

THE DISTRICT ATTORNEY

WE ARE YOUR INVESTIGATIVE ARM

BACKGROUND:

From the first days of horse and carriage in 1853 to current times of modern technology, the Office of the District Attorney has grown from one to over 60 attorneys. The Office of the District Attorney has evolved throughout time into an intricate part of our justice system. The District Attorney is an elected position, currently held by Timothy Ward. The Office of the District Attorney is divided into three bureaus. The Office of the District Attorney has approximately 200 employees working within these three bureaus of prosecution. These three separate bureaus have distinct job and caseloads: Bureau of Prosecution – General, Bureau of Prosecution – Special and Bureau of Prosecution – Investigation. The District Attorney is the public prosecutor and the chief law enforcement officer for the County. The District Attorney also provides advice and assistance to the Grand Jury in its investigation of citizen complaints.

REASON FOR INVESTIGATION:

The Tulare County Grand Jury maintains a history of investigating all county agencies within a five year period. The 2014/2015 Grand Jury, on its own initiative, looked into the functions of the Tulare County Office of the District Attorney.

METHOD OF INVESTIGATION:

On July 22, 2014, the Grand Jury requested and received information on the internal functions of the Office of the District Attorney. On August 15, 2014, visitors from the Office of the District Attorney visited the Grand Jury Office for a presentation to explain the jobs within the Office of the District Attorney.

FACTS:

1. The core function of the Office of the District Attorney is to be the prosecutor within Tulare County.
2. All criminal cases go to the Office of the District Attorney. A Senior Prosecutor will review all cases coming into the office to determine which Special Bureau of Prosecution it will be assigned.
3. There are three steps to the Interviewing and Investigation Process: investigative process, interviewing concepts, and documentation.
4. Current District Attorney created the Crimes Against Children Unit and partnered with law enforcement. This Unit deals with physical abuse and drug enforcement. This unit has a “living room” instead of an office in order to make the children as comfortable as

possible. The same person does all the interviewing of the children for consistency and comfort of the children and gives the healing process for the child an ongoing chance.

5. During 2013, the current District Attorney restructured the office similar to the Army.... departmentalized ideals. Due to the restructuring of the Office of the District Attorney, they have the most senior office positions compared to prior history.
6. In 2013, the District Attorney assisted the Tulare County Superior Court system with restructuring for better co-ordination of how the daily courts were planning the calendar.
7. Press releases go out on a daily basis of filed charges and every day hundreds of cases go to court.
8. The Office of the District Attorney is focusing on a new Porterville facility, which will include a child witness room. The room will be set up for children and families to be comfortable.
9. The Porterville facility will help the number of cases heard, including juvenile cases when the minors are from South County.
10. The Office of the District Attorney is performing Outreach to the schools in Tulare County regarding domestic violence, teen dating, violence, date groping, etc.
11. The District Attorney may use his authority to charge the parent of a chronically truant student with a criminal misdemeanor, under Penal Code §270.1, when the guardian has failed to reasonably supervise and encourage the child's attendance at school.
12. The Office of the District Attorney issues all criminal subpoenas in Tulare County and the Sheriff's Office is responsible for serving each subpoena to the individual and/or entity.
13. The District Attorney will conduct investigations that are not to be handled by the Police or Sheriff's Department. For example: officer misconduct, corruption within a Police Department or a public official.
14. There are three principle components to all investigations and you must have two-thirds (2/3) of the following components:
 - a. Eyewitness Testimony- "saw/heard" received directly from the source. It is difficult to get hearsay into court, but it can lead to another source.
 - b. Physical Evidence – DNA, fingerprints
 - c. Admission or confession – Admission means I committed the crime, why and how.
 - d. You need 'a' and 'b' to get to 'c', which is the end result of a process of investigation.

15. Documentation for white collar crimes, such as embezzlement is very complex and produces volumes of evidence per case.
16. The Office of the District Attorney Philosophy is “Improve Across the Board”.
17. The Office of the District Attorney does NOT follow up on anonymous complaints, but will refer the complaint onto another entity, if need be.
18. Number of felony, misdemeanor, and juvenile cases processed by Office of the District Attorney for Fiscal Years 2011 – 2013:

YEAR	Adult Felonies Submitted to DA	Adult Misdemeanors Submitted to DA	Juvenile Cases Submitted to DA
2011	7,173	14,817	2,278
2012	8,664	13,525	2,038
2013	8,310	14,242	1,947

19. Numbers of Cases Pled and Dismissals. These numbers include those offenders who had their case dismissed by the court for successfully completing pretrial diversion programs such as drug court, veterans court or mental health court for Fiscal Years 2011 – 2013:

YEAR	Pleas	Dismissals
2011	10,273	592
2012	12,339	607
2013	12,245	658

20. Number of total cases that went to trial for Fiscal Years 2011 – 2013:

YEAR	Felony Trials	Misdemeanor Trials
2011	75	68
2012	67	75
2013	67	71

21. There are currently 61 attorneys in the Office of the District Attorney. The following is the title and definition of each attorney position within the Office of the District Attorney.
 - a. District Attorney – To plan, organize, and direct the activities of the Office of the District Attorney.
 - b. Assistant District Attorney – To assist in administering the functions of the Office of the District Attorney; to serve as senior trial attorney in the prosecution of criminal cases.
 - c. Supervising Attorney – To plan, assign, and supervise the work of subordinate attorneys in the Office of the District Attorney and personally prosecute or act as defense counsel for complex and sensitive felony and criminal cases.
 - d. Attorney V – To perform professional legal work in the defense or prosecution of criminal cases.
 - e. Attorney IV, III, II, and I – To perform professional legal work in the defense or prosecution of criminal cases.

22. The following chart illustrates the attorney headcount by position for each Fiscal Years 2011 – 2013.

POSITION	2011	2012	2013
District Attorney	1	1	1
Assistant District Attorney	2	2	2
Supervising Attorney	9	9	10
Deputy District Attorney V	13	12	13
Deputy District Attorney IV	16	12	15
Deputy District Attorney III	5	3	3
Deputy District Attorney II	5	5	10
Deputy District Attorney I	9	17	7
TOTALS	60	61	61

23. Attorneys are assigned to the Bureaus as follows:

- a. Bureau of Prosecutions, General: 31
- b. Bureau of Prosecutions, Special: 31

24. On average, the number of attorney and non-attorney employees are assigned to each division:

Division	Attorney Count	Non-Attorney Count
Gang Violence	7	3
Special Crime	8	4
Financial Crimes	8	24
Crimes Against Children	6	1
Special Operations	2	40
Victim/Witness	0	20
Forensic Mental Health	1	1
Public Admin Unit Assist.	1	1
Total	33	94

25. All attorneys hired are 'at will' employees.

26. The following chart illustrates all new hires within the Office of the District Attorney for Fiscal Years 2011 – 2013:

POSITION	ANNUAL PAY	2011 COUNT	2012 COUNT	2013 COUNT
Deputy District Attorney I	\$53,695.20	4	4	7
Deputy District Attorney I	\$54,986.88	0	8	3
Deputy District Attorney II	\$60,494.72	2	0	0

Deputy District Attorney IV	\$85,575.36	0	0	1
Supervising Attorney	\$113,077.12	0	0	1
TOTALS		6	12	12

27. The following chart illustrates all attorney voluntary separations within the Office of the District Attorney for Fiscal Years 2011 – 2013:

POSITION	AVERAGE ANNUAL PAY	2011 COUNT	FY2012 COUNT	FY2013 COUNT
Deputy District Attorney I	56,417.92	1	0	2
Deputy District Attorney I	57,617.24	0	4	0
Deputy District Attorney II	66,782.56	1	0	0
Deputy District Attorney III	77,887.68	1	0	0
Deputy District Attorney III	74,129.12	0	2	0
Deputy District Attorney III	72,340.32	0	0	2
Deputy District Attorney IV	90,959.65	5	0	0
Deputy District Attorney IV	92,251.76	0	4	0
Deputy District Attorney IV	94,699.63	0	0	3
Deputy District Attorney V	99,316.88	2	0	0
Deputy District Attorney V	99,195.20	0	0	1
Assistant District Attorney	130,027.04	1	0	1
Supervising Attorney	113,077.12	0	1	2
District Attorney	168,170.08	0	0	1
TOTAL		11	11	12

28. As of Fiscal Year 2013, there are 114 non-attorney employees located within the Office of the District Attorney. The following chart illustrates the non-attorney headcount by position for Fiscal Years 2011 – 2013:

POSITION	2011 COUNT	2012 COUNT	2013 COUNT
Account Clerk – Senior	2	2	1
Accountant II	1	2	0
Accountant III	0	0	2
Administrative Aide	2	2	1
Administrative Svc Officer III	1	1	1
Analyst – Staff Svc Officer II	0	0	1
Assist Chief Investigator – DA	2	2	3
Assistant Chief Investigator	1	1	3
Chief Investigator – DA	1	1	1
Child Interview Specialist	1	1	1
DA Grants & Program Coordinator	1	1	1
Graphics Specialist – DA	2	2	2
Investigative Auditor II	1	1	1
Investigative Technician I	6	6	4

Investigative Technician II	4	4	6
Investigator Aide	3	4	3
Investigator – Child Support	0	0	2
Investigator – Child Support – B	1	1	0
Investigator – Child Spt Supervisor	1	1	1
Investigator – DA	18	17	18
Investigator – DA – B	5	5	6
Investigator – Welfare	8	7	4
Investigator – Welfare, Supervisor	0	0	1
Legal Office Assistant I	5	6	5
Legal Office Assistant II	7	7	8
Legal Office Assistant III	15	14	14
Legal Office Assistant IV	2	2	2
Legal Office Assistant – Supervisor	4	5	5
Legal Secretary II	1	0	1
Legal Secretary III	2	1	1
Office Assistant II	1	1	0
Paralegal II	2	2	2
Prosecution Assistant	1	1	2
Subpoena Services Supervisor	1	1	1
Systems & Procedures Analyst I	1	1	1
Systems & Procedures Analyst II	1	1	1
Victim Witness Claims Specialist I	2	2	2
Victim Witness Claims Specialist II	1	1	1
Victim Witness Coordinator	1	1	1
Victim Worker I	3	3	2
Victim Worker II	3	2	2
Victim Worker – Supervisor	1	1	1
TOTALS	97	112	114

29. The following chart represents a summary of the total Actual Revenue, total Expenditures/Appropriations and Net Cost for the Office of the District Attorney for Fiscal Years 2011 – 2013:

Section Total	2011	2012	2013-Estimated
Total Revenue	3,559,525	2,582,209	3,104,808
Total Expenditures/Appropriations	17,312,425	16,269,317	16,269,317
Net Cost	13,752,099	13,164,509	13,164,509

FINDINGS:

F1. A portion of the Tulare County community is not aware of the operations of the Office of the District Attorney.

F2. The Tulare County community has a right to know about the cases in the Tulare County court system.

REQUIRED RESPONSES:

1. District Attorney ✓
2. Board of Supervisors

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).



County of Tulare

BOARD OF SUPERVISORS

May 19, 2015

The Honorable Judge Hillman
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Allen R. Ishida
District One

Pete Vander Poel
District Two

Phillip A. Cox
District Three

J. Steven Worthley
District Four

Mike Ennis
District Five

✱

BOARD STAFF

Julieta Martinez

Allison Pierce

Melissa Withnell

✱

CLERK OF THE BOARD

Michelle Baldwin
Chief Clerk

✱

Administration Bldg.
2600 West Burrel
Visalia, CA 93291

TEL: (559) 836-5000
FAX: (559) 733-6898

Dear Judge Hillman:

On behalf of the Board of Supervisors, the following are the Board's responses to the findings and recommendations included in the 2014/2015 Tulare County Grand Jury Report titled *DA – We Are Your Investigative Arm*. The Board of Supervisors has no independent basis by which to respond to the specific findings and recommendations and has therefore consulted with the Tulare County District Attorney's Office to assist with these responses.

Findings and Board Responses

Finding 1

A portion of the Tulare County community is not aware of the operations of the Office of the District Attorney.

Response: The Board agrees with this finding.

Finding 2

The Tulare County community has a right to know about the cases in the Tulare County court system.

Response: The Board agrees with this finding.

Sincerely,


Steven Worthley, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury

RECEIVED
5-27-2015



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

April 20, 2015

The Honorable Brett D. Hillman
Tulare County Superior Court
221 S. Mooney Blvd., Rm. 303
Visalia, CA 93291

RE: Grand Jury Report Entitled "The District Attorney: We Are Your Investigative Arm"

Dear Judge Hillman:

On February 25, 2015, the Office of the District Attorney received a copy of a portion of the 2014 / 2015 Tulare County Grand Jury Final Report related to the Department for review and response. The report contained two Findings, but made no Recommendations. The two Findings have been addressed in an attached letter, but there were a few Facts contained in the report that I believe warrant clarification.

Fact 12: The Office of the District Attorney issues all criminal subpoenas in Tulare County and the Sheriff's Office is responsible for serving each subpoena to the individual and/or entity.

Prior to the year 2000, the Tulare County subpoena service procedures were changed. The Office of the District Attorney issues all criminal subpoenas in Tulare County and is also responsible for serving each subpoena to the individual and/or entity.

Fact 14: There are three components to all investigations and you must have two-thirds of the following components:

This Fact is not meant to suggest that there is a mathematical formula for conducting a criminal investigation. It is a basic example of the legal concept of *Corpus Delicti*, which requires sufficient evidence of all elements of a crime be presented before a defendant's confession is admissible in court.

RECEIVED
4-21-2015

Fact 16: The Office of the District Attorney Philosophy is "Improve Across the Board".

Although constantly striving to improve is a philosophy shared by many successful organizations, the actual mission of the Office of the District Attorney is to represent the people of the State of California in an efficient, effective and ethical manner as an administrator of justice and a protector of the guarantees set forth in the Constitution of the State of California and the United States of America. Our motto, which hangs near the Prosecutor Code of Ethics, in each of our offices is "Illuminate Justice, Enlighten Truth, and Guide Victims"

Fact 21: [T]itle and definition of each attorney position within the Office of the District Attorney".

The definitions utilized in this Fact were taken directly from the County of Tulare – Class Specification Bulletin. As such, the County definitions encompass both District Attorney and Public Defender positions. References to "criminal defense" are not applicable to Supervising, nor Deputy District Attorneys.

Fact 28: [N]on-attorney headcount by position for Fiscal Years 2011-2013:

The chart failed to include Investigator – Welfare-B of which there were none in 2011, but there was one in both 2012 and 2013. As such, the correct totals for the three years are as follows: 2011 – 115, 2012 – 112, and 2013 – 111.

Fact 29: [S]ummary of Net Cost for the Office of the District Attorney for Fiscal Years 2011 – 2013:

The 2013-Estimated Net Cost is correct as reported, however, the correct Net Cost for 2011 is \$13,753,900 and the correct Net Cost for 2012 is \$13,435,192.

It is my intent that these clarifications will serve to enhance the Grand Jury's Final Report.

Sincerely,



Tim Ward
District Attorney

TW:rg

Enclosure – as indicated

cc: Tulare County Grand Jury, 5963 S. Mooney Blvd., Visalia, CA 93277

Tulare County Board of Supervisors, 2800 W. Burrell Ave., Visalia, CA 93291



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

April 20, 2015

The Honorable Brett D. Hillman
Tulare County Superior Court
210 S. Mooney Blvd., Rm. 303
Visalia, CA 93291

RE: Grand Jury Report Entitled "The District Attorney: We Are Your Investigative Arm"

Dear Judge Hillman:

On February 25, 2015, the Office of the District Attorney received a copy of a portion of the 2014 / 2015 Tulare County Grand Jury Final Report related to the Department for review and response. Following are our responses to the findings of the Grand Jury:

FI: A portion of the Tulare County community is not aware of the operations of the Office of the District Attorney.

RESPONSE: Agree

With a multi-cultural population of almost one-half million people that spans the generations from infancy to senior citizens, it is a never ending challenge for County departments, private businesses, and non-profit agencies alike, to ensure awareness of the services they provide throughout the Tulare County community as a whole. Since becoming Tulare County District Attorney, Tim Ward has accepted and welcomed this challenge, and it is an expectation for each and every member of the staff that they provide information and educate the community about the operations of the Office whenever they have the opportunity.

RECEIVED
4-21-2015

District Attorney Ward continues to emphasize community outreach as a Department-wide endeavor. The Bureau of Prosecutions, the Bureau of Investigations and the Victim/Witness Assistance Division all participate in outreach activities. Often the units collaborate with one another when the topic or the demographic being targeted warrants it. Throughout the year, the Department will develop Public Service Announcement (P.S.A.) campaigns to educate community members about relevant topics that are impacting our community at the time. Samplings of topics that have been addressed are domestic violence, elder abuse, workers compensation fraud, agricultural crime and foreclosure fraud. These campaigns always include brochures for public distribution and most often include the use of traditional media outlets such as newspapers, television, and radio. The campaigns are displayed on our website and some have included transit bus advertisements and billboards. Many campaigns are produced in both English and Spanish to target a wider sector of our community.

Although media campaigns are an effective way to reach people, our Department strives to have staff members in the community meeting face to face with individuals and groups to develop a more personal relationship with our Department. Attorneys, Investigators and Victim Advocates regularly make presentations to schools, service organizations, businesses, law enforcement, faith based institutions, retirement communities and the general public throughout Tulare County. The Tulare County community provides a diverse audience, but we try to address as many individual groups as possible. Of note, our Victim Advocates provide outreach to local students regarding Teen Dating Violence, a presentation that also incorporates Internet Safety and Cyberbullying. Over the past year, the Advocates reached approximately 1,200 students. Investigators and Attorneys provide training to local employers about reducing Workers Compensation Fraud in their businesses, and they also make presentations to members of the agricultural community about reducing rural crime. In addition, Investigators partner with the agricultural community to number-stamp equipment so law enforcement can track-and-recover-stolen goods. Finally, our Attorneys and Victim Advocates join together to meet with our elders at local senior centers regarding Identity Theft Awareness, while Attorneys and Investigators meet with the employees of local banks and financial institutions to provide training on identifying Financial Elder Abuse. These examples are just a small sampling of the outreach that takes place annually.

Always exploring new ways to make the entire Tulare County community aware of our operations, for the first time, the Office of the District Attorney has added a Media Specialist-Public Information Officer (PIO) to our staff. With a primary focus of expanding the County audience we are able to reach regarding our operations, we have moved from a traditional operating system of a single Department website, to a system that incorporates Facebook, Twitter, Instagram and YouTube. With the ever increasing use and reliance on technology and social media, we have no doubt this will increase our visibility in the Tulare County community.

F2: The Tulare County community has a right to know about the cases in the Tulare County court system.

RESPONSE: Agree

To ensure the Tulare County community maintains trust and confidence in the Judicial System, it is imperative that the members of the community know about the cases in the Tulare County court system. In the past, most people relied primarily on local newspapers and on television and radio broadcasts to learn about cases in the court system. As such, communication between the Office of the District Attorney and the media was traditionally coordinated through official press releases and conversations with the District Attorney and senior staff. Public dissemination of news released by the Office of the District Attorney was left largely to the media's discretion to publish or to comment on it.

As communication technology continues to develop and expand, the community's reliance on personal devices, such as laptops, cell phones, notebooks, and now even watches, to receive news can no longer be ignored. With the advent of social media, the Office of the District Attorney can now engage both the traditional media outlets and the community simultaneously, instantly increasing the number of community members aware of the cases in our court system. To utilize this new technology effectively, the District Attorney recently added a Media Specialist-Public Information Officer (PIO) to his staff.

In addition to the use of traditional press releases to media outlets, the Office of the District Attorney now maintains five additional communication platforms to release news about cases for public dissemination: Tulare County District Attorney's Website, Facebook, Twitter, Instagram and YouTube. It is the PIO's responsibility to maintain and update these communication platforms, and to engage new platforms in the future if they are determined to be successful in providing additional information and news to the community.

Historically, press releases were only sent out on cases of community interest at the time of conviction. The District Attorney has expanded their use for cases of interest to include arrest and filing of criminal charges, and also sentencing. These press releases, as well as relevant photos, are posted on the Website, Facebook and Twitter at the same time they are e-mailed to media outlets. Members of the community that utilize social media have immediate access to the news regarding cases, regardless of whether the traditional media outlets choose to publish the information. The community will benefit from this increased access to information, because members that utilize social media will be able to engage the Office of the District Attorney through comments, and the District Attorney will have the ability to respond in return.

The Honorable Brett D. Hillman
Page Four

District Attorney Tim Ward has great confidence the increased dissemination of case related information will naturally increase community awareness of what is occurring in the Tulare County court system.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Ward", written in a cursive style.

Tim Ward
District Attorney

TW:rg

cc: Tulare County Grand Jury, 5963 S. Mooney Blvd., Visalia, CA 93277

Tulare County Board of Supervisors, 2800 W. Burrel Avenue, Visalia, CA 93291