Office's progress towards the goals enumerated in this strategy.
- Utilize performance data to guide Department decision-making. As detailed in the Data and Technology section of this report, the Office should utilize Damion and Power BI, the Office to develop and run performance reports on key metrics on at least a biweekly basis. The data-driven view into Office operations provided by these reports can also enable the rapid detection and resolution of issues that may arise, such as unequal distribution of workload, patterns in suboptimal case outcomes, or trends in staff turnover.
- Develop routine feedback loops for performance at the individual, team, and office-levels. This may include bi-weekly or monthly performance discussions at the functional leader and staff level to review performance data and discuss not only opportunities for improvement. These individual-level meetings should be augmented by a monthly Office-wide management meeting, as well as monthly performance management meetings at the team level. In these meetings, Office and team leadership can share successful practices, discuss solutions to challenges identified, and reinforce performance goals at the individual, team, and Office level.

Resources		Deliverables
<ul style="list-style-type: none"> <li>— Office leadership</li> <li>— IT staff</li> </ul>		<ul style="list-style-type: none"> <li>— Comprehensive list of performance metrics</li> <li>— Automated dashboards with performance data</li> <li>— Monthly performance meeting</li> </ul>
Level of Impact	Level of Effort	Duration
High impact	Medium effort	6 – 9 months

# Initiative Management

## Develop a strategic roadmap for key initiatives to facilitate coordination, prioritization, and sequencing

This tear sheet describes the steps that should be taking to develop a roadmap to track and measure key initiatives to ensure successful implementation.

### Key Activities:

- The Office should identify short, medium, and long-term goals for the each of the identified initiatives. These initiatives should also be prioritized by their level of urgency, community or client impact, and operational need, as well as the level of effort and investment required in their implementation.
- The strategy roadmap should then detail implementation plans that include project management fundamentals including a target timeline, key milestones, required staffing, and expected outcomes to include performance measures. Each initiative should be treated as an independent project that receives a project plan, charter, and an executive sponsor.
- The Office should then create regular intervals in which updates and reports are delivered to Office and County leadership giving the status of projects and initiatives, and, once the initiative has been launched, performance reporting of the initiative in terms of outcomes achieved and assessment of sustainability of the initiative.

Resources		Deliverables
<ul style="list-style-type: none"> <li>— Office leadership</li> <li>— IT staff</li> </ul>		<ul style="list-style-type: none"> <li>— List of initiatives with project plan, detailing staffing need, prioritization, and funding estimate by initiative</li> <li>— Routine project update meetings with status reporting</li> </ul>
Level of Impact	Level of Effort	Duration
Medium impact	Low effort	3 – 6 months

# Prioritized Timeline

The graphic below provides an implementation timeline for the action items detailed in the tear sheets above.

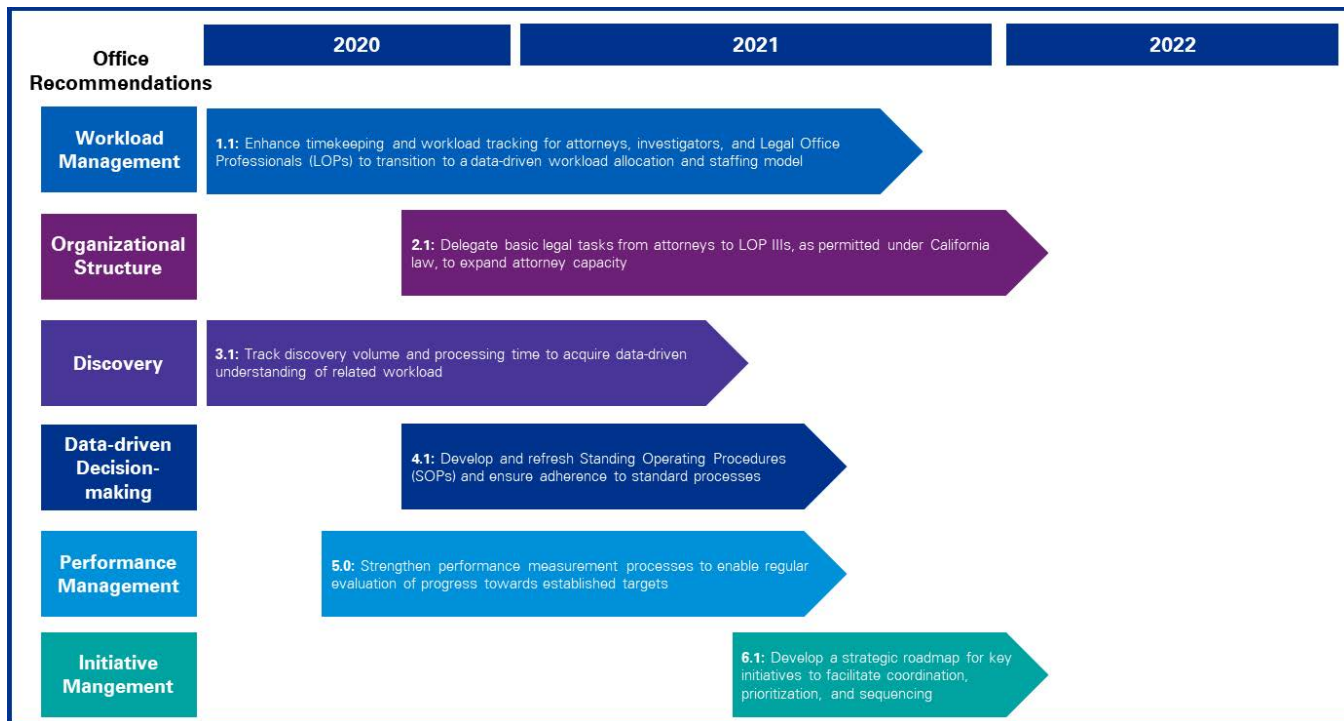


Figure 19: Source - KPMG LLP 2020



# Appendix A: Recommendation and action item summary table

#	Office recommendations
<b>Workload management</b>	
<b>1.1</b>	<b>Enhance timekeeping and workload tracking for attorneys, investigators, and legal office professionals (LOPs) to transition to a data-driven workload allocation and staffing model</b> <ul style="list-style-type: none"> <li>— Action 1: Increase adherence to SOPs for core responsibilities and data entry</li> <li>— Action 2: Implement interim time and workload tracking processes, and commission a time study</li> <li>— Action 3: Assess distribution of cases across attorneys and develop a case assignment process to allocate workload efficiently</li> </ul>
<b>1.2</b>	<b>Delegate administrative responsibilities from attorneys to LOPs to more efficiently distribute workload across staff</b>
<b>Organizational structure</b>	
<b>2.1</b>	<b>Delegate basic legal tasks from attorneys to LOP IIs, as permitted under California law, to expand attorney capacity</b>
<b>2.2</b>	<b>Review mid-level attorney pay for parity with benchmark counties to strengthen retention</b>
<b>2.3</b>	<b>Streamline the case filing process to enhance consistency and accountability</b>
<b>Discovery</b>	
<b>3.1</b>	<b>Track discovery volume and processing time to acquire data-driven understanding of related workload</b> <ul style="list-style-type: none"> <li>— Action 1: Develop an enhanced understanding of the amount of time it takes to process and review evidence, as well as the size of the files received</li> <li>— Action 2: Develop a strategy for identifying trends in evidence submission, upcoming legislative and policy actions that will impact the volume of evidentiary submissions</li> </ul>
<b>3.2</b>	<b>Develop action plan to manage expected increases in the volume of digital discovery</b>
<b>3.3</b>	<b>Delegate processing of digital-media-based discovery materials to nonsworn investigative technicians to more efficiently manage workload</b>
<b>3.4</b>	<b>Develop standardized training for law enforcement and enhance outreach efforts</b>
<b>Data-driven Decision-making</b>	
<b>4.1</b>	<b>Develop and refresh standing operating procedures (SOPs) and ensure adherence to standard processes</b> <ul style="list-style-type: none"> <li>— Action 1: Refresh and enhance SOPs and ensure appropriate implementation to remedy inconsistent data entry</li> <li>— Action 2: Assess opportunities to automate data entry to streamline LOP workload</li> </ul>

#	Office recommendations
4.2	Develop interim reporting solutions for key metrics to guide management decision-making
Performance management	
5.0	<b>Strengthen performance measurement processes to enable regular evaluation of progress towards established targets</b> <ul style="list-style-type: none"> <li>— Action 1: Develop comprehensive performance measures at the initiative and Office levels</li> <li>— Action 2: Utilize performance data to guide Office decision-making</li> <li>— Action 3: Develop routine feedback loops for performance at the individual, team, and office-levels</li> </ul>
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

# Appendix B: Benchmark comparisons

Benchmark comparisons were conducted with the recommended eight benchmark counties. It should be noted that not all County budgets present information on budget and staffing. This limitation drove what information is presented in the following benchmarking tables. Counties with zero values for either FTEs or budget have not been included in the averaging.

## District Attorney's Office benchmark comparison

	Budgets in \$'000	Santa Barbara County	Average	Monterey	Solano	Sonoma	Tulare	Placer	San Luis Obispo	Marin	Santa Cruz
FY17	District Attorney FTE	131	129	150	131	128	204	130	105	84	99
	Percent of Enterprise	3.21%	3.78%	2.88%	4.33%	3.06%	4.08%	4.48%	3.75%	3.66%	4.01%
	District Attorney Budget	\$24,352	\$21,803	\$25,598	\$24,088	\$28,645	\$22,431	\$21,989	\$16,849	\$18,121	\$16,702
	Percent of Enterprise	2.26%	2.32%	1.95%	2.42%	2.08%	2.04%	2.54%	2.80%	2.58%	2.15%
FY18	District Attorney FTE	132	130	150	132	130	202	134	106	81	103
	Percent of Enterprise	3.17%	3.22%	2.82%	4.30%	3.12%	4.01%	0.00%	3.80%	3.55%	4.15%
	District Attorney Budget	\$25,857	\$23,206	\$26,288	\$26,177	\$28,914	\$24,486	\$24,842	\$18,397	\$18,349	\$18,197
	Percent of Enterprise	2.34%	2.30%	1.76%	2.49%	1.84%	2.17%	2.56%	2.91%	2.58%	2.09%
FY19	District Attorney FTE	141	131	158	139	113	205	134	110	81	106
	Percent of Enterprise	3.31%	3.83%	3.06%	4.59%	2.80%	4.01%	4.60%	3.93%	3.50%	4.18%
	District Attorney Budget	\$27,339	\$24,341	\$29,063	\$26,480	\$29,059	\$26,770	\$24,803	\$19,156	\$18,929	\$20,465
	Percent of Enterprise	2.40%	2.34%	1.92%	2.61%	1.78%	2.08%	2.40%	3.02%	2.45%	2.47%

Figure 20: Source - KPMG LLP 2020

While the above table indicates that while in FY19 the District Attorney's Office had a higher number of FTEs than the average of their cohorts, it is a smaller percentage of the total enterprise. However, the FY19 budget and percentage of enterprise are slightly higher than the average.

## District Attorney's Criminal Prosecution benchmark

	Budgets in \$'000	Santa Barbara County	Average	Monterey	Solano	Sonoma	Tulare	Placer	San Luis Obispo	Marin	Santa Cruz
FY17	DA Criminal Prosecution FTE	120	84	134	62	-	-	-	74	66	-
	Percent of Enterprise	2.94%	2.53%	2.57%	2.04%	-	-	-	2.64%	2.89%	-
	DA Criminal Prosecution Budget	\$22,260	\$18,323	\$23,359	\$14,485	\$23,404	-	-	\$12,045	-	-
	Percent of Enterprise	2.07%	1.73%	1.78%	1.46%	1.70%	-	-	2.00%	-	-
FY18	DA Criminal Prosecution FTE	121	89	134	62	112	-	-	72	64	-
	Percent of Enterprise	2.89%	2.52%	2.52%	2.01%	2.69%	-	-	2.56%	2.81%	-
	DA Criminal Prosecution Budget	\$23,181	\$20,540	\$23,254	\$15,735	\$25,489	\$24,259	-	\$13,964	-	-
	Percent of Enterprise	2.10%	1.81%	1.55%	1.50%	1.62%	2.15%	-	2.21%	-	-
FY19	DA Criminal Prosecution FTE	129	87	137	69	95	-	-	73	64	-
	Percent of Enterprise	3.04%	2.53%	2.65%	2.27%	2.36%	-	-	2.59%	2.77%	-
	DA Criminal Prosecution Budget	\$25,066	\$21,504	\$24,768	\$15,891	\$25,974	\$26,471	-	\$14,416	-	-
	Percent of Enterprise	2.20%	1.83%	1.64%	1.56%	1.59%	2.06%	-	2.28%	-	-

Figure 21 - Source: KPMG LLP 2020

The Office in FY19 has both a higher FTE count and budget than the average of their cohorts in their Criminal Prosecution division, as demonstrated in Figure 21 above. It is important to note that the

Criminal Prosecution division in Santa Barbara, like all of the cohort counties, includes victim and witness support staff, however this level of detail is not provided within the budget breakdown. While all staff in this division are a part of the criminal justice process, they might not all be directly related to the prosecution of defendants.

### District Attorney's Civil Prosecution benchmark

	Budgets in \$'000	Santa Barbara County	Average	Monterey	Solano	Sonoma	Tulare	Placer	San Luis Obispo	Marin	Santa Cruz
FY17	District Attorney FTE	2	11	16	5	-	-	-	-	-	-
	Percent of Enterprise	0.05%	0.24%	0.31%	0.17%	-	-	-	-	-	-
	District Attorney Budget	\$367	\$2,106	\$3,205	\$1,006	-	-	-	-	-	-
	Percent of Enterprise	0.03%	0.17%	0.24%	0.10%	-	-	-	-	-	-
FY18	District Attorney FTE	3	11	16	6	-	-	-	-	-	-
	Percent of Enterprise	0.06%	0.25%	0.30%	0.20%	-	-	-	-	-	-
	District Attorney Budget	\$406	\$2,135	\$3,034	\$1,237	-	-	-	-	-	-
	Percent of Enterprise	0.04%	0.16%	0.20%	0.12%	-	-	-	-	-	-
FY19	District Attorney FTE	3	14	21	6	-	-	-	-	-	-
	Percent of Enterprise	0.06%	0.30%	0.41%	0.20%	-	-	-	-	-	-
	District Attorney Budget	\$434	\$2,773	\$4,294	\$1,251	-	-	-	-	-	-
	Percent of Enterprise	0.04%	0.20%	0.28%	0.12%	-	-	-	-	-	-

Figure 22 - Source: KPMG LLP 2020

The Office has a significantly lower Civil Prosecution division than its cohort counties, however, there was very little data available for comparison. In some instances, the civil prosecution division was outsourced to a third party, and in others it was not clearly delineated in budgets.

# Appendix C: Meeting tracker

This section provides detail on the meetings held with the District Attorney during the review.

Subject	KPMG Attendees	Meeting date
Interview with District Attorney Joyce Dudley	Bill Zizic, Caoimhe Thornton, Alex Rothman, Steven David	6/22/2020
Interview with Michael Soderman	Bill Zizic, Caoimhe Thornton, Alex Rothman, Steven David	6/23/2020
Interview with Megan Rheinschild	Caoimhe Thornton, Alex Rothman, Steven David	6/23/2020
Interview with Michael Soderman, Jose Alvarez, Elaine Contreras, and Andrew Stears	Caoimhe Thornton, Alex Rothman, Steven David	6/23/2020
Chief Deputy Focus Group - Sonia Balleste, Mag Nicola, Kelly Duncan, John Savrnach	Alex Rothman, Steven David	6/24/2020
Interview with Ed Olsen	Steven David	7/8/2020
Interview with Elaine Contreras	Alex Rothman, Steven David	7/14/2020
Interview with Nicole Myung	Alex Rothman, Steven David	7/14/2020
Interview with Anne Nudson	Alex Rothman, Steven David	7/20/2020
Interview with Jeff Ellis	Steven David	7/21/2020
Deputy District Attorney Focus Group - Maggie Charles, Brian Cota, Scott Donahue	Alex Rothman, Steven David	7/22/2020
Interview with Bob Lowry	Steven David	7/22/2020
Interview with Chief Investigator Pat Clouse	Alex Rothman, Steven David	7/24/2020
Interview with Jose Alvarez	Steven David	7/28/2020
Interview with Marina Santisteban and Richard Chou	Alex Rothman, Steven David	7/29/2020
LOP Focus Group 2 - Jennifer Duggar and Johanne Calfo	Steven David	7/29/2020
LOP Focus Group 1 - Brandy Salinas, Vanessa Diaz, and Georgina Rodriguez	Steven David	8/11/2020
Interview with Noah Abolafia-Rosenzweig and Brian Lee	Steven David	8/12/2020
Interview with Chris Dalbey	Steven David	8/13/2020
Interview with Aaron Corey and Elizabeth Branch	Steven David	8/13/2020
Follow up Interview with Michael Soderman and Jose Alvarez	Caoimhe Thornton, Alex Rothman, Steven David	8/25/2020
Theme Discussion with District Attorney Joyce Dudley	William Zizic, Caoimhe Thornton, Alex Rothman	9/3/2020

Figure 23: Source: KPMG LLP

# Appendix D: Data tracker

This section provides detail on data received throughout the District Attorney's Office Review.

Data Item	File Name
Finances	Agency Funds Balance Sheet 2017.xlsx
Finances	Agency Funds Balance Sheet 2018.xlsx
Finances	Agency Funds Balance Sheet 2019.xlsx
Finances	General Fund - Department Balance 2017.xlsx
Finances	General Fund - Department Balance 2018.xlsx
Finances	General Fund - Department Balance 2019.xlsx
Finances	1. Department Budget Breakdowns and Actual Expenditures-Revenues.xlsx
Finances	2. Funding Structures and Revenue Streams.pdf
Finances	Department Compensation Data 2019-20.xlsx
Finances	Salary Table (Department Compensation Data).pdf
Finances	Department Compensation Data 2017-18.xlsx
Finances	Department Compensation Data 2018-19.xlsx
Data	2020Q2_caseloads.xlsx
Data	2019Q1_caseloads.xlsx
Data	2019Q2_caseloads.xlsx
Data	2019Q3_caseloads.xlsx
Data	2019Q4_caseloads.xlsx
Data	2020Q1_caseloads.xlsx
Operations	MOU NCRCC 2019.pdf
Operations	MOU SB ACT 2019.pdf
Operations	CALWORKS-WELFARE FRAUD AGREEMENT.pdf
Operations	DCSS POC.pdf
Operations	FY 19-20 City of SM SART Contract Signed.pdf
Operations	FY 19-20 SART Agreement City of SB.pdf
Operations	HA19 MOUs.pdf
Operations	FY 18-19 Misd Workload.pdf
Operations	FY 18-19 Felony Workload.pdf
Operations	FY 18-19 Juv Workload.pdf
Operations	3. Department Policies & Procedures.pdf
Operations	4. Programs & Unit catalog.pdf
Operations	6. Department Performance Metrics & Targets.pdf
Operations	7. Department Performance Reports.pdf
Operations	9. Department Vendor Contracts List.pdf
Operations	10. Departmental Key Technological Systems Inventory.pdf
Operations	1. Map and List of Department Locations.pdf
Operations	2. Department Strategic Plans.pdf
Operations	3. Department Mandate.pdf
Reports	2017-19 D Pages.pdf
Operations	2016-18 D Pages.pdf

Data Item	
Reports	2019-20 D Pages.pdf
Reports	2018-19 D Pages.pdf
Reports	2. Previous Studies and Review Reports.pdf
Staffing	1. DA Org Chart 19-20 12.13.19.pdf
Staffing	021 201926 Staffing Report.pdf
Staffing	021 201626 Staffing Report.pdf
Staffing	021 201726 Staffing Report.pdf
Staffing	021 201826 Staffing Report.pdf
Staffing	2019-20 Staffing Report.pdf
Staffing	2017-18 Staffing Report.pdf
Staffing	2018-19 Staffing Report.pdf
Staffing	5. Department Recruitment - 021 PP201701 to PP201926 New Hires.xlsx
Staffing	2. Department Time Allocation breakdown by staff member.xlsx
Staffing	3. Department Union Agreement.pdf
Staffing	4. Department Job Descriptions.pdf
Staffing	5. Department Attrition - 021 PP201701 to PP201926 Separations.xlsx

Figure 24: Source - KPMG LLP 2020

# Appendix E: Operating model framework

This section describes the operating model framework that was developed to articulate how a function should be designed, structured, and operated to improve operational efficiency, effectiveness, and service delivery. It consists of six interacting layers that need to be considered in conjunction with each other to determine how to optimally deliver services to the public.

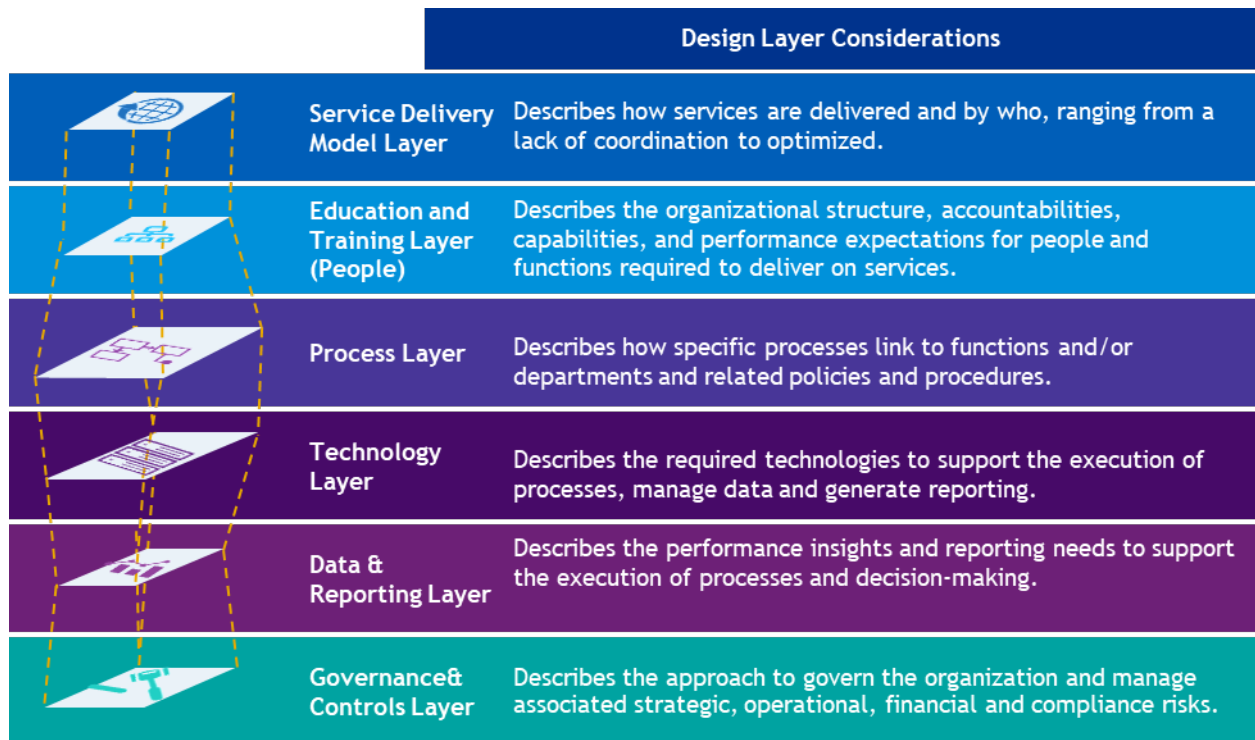


Figure 25: Source - KPMG LLP 2020