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January 27, 2000

To: Supervisor Gloria Molina, Chair
Supervisor Yvonne Braithwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Alan Sasaki
Auditor-Controller

David E. Janssen
Chief Administrative Officer

Subject: **DISTRICT ATTORNEY: THIRD PROGRESS REPORT ON THE
IMPLEMENTATION OF CRIMINAL PROSECUTION FUNCTION AUDIT
RECOMMENDATIONS**

On January 12, 1999, your Board requested our offices to provide semi-annual reports on the progress of the District Attorney's (DA) implementation of the 56 recommendations in PricewaterhouseCooper's (PWC) management audit of the DA's Criminal Prosecution Function. Accordingly, this is the third status report from our offices.

APPROACH

Attachment I is the DA's status report as of December 1999 on recommendations for which we requested an update. We worked in cooperation with the DA's Office to verify the status of the recommendations. Our verification process included interviews with DA management staff and a review of applicable documentation.

STATUS OF RECOMMENDATIONS

PWC's audit included 56 recommendations for improvement, four of which were the responsibility of other agencies. Of the 52 recommendations for which it was responsible, the DA has implemented 28, is in the process of implementing 18, has not implemented four, and two recommendations are no longer applicable. The majority of the 18 recommendations in process are contingent upon the establishment of a statistical/management reporting capacity within the DA's Systems Division. The DA noted this is a long-term, multi-phase initiative which it does not believe it will complete

until the summer 2000. Accordingly, we have deferred review of these recommendations until that time. Attachment A lists the recommendations in progress, those not yet implemented, and those no longer applicable.

As noted above and in previous reports, the DA does not have the authority over four recommendations. Three of these recommendations are in progress and one has been implemented. Your Board referred one recommendation, the feasibility and legality of multi-year budgeting, to the Chief Administrative Office (CAO) and County Counsel for review. The CAO proposed a multi-year budget pilot for several County departments commencing with the Fiscal Year (FY) 2000-2001 budget process. The two recommendations regarding the regionalization of the courts located in downtown Los Angeles and the expansion of court space in the Antelope Valley have been referred to the courts and the CAO, respectively. The courts are working together with the DA and local law enforcement agencies to determine an equitable division of downtown Los Angeles courts based on region. Construction for a new Antelope Valley Court is targeted to commence in August 2000. Finally, as the audit recommended, the Countywide Criminal Justice Coordination Committee (CCJCC) voted in January 1999 to include the Juvenile Justice Coordinating Council as a standing committee.

The following indicates the status of recommendations we reviewed in this period. Recommendations are labeled consistent with the PWC report (i.e., description and number).

IMPLEMENTED

Recommendation: Reduce Variations in the Application of Filing Variations (J-4)

The audit recommended four ways in which the DA could reduce its filing variations across branch and area offices. In general, the recommendation focused on promoting filing consistency through a more detailed analysis of filing variations and greater communication about filing practices.

To reduce filing variations, the DA implemented an annual filing deputies college to further train, and enhance communication among, filing deputies and representatives from local law enforcement agencies. The DA also developed an ad hoc reporting tool that allows directors to analyze filings and act to reduce filing variations. Lastly, although the audit recommended that the DA rotate deputies from filing to courtroom duties every three or four years in order to enhance filing deputies' courtroom experience, the DA stated such a rotation would diminish filing deputies' consistency and expertise.

The DA has taken sufficient action toward promoting filing consistency through a review of its policies, the addition of training and enhancement of management reporting tools. Moreover, we concur with the DA's position regarding rotations of filing deputies. We consider this recommendation implemented.

Recommendation: Clearly Articulate Standards for Promotion (I-2)

The audit suggested that the DA could improve issues related to the perception of promotional opportunities and recommended that the DA better communicate promotional criteria and be more vigilant in implementing them. The DA indicated that criteria for promotions are standardized according to job classification and that it communicates promotional opportunities clearly in exam postings. Additionally, the DA indicated that there are a multitude of factors upon which promotions are based that it communicates to promotional candidates (e.g., meeting minimum requirements, performance evaluations, and professional qualifications).

Based on this, we consider this recommendation implemented.

Recommendation: Reexamine Case Selection Criteria (P-3)

The audit noted that the case selection criteria for units within Special Operations vary considerably, in light of available staff and the types of cases that the unit prosecutes. For example, the audit noted that smaller units (e.g., Consumer Protection) have more stringent case selection criteria because these units have fewer attorneys to handle incoming cases. On the other hand, other units (e.g., Hardcore Gang) with more resources have broad case selection criteria. The auditors expressed concern that a lack of stringent case selection criteria overburdened units with cases, and forced units to "shut down" at times and refer all new cases to general prosecution. The audit recommended that overburdened units reexamine and, if possible, tighten the case selection criteria to more efficiently and effectively utilize staff and avoid "shut downs."

The DA indicated that the Assistant District Attorney (ADA) for Special Operations re-reviewed the case selection criteria of each unit and cross-referenced the criteria to those in the DA's legal policy manual. Based on this review, the DA determined not to make any adjustments at this time, but indicated that it will continue to review case selection criteria on an ongoing basis. Additionally, the DA stated that due to the high volume of crimes that require the expertise of specialized units, periodic "shut downs" in those units are unavoidable.

We reviewed the comparative analysis conducted by the ADA and determined that the DA's actions meet the intent of the recommendation. We consider this recommendation implemented.

Recommendation: Enhance Effectiveness of Help Desk (Q-6)

The audit recommended that the DA's System Division improve the responsiveness of its computer Help Desk and periodically evaluate its effectiveness with the implementation of a periodic, random survey of users to determine their satisfaction. Subsequent to the audit, the Systems Division enhanced its help desk training and implemented a random survey of 5% of all users to determine customer satisfaction. The Division tracks responses and evaluates its effectiveness based on customer

evaluations and comments. We verified that the DA is conducting these surveys and reviewed a sample of those that Help Desk customers completed. In general, customers rated the Help Desk's responsiveness very favorably.

Based on our review, the DA has taken sufficient measures to enhance the effectiveness of its Help Desk. We consider this recommendation implemented.

IN PROGRESS

Recommendation: Improve Performance Evaluation Process (I-1)

The audit recommended four discrete ways in which the DA could improve its performance evaluation process: the enforcement of performance evaluation schedules; the development of performance measures for positions; the enhancement of the evaluation instrument; and the establishment of new policies. As we reported in August, the DA has implemented a system to monitor performance evaluation schedules and to ensure that supervisors seek input from prior managers when preparing evaluations for employees they have supervised for less than six months.

The Department of Human Resources (DHR), working with the DA, hired a private contractor in 1999 who completed a job analysis of the Deputy District Attorney (DDA) IV position. The DA expects to have an additional job analysis conducted by an outside contractor during the next calendar year. The Department also plans to have its newly created Performance Measures Unit staffed by April 2000. The initial focus of the new unit will be a review of class specifications in conjunction with DHR's five-year update program. At the end of this period, the new unit will develop appropriate performance measures.

The DA's action and plans to date satisfy the intent of the recommendation. We consider this recommendation to be in progress.

NOT IMPLEMENTED

Recommendation: Reconsider the Establishment of a Formal Mentoring Program (F-2)

The audit recommended that the DA reconsider the establishment of a formal mentoring program. In February 1999, your Board approved the use of Asset Forfeiture funds to hire three DDA IVs to staff each of three Area offices to serve the dual role of mentors and prosecutors of "quality of life" cases. Based on this information, we considered this recommendation to be in progress at the time of our last report.

However, in its most recent status report, the DA stated that it has deployed these three senior prosecutors to only prosecute "quality of life" cases. The DA determined that these prosecutors are unable to perform both a mentoring and "quality of life" function effectively. The DA indicated that it remains committed to a formal mentoring program, but it can not implement it without additional funding. Accordingly, we have revised the status of this recommendation to not implemented.

Recommendation: Reduce Internal Priors Request Backlogs (J-1)

The audit indicated that the DA could reduce its internal prior backlogs in three ways: reviewing its priors request policy; assessing its priors request workloads and adjusting staffing to meet demand; and supplementing Central Trials staff with additional paralegals.

The DA stated that it reviewed its priors request policy and determined that a change could compromise the quality of its prosecution. The DA also indicated that its priors units are understaffed due to insufficient funding, and that it does not see the need for further analysis of its priors unit workload at this time. Lastly, the DA reported that the one-year paralegal pilot project implemented in its Central Trials Division 13 Unit has augmented staff to some extent.

We concur with the DA's decision not to change its priors request policy. However, the DA has not reduced its priors backlogs. Therefore, we consider this recommendation not implemented.

Recommendation: Create a Non-Peace Officer Position within the Bureau of Investigation (L-1)

The audit noted that the DA could realize efficiencies by transferring the serving of "routine" subpoenas from Investigators to a newly created Investigative Assistant position. In August 1999, the DA reported that although it continued to support the recommendation, it did not have sufficient resources to implement an investigative assistant pilot project as it had previously planned. Consequently, we recommended that the DA work with our offices to identify the resources within its budget, or other funding, for the pilot project. The DA subsequently reiterated that, in light of the resources it has allocated to the Rampart investigation and other critical funding needs in its Special Units, it could not implement the pilot project without additional funding. We consider the recommendation not implemented.

FUTURE FOLLOW-UP

As previously discussed, the majority of the 18 recommendations in progress are contingent upon the establishment of a statistical/management reporting capacity. This is a long-term, multi-phase initiative which the DA estimates it will complete in the summer 2000. Accordingly, although our directive is to provide bi-annual status reports to your Board, we recommend deferral of our next progress report to the fall 2000.

Please call me if you have any questions or your staff may contact Pat McMahon at (213) 974-0301, or DeWitt Roberts at (213) 893-0973.

ATS:PM:DR
Attachment

c: Gil Garcetti, District Attorney
Michael J. Henry, Department of Human Resources
Executive Officer, Board of Supervisors
Public Information Officer
Audit Committee

Third Status Report January 2000.doc

Attachment A

District Attorney Third Progress Report on the Implementation of the Criminal Prosecution Function Audit Recommendations

Recommendations in Progress

1. Develop a Systematic Strategic Plan (A-2)
2. Link Internal Resource Allocation Decisions to Performance Measures and Activity Based Financial Information (A-3)
3. Disseminate the Strategic Plan to all Management Staff (A-4)
4. Complete the Effort to Streamline HR Information Systems (C-1)
5. Improve Performance Evaluation Process (I-1)
6. Maintain an Internal Priors Database (J-2)
7. Collect Statistics to Gauge the Department of Corrections Performance (J-3)
8. Create a Feedback Loop (J-5)
9. Continue Communication With Judges Regarding Settling Practices (J-8)
10. Automate Data Collection (N-1)
11. Develop a Report that Estimates Appropriate Resource Allocation (N-2)
12. Develop a Report that Highlights the Use and Effectiveness of Support Staff (N-3)
13. Develop a Report that Highlights the Use and Effectiveness of Attorney Staff (N-4)
14. Develop Reports that Increase the Visibility of Staff to Management (N-5)
15. Create a Series of Annual Reports to Give Managers Information (N-6)
16. Present Performance Data in a Reader-Friendly Format (N-7)
17. Develop a Quality Assurance Mechanism (Q-2)
18. Develop a Long Term Information Technology (IT) Plan (Q-4)

Recommendations Not Implemented

1. Reconsider the Establishment of a Formal Mentoring Program (F-2)
2. Reduce Internal Priors Request Backlogs (J-1)
3. Create a Non-Peace Officer Position Within the Bureau of Investigation (L-1)
4. Limit Media Access from Secure LADA Areas (R-1)

Recommendations No Longer Applicable

1. Commit to the Continuous Improvement of the Employee Selection Process by Undertaking Follow-up Analyses to Validate Screening Criteria and Adjusting Them as Necessary (E-1)
2. Consolidate all Training Functions Into a Single Training Unit, Reporting to the Assistant District Attorney Over Administration (F-1)

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

GIL GARCETTI • District Attorney
ROBERT P. HEFLIN • Chief Deputy District Attorney

SHARON J. MATSUMOTO
Assistant District Attorney

January 13, 2000

To: Alan T. Sasaki
Auditor Controller

From:  Sharon J. Matsumoto
Assistant District Attorney

Subject: **1999 PRICE WATERHOUSE MANAGEMENT AUDIT RESPONSE
(CRIMINAL OPERATIONS)**

Attached is a brief update of our implementation of certain recommendations contained in the PriceWaterhouseCoopers Management Audit of our criminal operations.

PriceWaterhouseCoopers ("PWC") was very positive in its evaluation of our criminal operations. PWC summarized its report, "Overall, it appears that the Los Angeles County District Attorney is doing a good job in accomplishing its primary goal of evaluating and prosecuting cases. PWC found this particularly noteworthy because we face "the highest violent crime rate in the State" with substantially less funding than other prosecutorial offices ("At \$365 per filing, Los Angeles District Attorney's budget per filing is well below the statewide average of \$581 per filing.").

Since the audit, we have worked to implement the audit's recommendations to the extent possible within funding constraints. Many of the recommendations, particularly those requiring new technology, are very long term, and we will continue to move towards greater implementation over time.

tmn

Attachment

18-217 Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012
(213) 974-3958

IMPLEMENTATION STATUS REPORT

**PRICE WATERHOUSE MANAGEMENT AUDIT
CRIMINAL OPERATIONS**

JANUARY 13, 2000

RECOMMENDATION F-2: MENTORING PROGRAM

Due to budget restraints, the department was unable to assign three grade IV deputies to act as mentors in our area offices. (The Board of Supervisors has authorized, and we have deployed, three senior prosecutors to serve as "Quality of Life" prosecutors; we determined that these prosecutors could not perform both functions effectively.) We remain committed to a formal mentoring program, and will seek additional deputies in our next year's budget request to act as mentors in the area offices. The recommendation will not be implemented, however, without *additional funding*.

In the interim, our managers are using a variety of strategies to enhance the professional skills of the deputies, including regular training sessions dealing with case preparation and trial tactics, prior convictions, jury instructions, felony sentencing, Three Strikes and other matters.

RECOMMENDATION I-1: PERSONNEL ISSUES

- A) *The Human Resources Division monitors performance evaluation schedules and provides managers with performance evaluation schedules on a monthly basis. A system is in place where forms are now distributed three to four months in advance of the evaluation due date for each employee. The system now generates lists of overdue evaluations, which are sent to directors on a regular basis.*
- B) *We continue in discussions with the Department of Human Resources (DHR) regarding the development of performance measures upon which to base personnel reviews. At our request, DHR contracted with a firm which completed a job analysis of one key position in 1999, DDA IV. That analysis was utilized, along with guidance from DHR, to develop job related criteria in the promotional examination process. Job analysis by an outside agency will be completed for another key class in the current calendar year.*
- C) *As previously reported, we do not agree with the recommendation to create a Performance Evaluation form that would be supplemental to the standard form currently in use. Evaluation of job related performance measures is ongoing. The newly created Performance Measures Unit will be staffed by April, 2000. Initial focus will be on review of class specifications in conjunction with the Department of Human Resources' five-year update program. Performance measures*

will be developed at the end of this period. The new unit will also study the advisability of revising performance evaluations for specific classes when the long-term analyses have been completed.

Efforts to improve the current system include increased emphasis on training, particularly related to the performance evaluation process, which will be ongoing. All supervisors and managers have been scheduled for a two-day management/supervision course, including a performance evaluation module, conducted by the Department of Human Resources.

We previously reported plans to issue a revised Personnel Manual. In the interim, a policy will be issued requiring that a rater must consult with the previous rater(s) when preparing evaluations for employees whom they had supervised less than six months.

RECOMMENDATION J-1: PRIORS

Due to budget constraints, we remain underfunded and understaffed in our priors units. We are making greater use of paralegals in Central Operations, particularly in our paralegal pilot project in Central Trials Division 13, see Recommendation L-2 below, but we need additional staff. We see no need for further analysis of our priors unit workload at this time. Our Central Operations priors unit simply is overloaded, but, in light of the Rampart investigation and other critical funding needs, we do not believe that we can augment that staff at this time.

RECOMMENDATION J-4: FILING POLICIES

As we have stated previously, we believe that it is important to seek consistency in filing and other matters throughout our office. To this end, we have created additional training (our "filing deputies college") and conducted our first ever county-wide meeting of filing deputies to discuss filing issues. This meeting was very productive and we intend to repeat it at least annually, and, hopefully, semiannually.

We also have worked to increase our communication with law enforcement regarding filing issues and policies. We have instructed filing deputies to share and communicate our filing policies to their respective law enforcement representatives. In addition, our Central Operations prosecutors has discussed filing policies with

representatives of each Los Angeles Police Department division. Deputy district attorneys from Branch and Area Operations, moreover, continue to provide training to local police agencies.

Among other filing issues, we have undertaken a review of our policies with regard to alternate felonies/misdemeanors. We have directed our head deputies to review all alternate misdemeanor/felony filings to ascertain the appropriateness of the decision to file as a misdemeanor or felony. The Systems Division also has created an ad hoc reporting tool which allows our directors to analyze filings. This tool is being used to assist us in working towards greater consistency in these difficult filing decisions.

Finally, we do not intend to rotate job responsibilities between filing deputies and trial prosecutors on a routine basis. On balance, we believe that such a rotation would DECREASE consistency in filing decisions because we would lose expertise in our filing operations.

RECOMMENDATION J-8: COMMUNICATION WITH JUDGES

We previously reported that we expected to be participating with the courts in court coordination committees through the county. Unfortunately, we were not able to participate to the degree that fostered communication regarding settling practices. In our meetings with head deputies and deputies-in-charge, we request that our managers maintain open lines of communications with the courts on various issues, specifically including settling practices.

RECOMMENDATION L-1: INVESTIGATIVE ASSISTANTS

We continue to favor the development of investigative assistants, but have no funding for these positions. In light of the Rampart investigation and other critical funding needs, we do not believe that we can develop these positions at this time without additional resources.

RECOMMENDATION L-2: PARALEGALS

Our paralegal pilot program was fully operational in Central Trials Unit 13 in August, upon the hiring of all paralegal positions. We are preparing a formal evaluation of the pilot for consideration as part of our budget request for 2000-

2001. To date, our anecdotal evaluation is extremely positive as to case preparation and ultimate results.

RECOMMENDATION M-1: INVESTIGATORS

As previously noted, we have determined not to change the reporting relationship for Bureau of Investigation personnel, because, among other reasons, of the specialized nature and training required for peace officers. We have worked, instead, to improve communication between the Bureau of Investigation and the "legal side" of our criminal operations. All directors in our criminal bureau report that communication and cooperation are excellent.

RECOMMENDATION O-1: SPECIAL UNITS

Our updated response, dated August 26, 1999, is our final response.

RECOMMENDATION P-3: CASE SELECTION

As we have discussed previously, the case selection criteria for our specialized prosecution units always will be somewhat fluid. We do not intend to create rigid "bright line" tests between our general and special prosecution units. As part of our review of the audit's recommendations, the Assistant District Attorney for Special Operations collected and re-reviewed our published case selection criteria and our methods of publishing this information. We have determined to make no adjustments at this time, although we will continue to review this matter on a regular basis.

RL/AB/tmn