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OFFICE OF THE DISTRICT ATTORNEY

CLARK COUNTY, NEVADA


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MEMORANDUM

TO DON BURNETTE, COUNTY MANAGER
SUSAN BRAGER, STEVE SISOLAK, LARRY BROWN, LAWRENCE
WEEKLY, CHRIS GIUNCHIGLIANI, MARY BETH SCOW, AND TOM
COLLINS, COUNTY COMMISSIONERS

FROM DAVID ROGER, DISTRICT ATTORNEY 

DATE March 28, 2011

SUBJECT RESPONSE TO 9% BUDGET REDUCTION

Divergent funding in the justice system is crippling my ability, as the elected District Attorney, to meet statutory duties. While the courts and the defense structure have received increases, resources of the District Attorney have been profoundly slashed. Such one-sided treatment ignores the interdependency of the criminal justice system. The disparity has produced additional workload and strain upon my office. This is evidenced by increased case work, court settings and geographic appearances. Because the county has either eliminated or refused to fill over eighty positions, coupled with the county's decision to fully staff courts and criminal defense functions, my legal obligation to protect the community is jeopardized.

NEW COURTS

New judicial departments have greatly expanded district attorney responsibilities:

- The state legislature has added six district court departments to the local judicial district. Designated civil, the new departments have provoked an expansion of civil/criminal assignments in existing departments, increasing venues. The district court overflow trial process has grown proportionately.

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- The Clark County Commission has added four justice courts in Las Vegas, North Las Vegas and Henderson Townships. Las Vegas Township Justice Court is considering an additional master arraignment calendar.
- Specialty courts have been added, including mental health, competency and master calendar.
- Delinquency and Child Welfare Courts have increased the number of judicial officers and courtrooms. The Delinquency Court has increased from two to three Hearing Masters in order to facilitate administrative days for the Hearing Masters and Judge. Child Welfare Courts have increased by one district court judge and one hearing master.
- With a stated purpose of increasing the number of court calendars, the State has provided nearly one-million dollars to fund salaries for an additional hearing master, court clerks and a marshal in Child Support Court.
- Termination of Parental Rights cases have been distributed to ten additional district court departments.
- The implementation of Model Court and other County initiatives will require an increased number of hearings in Child Welfare.

In each instance, the courts and defense attorneys have received additional funding to meet the increased workload. This has included salaries and benefits for the new judges and their staff. New courtrooms have been built and are under construction.

Despite the addition of twelve attorneys in the last two years, the Public Defender insisted that they had insufficient defenders to cover the two new Las Vegas Justice Courts. They were allowed to withdraw from hundreds of cases, requiring the county to hire nine contract attorneys at a cost of nearly one-half million dollars.

In contrast, our office has received no appropriations to balance these systemic enlargements. In fact, our budget has been reduced. Despite the loss of twenty-two attorney positions in the past two years, we have been forced to absorb this expanded courtroom workload. Fourteen of these attorney positions have been rendered obsolete. One was a position expressly provided by the county two years ago to expedite juvenile case reviews. We are trying to maintain the expedited process without the attorney specifically provided for that purpose.

Most courts have been resistant to staggering their calendar times as an accommodation to our shrinking attorney staffing. In order to focus resources on core functions, our office has withdrawn from specialty courts, including Truancy and Drug Courts.

The Family Support Division received no additional attorneys or support personnel to staff the additional court calendars in their venues. It currently has twenty-two vacant positions. State budget cuts contemplate the elimination of ten more positions, even though these salary and benefit costs are 2/3 funded by the federal government. This imbalance has forced the division to withdraw from non-initial courts such as the Employment Assistance Program.

In the Inter-local Contract between Clark County and the State of Nevada, dated June 2008, Clark County is obligated to allocate funds for the provision of services contracted and to assure the funding levels allow for organizational structure and sufficient staff to fulfill child support enforcement functions. The federal government has eliminated the matching funds for earned incentive dollars. These cuts contemplate an increase of enforcement caseloads in the Family Support Division (DAFS) from eleven-hundred cases per worker to thirteen-hundred cases per worker, risking reductions in collections and a corresponding loss in federal incentive dollars. Given the unavailability of these federal performance funding dollars, it is increasingly critical that District Attorney Family Support be fully staffed. Full staffing will enhance eligibility for future federal base performance incentive dollars.

NEW PUBLIC LAWYERS

Defense attorneys added to the public payroll have further amplified district attorney burdens:

- Since publication of the Spangenberg case study, the Clark County Public Defender has added at least ten attorney positions for a total of one-hundred and ten attorneys. In comparison, the District Attorney has lost fourteen adult criminal deputy prosecutors, leaving only ninety-four comparable positions.¹
- The Coroner's Inquest process has been greatly expanded, including the funding of external attorney positions, requiring additional meetings, increased motions and lengthy adversarial hearings.
- There has been a significant increase in the County's discretionary designation of contract and appointed attorneys for parents in Child Welfare.

As the County is aware, the District Attorney is responsible for prosecuting 100% of all felonies and gross misdemeanors in Clark County. Because many defendants hire or are appointed private counsel, less than 50% of criminal defendants are represented by the Public Defender. Obviously the respective budgets should mirror this financial proportion. However, that is not the case in Clark County. Increased numbers of Public Defender, contract and appointed attorneys represent an effort to exceed Constitutional standards of indigent defense. There is likely no intent to penalize victims. But the end result is that victims are being outspent by their assailants, in Clark County Courts, by a margin of 2 to 1.

¹ This disparity has been ameliorated somewhat through use of three federal grant positions

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In total, our office has lost twenty-three attorney positions. This translates into ninety-two adult criminal prosecutors handling in excess of sixty-thousand new cases each year, or six-hundred thirty-eight cases per deputy. The Public Defender has one-hundred seven attorneys appearing on ten-thousand new adult criminal cases annually, or ninety-three cases per deputy. There are defense attorneys in both public defender offices that have refused court requests to carry more than five murder cases at one time, while their prosecutorial counterparts are routinely handling in excess of twenty homicide cases.

Staffing in the adult crimes screening unit is below 2002 levels. This has created a substantial backlog. There are currently six-thousand misdemeanor citations and twelve-hundred misdemeanor submissions which have either not been reviewed or are beyond court return dates. Two-hundred felony cases await attorney review. There are one-thousand felonies and fifteen-hundred misdemeanors waiting to be typed.

There are thirteen Public Defenders managing Juvenile Court matters. In contrast, the District Attorney has eight prosecutors. Two of these attorneys screen cases full time, leaving six actual court deputies. This disparity does not include conflict or private attorneys.

In the area of Child Welfare, there are six full time Special Public Defender deputies and eight conflict attorneys. This total of fourteen handles only a portion of the welfare caseload, while only nine Deputy District Attorneys, who also screen their own cases, appear on 100% of the cases.

Similarly, there are ten full time CAP (Child Advocacy Project) attorneys representing approximately one-half of the children in the system. CAP augments these ten full time attorneys with numerous pro bono counsels. In comparison, nine Deputy District Attorneys handle all such cases.

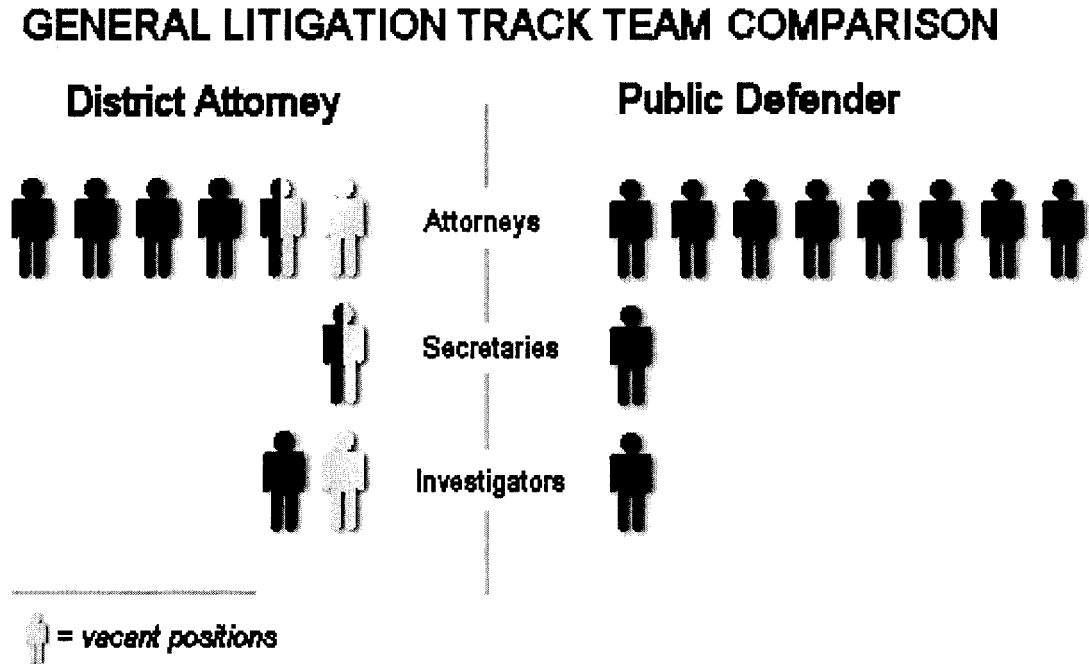
Each new defense attorney on public payroll increases district attorney workload. This is an obvious consequence of diminishing defense caseloads. It achieves the County goal of more vigorous defense representation for indigent defendants. But when the dust settles on these changes, Public Defender caseloads are well under two-hundred cases per deputy. Comparable CCDA adult criminal caseloads exceed six-hundred cases per deputy.

The increase in contract and appointed attorneys for parents in Child Welfare actions has increased the time needed to process cases and has expanded the number of days and hours in court. It has also strained responses to discovery requests in a timely manner. The court's new Odyssey program and e-filing system has shifted responsibility for the filing all DFS court orders from DFS to the District Attorney's Office.

Staff levels are similarly strained. For the past two years, the County has imposed a moratorium on the hiring of Deputy District Attorneys and investigators. This requirement has neither been imposed upon the Public Defender's Office nor the Special Public Defender's Office.

Sixty-seven staff positions have been rendered obsolete or remain vacant. This represents over 11% of the office. In combination with unfilled attorney positions, the total reduction is 14%. The approximate annual savings of positions which have been rendered obsolete is 6.62% of the

District Attorney FY 2011 Adjusted Salaries/Benefits. Existing general fund position vacancies represent an additional 6.91% of the FY 2011 Adjusted Salaries/Benefits.



A list of positions either eliminated or unfulfilled is attached as EXHIBIT A.

NET EFFECT

This is a synergistic circumstance. Of course workloads increase with any budget cuts. But our office has suffered the extra effects of unilateral increases to the budgets of departments within our own operational community. The disparity is illustrated in the Annual Expenditure increase between each department's budget from FY 09 and FY 10²:

	FY 2010	FY 2009	%
OAC	10,699,674	9,613,095	11.30%
Sp PD	3,213,864	2,968,474	8.27%
Just Ct	25,016,191	23,201,363	7.82%
DC	51,616,228	48,977,788	5.39%
PD	22,937,448	21,838,546	5.03%
DA – Civil	5,156,749	5,008,852	0.11%
DA – Crim	34,853,392	34,956,962	-0.330%

² FY 10 Comprehensive Annual Financial Report; SAP expenditures, DA-Civil numbers; OAC Budget Report.

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The periodic scope of this table does not fully describe the runaway pattern of expenditures in the Office of Appointed Counsel, where a budget of \$2,279,050 has rocketed to over \$10 million dollars in eight years - a 400% upsurge!

As noted, there is a compounding effect to this fiscal gerrymander. The District Attorney must deal, not only with its own reductions, but with increases to sister departments. Both events expand our workload. Studies have shown that such imbalance not only harms offenders, but re-victimizes victims, and endangers the public at large. "The State (Never) Rests: How Excessive Prosecutor Caseloads Harm Criminal Defendants," Adam M. Gershowitz & Laura R. Killinge, University of Houston, Public Law and Legal Theory Series 2010-A-11, pp. 37-40.

PRIOR REDUCTIONS

It is important to note our previous good faith efforts to reduce budgets. When asked to cut our operating budget in the fall of 2010, we cut 4%. One year ago, we were asked to cut our personnel budget 8% for the 2010-2011 year. We exceeded that standard. Our initial proposal cutting 8.1% was accepted by the County. We then agreed to add over \$200,000 in additional cuts, for a total of 8.5%. Only three other departments exceeded our percentage contribution. No one else in the criminal justice system even met the threshold amount. The courts were cut only 3% to 6%. The Public Defender offered a token (.5%) one-half percent. The Special Public Defender made no reductions.

MANDATES

Prior cuts, in combination with budget increases to the courts and the defense bar, have placed our workload and court coverage at a critical juncture. The elected District Attorney for Clark County has a statutory mandate to prosecute adult and juvenile criminal actions, conduct grand jury hearings and investigations, review deaths, petition for child welfare and parental rights termination, provide child support enforcement actions, report criminal history data, administer victim assistance funds, pursue and defend civil actions involving County interests, represent and advise the County Commission and other agencies and boards, particularly including Taxation, Assessor, Treasurer, Planning and Zoning, Public Works, water resources, general improvement districts, flood control and certain interlocal agreements, represent the Public Guardian, oversee mental health admissions, conduct forfeiture actions, petition for workplace violence protective orders, provide labor contract advice and training for citizen advisory boards. A table displaying these statutory duties is attached hereto as EXHIBIT B.

Several track prosecution team chiefs have noticed an increase of court hearings and a decrease in felony resolutions as staffing levels have fallen and the ratio of deputy district attorneys to public defenders has widened. This has resulted in the dismissal of felony prosecutions.

One particular case, State v. Farris, No. C263908, firmly illustrates the current crisis. The matter was recently tried by team supervisor Chief DDA Frank Coumou. Based upon a violent carjacking and police chase, Farris was charged with Conspiracy to commit Robbery, Robbery with use of a Deadly Weapon, Grand Larceny Auto and Possession of Stolen Vehicle. Farris was an ex-felon at the time of the assault. The prosecutor was sharing one legal secretary with 17 other prosecutors. When he could find no secretary or other team attorney to complete the

judge's written instructions, he was forced to recall, from home, a Deputy District Attorney who was suffering an influenza virus. While the prosecutor continued his court presentation, the sick deputy returned to the office, typed the instructions, delivered them to court, and then returned home. A short time later, another prosecuting attorney was drafted to type additional instructions for the defense attorney. When amendments to these documents were ordered, the prosecuting attorney had to impose upon the Judge's judicial assistant to make the required changes. The chief prosecutor's team of nine attorneys currently has no legal secretary. A request to replace their secretary, who moved to Colorado two months ago, was denied by the county, on March 18, without explanation.

The Appellate Division is similarly stressed. In a recent petition for reconsideration of a decision of the Nevada Supreme Court reversing a murder conviction, the Chief Deputy of our Appellate Division detailed the environmental pressures which occasioned the case decision:

While improving competence and professionalism of appellate practices is a laudable goal, any "inattentiveness" to the briefs in this case is hardly justification for reversal of a murder case; nor is it rationally related to the deterrence of deficient appellate practices. The "reflexive inclination" of appellate courts to reverse cases in the absence of prejudicial error, see Puckett, *infra*, creates a windfall for the guilty criminal, deprives the public of justice, and contributes to the expense and backlog of the criminal justice system. Nor does reversal address the problem of the public prosecutor's obligation to respond to increasing numbers of appeals with decreasing resources in a difficult economy. Sanctions such as reversal do nothing to ensure future attentiveness to appellate briefs, as such is not a function of attorney incompetence or neglect, but of inadequate funding and insufficient staffing over which a public attorney's office has no control.

State v. Polk, Case No. 52733, Petition for En Banc Reconsideration, pp.4-5.

As a founding partner in the County's Juvenile Justice Initiative (JDAI) our office expedites the filing of charges against all in-custody youth. There is one attorney and legal secretary dedicated to this function. Failure to maintain this function will result in greater operating costs and overcrowding in Juvenile Detention as well as detention. These responsibilities and dangers are duplicated in the adult criminal system as well, where staff reductions have created a significant backlog in misdemeanor case filings.

The proposed elimination of ten Family Support (DAFS) positions, in the current state budget proposal, amounts to the abolition of an entire DAFS child support enforcement collections team. Based upon FY 2010 figures, this reduction translates into a projected loss of \$12 million dollars that hundreds of Clark County families rely upon to survive each year. It is absolutely imperative that DAFS be allowed to fill its 22 open FTE positions.

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The current request for reduction appears arbitrary and capricious in its universal character. It ignores comparative values in county services. It fails to distinguish between mere preferences and legislative mandates. Presently, the County has unilaterally decided to eliminate positions and prohibit filling vacant positions in the District Attorney's Office. As a result, the county has made it very difficult for me to effectively comply with my statutory obligations. Any further reductions to the budget of the District Attorney's Office, will contravene the legal obligations of my office. Therefore, I am unable to make further budget cuts.

Obsolete Positions

USED AS	PID	Past Act	Past Division	Current	Pay	Hourly	Sep Date	Yr	Annual Salary	Benefits	OREB	Group Ins	S&B Per Year	# Yrs	Total Savings
LEGAL OFFICE SVCS SUPV	10005198	1233	Criminal	1270	C26	20.55	5/8/2009	2080	\$ 42,744.00	\$ 10,707.37	\$ 4,600.00	\$ 8,400.00	\$ 66,451.37	1.75	\$ 116,289.90
ADMIN SVCS MGR	10005514	1237	DAFS	1270	A33	35.19	6/12/2009	2080	\$ 73,195.20	\$ 18,335.40	\$ 4,600.00	\$ 8,400.00	\$ 104,530.60	1.75	\$ 182,928.55
DEPUTY DISTRICT ATTORNEY	10005536	1233	Criminal	1233	P01	33.23	4/2/2010	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1	\$ 99,432.56
DEPUTY DISTRICT ATTORNEY	10005560	1233	Criminal	1233	P01	33.23	7/10/2009	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1.5	\$ 149,148.84
DEPUTY DISTRICT ATTORNEY	10005578	1233	Criminal	1233	P01	33.23	5/21/2010	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1	\$ 99,432.56
DEPUTY DISTRICT ATTORNEY	10005582	1233	Criminal	1270	P01	33.23	7/6/2007	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	3.5	\$ 348,013.96
DEPUTY DISTRICT ATTORNEY	10005588	1233	Criminal	1270	P01	33.23	8/29/2008	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	2.5	\$ 248,581.40
DEPUTY DISTRICT ATTORNEY	10005593	1233	Criminal	1270	P01	33.23	8/29/2008	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	2.5	\$ 248,581.40
CHIEF DEPUTY DISTRICT ATTORNEY	10005600	1233	Criminal	1233	P01	33.23	11/13/2009	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1.25	\$ 124,290.70
DEPUTY DISTRICT ATTORNEY	10005626	1234	Juvenile	1270	P01	33.23	4/24/2009	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1.75	\$ 174,006.98
DEPUTY DISTRICT ATTORNEY	10005641	1236	Civil	1270	P01	33.23	12/28/2007	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	3.25	\$ 323,155.82
ASSOCIATE ATTORNEY	10005643	1236	Civil	1270	P01	33.23	6/14/2009	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1.75	\$ 174,006.98
DA TEAM CLERK	10005658	1233	Criminal	1270	C23	16.3	3/18/2009	2080	\$ 33,904.00	\$ 8,492.95	\$ 4,600.00	\$ 8,400.00	\$ 55,396.95	2	\$ 110,793.90
DA TEAM CLERK	10005665	1233	Criminal	1270	C23	16.3	2/10/2009	2080	\$ 33,904.00	\$ 8,492.95	\$ 4,600.00	\$ 8,400.00	\$ 55,396.95	2	\$ 110,793.90
OFFICE SERVICES MGR	10005689	1232	Administration	1270	I27	22.18	1/2/2009	2080	\$ 46,134.40	\$ 11,556.67	\$ 4,600.00	\$ 8,400.00	\$ 70,691.07	2	\$ 141,382.13
INVESTIGATOR II	10005813	1235	Investigations	1270	D06	22.86	6/16/2009	2080	\$ 47,548.80	\$ 11,910.97	\$ 4,600.00	\$ 8,400.00	\$ 72,459.77	1.75	\$ 126,804.61
INVESTIGATOR II	10005829	1235	Investigations	1270	D06	22.86	1/25/2009	2080	\$ 47,548.80	\$ 11,910.97	\$ 4,600.00	\$ 8,400.00	\$ 72,459.77	2	\$ 144,919.55
INVESTIGATOR II	10005839	1235	Investigations	1270	D06	22.86	1/25/2009	2080	\$ 47,548.80	\$ 11,910.97	\$ 4,600.00	\$ 8,400.00	\$ 72,459.77	2	\$ 144,919.55
LEGAL OFFICE SPEC	10005840	1232	Administration	1270	C23	16.10	8/17/2008	2080	\$ 33,488.00	\$ 8,388.74	\$ 4,600.00	\$ 8,400.00	\$ 54,876.74	2.5	\$ 137,191.86
LEGAL OFFICE ASST II	10005859	1232	Administration	1270	C22	15.10	1/25/2009	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	2	\$ 104,551.41
LEGAL OFFICE ASST II	10005875	1233	Criminal	1270	C22	15.10	1/8/2010	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	1	\$ 52,275.70
LEGAL OFFICE ASST II	10005946	1234	Juvenile	1270	C22	15.10	4/13/2008	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	2.75	\$ 143,758.19
LEGAL OFFICE SPEC	10005961	1233	Criminal	1270	C22	15.10	12/7/2008	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	2	\$ 104,551.41
LEGAL OFFICE SVCS SUPV	10005968	1233	Criminal	1270	C22	15.10	8/29/2008	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	2.5	\$ 130,689.26
PROCESS SERVER	10006054	1233	Criminal	1270	C22	15.10	12/5/2008	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	2	\$ 104,551.41
PROCESS SERVER	10006057	1233	Criminal	1270	C22	15.10	10/22/2008	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	2.5	\$ 130,689.26
PUBLIC SERVICES SPECIALIST	10006072	1233	Criminal	1270	C22	15.10	6/12/2009	2080	\$ 31,408.00	\$ 7,867.70	\$ 4,600.00	\$ 8,400.00	\$ 52,275.70	1.75	\$ 91,482.48
CHIEF DEPUTY DISTRICT ATTORNEY	10006075	1233	Criminal	1233	P01	33.23	1/7/2010	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1	\$ 99,432.56
CHIEF DEPUTY DISTRICT ATTORNEY	10006079	1236	Civil	1236	P01	33.23	5/24/2010	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	0.75	\$ 74,574.42
DEPUTY DISTRICT ATTORNEY	10037256	1233	Criminal	1233	P01	33.23	10/9/2009	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	1.5	\$ 149,148.84
DEPUTY DISTRICT ATTORNEY	10040107	1236	Civil	1270	P01	33.23	2/15/2008	2080	\$ 69,118.40	\$ 17,314.16	\$ 4,600.00	\$ 8,400.00	\$ 99,432.56	3	\$ 298,297.68
									\$ 4,688,677.75						\$ 4,688,677.75

EXHIBIT A

Vacant General Fund

USED AS	PID	Current	Division	Current	Pay Scale	Hourly	Separation Date	Vacant Hours	Annual Salary	Benefits	OPB	Group Ins	S & B Total	
LEGAL OFFICE ASST II	10005857	1232	Admin	1232	C22	15.1	4/7/2010	2600	\$ 39,260.00	\$ 9,834.63	\$4,600.00	\$8,400.00	\$ 62,094.63	
ASST DIR DISTRICT ATTORNEY	10005516	1232	Admin	1232	I35	41.04	1/5/2011	520	\$ 21,340.80	\$ 5,345.87	\$4,600.00	\$8,400.00	\$ 39,686.67	Projected Fill
DEPUTY DISTRICT ATTORNEY	10003867	1236	Civil Svcs	1236	P01	33.23	6/4/2010	1560	\$ 51,838.80	\$ 12,985.62	\$4,600.00	\$8,400.00	\$ 77,824.42	Projected Fill
LEGAL SECRETARY II	10005506	1236	Civil Svcs	1236	C24	17.62	6/4/2010	1560	\$ 27,487.20	\$ 6,885.54	\$4,600.00	\$8,400.00	\$ 47,372.74	Projected Fill
DA TEAM CLERK	10005680	1233	Crim Pros	1233	C23	16.3	7/23/2010	2080	\$ 33,904.00	\$ 8,492.95	\$4,600.00	\$8,400.00	\$ 55,396.95	
LEGAL SECRETARY II	10006001	1233	Crim Pros	1233	C24	17.62	1/28/2011	520	\$ 9,162.40	\$ 2,295.18	\$4,600.00	\$8,400.00	\$ 24,457.58	
DA TEAM CLERK	10005666	1233	Crim Pros	1233	C23	16.3	5/9/2010	2080	\$ 33,904.00	\$ 8,492.95	\$4,600.00	\$8,400.00	\$ 55,396.95	
DA TEAM CLERK	10005671	1233	Crim Pros	1233	C23	16.3	11/1/2010	1040	\$ 16,952.00	\$ 4,246.48	\$4,600.00	\$8,400.00	\$ 34,198.48	
VICTIM WITNESS ADV II	10006109	1233	Crim Pros	1233	C24	17.62	9/3/2010	1560	\$ 27,487.20	\$ 6,885.54	\$4,600.00	\$8,400.00	\$ 47,372.74	
DEPUTY DISTRICT ATTORNEY	10005588	1233	Crim Pros	1233	P01	33.23	6/10/2010	2080	\$ 69,118.40	\$ 17,314.16	\$4,600.00	\$8,400.00	\$ 99,432.56	
LEGAL OFFICE ASST II	10005873	1233	Crim Pros	1233	C22	15.1	12/1/2008	4680	\$ 70,668.00	\$ 17,702.33	\$4,600.00	\$8,400.00	\$ 101,370.33	
PROCESS SERVER	10006056	1233	Crim Pros	1233	C22	15.1	2/17/2011	520	\$ 7,852.00	\$ 1,966.93	\$4,600.00	\$8,400.00	\$ 22,818.93	
DEPUTY DISTRICT ATTORNEY	10005585	1233	Crim Pros	1233	P01	33.23	8/2/2010	2080	\$ 69,118.40	\$ 17,314.16	\$4,600.00	\$8,400.00	\$ 99,432.56	
LEGAL SECRETARY II	10006027	1233	Crim Pros	1233	C24	17.62	12/30/2010	1040	\$ 18,324.80	\$ 4,590.36	\$4,600.00	\$8,400.00	\$ 35,915.16	
DEPUTY DISTRICT ATTORNEY	10005625	1233	Crim Pros	1233	P01	33.23	6/7/2010	2080	\$ 69,118.40	\$ 17,314.16	\$4,600.00	\$8,400.00	\$ 99,432.56	
CHIEF DEPUTY DISTRICT ATTORNEY	10005621	1233	Crim Pros	1233	P01	33.23	1/21/2011	1040	\$ 34,559.20	\$ 8,657.08	\$4,600.00	\$8,400.00	\$ 56,216.28	
LEGAL OFFICE ASST II	10047153	1233	Crim Pros	1233	C22	15.1	12/20/2010	1040	\$ 15,704.00	\$ 3,933.85	\$4,600.00	\$8,400.00	\$ 32,637.85	
LEGAL OFFICE ASST II	10005861	1233	Crim Pros	1233	C22	15.1	12/27/2010	1040	\$ 15,704.00	\$ 3,933.85	\$4,600.00	\$8,400.00	\$ 32,637.85	
PROCESS SERVER	10006055	1233	Crim Pros	1233	C22	15.1	2/23/2011	520	\$ 7,852.00	\$ 1,966.93	\$4,600.00	\$8,400.00	\$ 22,818.93	
LEGAL SECRETARY II	10005987	1233	Crim Pros	1233	C24	17.62	1/28/2011	1040	\$ 18,324.80	\$ 4,590.36	\$4,600.00	\$8,400.00	\$ 35,915.16	
CHIEF DEPUTY DISTRICT ATTORNEY	10005599	1233	Crim Pros	1233	P01	33.23	12/31/2010	1040	\$ 34,559.20	\$ 8,657.08	\$4,600.00	\$8,400.00	\$ 56,216.28	
INVESTIGATOR II	10005818	1235	Invest	1235	D06	22.86	6/29/2010	2080	\$ 47,548.80	\$ 11,910.97	\$4,600.00	\$8,400.00	\$ 72,459.77	
INVESTIGATOR II	10005817	1235	Invest	1235	D06	22.86	8/13/2010	2080	\$ 47,548.80	\$ 11,910.97	\$4,600.00	\$8,400.00	\$ 72,459.77	
INVESTIGATOR II	10005824	1235	Invest	1235	D06	22.86	5/14/2010	2080	\$ 47,548.80	\$ 11,910.97	\$4,600.00	\$8,400.00	\$ 72,459.77	
DEPUTY DISTRICT ATTORNEY	10005627	1234	Juv Pros	1234	P01	33.23	3/4/2011	210	\$ 6,978.30	\$ 1,748.06	\$4,600.00	\$8,400.00	\$ 21,726.36	
CHIEF DEPUTY DISTRICT ATTORNEY	10005563	1234	Juv Pros	1234	P01	33.23	3/11/2011	210	\$ 6,978.30	\$ 1,748.06	\$4,600.00	\$8,400.00	\$ 21,726.36	
LEGAL SECRETARY II	10006000	1233	Crim Pros	1233	C24	19.64	4/15/2011	0	0	0	0	0	0	
									\$ 1,399,477.67					

FUNCTION	CRIMINAL	AUTHORITY	NOTES	CONSEQUENCES & RISKS
1	Prosecute criminal matters in twelve (32) District Courts & eleven (26) Justice Courts	NRS 252.080 NRS 252.090	In fiscal year 2009-2010, the Criminal Division received 74,000 criminal cases from federal, state & local agencies	Failure to prosecute will directly impact the mission of a safe and secure community. Violation of statutes & breach of contract; civil liability; potential removal from office for county officers
2	Prosecute Juvenile offenses in District Courts	NRS 62.128 NRS 62.129 NRS 62.135		Failure to prosecute will directly impact the mission of a safe and secure community. Function necessary to support the mandate to prosecute crimes as directed by NRS 252.080
3	Appeals to the State Supreme Court & Post-Convictions	NRS 177.015 NRS 34.745 NRS 34.575 Supreme Court rule 250		Failure to respond could result in cases being reversed which would directly impact the mission of a safe and secure community. Function necessary to support the mandate to prosecute crimes as directed by NRS 252.080 & 252.090
4	Draw all indictments when requested by the Grand Jury & advise the grand jury on the law	NRS 252.110, NRS Chapter 172 & case authority	Provide notice to defendants of the criminal charges & moves case to District court	Function necessary to support the mandate to prosecute crimes as directed by NRS 252.080
5	Inquire into all preliminary hearings & prepare & file Criminal Informations	NRS 173.045/173.055	Provide notice to defendants of the criminal charges & moves case to District court	Function necessary to support the mandate to prosecute crimes as directed by NRS 252.080
6	Provide the defense with copies of all relevant materials (discovery) in criminal cases.	NRS 174.233-174.295	Provides defense counsel with information as required by law	Failure to provide discovery may result in suppression of evidence and/or dismissal of case
7	Issue & serve subpoenas	NRS 174.305-174.375		Necessary witnesses may not be present & thus possible loss of case
8	Authorize the release of property that is not evidence before the initiation of charges	NRS 52.385	If property does not support prosecution, we return non-evidence property	Rightful owners may be unfairly deprived of their property
9	Determine the disposition of weapons	NRS 202.340	Weapons can be returned to rightful owners unless it is determined to be evidence or a risk to community	Rightful owners may be unfairly deprived of their property
10	Receive & process all requests for the criminal records sealing in the County Justice & District Courts	NRS 179		Without a review, records would be sealed by default
11	Reviews all deaths which occur within County	NRS 259.050		Could result in overlooking a death which warranted additional investigation
12	Coordinated child death review efforts	NRS 432B.406	The Criminal Division collaborates with other law enforcement agencies to review all child deaths	Could result in overlooking a death which warranted additional investigation
13	Required each year to compile & forward statistics for murders, wire taps, crimes against the elderly, etc.	NRS 218E.305 NRS178.750 Title 18 U.S.C. Section 2519 NRS 200.5093	Required by Legislative Counsel, Nevada Supreme Court, Criminal Justice Information System (CJIS), Federal Bureau of Investigations, U.S. Department of Justice et al	Failure to report could result in possible legal actions to compel compliance
14	Administer a Fraud Check Diversion Program.	NRS 205.466-472	This program has returned to date over \$ million to businesses in the County. The result has been money returned to the tax rolls which would have been lost.	Citizens & businesses would have to precede civilly in each matter; criminal conduct would not be addressed; restitution could be denied

	FUNCTION	AUTHORITY	NOTES	CONSEQUENCES & RISKS
15	Prosecutors, as with all attorneys, are mandated to attend continuous education classes (CLE). INVESTIGATIONS WAAC	Supreme court rule 208	Prosecutors must fulfill mandated requirements in order to keep their licenses to practice law.	Failure to comply with CLE requirements will result in loss of law license
16	Provide additional investigations for criminal matters following the submission of case by law enforcement agencies	NRS 252.080 NRS 34.745 NRS 252.090; NRS 252.110 NRS 174.233; NRS 174.305-365	Investigators assist in gathering evidence for prosecutions, locating & serving subpoenas on witnesses, ensuring witness attendance at trial, & transporting witnesses & defendants from & returning to other jurisdictions, assist outside agencies with investigative services	Function necessary to support the mandate to prosecute crimes as directed by NRS 252.080 & 252.090
17	Provide additional investigations in civil matters	NRS 432B.380, NRS 179.245, NRS 122.064	child welfare, involuntary commitments, public guardian cases, application to perform marriages, termination of parental rights, sealing of records, pardons, etc.	Failure to investigate could result in children & elderly not receiving the necessary protection
18	Provide additional investigation in Family Support matters	Supports interlocal agreement	Track down non-custodial parents, assist with information gathering for child support enforcement cases	Failure to investigate could result in child & custodial parent not receiving their court-ordered child support
20	Investigators are mandated to comply with Peace Officers Standards & Training (POST) continuing education requirements	NRS 289 NRS 432B NAC 289	Investigators must fulfill mandated requirements in order to keep their POST certification.	Failure to comply with requirements will result in suspension of POST certification
21	Provide victim advocacy	NRS 176.015 NRS 178.5098 NRS 178.5698	Provides assistance & advocacy for witnesses & victims of crime: case status notifications, impact statements, witness payments, witness travel, & referrals with social service agencies	Loss of advocates would result impact to victims who are not well versed in the court system. Advocates act as liaison between prosecution team & victims, improving process for victim
22	Establish & administer program to provide funds for sexual assault victims	NRS 217.280-350	Provide victims of sexual assault & child abuse with for emergency room & related medical treatments. Refer & provide up to \$1000 per victim in follow-up medical or psychological counseling.	Failure to meet mandates could result in victims not receiving the assistance or referrals necessary for healing
23	Provide sexual assault & child abuse forensic exams	NRS Chapter 252	Created CAC (child advocacy center)	Programs improve evidence collection & agency cooperation which assists in the prosecution of sexual assault & child abuse cases.
24	Community outreach to distribute educational & informational materials CIVIL		Collaboration with local hospitals, continuous updates for law enforcement, public informed on how to seek assistance	Public deprived of information & law enforcement without directions can impact prosecutions
25	Provide legal advice & representation & opinions to county departments, boards, & commissions.	NRS 252.160, NRS chapters 239, 241, 277, 281A.	Includes representation of over 90 government agencies in the unique matters relating to the duties of county officials & functions - reviewing contracts, interlocal agreements, bid awards, construction contracts, professional services agreements for legal content & form. Emphasis on compliance with open meeting law, public records law & Nevada ethics laws.	Violation of statutes & breach of contract, civil liability; potential removal from office for county officers. Outside legal services are vastly more expensive. Potential unbalanced, unfavorable or illegal contracts binding the county greatly increases risk of contract-based litigation

FUNCTION	AUTHORITY	NOTES	CONSEQUENCES & RISKS
26	Defend & prosecute all civil suits	NRS 252.110, NRS 7.285 NRS 41.0339,	Deputies must appear in trial & appeal courts at state & federal levels. Cases include defense of any present or former officer or employee in actions based on any alleged act or omissions relating to duties; civil rights cases; development code abatement actions; abatement of nuisances including injunctions as well as recover compensatory & exemplary damages & costs of suit.
27	Advise board of county commissioners ("BCC") & attend its meetings	NRS 252.170, NRS 244.095, NRS 241	Specific statutory duty to be present at meetings & oppose illegal or unjust accounts or claims. Currently performed with very low costs special deputy DA. Review every staff report before its placement on agenda; draft ordinances & assure ordinance compliance with state law
8	Conduct all involuntary court-ordered mental health admissions.	NRS 433A.270	This includes the presentation of all evidence at weekly district court hearings & preparation of expert witnesses for hearings
29	Conduct the seizure, forfeiture & disposition of the property or proceeds attributable to the commission of a felony	NRS 179.1156- 179.121, NRS 179.1173, NRS 453.301-311	We pursue proceeds attributable to the commission of a felony, pursue all recognition forfeited in the district court as well as the recovery of debts, fines, penalties & forfeitures accruing to the county. Forfeiture statutes require the filing of individual civil actions against the property.
30	Provide legal assistance to the Public Guardian	NRS 253.215, NRS Ch. 159	This includes investigations, court appearances to file & prosecute petitions establishing guardianships, moving a ward out of state or into locked facility, to obtain non-routine medical treatment, administering estates & annual accountings, & initiating civil actions to address exploitation and/or neglect.
31	Legal representation for Planning & Zoning	NRS Ch 278	
32	Legal representation for property tax assessment, board of equalization & treasurer	NRS Ch 361; NRS 252.160 NRS chapter 249	
33	Workplace violence protective orders	NRS Ch 33	Preparations of petitions & witnesses for hearing
34	Labor relations	Ch 288, all labor contracts, NRS chapter 249; NRS 252.160	The DA provides advice & guidance on legal issues arising during labor contract negotiations, interpretation of labor contracts & arbitrations of grievances filed by employees including interest arbitration & appeals from arbitral decisions.
35	Provide legal counsel to separate legal districts	Interlocal agreements	District Board of Health, remediation district, are examples

FUNCTION	THEORY	NOTES	CONSEQUENCES & RISKS
36	Provide training on a regular basis to citizen advisory boards on open meeting law, public records law & ethics laws	NRS Ch. 239, Ch.241 & Ch.281A	Violation of open meeting laws & ethics laws can result in criminal penalties & potential removal from office.
37	Specialized natural resources legal services	NRS chapter 1111; NRS 244.157; NRS 244.272 - .292; NRS 244.36605; NRS 318.185; NRS chapter 540A; interlocal & joint powers agreements; NRS Ch. 239, Ch.241 & Ch. 281A	Examples of specialized natural resources practice with long learning curve: public works, water resources, general improvement districts & flood control project. Work includes opinions regarding loan documents, promissory notes, federal statutory environmental requirements, water rights applications, management of county & special district property, establishment & imposition of rates, tolls & charges, chain of title, real property purchase & sale agreements, & various claims of fee interests, easements, licenses & rights-of-way
38	Represent County court proceedings.	NRS 7.285	Sporadic work depending on frequency of filings
39	Specialized natural resources legal services for public works, water resources, general improvement districts & flood control project	NRS chapter 1111; NRS 244.157; NRS 244.272 - .292; NRS 244.36605; NRS 318.185; NRS chapter 540A; interlocal & joint powers agreements.	Including opinions regarding draft loan documents, promissory notes, federal statutory environmental requirements, water rights applications, management of county & special district property, establishment & imposition of rates, tolls & charges, chain of title, real property purchase & sale agreements, & various claims of fee interests, easements, licenses & rights-of-way.
40	Countersign, file & proceed with petitions for children in need of protection.	NRS 432B.380; NRS 432B.510, NRS 7.285	Loss of bankruptcy recoveries or County may have to retain outside counsel which are vastly more expensive
41	Represent County interests in bankruptcy from arbitral decisions, including interest arbitration.	NRS chapter 288; all labor contracts	Failure to comply with mandate could be nonfeasance & breach of contract; civil liability; potential removal from office for county officers; outside legal services are vastly more expensive
CHILD WELFARE			
44	File & litigate all termination of parental rights actions on behalf of the County Department of Social Services. Countersign & file & proceed with petitions for children in need of protection.	NRS 432B.380; NRS 432B.510, Nevada Rules of Civil Procedure, Rule 11	Nevada Rules of Civil Procedure, Rule 11 requires adequate legal basis for all petitions filed with court; County may have to retain outside counsel which are vastly more expensive
46	Represent the interests of the public in child welfare cases. Conduct juvenile dependency actions	NRS 432B.510	Failure to act impacts children in need of protection. Nevada Rules of Civil Procedure, Rule 11 requires adequate legal basis for all petitions filed with court; Failure to comply with mandate could be nonfeasance & could result in removal from office

	FUNCTION	AUTHORITY	NOTES	CONSEQUENCES & RISKS
	FAMILY SUPPORT			
50	Operate a child support program file & litigate all termination of parental rights actions on behalf of the County Department of Social Services.	Title IV-D of the Social Security Act, 42 U.S.C.A. & 45 CFR 301 – 308, Interlocal Agreement	The County receives 66% reimbursement on expenses related to Child Support Enforcement with the remaining 34% being paid by the County	Violate NRS 425.375 & contract Delay of financial support to custodial parents & children increasing the demand on public welfare resources
51	Provide child support enforcement actions within the mandatory time frames Represent the interests of the public in child welfare cases.	Federal law & regulation	Incentive dollars are received from the Federal Government based upon performance that can be reinvested to enhance the program (e.g. computer refresh, equipment & training).	Delay of financial support to custodial parents & children increasing the demand on public welfare resources Increased potential for serious liability in child removal cases
52	Establish parentage & a support obligation	NRS 125B.150, 126.071, 201.020 & 425.380	Enforce & modify the payment of that support when requested to do so by a parent, guardian or public agency providing assistance	Delay of financial support to custodial parents & children increasing the demand on public welfare resources
3	Calculate the penalty on delinquent child support	NRS 125B.095, Title IV-D of the Social Security Act, 42 U.S.C.A. & 45 CFR 301 – 308, Interlocal Agreement	Provides the Family Court with current information	Violate NRS 425.375 & contract Delay of financial support to custodial parents & children increasing the demand on public welfare resources
54	Report required information on child support cases to the Welfare Division Provide child support enforcement actions within the mandatory time frames	NRS 125B.160 Federal law & regulation	Incentive dollars are received from the Federal Government based upon performance that can be reinvested to enhance the program (e.g. computer refresh, equipment & training).	Delay of financial support to custodial parents & children increasing the demand on public welfare resources
55	May appear in any proceeding to enforce the order of a court for the assignment of wages or commissions for the payment of child support	NRS 31A.300	Provides the Family Court with current information	Delay of financial support to custodial parents & children increasing the demand on public welfare resources
ADMINISTRATIVE SUPPORT (COR)				
FUNCTIONS				
56	Provides day-to-day operational management of the District Attorney's Office	NRS Chapter 252, Nevada state constitution	Budget, finance, purchasing, grants administration & reporting; human resources/training & development; information technology, audio/visual productions; support staff supervision & project coordination.	Possible violations of FMIA, ADA, Title VII, fiscal standards, county ordinances, other state & federal laws

NOTE: the Commission must follow mandates per the Nevada Supreme Court