

Orange County Office of the District Attorney Operational Audit

**Improving the Long-Term Efficiency, Effectiveness and Economy
of the Office of the District Attorney**

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In Collaboration with
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I. EXECUTIVE SUMMARY

Altmayer Consulting, Inc., in collaboration with Pat Dixon, Esq., presents this report related to our performance audit of the Orange County Office of the District Attorney's ("Office"). The objectives of the proposed study are to conduct an evaluation of selected aspects of the Office's major functional units. This report is designed to be future-oriented and to provide recommendations on ways to improve the efficiency, effectiveness and the economy of the Office's three major divisions: Legal, Investigative Bureau and Administration.

The findings in this report are based on our review of key documents (e.g. organization charts, job descriptions, policy manuals, etc.) as well as interviews with over 60 members of the Office. We have broken down our findings and recommendations into four categories:

- ▶ Legal Division
- ▶ Bureau of Investigation
- ▶ Administration
- ▶ Organization-Wide

The mission of the Office is to "enhance public safety and welfare and create a sense of security in the community through the vigorous enforcement of criminal and civil laws in a just, honest, efficient and ethical manner." For the current fiscal year (FY14-15), the Office has a budget of \$125,348,081 that includes funding for 769 budgeted positions. The budget positions include:

- ▶ 339 positions for the Legal Office (276 regular positions and 63 limited term)
- ▶ 241 positions for the Bureau of Investigations (211 regular positions and 30 limited term)
- ▶ 189 positions within Administrative Services (169 regular positions and 20 limited term)

Overall Assessment of Office-Wide Performance

Overall, the office is functioning at a high-level with performance metrics that exceed their stated goal of achieving a ninety percent conviction rate for adult felonies. The conviction rate for adult cases filed as felonies over the past three years has been 92% (2012), 92% (2013) and 93% (2014). This compares with a historical state average of approximately 84% in 2012.¹

¹ This figure is based a report from the American Grand Jury Foundation which compiled conviction rates for 56 California Counties from 1996 through 2005. American Grand Jury Foundation, "The Conviction Rates of California District Attorneys", Table 1. Retrieved from http://www.grandjuryfoundation.org/lgconvictions_table1.pdf

Innovative Programs and Initiatives

In addition to exceeding their key performance target, the Office has also undertaken a number of innovative programs designed not only to improve law enforcement within the County, but also to improve how the Office prosecutes certain types of crimes. These programs include:

- ▶ *DNA Database* – In 2007, the Office began a program to develop a local DNA database for use in evaluating crime scene DNA that may not be included in the State’s database. Through voluntary and local diversion program, the Office has developed a significant database of DNA samples. Additionally, the Office has developed a rapid DNA test allowing it to process crime scene samples within two hours.
- ▶ *Human Trafficking* – In 2013, the Office formed the Human Exploitation and Trafficking unit. The intent of the unit is to focus on the prosecution of those perpetrating the sex and labor slave trade, rather than on the female victims.
- ▶ *Vehicular Homicide Team* – In 2008, the Office established the Vehicular Homicide team with the Homicide Unit. The unit includes specialized investigators trained in accident reconstruction to investigate this unique type of crime scene.
- ▶ *Gang Reduction and Intervention Partnership (GRIP)* – GRIP is a partnership between the Office and local law enforcement agencies that identified at-risk youth with the goal of increasing school attendance and decreasing gang activity.

Key Challenges Facing the Office

Despite these accomplishments, the Office has experienced some challenges. Over the last several years, the training function with the Office had been weakened, due in part to budgetary limitations. While the Office has taken steps to refocus its training program over the past year, the training program is still behind some of its peers in Southern California. The Office has also faced challenges related to its use of jailhouse informants, particularly as it related to the prosecution of Scott Dekraai. In response to the Dekraai case, the Office has undertaken a number of measures to address the practice of using jailhouse informants, but we believe that our recommendations regarding training and major case review will provide additional safeguards to prevent this type of issue from arising again.

This report contains fifteen recommendations designed to further enhance the efficiency and effectiveness of the Office. We have primarily focused our recommendations on strengthening the Office’s most important asset: its people. Our recommendations include the implementation of a more impactful training program, the application of a more complete attorney evaluation process, and a series of recommendations designed to give staff the tools necessary to perform their work more efficiently and effectively.

II. APPROACH AND METHODOLOGY

A. Audit Approach

The objective of this audit is to evaluate the effectiveness of selected aspects of the Office's key functional units. Our review is a future-oriented analysis that focuses on evaluating the Office's operational policies and practices and their impact on overall Office performance.² The result of this audit is a series of findings and recommendations set forth below.

B. Audit Methodology

This audit was conducted in accordance with generally accepted government auditing standards. Our findings are based on evidence obtained during the course of the audit. This evidence was used to provide a reasonable basis for each of our recommendations. Evidence for the audit was collected using three different methods:

Review of Documentation

As part of the audit, we reviewed a considerable amount of documentation from the Office including:

- ▶ Case Management System ("CMS") reports for each legal unit containing data related to filing against defendants, disposition of defendants by category, and trial statistics (2012 through 2014)
- ▶ Organizational Charts and Legal Division Assignments Charts to determine staffing levels within each legal and investigative unit (2012 through 2014)
- ▶ Deputy District Attorney manuals
- ▶ OCDA policies and procedures
- ▶ 2013 Biennial Report
- ▶ Training and other business plans
- ▶ Performance evaluation templates
- ▶ Fiscal grant documentation
- ▶ Office budgets
- ▶ Job classifications for relevant positions
- ▶ Additional materials that may have been relevant to particular units

² During the course of the audit, the Office raised an issue with our auditors regarding Form 700 filings within the Office. The Office stated that it was in the process of developing a new policy for its staff regarding this issue. However, we do not address this issue in this operational audit as we do not have the expertise to offer a legal opinion regarding the filing requirements.

Interviews with Management and Staff

We conducted over 60 interviews with management and staff of all levels. Interviews focused on gaining an understanding of the challenges faced by each unit, coordination between units, workload activities as well as policies and practices associated with prosecutorial functions. Interviews included representatives from the following categories of employees:

- ▶ Legal Division – Executive management, supervising attorneys, deputy district attorneys and paralegals
- ▶ Bureau of Investigation – Executive management, supervising investigators, and investigators
- ▶ Administration – Management of administrative functions, administrative staff, clerical supervisors and clerical staff.

In addition to scheduling interviews with select personnel, the Office sent a communication via email to all Office staff providing them an opportunity to participate in the engagement through a confidential interview with the auditors. A number of staff participated in this manner and their interviews are part of the audit record.

All interviews were done confidentially with an agreement not to release names of the individuals that were interviewed or to attribute any particular findings or statements.

Best Practice Review

Finally, in areas appropriate to the audit, we reviewed the practices and policies used by other district attorney offices. These best practices helped form the basis of a number of recommendations set forth in the report.

III. LEGAL DIVISION

A. Overview

The Legal Division is broken into four different managerial units: Branch Court Operations, Vertical Prosecutions/Violent Crimes, General Felonies/Economic Crimes and Special Projects. Each office is supervised by a Senior Assistant District Attorney and has distinct goals and objectives.

Branch Court Operations

Branch Court Operations is responsible for three legal functions within the Office: (1) filing and prosecution of all misdemeanor cases, (2) filing and prosecution of all juvenile cases and (3) filing and conducting preliminary hearings for all felonies not assigned to vertical units. Branch Court Operations is organized into five units, each overseen by an Assistant District Attorney (Head of Court) and an Assistant Head of Court. These units prosecute misdemeanors within the County's four geographic courthouses (Central, Harbor, North and West Justice Centers) and one unit services the County's Juvenile Justice Center. Branch Courts are also assigned a Team Leader. The Team Leader is responsible for the day-to-day coordination of Felony Charging Unit and assisting in the management of the overall affairs of the courthouse.

Branch Court Operations also plays the pivotal role in the development of less experienced attorneys within the Office. The division serves as a critical training ground for attorneys within the Office by providing day-to-day oversight and feedback to attorneys. The division ultimately makes the decision whether an attorney is moved out of their three-year probationary status to become a fully vested Deputy District Attorney.

The following is a summary of overall workload and performance statistics for misdemeanor prosecutions and felony filings/preliminary hearings conducted in branch courts:³

³ The records for the Felony Charging Unit do not contain conviction rates as those statistics are embedded within the Felony Panel numbers.

Misdemeanor Courts			
	2012 Average Per Month	2013 Average Per Month	2014 Average Per Month
Filings by Court			
Central	863	764	637
North	716	609	603
Harbor	1206	865	821
West	921	933	875
Conviction Rate	86.7%	84.7%	85.9%

Felony Charging Unit			
	2012 Average Per Month	2013 Average Per Month	2014 Average Per Month
Felony Filings by Court			
Central	260	291	238
North	343	376	315
Harbor	331	349	206
West	303	337	282

During our review of the Felony Charging Unit, we identified significant anomalies in workload. Filings among individual members of the Felony Charging Unit varied dramatically with one member averaging over 250 filings per month and many other deputies not achieving those numbers over the course of the entire year. Our interviews suggested that some deviation was to be expected based on case assignments, but the differences identified by our review of filings completed by individual deputies is significant enough to warrant a follow-up study by the Office to determine the cause of the variations.

Vertical Prosecutions/Violent Crimes

Vertical Prosecutions/Violent Crimes prosecutes serious and violent felonies by assigning cases to “vertical” units, i.e. units that specialize in the prosecution of a certain type of crime. Currently, the Office maintains six vertical units:

- ▶ *Homicide* -- This unit prosecutes all non-gang related homicide or manslaughter cases. In general, homicide cases are among the most sensitive and lengthy of all prosecutions, especially in cases where the death penalty is sought.⁴
- ▶ *Gangs* -- This unit prosecutes all gang-related adult felonies and serious juvenile cases. Gang cases can range in severity and complexity but include a significant number of homicide and death penalty cases. Gang cases often involve multiple defendants, again adding to the complexity of prosecuting these cases.
- ▶ *Target* -- This unit was initiated with grant funds in the early 1990's to specifically "target" serious gang offenders. Office attorneys and investigators are out-stationed to local police agencies for the purpose of "targeting" gang members for apprehension and prosecution. The program serves as a partnership between the Office, probation and local law enforcement.
- ▶ *GRIP/Gang Injunctions* -- The unit, in conjunction with cities, began filing injunctions against individual gangs and gang members within defined communities to address the prevalence of gangs in local communities. In these civil actions, individual gang members are identified and forbidden to engage in a host of activities, some of which are already illegal such as selling drugs, vandalizing property and possessing weapons. In addition, this unit is responsible for the Gang Reduction and Intervention Partnership (GRIP). GRIP is a partnership with local law enforcement agencies that identified at-risk youth with the goal of increasing school attendance and decreasing gang activity.
- ▶ *Sexual Assault* -- The Sexual Assault Unit prosecutes sexual assaults perpetrated on adults and children. The unit also coordinates work on civil commitment hearings for sexually violent predators about to be released from prison. Cases in this unit typically involve victims with significant emotional issues and, as such, communications require additional sensitivity from attorneys and investigators.⁵
- ▶ *DNA Unit* -- The DNA unit is responsible for managing the Office's DNA database that contains samples collected within the County. They manage the database, train local law

⁴ For the Homicide unit's performance statistics below, it is significant to note that in 2014, three of the six defendants dismissed were for cases involving lesser crimes that were being handled by that unit.

⁵ The Sexual Assault unit is comprised of 18 FTEs handling four different categories of cases. Most of the cases are "traditional" sexual assault cases and are handled by 12 FTEs (represented by the table below titled "Sexual Assault"). The second category of cases involves Statutory Rape and is handled by one FTE (these cases are also included in the "Sexual Assault" table below). The third category of cases involves Sexually Violent Predators. These cases are very labor intensive with most of them involving in excess of 10,000 pages of discovery and a large amount of motion work but very little in the way of trial numbers. As a result their caseload is much lower (these cases are represented by the table below titled "Sexually Violent Predator"). The result of these cases is measured by whether the defendant was committed or had their commitment extended. Finally, the unit has a fourth category of cases handed by a CAST attorney who is solely responsible for staffing the CAST interviews of child victims of sexual assault and as such, has no cases on her caseload and does no filing (this position does not involve trials or filings and, therefore, is not included within the performance statistics below).

enforcement on the collection of DNA, and provide DNA support to attorney's throughout the Office.

The following charts represent a summary of workload and performance statistics for these vertical units within the Office. Workload numbers include:

- ▶ Number of Defendants Filed – total number of defendants that were individually filed against during the course of the year.
- ▶ Number of Trials – total number of trials completed during the year.⁶
- ▶ Number of Active Cases – the average of active cases during the course of the year. This includes cases that were filed in prior years, but had not yet been resolved.
- ▶ Full Time Equivalent (FTEs) – the number of attorney positions excluding the supervising attorney. Part-time attorneys are considered a half of an FTE.
- ▶ Active Cases per FTE – this number represents the average number of cases maintained by each prosecutor. This number is often referred to as the average “caseload” per attorney.⁷
- ▶ Defendants Filed per FTE – this represents the average number of defendants filed per attorney position during the course of the year.
- ▶ Total Defendants Resolved – this is the total number of defendants whose cases were completed during the course of the year either through conviction or dismissal.
- ▶ Total Defendants Dismissed/Acquitted – this is the total number of defendants who during the course of the year were either dismissed or acquitted. This number does not include any defendants who were dismissed, but were refilled.
- ▶ Conviction Rate – this is the comparison of the number of defendants resolved by the number of defendants acquitted or dismissed.

⁶ It is important to note that the number of trials within different units varies significantly. This variation is based on the nature and scope of the cases being handled by those individual units. For example, economic and environmental crimes tend to be more time consuming and paper intensive and, therefore, the number of trials is significantly lower than general felonies that can be less complex to develop and try.

⁷ In a few instances, the Office did not have data on Active Cases for a particular unit. In those cases, we used Active Defendants and Active Defendants per FTE. This distinction is relatively minimal as each defendant adds to the overall workload of the attorney even if those defendants are combined into one case.

Gangs			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants	341	328	211
Number of Trials	46	36	30
Active Cases	252	290	311
FTEs	9.0	8.0	9.0
Active Cases per FTE	28.0	36.3	34.6
Defendants Filed per FTE	38	41	23
<i>Effectiveness</i>			
Total Defendants Resolved	301	341	286
Total Defendants Dismissed/Acquitted	24	31	21
Conviction Rate	92.0%	90.9%	92.7%

Homicide			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	69	48	35
Number of Trials	33	34	26
Active Cases	142	145	130
FTEs	13.5	12.5	12.5
Active Cases per FTE	10.5	11.6	10.4
Defendants Filed per FTE	5	4	3
<i>Effectiveness</i>			
Total Defendants Resolved	83	46	55
Total Defendants Dismissed/Acquitted	7	3	6
Conviction Rate	91.6%	93.5%	89.1%

Sexual Assault			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	323	294	285
Number of Trials	72	72	61
Active Cases	381	350	332
FTEs	13.0	13.0	13.0
Active Cases per FTE	29.3	26.9	25.5
Defendants Filed per FTE	25	23	22
<i>Effectiveness</i>			
Total Defendants Resolved	331	265	271
Total Defendants Dismissed/Acquitted	18	8	25
Conviction Rate	94.6%	97.0%	90.8%

Sexually Violent Predator			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	0	0	1
Number of Trials	4	8	4
Active Defendants	64	56	51
FTEs	4.0	4.0	4.0
Active Defendants per FTE	16.0	14.0	12.8
Defendants Filed per FTE	0	0	0
<i>Effectiveness</i>			
Total Defendants Resolved	6	10	10
No SVP Finding	2	1	4
Successful Commitments/Extensions	66.7%	90.0%	60.0%

Target			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	713	568	501
Number of Trials	36	44	33
Active Defendants	588	526	463
FTEs	12	12	12
Active Defendants per FTE	49	44	39
Defendants Filed per FTE	59	47	42
<i>Effectiveness</i>			
Total Defendants Resolved	711	585	516
Total Defendants Dismissed or Acquitted	51	42	26
Conviction Rate	92.8%	92.8%	95.0%

Vehicular Manslaughter			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	20	21	29
Number of Trials	1	1	6
Active Cases	19	21	36
FTEs	2.0	2.0	2.0
Active Cases per FTE	9.5	10.5	18.0
Defendants Filed per FTE	10	11	15
<i>Effectiveness</i>			
Total Defendants Resolved	18	14	15
Total Defendants Dismissed/Acquitted	1	2	0
Conviction Rate	94.4%	85.7%	100.0%

Overall, the effectiveness of the individual vertical units was high with virtually every unit maintaining a long-term conviction rate over 90%. In terms of workload, we believe the Office needs to continue its practice of evaluating caseload trends and make adjustments where appropriate. While it is not necessarily advisable to move attorneys based on short-term trends, it is important to maintain the proper alignment of attorneys to workload. In reviewing the above workload statistics, the Office should evaluate the Homicide, Gang and Target units to determine whether drops in Number of Defendants Filed warrants a reallocation of resources to other units. In particular, our interviews revealed that both Family Protection and Sexual Assault units appeared

to be working under unusually high caseloads given the nature of the work they perform and may benefit from moving resources from other units.

General Felonies and Economic Crimes

The General Felonies and Economic Crimes division is responsible for the prosecution of general felonies, significant narcotics and domestic violence cases and economic crimes. This division is broken down into the following units:

- ▶ *Felony Panel* -- This unit is responsible for prosecuting cases that are processed by the Felony Charging Units and include less violent crimes such as burglaries, robberies, assault, etc. It is staffed primarily with attorneys who have recently moved from Misdemeanor Operations.
- ▶ *Major Narcotics* -- This unit specializes in the prosecution of individuals and organizations involved in the manufacture and trafficking of large quantities of narcotics. This unit is also responsible for prosecuting criminal code enforcement cases.
- ▶ *Family Protection* -- This unit was created to prosecute felony domestic violence cases. In addition to spousal abuse, the unit also handles child physical abuse, child abduction, and elder abuse. These cases, like those handled by the Sexual Assault unit, require particular sensitivity in their investigation and prosecution, as it is difficult for victims to participate in the prosecution of family members.
- ▶ *Major Fraud* -- Major Fraud prosecute fraud cases involving financial loss over \$100,000. Fraud cases include real estate fraud, investment schemes, identity theft and other types of fraudulent activity. These cases often require attorneys and investigators with skillsets focused on evaluating a large number of financial and/or professional documentation.
- ▶ *Insurance Fraud* -- Funded almost exclusively by grants, this unit is responsible for working with the California Department of Insurance to prosecute fraud in the areas of welfare benefits, workers compensation insurance, medical/disability insurance and automobile insurance.
- ▶ *Consumer Fraud and Environmental* -- This unit is responsible for both consumer fraud and environmental protection. Consumer fraud prosecutes cases involving deceptive business practices and misleading advertising claims. The Environmental Protection section works to prosecute complex environmental cases involving hazardous waste and illegal polluting.⁸

⁸ In 2014, the Office began offering a coordinated diversion program that offers low-level neglect defendants an opportunity to earn a dismissal through successful completion of a program. Also, in 2014, the Office began to file pet abandonment charges and similarly offered a dismissal for cases where the animal was not harmed and all fees/care are paid. Defendants that participated in these diversion programs are not included within this unit's performance statistics.

Consumer Fraud/Environmental			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	67	164	113
Number of Trials	0	0	1
Active Cases	20	41	50
FTEs	6.5	5.5	6.0
Active Cases per FTE	3.1	7.5	8.3
Defendants Filed per FTE	10	30	19
<i>Effectiveness</i>			
Total Defendants Resolved	56	91	69
Total Defendants Dismissed/Acquitted	10	13	14
Conviction Rate	82.1%	85.7%	79.7%

Family Protection			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	407	819	780
Number of Trials	12	26	35
Active Cases	191	287	347
FTEs	7.0	11.0	11.0
Active Cases per FTE	27.3	26.1	31.5
Defendants Filed per FTE	58	74	71
<i>Effectiveness</i>			
Total Defendants Resolved	391	552	688
Total Defendants Dismissed/Acquitted	21	24	61
Conviction Rate	94.6%	95.7%	91.1%

Felony Panel			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Bound Over	1401	1655	1478
Number of Trials	138	138	170
Active Cases	612	841	796
FTEs	14.0	16.0	20.0
Active Cases per FTE	43.7	52.6	39.8
Defendants Filed per FTE	100	103	74
<i>Effectiveness</i>			
Total Defendants Resolved	1444	1456	1411
Total Defendants Dismissed/Acquitted	131	108	114
Conviction Rate	90.9%	92.6%	91.9%

Major Fraud			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	99	70	110
Number of Trials	0	1	6
Active Cases	257	234	227
FTEs	13.0	11.0	11.0
Active Cases per FTE	19.8	21.3	20.6
Defendants Filed per FTE	8	6	10
<i>Effectiveness</i>			
Total Defendants Resolved	105	107	73
Total Defendants Dismissed/Acquitted	14	16	10
Conviction Rate	86.7%	85.0%	86.3%

Major Narcotics/Code Enforcement			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	153	203	174
Number of Trials	2	2	1
Active Defendants	96	109	120
FTEs	5.0	5.0	5.0
Active Defendants per FTE	19.2	21.8	24.0
Defendants Filed per FTE	31	41	35
<i>Effectiveness</i>			
Total Defendants Resolved	181	186	172
Total Defendants Dismissed/Acquitted	23	21	26
Conviction Rate	87.3%	88.7%	84.9%

Insurance Fraud			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	108	190	260
Number of Trials	4	3	1
Active Cases	36	56	72
FTEs	7.0	10.0	10.0
Active Cases per FTE	5.1	5.6	7.2
Defendants Filed per FTE	15	19	26
<i>Effectiveness</i>			
Total Defendants Resolved	99	147	229
Total Defendants Dismissed/Acquitted	17	9	8
Conviction Rate	82.8%	93.9%	96.5%

The General Felonies/Economic Crimes unit workload statistics appear to show a general trend upward, especially within Insurance Fraud and Family Protection. It will be important to continue to monitor these trends and reallocate resources as necessary.

Additionally, the Office will need to monitor the impact of Proposition 47 on both the Felony Panel and on Misdemeanor Operations. In November of 2014, the voters of California adopted Proposition 47. Proposition 47 reduced the status of certain property and drug offences from

felonies to misdemeanors. The Legislative Analysis Office estimated that approximately 40,000 people statewide are convicted of offenses that would move from felonies to misdemeanors.

Based on the data through December 31, 2014, it has been difficult to evaluate the exact impact of Proposition 47 on the caseload within the Office. At a minimum, it is expected that a significant number of cases currently being prosecuted by the Felony Panel will be reassigned to Branch Court operations and to be tried by misdemeanor deputies.

Fraud units are different in nature of many other types of criminal prosecutions. These cases often require attorneys and investigators with skillsets that include reviewing and evaluating a large number of financial and/or professional documentation. Given this difference, the Office has begun focusing its recruitment of attorneys and investigators on staff with the unique training and experience to handle these types of cases.

Special Projects

The Special Projects unit prosecutes cases involving criminal violations of public trust including the prosecution of public officials, elected officials (and those seeking elected office) and law enforcement personnel. This section also includes prosecution of public assistance cases,⁹ hate crimes, perjury cases, parole hearings and cases involving felonies where the defendant was committed to state mental institutions. Finally, the division includes the Law and Motion unit that is responsible for handling legal research, motion practice and appeals for the Office.

Special Projects			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	107	104	112
Number of Trials	8	11	15
Active Cases	64	66	63
FTEs	11.5	12.0	12.0
Active Cases per FTE	5.6	5.5	5.3
Defendants Filed per FTE	9	9	9
<i>Effectiveness</i>			
Total Defendants Resolved	100	84	90
Total Defendants Dismissed/Acquitted	6	10	18
Conviction Rate	94.0%	88.1%	80.0%

⁹ Public Assistance cases were added to this Unit's responsibility in the middle of 2013, but for purposes of consistency and analysis, we have created a separate table for those cases.

Public Assistance			
	2012	2013	2014
<i>Workload</i>			
Number of Defendants Filed	137	93	33
Number of Trials	0	0	0
Active Cases	52	80	63
FTEs	1.0	1.0	1.0
Active Cases per FTE	52.0	80.0	63.0
Defendants Filed per FTE	137	93	33
<i>Effectiveness</i>			
Total Defendants Resolved	82	87	82
Total Defendants Dismissed/Acquitted	10	20	35
Conviction Rate	87.8%	77.0%	57.3%

Special Projects is a highly specialized and unique unit within the office due to the high profile and public nature of the cases being investigated and prosecuted. Our review of workload and effectiveness statistics for Special Projects, as well as our interviews, revealed no significant areas of concern. With respect to Public Assistance cases, the Office’s main objective in a large number of such cases is to give the defendants an incentive to reimburse the state programs for the funds they unlawfully received. Therefore, in the previous years, the Office allowed certain defendants to get their cases dismissed up-front as long as they paid the money back to the state. This will explain the relatively high number of dismissals.

B. Findings and Recommendations

As set forth above, the conviction rates for the Office remain high, especially compared to the overall state average. This represents a significant achievement for the Office. From the recruitment and hiring of quality attorneys, the use specialized prosecution units, the development of innovative programs and practices (e.g. the DNA unit, TARGET, etc.) and a culture that promotes accountability, the Office has achieved a high level of performance related to the prosecution of cases.

The Office’s success, however, has not come without challenges. The primary asset of any legal office is its “intellectual capital.” With budgetary issues during the economic downturn as well as the loss of key staff, the Office has been forced to re-look the development, training and evaluation of its attorneys. We believe with the steps already taken by the Office and the implementation of the recommendations below, the Office will continue to achieve both short- and long-term success.

In addition to revamping its training function, the Office is currently facing another significant challenge related to use of jailhouse informants. This issue arose primarily from the current prosecution of Scott Dekraai, a defendant who has pled guilty to the killing of eight people at a hair salon in 2011 and awaits a trial to determine his sentence. During the course of its investigation, the Office received evidence related to Dekraai from a jailhouse informant. During pre-trial hearings, an Superior Court Judge ruled that the Office could not use the testimony from the jailhouse informant because it did not adequately disclose to the defense the informant's prior history in working with law enforcement. Additionally, the Judge ordered the removal of the Office from the prosecution of the Dekraai case. That order is currently on appeal by the State Attorney General's Office.

In response to the Dekraai case, the Office developed and implemented a new policy regarding the use of jailhouse and confidential informants and has provided training for attorneys on this new policy:

- ▶ From March 2014 through February of 2015, the Office conducted 33 different training sessions and/or legal updates to prosecutors, paralegals and investigators as a refresher on the use of confidential informants and the Office's obligations and responsibilities to disclose evidence to the defense; and,
- ▶ In February of 2015, the Office revised its policy regarding the use of confidential informants. The policy includes guidelines for the potential use of confidential informants, including ensuring that informants are checked against a confidential informant database maintained by the Office. The policy includes a 20-item checklist mandating each of the steps required to use such an informant.

In addition, the Office has been working with local law enforcement agencies to review policies related to the use of jailhouse informants and the disclosure of evidence related to those informants. While our audit was not designed to conduct a detailed review of the Dekraai issue, we believe that our recommendations related to training, and review of major cases by a separate committee will provide additional safeguards to what the Office has already implemented to prevent this type of issue from re-occurring.

Set forth below are our findings and recommendations related to the functions of the Legal Division:

Training

Since our last audit in 2007, due to budgetary issues and the need to relocate attorney resources, the Office has seen an overall reduction in training resources for attorneys. While it is common for agencies to reduce training costs during times of economic downturn, it is critical to replenish those resources as funding becomes available. While the Office has begun the process of reinvigorating its training program, we believe additional steps can be taken to even further strengthen training in the Office.

Successful companies and governmental agencies focus on training to provide specific skills and inculcate the values of the organization. At the company The Container Store, customer service staff is provided 185 hours of training in their first year alone.¹⁰ The training is designed to promote the idea of excellence and develop a customer-focused approach. Similar training models exist in such diverse industries as food service companies (Starbucks) and professional service firms (Deloitte Consulting).

Our primary recommendations for the Office focus on new attorney training. Currently, newly hired attorneys attend a three to four day class focused on basic legal issues and some practical training exercises. Our interviews corroborate our conclusion that the Office could benefit greatly from a more robust new attorney training program focusing both on educating these attorneys on the nuances of criminal not learned in law school, but also to develop their practical skills such as jury selection, opening statements, cross-examination, etc. The skills and habits developed at the right out of law school often stay with attorneys throughout their career. In one anecdote, an attorney noted that a recently retired deputy district attorney “read” every opening and closing argument because he was never trained to give more practiced presentations.

These findings related to new attorney training are consistent with our review of both the Ventura and Los Angeles District Attorney Offices. Both of those offices offer between two to four weeks of initial training that focus on developing legal and practical skills. Additionally, these offices provide a wide variety of training options for more experience attorneys and offer trainings during off business hours to allow any attorney the opportunity to attend. While new attorney training is critical, the Office must also ensure that more senior attorneys also receive adequate training moving forward and our recommendations reflect that concern.

Beginning in 2013, the Office has taken the initiative to revamp its training program, including assigning two attorneys to develop and implement a training program within the Office. As part of those efforts, a Strategic Training Plan was developed. We would recommend continuing to expand the Office’s focus on training by establishing a training unit headed by an Assistant District Attorney as well as additional resources and staff to implement an even more comprehensive training program. Our more specific recommendations are set forth below.

¹⁰ Charles Duigg, “The Power of Habit: Why We Do What We Do in Life and Business” (2012), Random House Publishing.

Recommendation #1: Institute a Full-Time Training Division headed by an Assistant District Attorney that is responsible for designing and implementing a training program for the Office. Enhancements to the existing program should include the following:

- **Develop an expected knowledge and skills base for each level of attorney within the Office;**
- **Develop a training curriculum to achieve those knowledge and skills expectations;¹¹**
- **Work with HR to supplement the evaluation process to ensure that individual attorneys are meeting the knowledge and skill expectations prior to promotion to a new level;**
- **Expand new attorney training to include two to four weeks of focused training. We also recommend an additional training session after six to nine months focusing on the development of practical skills based on their lessons learned during their initial courtroom experiences; and**
- **Offer Office-wide trainings at a time that is accessible for all attorneys within the Office that may include off-hour or weekend training times.**

Evaluation and Promotion

The Office conducts detailed evaluations of its attorneys annually. The performance evaluation tool includes twenty different criteria for evaluation including work quality, analytical skills, trial skills and communication. This type of tool is common in personnel evaluations and is designed to give the rater different important criteria from which to base the rating.

Our interviews revealed that while the evaluation tool was adequate for most attorneys, it was not effective for rating attorneys on probationary status. Newly hired attorneys are on a three-year probationary track that allows the Office to terminate their employment without cause any time during that period. The intent is to provide an appropriate amount of time to evaluate the attorneys; abilities and skill levels to determine whether they would make effective deputy district attorneys. While individual supervisors complete attorney evaluations for those on probationary status, the Office does not have a process that formally asks the question, “does this attorney have the skills, discipline and determination to be a successful deputy district attorney?”

Recent trends in performance management systems are moving away from complex and arduous personnel evaluations to focus on asking four basic questions:¹²

¹¹ The development of this training curriculum is critical for both new and more experienced attorneys. The Office needs to ensure that attorneys continue to receive training on issues such as felony trials and sentencing, direct and cross-examinations, diminished capacity, etc. While all attorneys are currently maintaining their continuing education goals, the Office should evaluate where focused trainings would be most advantageous.

1. Given this person's performance, would I award them the highest possible salary increase?
2. Given this person's performance would I want him/her on my team?
3. Is this person at-risk for low performance?
4. Is this person ready for promotion?

While this approach may appear simplistic, it focuses attention on whether the person being evaluated is the "right" person for the job they are doing or for the next job for which they are being considered. The Office would benefit from asking this question in a more intentional way for attorneys being considered for promotion, especially those moving from probationary to fully vested status.

In order to make good promotional decisions, it is important to have the expertise and experience of a number of different supervisors. Increasing attorney rotations for those on probationary status would put the Office in a stronger position to make the decision of whether to promote an individual attorney into a fully vested position.

Recommendation #2: The Office should develop a more formal and structured decision-making process for promoting individual attorneys, especially those on probationary status. We recommend creating a formal review panel to ensure a diverse and broad consensus is reached. We would also recommend that panel members be required to observe an attorney in court as part of the evaluation process.

Major Case Committee

The current organizational structure and culture of the Office represents a fairly hierarchical model of management. A supervisor (an Assistant Deputy Attorney) oversees Deputy District Attorneys within his/her unit. A Senior Assistant Attorney oversees those unit supervisors. When issues arise within cases or units that require attention, matters are generally brought up through the organizational structure through one-on-one meetings at which point it is decided whether an issue is significant enough to justify greater attention.

While this is a common organizational model, it is critical for the organization to create formal structures and checkpoints that allow Executive Management to provide oversight on critical issues. An example of such a mechanism is the Office's Death Penalty Committee. The intent of the Committee is to review all cases subject to the death penalty and make a formal recommendation as to whether the Office should seek the death penalty or not. The process allows the Office to capitalize on those attorneys with the most experience and unique insight to provide an opinion on how to best proceed on an issue of paramount importance.

¹² Marcus Buckingham and Ashley Goodall, Harvard Business Review (April 2005), "Reinventing Performance Management."

These types of committees are common in district attorney offices and they provide greater opportunities for experience attorneys to provide both oversight of and advice to trial attorneys of all levels. In the Los Angeles DA's Office, they created a "Major Case Committee" that is responsible for reviewing and monitoring high-risk, high-profile cases. The committee reviews issues from whether to file a case, whether a plea bargain is appropriate to trial strategy. The committee is able to reinforce the importance of critical thinking in cases where the Office is most at risk. Establishing a similar committee in the Office would establish an additional check within the current organization structure and provide meaningful feedback and advice to attorneys trying, complex and high-risk cases.

Recommendation #3: Develop a Major Case Committee to provide ongoing oversight of high-risk and high-profile cases within the Office. Membership on the committee could include the District Attorney and all of the Senior Assistants as well as other senior attorneys with significant experience. This Committee could also be responsible for approving the use of jailhouse informants in any case within the Office.

Role of Supervisors

Supervisors of individual units and branch courts are considered some of the most skilled and experienced attorneys in the Office. Those attributes, in theory, provide them a unique ability to head their units and provide guidance to the attorneys within those units. However, translating those courtroom skills to become an effective supervisor presents its own set of challenges requiring skills not necessarily acquired by prosecuting cases. Only through training and experience are many attorneys able to become effective supervisors.

Our interviews revealed that very few supervisors have received any formal training. Moreover, the expectation of how to manage individual units varies significantly from unit to unit, supervisor to supervisor. The roles of a supervisor can be summarized, at a high-level, as follows:

- ▶ *Ensure the Effective Prosecution and Disposition of Cases* – First and foremost, supervisors are responsible to ensure that attorneys within their unit are prosecuting their cases effectively. Depending on the case and on the attorney being supervised, a supervisor's role may involve high-level oversight or may require a more hands-on approach working with attorneys on case strategy, issue spotting, etc.
- ▶ *Unit Specific Training* – Supervisors should be responsible for ensuring that their attorneys are knowledgeable on case law with the unit's area of expertise. They should also be ensuring that attorneys are up-to-date of the most recent case law affecting their unit.
- ▶ *Managing Resources* -- This role includes managing the resources of the unit to balance the goals of operational efficiency and effectiveness. Managing attorney caseloads and investigative support is important not only to achieve the goals of that unit, but to promote the overall efficiency of the Office. Supervisors must have a perspective of the needs of their unit and the Office.

- *Personnel Issues* -- Finally, supervisors must handle personnel issues from performance evaluations to vacation schedules to the resolution of disciplinary issues. While these issues often seem like “busy work”, the importance of managing these issues effectively is critical to maintaining a successfully corporate culture.

While most of the supervisors had a basic appreciation of these issues, many did not put in place the necessary mechanisms to accomplish these tasks effectively. Few supervisors held regular meetings within their unit which many deputy district attorneys cited as an acute weakness. These attorneys stated that the failure to have regular meetings within their unit limited their opportunity to troubleshoot important issues, seek peer support or even gain a better understanding of Office-wide issues.

Recommendation #4: Develop a formal job description for the role of a supervisor within the Legal Division and train supervisors on how to achieve success in that role. This job description should include a summary of key expectations and provide basic structures and practices to ensure those expectations are being met. At a minimum, we would recommend standards on the following:

- Mandate regularly scheduled meetings within units to ensure the consistency in the disposition of cases, provide an opportunity for “turkey shooting” individual cases as well as providing the opportunity for regular training;
- Mandate supervisors attend a specified number of trial days for each attorney within the unit to provide feedback and allow for an effective evaluation; and,
- Develop and update a Unit Manual that provides attorneys with a high-level summary of key legal issues unique to that unit. This Unit Manual should be reviewed and approved by the Training Unit.

Gang and Target Units

Two different units prosecute gang related cases within the Office: the Target unit and the Gang unit.¹³ Members of the Target unit are stationed within local law enforcement agencies and focus their attention on crimes committed by identified gang members. The Gang unit handles all gang-related adult felonies and serious juvenile cases that are not committed by gang members identified by the Target unit.

Both units prosecute cases can that range in severity and complexity but include among the most violent and complex cases within the Office. Prosecution of these cases requires an understanding of the law related to gang prosecutions and also the ability to manage difficult witnesses. Our interviews revealed concerns over a lack of collaboration between the Target and Gang Units. While the units share the same goals and rely on the same expertise, the units did not appear to

¹³ Gang injunction cases are handled in a different unit, but do not involve criminal prosecution of individual gang members.

regularly collaborate or participate in joint training sessions. Moreover, there did not appear to be a compelling reason to maintain two separate units, aside from a concern over an acceptable supervisory span of control.

Recommendation #5: Consider combining the Gang and Target units to provide for greater collaboration and synergy. If span of control becomes an issue, consider appointing a team leader position to support the supervisor similar to the Assistant Head of Court position located at branch courts.

Attorney Staffing Levels

Staffing levels are difficult to balance especially in circumstances where there are short-term fluctuations in workload. Particularly in felony vertical units, attorneys have developed an expertise in a particular type of crime and it may not be prudent to rotate them without an identifiable change in workload over time. The recommendations below are based on our review of workload data over the past three calendar years and based on changes in law that may significantly impact workload moving forward.

Recommendation #6: The Office should continue evaluate the staffing needs in the following units:

- **Branch Court Operations and the Felony Panel -- continue to be monitored to evaluate the impact of Proposition 47 and its affect on workload;**
- **Homicide, Gangs and Target – these unites have all seen their workload numbers decrease over the last three years and may represent an opportunity for a reallocation of staffing; and,**
- **Family Protection and Sexual Assault – during our interviews and review of workload data, it become apparent that both units are struggling to meet existing workloads and may require additional staffing.**

Recommendation #7: Consider conducting a “time and motion” study related to the functions of the Felony Charging Unit to determine the cause of the disparities in workloads between different units and attorneys.

IV. BUREAU OF INVESTIGATION FINDINGS

A. Overview

The Bureau of Investigations (“Bureau”) plays a unique and prominent role within the Office. The Bureau is responsible for investigative support associated with preparing misdemeanors and felonies for trial. In addition to the trial preparation role, the Bureau also provides independent investigations within units such as DNA, TracKRS, Special Projects and many of the fraud units.

Organizationally, the Bureau is staffed with a Chief who is responsible for the overall management and is directly assisted by two Assistant Chiefs. Reporting to the Assistant Chief are a total of four Commanders. Investigators within each unit are responsible for reporting directly to their supervisors although investigators within trial units work closely with and receive most of their direct assignments from attorneys within those units.

Because of the experience required of its investigators, the Bureau tends to hire candidates with significant law enforcement experience, a significant number of whom have “retired” from their prior position and are now working with the Office full-time. As such, many of these investigators only stay with the Office for a limited number of years, creating disproportionate turnover and requiring the Bureau to run an almost full time recruitment simply to avoid unwanted vacancies.

B. Findings and Recommendations

Our interviews with both attorneys and investigators revealed a series of opportunities for improvement within the Bureau. The initial focus of our recommendations is to improve the support the Bureau provides to the legal units. By improving the way the Bureau assigns and rotates investigators, we believe significant improvements can be made both in the way prosecutions are conducted, but also in the breaking down of organizational barriers that currently exist between the Legal Office and the Bureau. Additionally, we believe that changes in the existing organizational structure will promote a more efficient and productive use of Office resources.

Rotation of Investigators and Supervisors

Unlike the rotation of attorneys, the assignment and rotation of investigators does not occur on a regular schedule. In part due to the need to fill vacancies created by high turnover, investigators tend to be rotated and reassigned on an as-needed basis. These assignments are often done without any notice or feedback from the Legal Division.

This rotational practice has a significant disadvantage. When investigators are moved, they are now required to re-learn a set of new cases and potentially a new area of law, making them less efficient and effective in the short-term. The impact on the attorney is also significant requiring the attorney assigned to those cases to spend time to acquaint a new investigator to their assigned cases. One

anecdote from our interviews revealed that rotations in one unit became so frequent that a single attorney had five different investigators over the course of two years.

This practice has caused significant discord within the ranks of the attorneys with virtually every attorney interviewed expressing displeasure with the current practice of rotating investigators. Our interviews with a number of investigative supervisors also reflected their unhappiness with the current system because it occurs too frequently and without feedback from either the attorneys or the investigative supervisors.

Recommendation #8: Working with the Legal Office, the Bureau should develop a rotation and assignment process that (1) provides a regular schedule for rotation of investigators, (2) provides for consultation with the Law Office for the rotation and assignment of investigators, and (3) allows investigators assigned to vertical units to stay for a minimum of 2-3 years within the assigned unit absent extenuating circumstances.

Promotion of Investigators

During our interviews, a number of investigators indicated that the promotional process within the Bureau lacked transparency. Unlike the process at many local law enforcement agencies, test scores for those applying for promotion are not released, nor is there a posting of the “Top 3” candidates for a given position. Some of those interviewed from within the Bureau believed that because the process lacked transparency, it left the Bureau open to unnecessary criticism. Those interviewed did not necessarily question the results of the process, but they were concerned about the perceptions created both within the Bureau and outside of it.

Recommendation #9: Develop a more transparent process for promotions and consider publishing test results and the final candidates for promotion.

Assistant Chief Positions

Over the last year, the Bureau re-organized its management moving to a more vertical organizational structure. Previously, the Bureau had one Assistant Chief who provided oversight over four Commanders. After the re-organization, the Bureau created two Assistant Chief positions overseeing two Commanders each.

In most organizational hierarchies, the goal is to make the structure more “flat”, meaning that executives have a larger number of direct reports and greater access to information. Having a 2 to 1 span of control at both the Assistant Chief and Commander positions leads to greater inefficiencies and less accountability.

Recommendation #10: Over time, move towards a more flat organizational structure within the Bureau to promote greater accountability and efficiency.

Fraud Units

As described in Section III above, the prosecution of fraud cases involves a unique skillset for both attorneys and investigators. Fraud cases often involve less need for traditional police activities and more experts in particular fields such as real estate, insurance and forensic accounting.

Currently, the fraud units within the Office are staffed by four investigative supervisors, twenty-three investigators and eight field experts. We believe that the Office could benefit from moving towards the use of more field experts and fewer sworn investigators for three reasons. First, the average salary for a field expert is significantly less than that of sworn investigator.¹⁴ Second, the Bureau struggles to fill vacancies with sworn investigators. By moving some of the fraud investigators to fill other vacancies, the Bureau is able to better capitalize on its staffing of sworn investigators. Finally, the nature of the work being done in the fraud units requires more expert analysis than traditional police fieldwork. As a result, the move toward more experts improves both efficiency and the effectiveness of the investigative function within the fraud units.

Recommendation #11: Consider recruiting more field experts within the fraud units, where appropriate and reassigning investigators to other units requiring the skills associated with a sworn investigator.

¹⁴ Salary ranges from \$56,035 to \$75,546 for field experts while the cost for a sworn investigator ranges from \$81,037 to \$103,750.

V. ADMINISTRATION FINDINGS

A. Overview

The Administrative Services unit provides management and clerical services and is also responsible for ensuring compliance with County policies, procedures and operations. Specific responsibilities include:

- ▶ *Human Resources* – Management and coordination of recruitment, position classifications, compensation administration, performance management, employee relations, reporting requirements including monitoring policy compliance.
- ▶ *Information Systems* – Maintenance of information systems, network, as well as planning and development of new technology
- ▶ *Financial Management* – Development of annual budget, grants administration, accounting, and financial planning
- ▶ *Purchasing* – Acquisition of goods and services for the department
- ▶ *Facilities Management* – Coordination of space needs, responding to requests for redesigning and moving office space, storage and responding to repairs, maintenance requests
- ▶ *Clerical Support* – Administrative clerical support are assigned to various criminal and investigative units and centrally report through Administration for supervisory management

B. Findings and Recommendations

Our audit included a high-level review of key administrative functions. In addition to a document review, we conducted interviews with administrative staff as well as the “customers” of these services. Overall, the primary concerns that arose from our review centered around the need for a more strategic and client-centered focus on technology.

Technology

In 2000, the Office made a significant investment in its Case Management System (“CMS”). The system improved the ability of the Office to monitor cases on both a micro and macro level by offering many reporting and research tasks that were not previously possible. As a result, CMS is able to compile statistics related to workload and performance that is valuable to the agency.

Our interviews, however, revealed that some attorneys were still “uncomfortable” with the CMS system, specifically citing perceived concerns about the reliability of some of the workload and trial data. Because of these concerns, a significant number of attorneys still rely on manual collection of workload data for purposes of evaluating their unit. While some of their concerns may be valid, it appears that the far more common problem is a lack of familiarity with the system and its features.

The CMS system is able to provide information in a wide variety of formats, but attorneys and staff do not appear to have the training necessary to avoid the manual workarounds that are currently occurring.

While CMS was a major improvement in technology for the Office, both attorneys and investigators expressed concerns that the Office does not have a long-term, strategic approach to future technology enhancements. These most critical of these enhancements were identified as:

- ▶ *Tablets or Laptops for Attorneys* – attorneys can spend hours in a courtroom waiting but they are limited in what they can accomplish. Many times, after reviewing files brought with them, they are unable to complete any meaningful work tasks resulting in hours of unproductive time. Moreover, attorneys are more and more likely to use technology as part of the trial preparation and trial presentation and the lack of a portable means of using technology is a limiting;
- ▶ *Records Management System* – the Bureau currently works without an effective records management system. Police reports are done on blank sheets of paper and electronic evidence cannot be shared with CMS. The result is that investigative and attorney staff are required do manually what many other agencies are able to do electronically; and,
- ▶ *Investigator Cell Phones* – the cell phones issued to investigators do not have sufficient texting capabilities. As a result, when an attorney is in a courtroom, they are unable to communicate with their investigators. This can be especially critical during the course of a criminal trial.

The Office has taken steps to address these issues. First, the Office has prepared a future technology plan that has begun to prioritize key technology improvements. Second, the Office has implemented more customer-oriented approach to identify attorney, investigator and staff needs (e.g. CMS Steering Committee, Discovery Committee). While the steps taken by the Office represent a beginning, the Office would benefit from a formal needs assessment and, based on that assessment, a more robust technology plan that clearly identifies potential technology enhancements and the return on investment of those enhancements.

Recommendation #12: Based on a survey of user needs, develop a more comprehensive strategic technology plan. The focus of the plan should be to prioritize future technology investments based on the potential return on investment to the Office. The Office should also continue to provide training to all levels of staff to capitalize on the powerful analytical and reporting tools within CMS.

Fiscal Administration

Over the last several years, Fiscal Administration has suffered from significant turnover. In the past year alone, the unit has lost 20% of its finance staff, usually to other County departments. This high level of turnover not only impacts human resource demands, but requires a significant amount of time to train new staff. A review of the Offices fiscal positions indicates that a number of the fiscal staff are classified a relatively low levels. In particular, the following job classifications are at issue:

- ▶ State Insurance Fraud Grants and Other State Grants – these two positions are current filled by an Accounting Technician and a Senior Accounting Assistant classification, respectively. Similar grant positions at the Sheriff Department are filled at higher classifications.
- ▶ Revenue Funds and Forfeitures – these two positions are filled by an Accounting Specialist and Accounting Assistant II. Similar positions at the Sheriff Department are filled by a Senior Accounting Assistant position.

Recommendation #13: Conduct a review of other departments within the County to determine whether fiscal staff positions are appropriately classified so as to reduce excessive staff turnover.

VI. ORGANIZATION-WIDE FINDINGS

A. Overview

To maintain a high level of performance requires an attentive and disciplined management team. It also requires processes in place to ensure that areas for improvement can be identified and actions can be taken to make the necessary organizational changes. In this Section, we provide a number of Office-wide recommendations designed to maintain or even improve the culture and performance of the organization.

B. Findings and Recommendations

Communication

Almost universally, managers and staff within the organization believe that the Office could benefit from more regular and structured communications within the Office. For many organizations, communication and information do not flow easily through the office. The key is to create vehicles for communication both from the top down and from the bottom up.

Every organization has a corporate culture that impacts communication. In the Office, the culture seems to promote more informal exchanges. The Office, in general, does not hold regular group meetings, even among Executive management. This should not imply that there is a lack of communication, but rather that communication flows more through informal channels than through structured environments. The drawback of this approach is that communication moves more slowly through the organization and does not always permeate through all levels of the organization as easily.

We believe that the Office should create more formal modes of communication. This is especially true at the manager level where the Office does not schedule regular meetings among its managers and supervisors. The Office could significantly benefit from such meetings being held quarterly or even bi-monthly with a structure agenda that includes:

- ▶ Executive management providing their updates on what is happening within the Office (e.g. response to Prop 47, updates on the Budget, etc.) and reinforcing their key initiatives and messages;
- ▶ Supervisors providing updates to the Office on the status of their unit, any significant cases and other items that may have Office-wide interest or significance.

By creating greater opportunities for broad discussion involving all levels of management, the Office will reduce the tendency towards organizational silos and provide greater opportunities to reinforce the Office's critical values.

Recommendation #14: Create more formal opportunities for communication within the Office. In particular, we recommend implementing Office-wide

manager meetings at least quarterly to allow for greater communication and camaraderie within the Office.

Reward and Recognition

Management research has consistently shown that the formula for maintaining a culture of success includes recognizing and rewarding achievement:¹⁵

“[P]ositive feedback can motivate people to continue doing what they’re doing well, and do it with more vigor, determination and creativity.”

During our interviews with deputy district attorneys, some felt that their accomplishments were not recognized, particularly by their unit’s supervisors. At least one expressed the idea that the culture within the Office is such that only failure is noticed. This is not to suggest that attorneys felt dissatisfaction with their jobs. On the contrary, most attorneys interviewed expressed a high level of satisfaction with their work and the Office. However, many attorneys felt “burned out” at times by the constant pressure. It is within this type of environment where a meaningful system of recognition could be most powerful.

Reward and recognition does not mean monetary bonuses, nor does not mean more “trial attorney of the year” awards. More effective is to create a culture where success is recognized first and foremost by the front-line supervisors. Additional opportunities to recognize achievements Office-wide are also beneficial, but not sufficient.

Recommendation #15: Create more formal opportunities for recognition of accomplishments. In particular, a key role of supervisors should include recognition of significant achievements within their unit and the obligation to share those achievements up through the organization.

¹⁵ Jack Zenger and Joseph Folkman, Harvard Business Review (2013), “The Ideal Praise-to-Criticism Ratio.” Found online at <http://hbr.org/2013/03/the-ideal-praise-to-criticism.html>.

VII. CONCLUSION

Our overall conclusion is that OCDA is performing at a high-level. The report's 15 recommendations are designed to sustain that performance over the long-term and create opportunities for improvement. Developing and maintaining the intellectual capital within the Office should be of paramount importance and our recommendations reflect that view. However, recommendations that create the organizational and technological tools to allow staff to perform to their highest ability are also necessary and are include as part of this report.

OCDA began to address many of the findings we identified, even before the audit started. Building upon those efforts as well as incorporating the recommendations within this report will continue to propel the agency forward in an effort to sustain its success over the long-term.