

Fiscal Year 2024 Canyon County Budget Request Form

County Office/Department: Canyon County Prosecuting Attorney's Office

Office/Department Functions:

Please share current operating conditions in your Office/Department including statistical information or other detail describing required service levels.

The Office of Prosecuting Attorney is established by Article V, Section 18 of the Idaho Constitution. As a Constitutional Office, the legal duties of the Office are "essential" and its funding – like that of the other Constitutional Offices – must be prioritized over that of the Board's departments, which are largely administrative agencies of convenience, not necessity. The legal duties of the Prosecuting Attorney are generally established by I.C. § 31-2604 and include two primary components: criminal and civil.

The criminal prosecution function is the most well-known and public-facing duty of the CCPA. In 2022, the last year for which we have complete data, we processed over 4,119 felony counts and 15,494 misdemeanor counts, along with thousands of infractions and juvenile matters, hundreds of child protection cases, post-conviction cases, mental commitment cases, search warrants, after hours calls to law enforcement, and other matters. Felonies were slightly down and misdemeanors were up from 2021 totals. In addition to our statutory duties, which include county-wide felony prosecution, CCPA contracts with each city in the County to prosecute their misdemeanors and infractions. This has created numerous efficiencies for all partners involved in the criminal justice system. The annual revenue from these contracts, all of which goes directly to the County, is approximately \$1,000,000. More, the savings to the cities – and most importantly all county taxpayers – of contracting with the County are significant, as are the operational efficiencies realized by the local judiciary, Clerk of the Court, and Sheriff.

The less publicly visible civil function of the CCPA requires us to give legal advice and serve as in-house counsel for the Board of County Commissioners and other elected officials of the County in the conduct of their public business. It is likely that the Civil Division played a role in many of the significant achievements noted by the other Offices and departments in their budget letters. Each year, our civil team provides thousands of "billable" hours of legal work, risk and business management, and general assistance to our clients at a fraction of the market cost a private law firm of similar size and experience would charge. The CCPA provides expert advice and project assistance to every County elected official, as well as the County's administrative departments, including assistance with personnel matters, financial transactions, inmate civil rights, construction, tax valuation, land use, and much more. These services help the County maintain insurance coverage and avoid expensive damages.

Please describe the current environment for Office/Department generated revenue and the projected outlook for future revenues.

CCPA's financial contribution to the County's operation lies mostly in the tax dollars our work saves in legal fees, damage claims, and efficiencies. Direct revenue generated by CCPA consists of approximately one million dollars per year for providing prosecutorial services to the cities, as well as the County's share of civil forfeiture proceeds awarded in court. We do not anticipate significant change to direct revenue this year, as our fees to provide misdemeanor/infraction prosecution for the cities are not based on any profit margin.

"A" Budget – Salaries and Benefits:

Please share the current staffing levels and experiences with retaining and hiring qualified personnel.

The market for experienced attorneys willing to work in the public sector has traditionally been difficult because of high caseloads, high stress, in person appearance requirements, and comparably lower pay than some other government offices and the private sector. The CCPA's admin team had never seen worse conditions for hiring and retention. In the start of calendar year 2022 (January – September) the CCPA lost several experienced attorneys to jobs with lighter caseloads, more work-from-home flexibility, and higher pay. Newer attorneys at the beginning of the prosecution learning curve have had to rapidly scale their abilities and caseloads, without significant financial reward. We are able to offer experience, and other law firms or public entities are more than happy to then pay for that experience. The County spends a lot of money training newer prosecutors and staff, just to see them leave after a few years. When the County approved increases in the last budget cycle (October 1, 2022), the CCPA saw a dramatic increase in retention of attorneys and staff. This has made a huge difference in the office operations and culture. Although we are fully staffed for the first time in several years, we have never had a chance to get caught up with total number of personnel because we were always trying to fill vacancies. The CCPA is still behind based on current caseloads compared to where we should be, but we are making great progress. This is true for both my criminal and civil division.

In the Criminal Division, the impact of large workloads and inadequate funding creates an obvious problem for prosecutors by diminishing a prosecutor's ability to fully vet cases for procedural, legal, or evidentiary deficiencies and adhere to the Constitutional constraints and maintain public safety. Due to increases in forensic evidence and body camera footage, increased number of officers in the field, and other related matters, prosecutors are now required to process more complex and time consuming cases. Case management is a significant component of prosecutorial decision-making. It affects victims, the community, multimillion dollar budget decisions, and represents one of the biggest decision points in the criminal justice system. More importantly, it impacts justice, retribution, and freedom. Canyon County has always done more with less, but we are getting to a tipping point in which we need to begin to invest for the ever expanding County needs.

On the Civil Division side, openings for attorney positions historically attracted dozens of qualified internal and external applicants. With the Board of County Commissioners as one of the CCPA's primary clients, we have been in a transitional stage with an outgoing/incoming majorities. Local media coverage and community gossip about the County's political relationships and priorities, as well as national employment trends, likely have recently discouraged experienced civil attorneys from applying for positions. Moreover, the constitutional and statutory obligations of the Prosecuting Attorney in terms of public safety require a great deal of resources in the Criminal Division, and we have had to reduce our availability for civil counsel accordingly. Because of this, I do not think it is a coincidence that County relationships and projects have been very difficult in 2023. However, with matters settling down, we are optimistic that if the pay is competitive we will be able to hire additional well-qualified civil attorneys.

We have historically endeavored to encourage more junior attorneys with experience in our Criminal Division to transfer to the Civil Division and continue to progress in our internal mentorship program. Because we have been unable to replace several experienced attorneys in Civil and Criminal, one consequence is that we

have been unable to facilitate internal transfers from our Criminal Division to the Civil Division. We are hopeful, however, that with the current stability in the Criminal Division that we will be able to re-implement this proven approach.

Please detail requests for new positions and/or upgrades to current positions.

Criminal Division:

- Two (2) Deputy Prosecuting Attorney Positions: (i) Band II DPA, and (ii) Band III DPA.
 - The Band III DPA position would be assigned to the misdemeanor docket and placed in a supervisory role over the misdemeanor team. Currently my chief deputy is acting as the interim supervisor over the misdemeanor team, but is unable to dedicate the time needed to fully train, mentor, and assist this division. Further, we need additional support in the handling of these dockets. The CCPA received almost 500 new misdemeanor cases from FY 22' (15,023 charges) to FY 23' (15,494 charges).¹ We currently have nine (9) deputy prosecutors and two (2) limited licensed attorneys (those who have not passed the state Bar). That would equate to a load per Deputy PA on the misdemeanor dockets for FY 22' (1,365/per year) and FY23' (1,408/per year). The current numbers appear to remain consistent and/or if not slightly increased. Having a supervisor and someone that can handle a large caseload would be extremely beneficial to the PA's operation. Having a supervisor that can do court observation, training, mentoring, and other supervisory responsibilities would greatly benefit limited experience attorneys. This is where so much time, resources, and development takes place with newer attorneys to the profession of prosecution. Further, it is the CCPA's plan to ask for a new deputy PA for each of the next four years, so if the numbers stay consistent, a deputy would be handling around (1,000/per year) which is far more manageable.²
 - The Band III DPA position would be assigned to the Domestic Violence Team. Currently we have two DPA's that specifically handle felony domestic violence related offenses. The CCPA believes the ideal case load for these types of cases should be no more than 150 cases a year if not less.³ Currently our deputy prosecutors handling these cases are averaging a little more than 400 domestic cases a year.⁴ The Chief Criminal Deputy also assists when able on top of all of his other duties. This covers the seven felony court dockets. Domestic violence related cases are complex and involve unique dynamics that are often misunderstood. They require a lot of time and resources to be successfully prosecuted. These type of cases are often some of the most volatile and often the most deadly. Having the dedicated personnel with training and experience is the best practice in this field as they are able to focus on the offender and exposing their dangerousness. Prosecutor's Office's that have these specialized teams have showed an increased satisfaction and success than those that do not have them.

¹ This does not include infractions which are also part of these attorney's court dockets.

² The national number for public defenders is 400 cases a year.

³ The national number of public defenders for general felony cases is 150 a year. Domestic violence related cases require a lot of time and resources unlike general felony cases.

⁴ The Canyon County Prosecutor's Office processed in FY 2021: 402 felony domestic related offenses (not including homicides) and 1,165 domestic violence misdemeanors. In FY 2022: 428 felony domestic related offenses (not including homicides) and 1,183 domestic violence misdemeanors.

- Expand our legal intern program to encompass the full year rather than just a summer. We have found great value in having limited license interns to help with the busy court dockets. These are law students with a limited law license. We pay them for their services. What we have found is after training them for a year, we have extended job offers if we have positions available and they are a good candidate. This is beneficial to the overall budget and the taxpayer. Six out of seven of our most recent interns have accepted fulltime employment with my office.⁵

Civil Division:

- Two (2) Deputy Prosecuting Attorney (Band III Civil DPA).
 - The increased workload on the civil division has expanded exponentially over the years. Further, the County has moved away from ICRMP, to a quasi-self-insurance. This potentially will require even more involvement from the civil division. The new insurance program also allows us more flexibility in the handling of certain legal matters, even so far as allowing the CCPA in some limited circumstances to defend the county rather than relegating the matter to an outside attorney hired by the county. Further, the Board of County Commissioners has specifically asked for deputy PAs that have an emphasis on land use legal matters, employment law specialization, and contracts. We have also received a specific request from the Assessor to have a deputy prosecutor that specializes in the particular legal matters involving his Office. These types of requests have greatly increased over the past few years. Adding two additional civil deputies will allow us to address both of these desired needs. The additional civil deputies would also be able to assist with the other constitutional offices for which the CCPA is required to provide legal services.
 - It is the intent of the CCPA, to ask for two positions this year, and follow up the next three years with additional deputies and staff as needed. This hopefully will start to address the needs of the ever-expanding county.

Upgrade to positions

- The CCPA will continue to go through its own internal evaluation process. The promotions being recommended will be presented to HIR to be included in the updated employee positions. Evaluations are ongoing, and there already have been numerous PCN's that we have identified that need to be "upgraded" as the question calls for.

Please outline any additional requests related to compensation.

- The County made great strides last budget by getting employee compensation closer to a competitive level. As a result of that, and the other internal changes we are making to maximize retention, the CCPA has seen virtually no turnover. This has led to the retention of highly skilled and talented employees, but more importantly it has drastically increased morale as individuals were able to not be so overwhelmed. Maintaining an equitable cost of living and continuing to refine current salary structures is imperative that the county doesn't go backwards on the progress that we have made. Inflation still remains a problem, and thus, we must take care of our most valuable asset, our employees. I recognize that the State of Idaho recently provided a 4% increase for all state employees and 6% to law enforcement. I would ask that the County follow that lead

⁵ The seventh did not pass the bar and was ineligible for employment.

to all county employees as it has been vetted and approved by the State as an equitable living adjustment. It addresses inflation, keeps our salaries competitive, helps with retention of our current employees, and will be critical in the recruitment of new talent.

- The CCPA is asking that the salary scale the BOCC adopted for CCSO, specifically their detective division, be applied to the CCPA's investigators who are also sworn law enforcement, cross deputized with the Sheriff.

Capital Assets:

Please describe any requests for property, plant, equipment or capital projects with an estimated useful life of greater than one year and an initial cost greater than \$5,000.

Item or Project	Estimated Cost	Priority – see rating scale
<p>Criminal Case Management Software Replacement:</p> <p>As previously discussed with the previous BOCC, IT, and Director Rast, the CCPA has been operating on a case management software that has expired its shelf life approximately three years ago. Canyon County IT was gracious to provide the technical support for two years, we are now one year beyond that. We no longer have licenses, and it is time for us to make the change. We have held off for as long as we possibly could and in doing so have saved the county hundreds of thousands of dollars over the past few years.</p> <p>We are still exploring other options that may push this cost off another year, but at some point the CCPA will need to update its case management software.</p>	<p>\$360,700 (one time upfront cost)</p>	<p>I</p> <p>Digital case management is a legal and operational necessity; a functioning system is literally indispensable to our prosecution work.</p>
<p>Civil Case Management Software:</p> <p>The CCPA has never had its own case management software for the civil division, in that it always used Justware. At the request of the BOCC and in review of our own internal practices, we believe we are at the stage of growth that a case management software is important to the daily functions of the Office, and to provide better ability of tracking time, projects, and resources to the ever growing demands of the PA's Office. We are hopeful that we can utilize Canyon County's IT department and existing software (i.e. Onbase) to create this software. If not we will need to look to the open market.</p>	<p>Potentially \$50,000</p>	<p>I</p> <p>Digital case management is a legal and operational necessity; a functioning system is literally indispensable to our prosecution work.</p>
<p><u>State v. Dalrymple (CR14-20-07840)</u></p> <p>This is a unique homicide that we anticipate will need to have adequate resources dedicated. The BOCC can see how expensive</p>	<p>\$250,000</p>	<p>I</p> <p>This matter is set for trial during FY 24', we anticipate that it could</p>

some of these types of trials are (i.e. the Kohberger case up north, the Vallow case in Boise).		cost the CCPA around \$250,000 to prosecute the case. We are asking that the specific line item that was set up in FY23' carry over and have \$250,000 set aside. This is a legal and operational necessity; a functioning system is literally indispensable to our prosecution work.
Youth Court Commissioner Brooks has requested that the Youth Court funds be placed in the CCPA's budget. If this is the desire of the BOCC, the CCPA has no objection. The total to operate Youth Court effectively has been \$20,000. The program has been a huge success and something Canyon County Should be proud of. I have their proposed budget if the BOCC is interested.	\$20,000	III This would be new and expanded services being asked of the PA.
Motor Vehicle Per the recommendation of the Fleet Director as part of the annual rotation of vehicles in the overall fleet	\$45,000	II
Copier Machines, desktops, laptops Per the recommendation of the IT Director	\$75,000	I and II IT equipment is a legal and operational necessity. Functioning, interchangeable pieces with a common operating system and low-down-time is literally indispensable to our work.

Please answer the following questions relating to each item or project requested.

1. How does the asset support the core mission of your Office/Department?

See above.

2. What are the estimated ongoing operational costs and cost savings?

See above.

Priority Rating Scale:

Priority I – Imperative (must do) – corrects a public health or safety condition, satisfies a legal obligation, prevents severe damage to county property or is vital to providing mandated services.

Priority II – essential (should do) – repairs or replaces an obsolete facility or item, reduces future operating or maintenance costs, or leverages funding sources

Priority III – important (could do) – provides new or expanded services, reduces energy consumption or enhances cultural or natural resources

Priority IV – desirable (would like to do) – would provide public and operational benefit but not an urgent need

Carl	Zach	Alex	Oscar	Sam	Open FY23
Although, as shown in the chart, attorneys will have specific assignments, they will also be assigned to litigation, legal research, etc. across the EO offices and departments as needed.					
Direct contact for all EO's	Legal opinions and research for BOCC	Legal opinions and research for Clerk	Legal opinions and research for Sheriff	Legal opinions and research for Prosecutor and internal procedure development	Legal opinions and research for Assessor, Treasurer, Coroner with intent to become primary contact
Prosecutor's Office administrative duties	BOCC legal staffing and general BOCC projects	As assigned, BOCC legal staffing and general BOCC projects including land use	As assigned, BOCC legal staffing and general BOCC projects	Landfill construction and procurement document review	Secondary Public Records review
Claims, litigation and insurance management and legal review	Employment law related matters for BOCC departments and PA	Employment law related matters for Clerk, Assessor, Treasurer, Coroner	Employment law related matters for CCSO	Major contract review	Minor contracts review as assigned
Legal opinions and research for Assessor, Treasurer, Coroner	Land use through litigation	Primary Public Records review	Secondary Public records review	Secondary Public Records review	Post-Conviction Relief cases
Review County-wide Employment Law related matters	Contract review for BOCC departments	Guardianship and civil forfeitures	Public Administrator cases	Open Meeting Law complaints re: non-County entities	BOCC legal staffing and general BOCC projects as assigned
Civil Division management	Civil Division workflow	U-Visa review	Public land auctions with Treasurer	CCPA internal training and professional development	Secondary on guardianships, civil forfeitures, Public Administrator cases

Footnote: Proposed FY 2024 budget includes 2 new civil positions to take some of the load off of the current Deputy PAs and to allow the Civil Division to take on additional duties from the PA Office and other EO offices.