AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Visitor; District Attorney Dan Hotsenpillar; Overv

Action Requested: Discussion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

DA Hotsenpillar will attend the 2/14/17 work session to present the attached information.

Fiscal Impact:

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ◉ Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 1/25/2017

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 1/25/2017

○ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 1 hour

Agenda Date: 2/14/2017

Revised April 2015

OFFICE OF THE DISTRICT ATTORNEY, SEVENTH JUDICIAL DISTRICT, STATE OF COLORADO

Dan Hotsenpiller, District Attorney

District Attorney

What Are We?

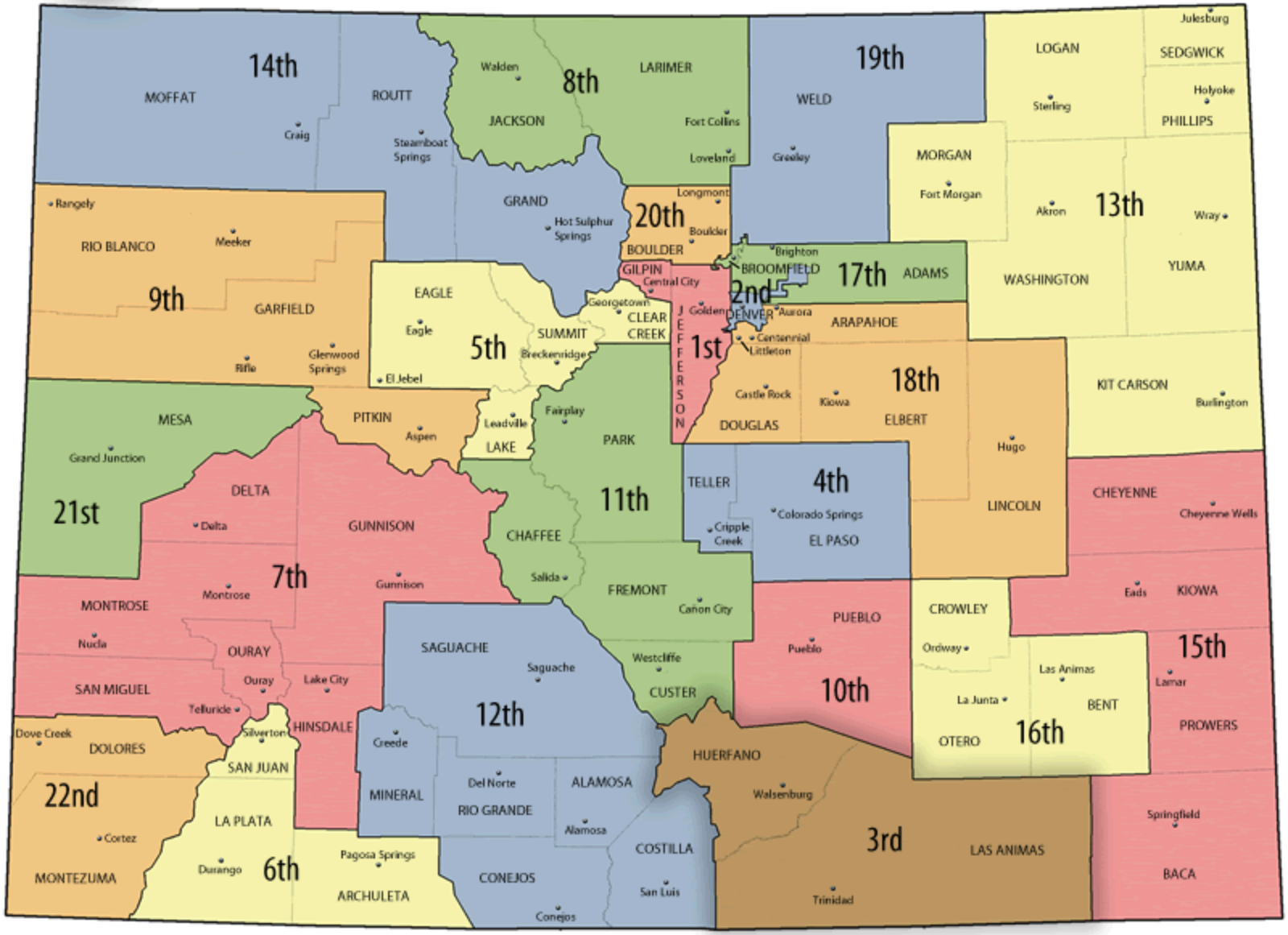
- Not State Employees
- Not County Employees
- Independent Elected Office
  - Constitutionally Created - Article VI, § 13
  - Four Year Terms
  - 2 Term Limit
  - Same Qualifications as District Judge
  - Must be Resident and Attorney for 5 years
  - About 100,000 bosses

District Attorney

Where Are We?

- Seventh Judicial District
- Six Counties
  - Delta, Gunnison, Hinsdale, Montrose, Ouray and San Miguel
- 4 Offices
  - Delta, Gunnison, Montrose and Telluride
- Over 9500 square miles

Colorado Judicial Districts



DA: What Do We Do?

- Prosecute State Law Violations in State Courts
- Our Mission:
- *To Promote Justice by providing the highest quality legal services for the People of the State of Colorado.*
- *To Promote Public Safety by supporting strong communities.*

DA: What Do We Do?

- State Law means:
  - Criminal Law
  - Traffic violations
  - Parks and Wildlife violations
  - Many other sources of violations, such as laws governing professions (e.g., pawnbrokers); fraud (e.g., food stamp or other benefit fraud)
- State Law does not mean Municipal Law, County Ordinances or Federal Law

DA: What Do We Do?

- Prosecute means:
  - Review Arrest and Search Warrants
  - On Call Legal Advice
  - Investigate, before and after case filed
  - Grand Jury
  - Court Hearings
    - Advisements; Bond Hearings; Preliminary Hearings; Motions Hearings; Jury Trials; Court Trials; Sentencing Hearings
  - Defend Convictions
  - Few Appeals

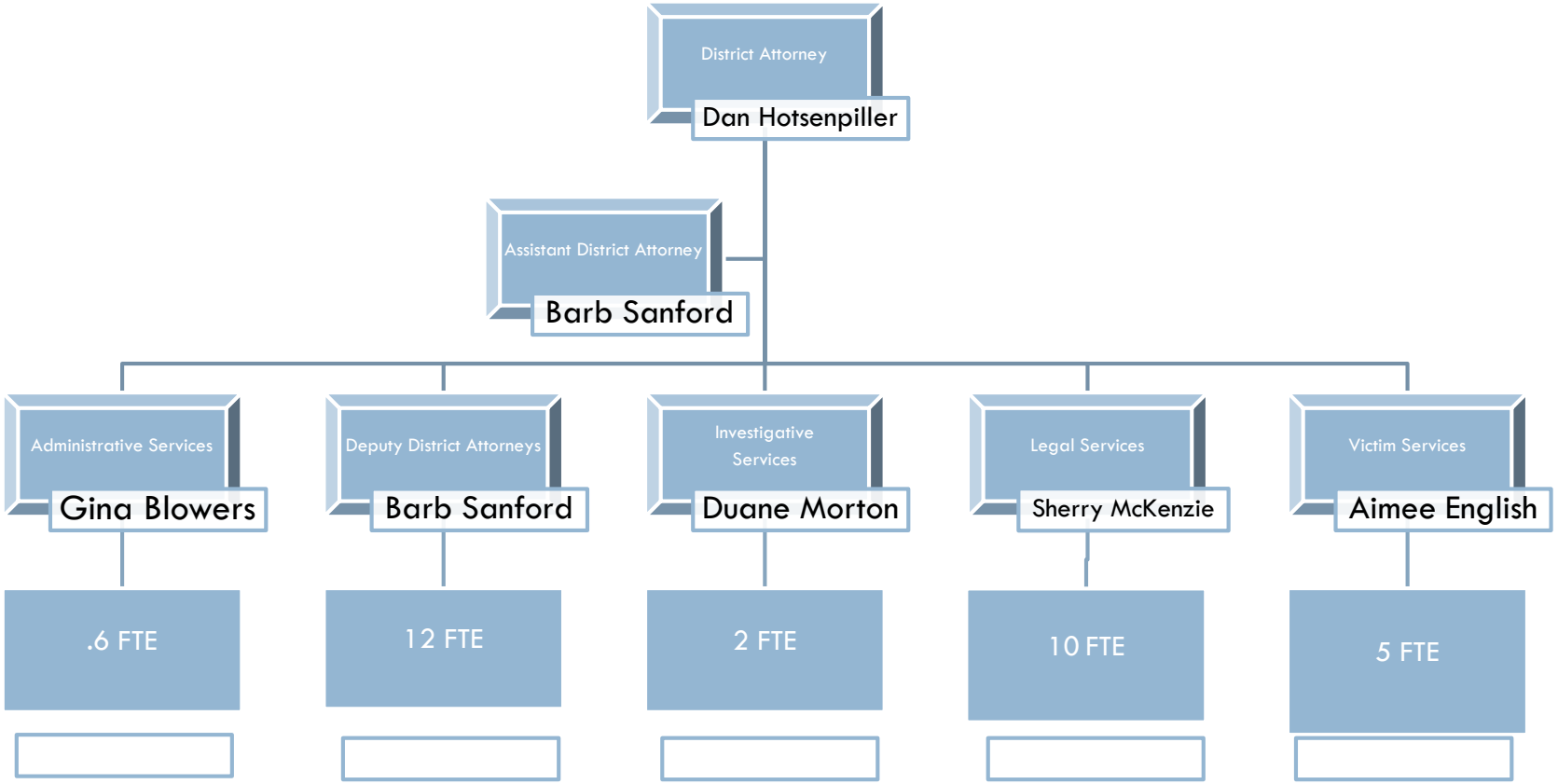
DA: Supplementary Duties

- Mental Health Cases
- Investigate Election Law Violations
- Advise County Officials and Other Duties

DA: Investigative Authority

- Scope of Authority = Very Broad
  - Reality:
    - Law Enforcement Agencies Investigate
    - Investigation Continuous Through Prosecution
- Special Circumstances
  - Political Officials
  - Law Enforcement Officials
- We Can Refer and/or Get Help

DA: Office Structure / Org Chart



DA: Office Structure / By Location

	Delta	Gunnison	Montrose	Telluride
Attorneys	3 (+2 shared)	2	6 (2 shared)	1
Legal Services	2	2.1	4 (Supvr)	1
Victim Services	.80	.50	3 (Supvr)	
Investigators	1 (Chief)		1	
Assistant DA	√			
Sex Offense Prosecutor	√		√	
Sex Offense Victims Services	√		√	
Juvenile Case Prosecutor	√		√	
Restitution Tech.	√		√	

DA: Office Structure -- By The Numbers

Fully Staffed

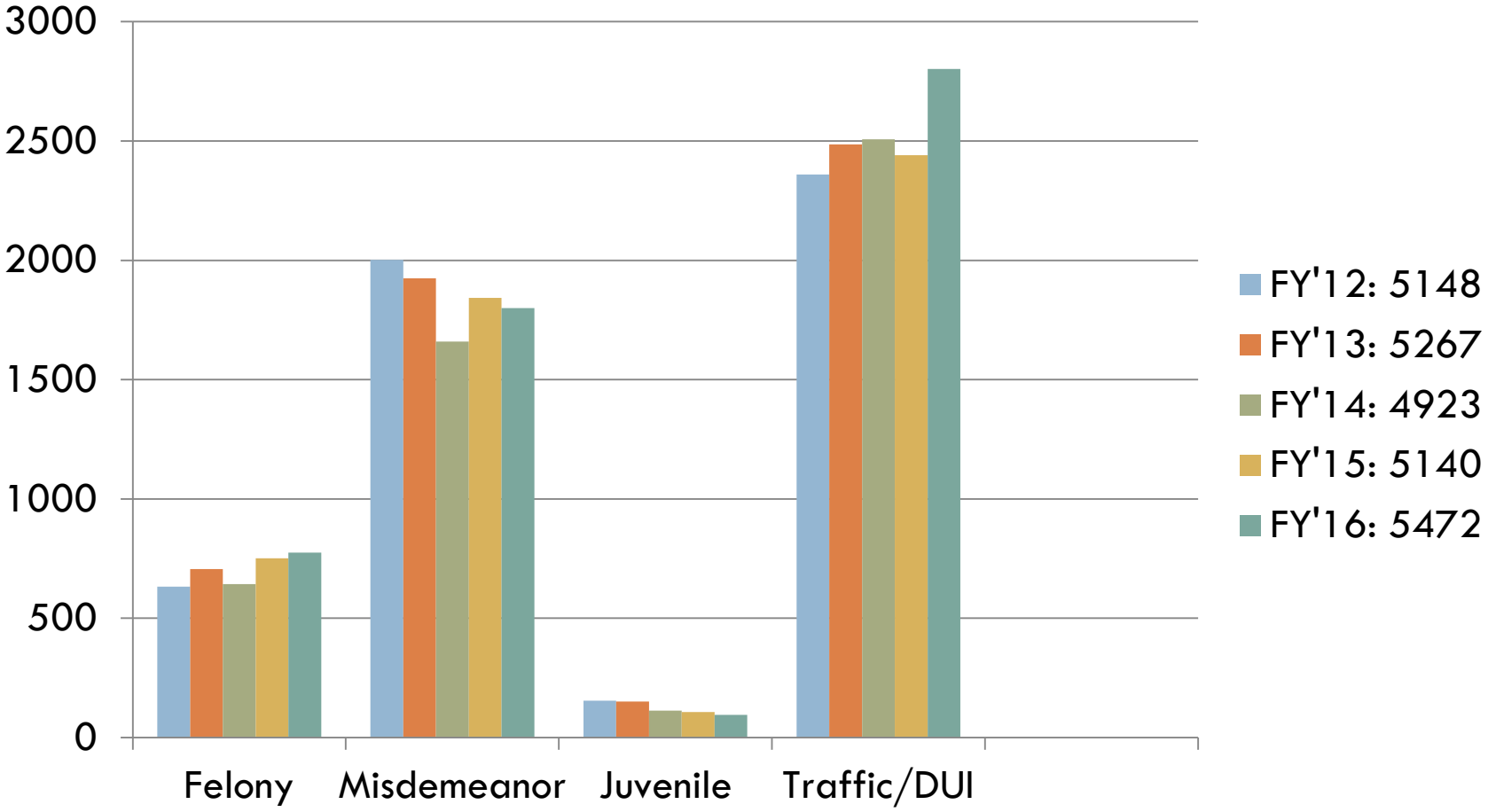
- 31 Employees
- 25 Full-Time Employees
- 6 Part-Time Employees
- 29.6 Total FTE's
- 12 Attorneys

DA: Categories of Cases

- Felonies and Drug Felonies
  - Offender can go to prison – max lifetime
  - 3 Sentencing Options:
    - Prison, Community Corrections or Probation
- Misdemeanors
  - Offender can go to county jail – max 2 years
- Juvenile Cases
  - Separate Justice System
  - Adjudicated not Convicted
  - Committed to Dept of Human Services, not prison
- Traffic/DUI

DA: Numbers of Cases

Fiscal Year = July 1 to June 30



DA: Numbers of Cases by County

FY '16

	Felony	Misd	Juvenile	Traffic/DUI	TOTAL
Delta	158	394	24	866	1442
Gunnison	145	372	23	449	989
Hinsdale	6	16	0	18	40
Montrose	382	760	47	1035	2224
Ouray	25	97	0	241	363
San Miguel	59	161	1	193	414
TOTAL	775	1800	95	2802	5472

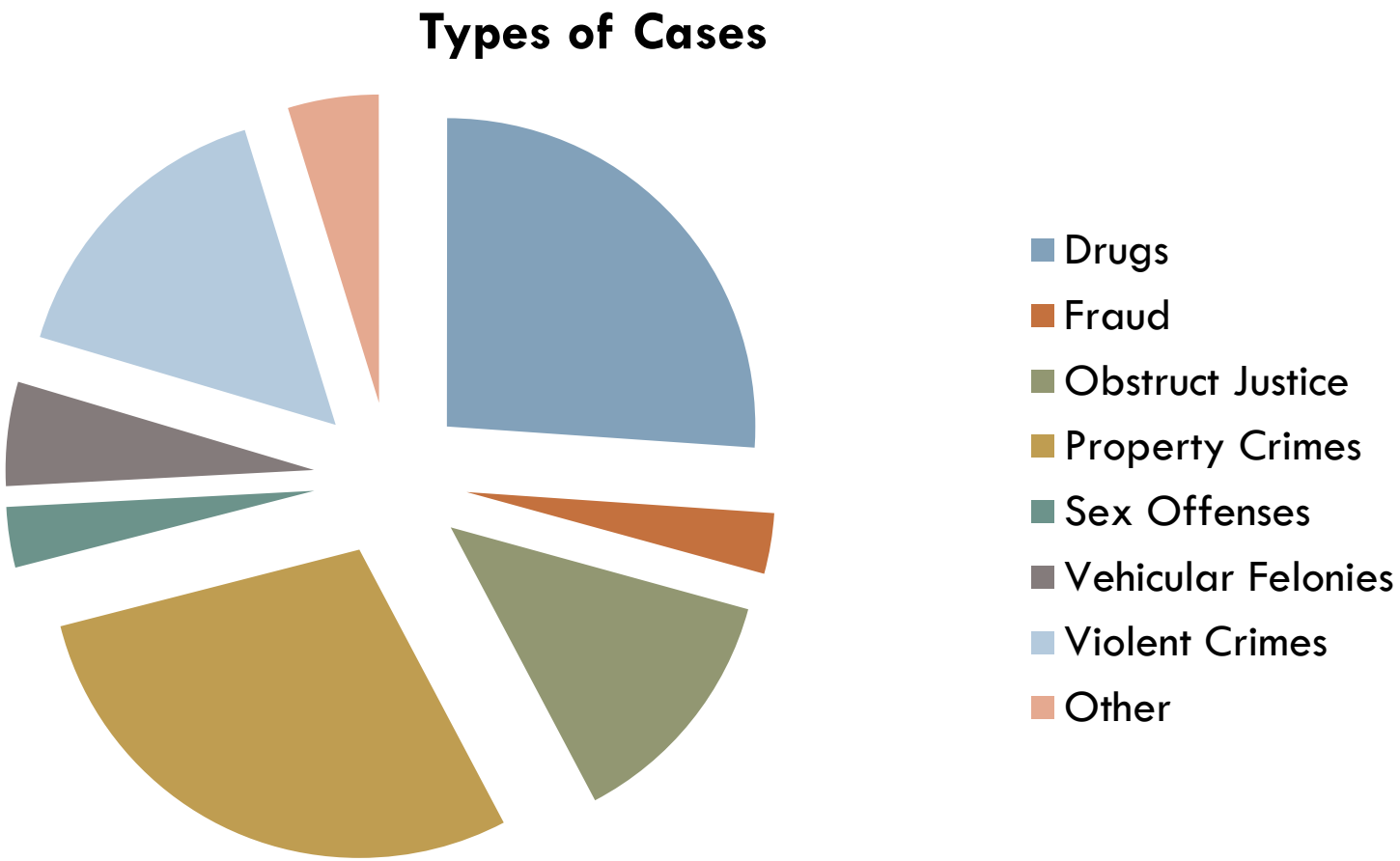
DA: Types of Cases

Felonies

- Drugs
- Fraud
  - Forgery, Fraud
- Obstruction of Justice
  - Abuse of Office, Bail Violation, Escape, Fugitive, Impersonation, Perjury
- Property Crimes
  - Arson, Burglary, Criminal Mischief, Theft, Trespass
- Sex Offenses
- Vehicular Felonies
  - Vehicular Assault, Vehicular Homicide, Felony DUI
- Violent Crimes
  - Assault, Child Abuse, Cruelty to Animals, Homicide, Kidnapping, Menacing, Robbery, Weapons Offenses

DA: Types of Cases

Felonies FY '16 District-Wide



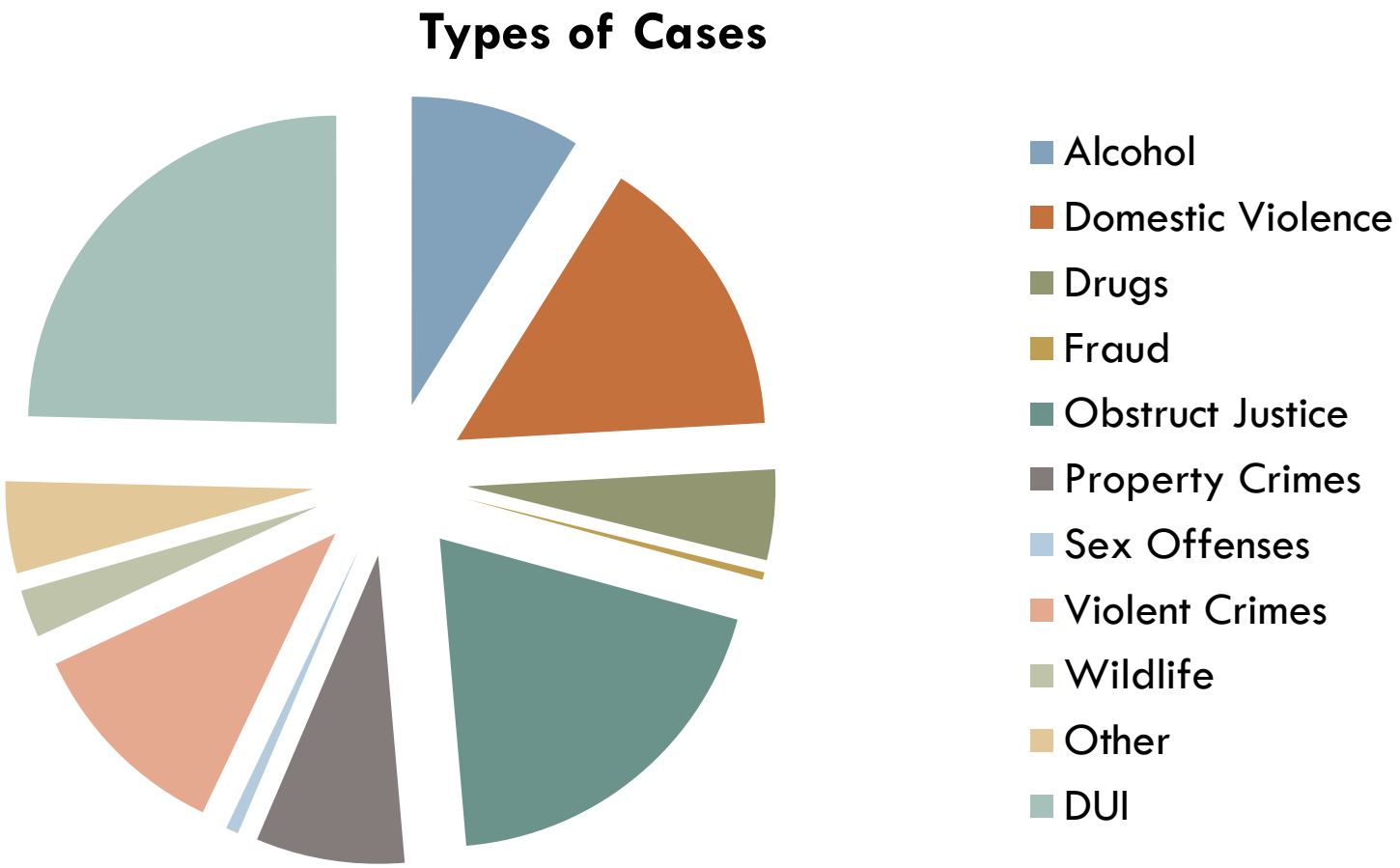
DA: Types of Cases

Misdemeanors

- Alcohol
  - includes Minor in Possession (MIP)
- Domestic Violence
- Drugs
- DUI
- Fraud
- Obstruction of Justice
  - includes Violation of Protection Orders; Habitual Traffic Offenders
- Property Crimes
- Sex Offenses
  - includes indecent exposure
- Violent Crimes
- Wildlife Offenses

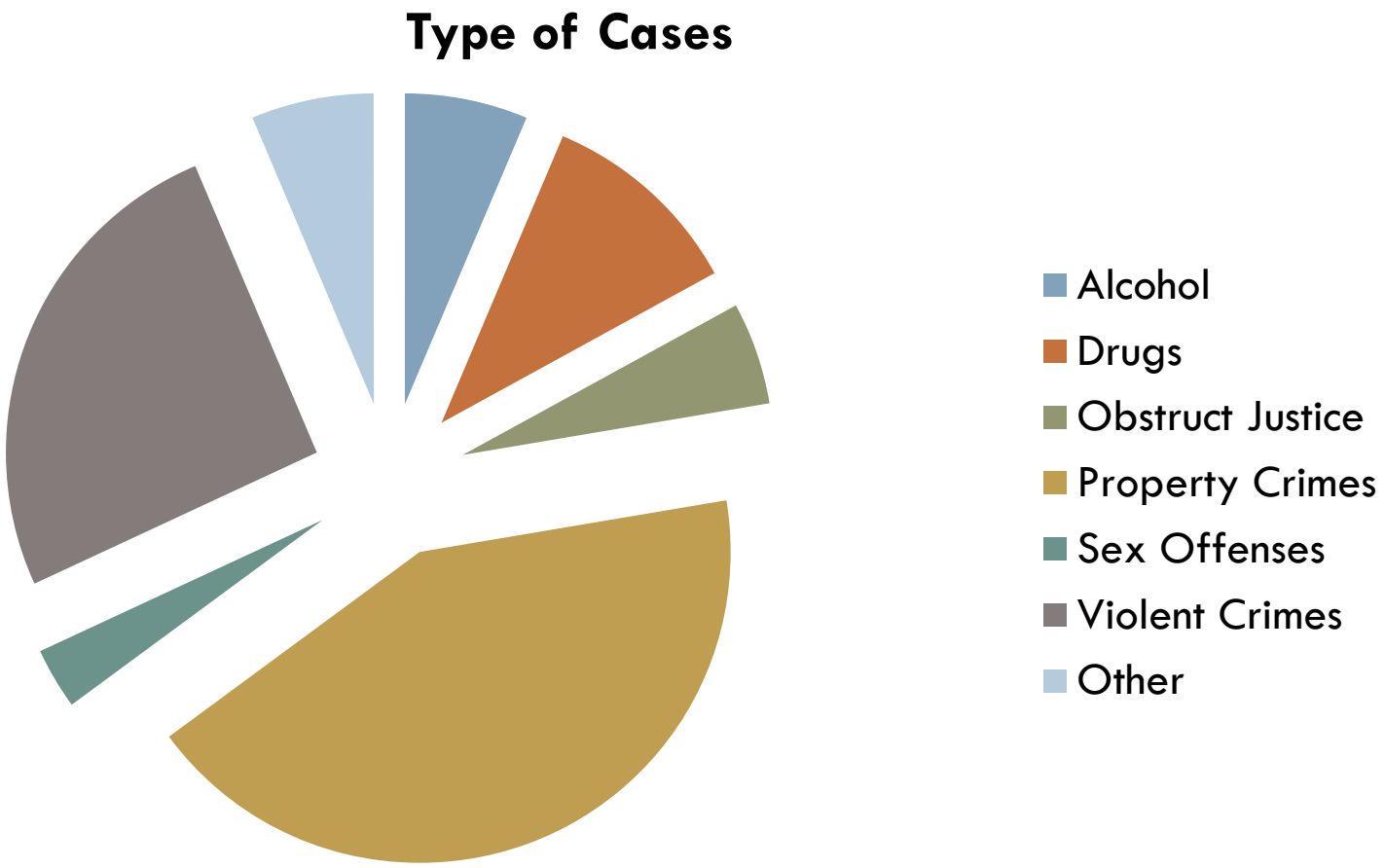
DA: Types of Cases

Misdemeanors FY '16 District-Wide

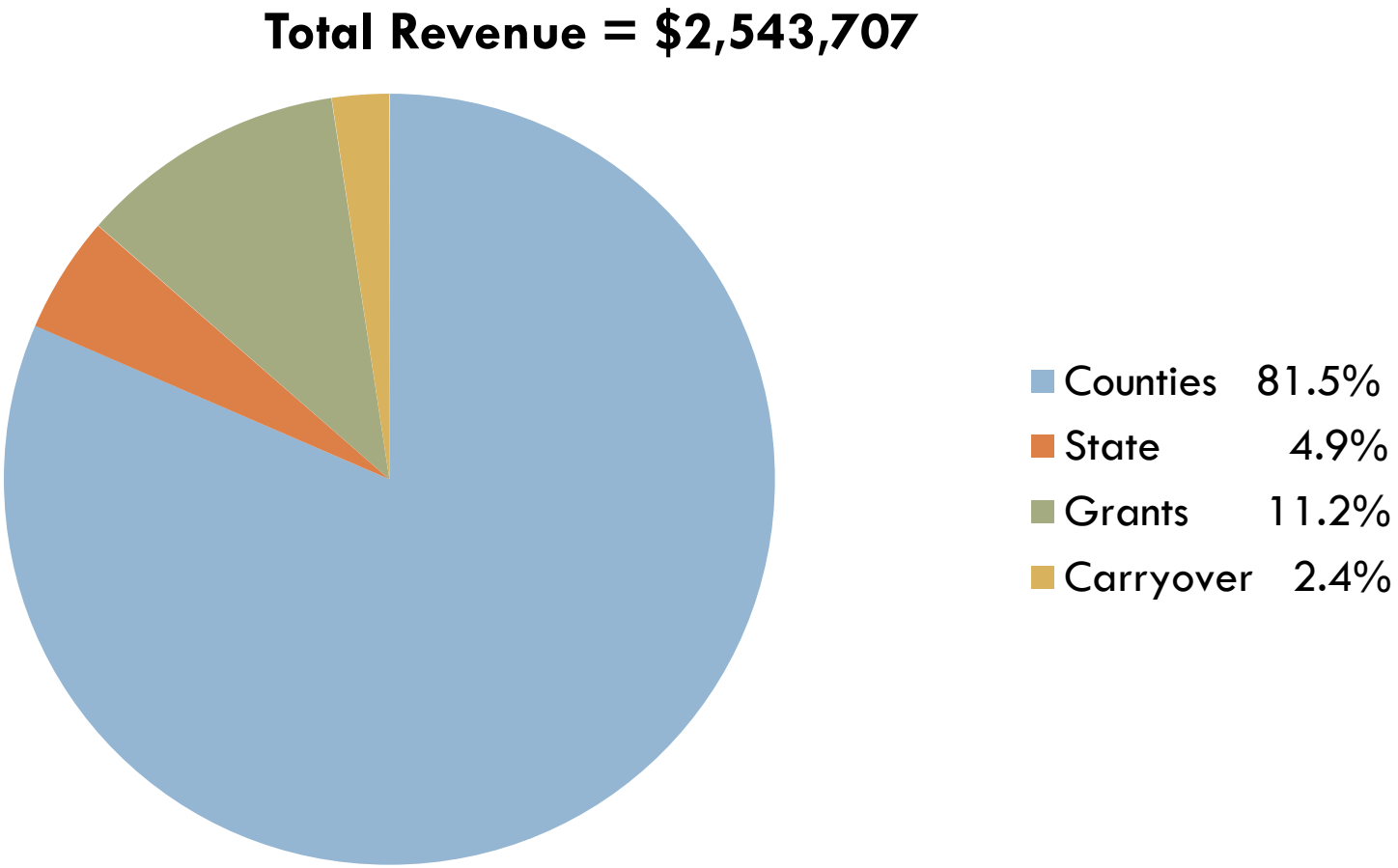


DA: Types of Cases

Juvenile FY '16 District-Wide

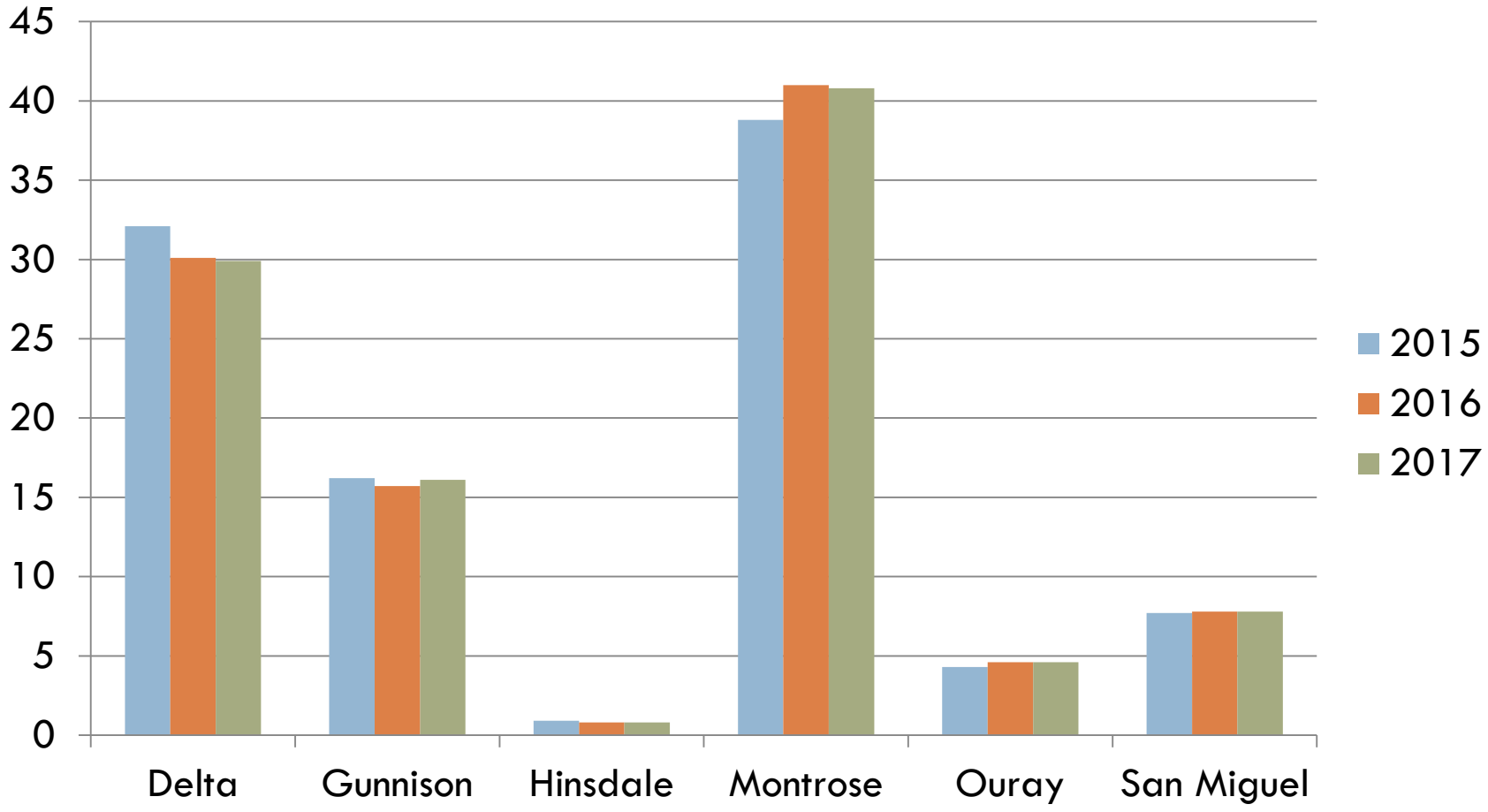


DA Budget 2017 : Sources of Revenue



DA Budget : County Allocation

Based on Population Adjusted Annually



DA Budget : County Allocation

County	2016	2017
Delta	$600,670	$620,197
Gunnison	$313,307	$333,952
Hinsdale	$ 15,965	$ 16,594
Montrose	$818,189	$846,289
Ouray	$ 91,797	$ 95,415
San Miguel	$155,655	$161,791
TOTAL	$1,995,583	$2,074,238

DA Budget : Legal Requirements

- The DA "shall be entitled to collect . . . **the necessary expenses** of maintaining an office for the transaction of his official business, ..."
  - *C.R.S section 20-1-302.*

- The BOCC has the exclusive power to adopt an annual budget which is binding upon the DA and presumptively valid, and

  The BOCC has the discretion to approve or

  disapprove items in the DA's budget request.
  - *C.R.S section 30-11-107(2).*

DA Budget : Legal Requirements

- The DA may "use his budget as he chooses, so long as he stays within it."

- The BOCC may not "avoid paying unanticipated necessary expenses of the DA if unanticipated expenses exceed the original budget."

  - *District Attorney Paul Beacom v. Adams County BOCC, 657 P.2d 440 n.12* (Colo. 1983).

DA Budget : County Allocation

- The DA's necessary expenses "shall be borne by the various counties in the judicial district, **each in proportion** that the **population** of the county bears to the population of the whole judicial district, ..."

- Adjusted annually, based on population estimates by the Div. of Planning, Dept. of Local Affairs.
  - *C.R.S section 20-1-302.*

DA Budget : County Allocation

- *There is no statutory mechanism or process to determine Total DA Annual Budget or to resolve disputes between BOCC's.*

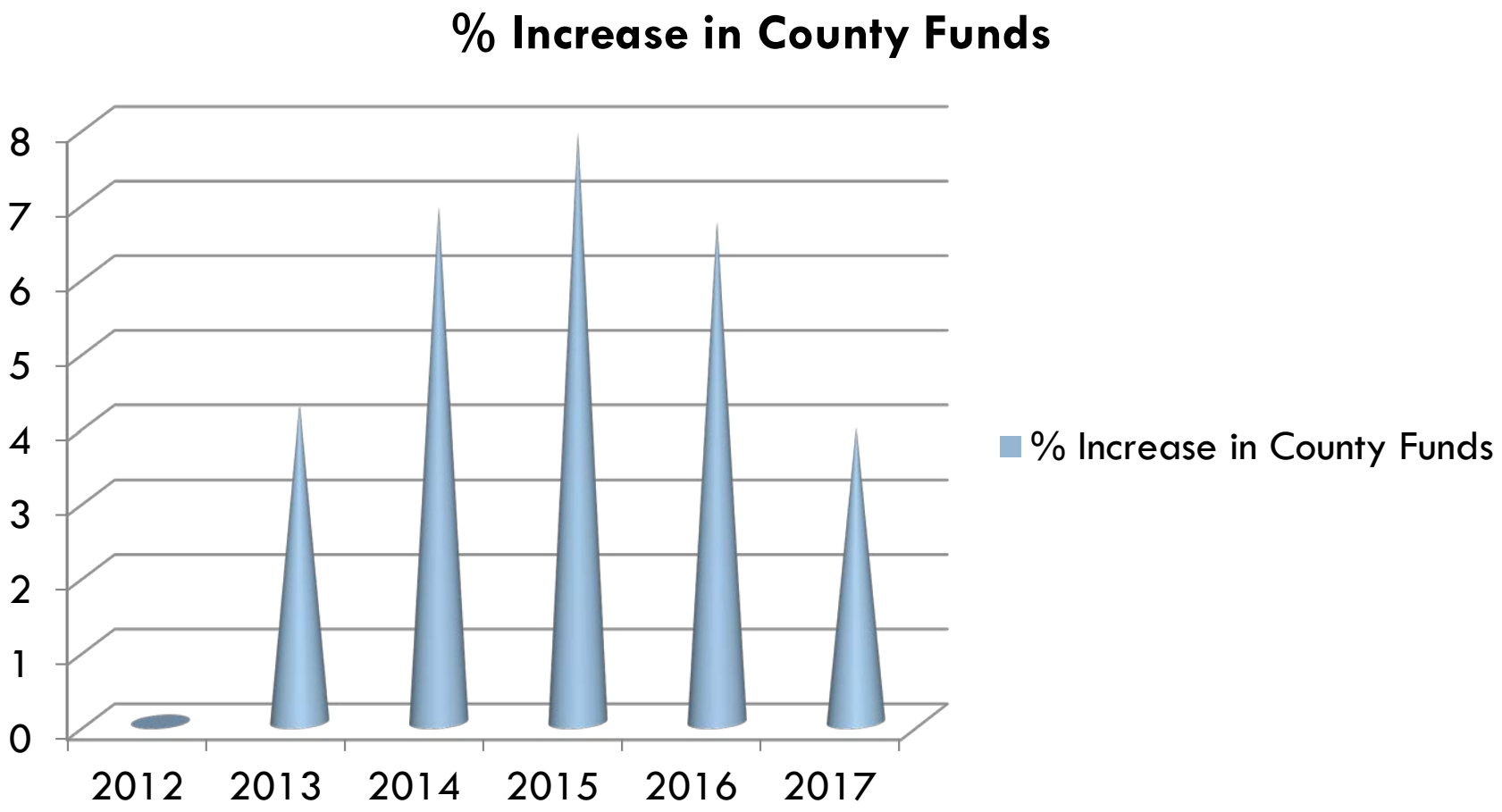
- Allocation formula can be modified if all agree, and there is historical precedent, ***but***
- DA assets and resources are NOT county focused or county specific.

DA Budget : Other Significant Support

- Buildings, premises, utilities and maintenance.
  - 4 Offices
  - Furniture (Gunnison grant with new building)
- CTSI Insurance
- Montrose County Partner for Health Insurance
- IT: Gunnison, Montrose and San Miguel

- Courthouses, Jails, Work Release, Transports

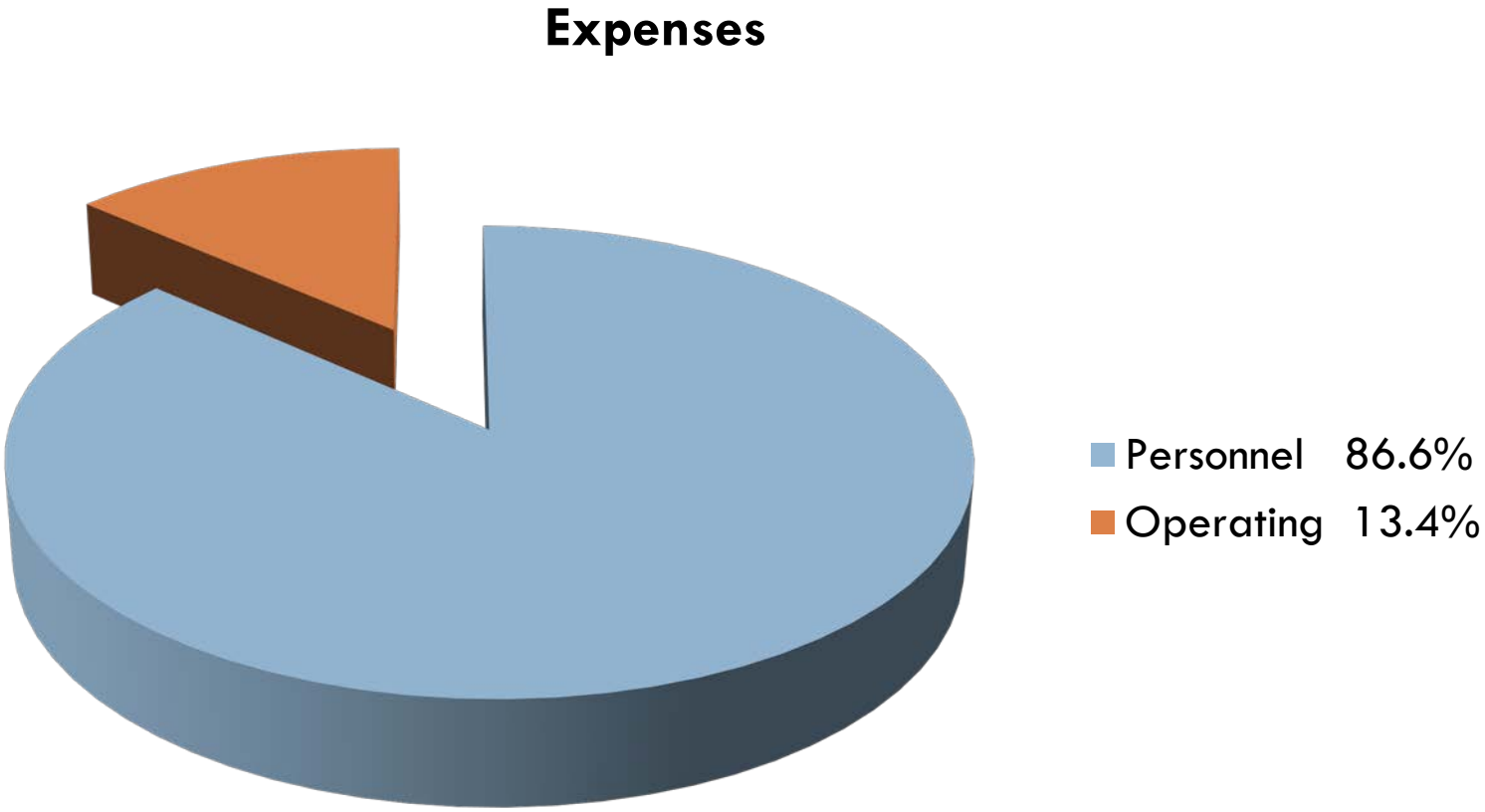
DA Budget: Percentage Increase



DA Expenses = Revenue

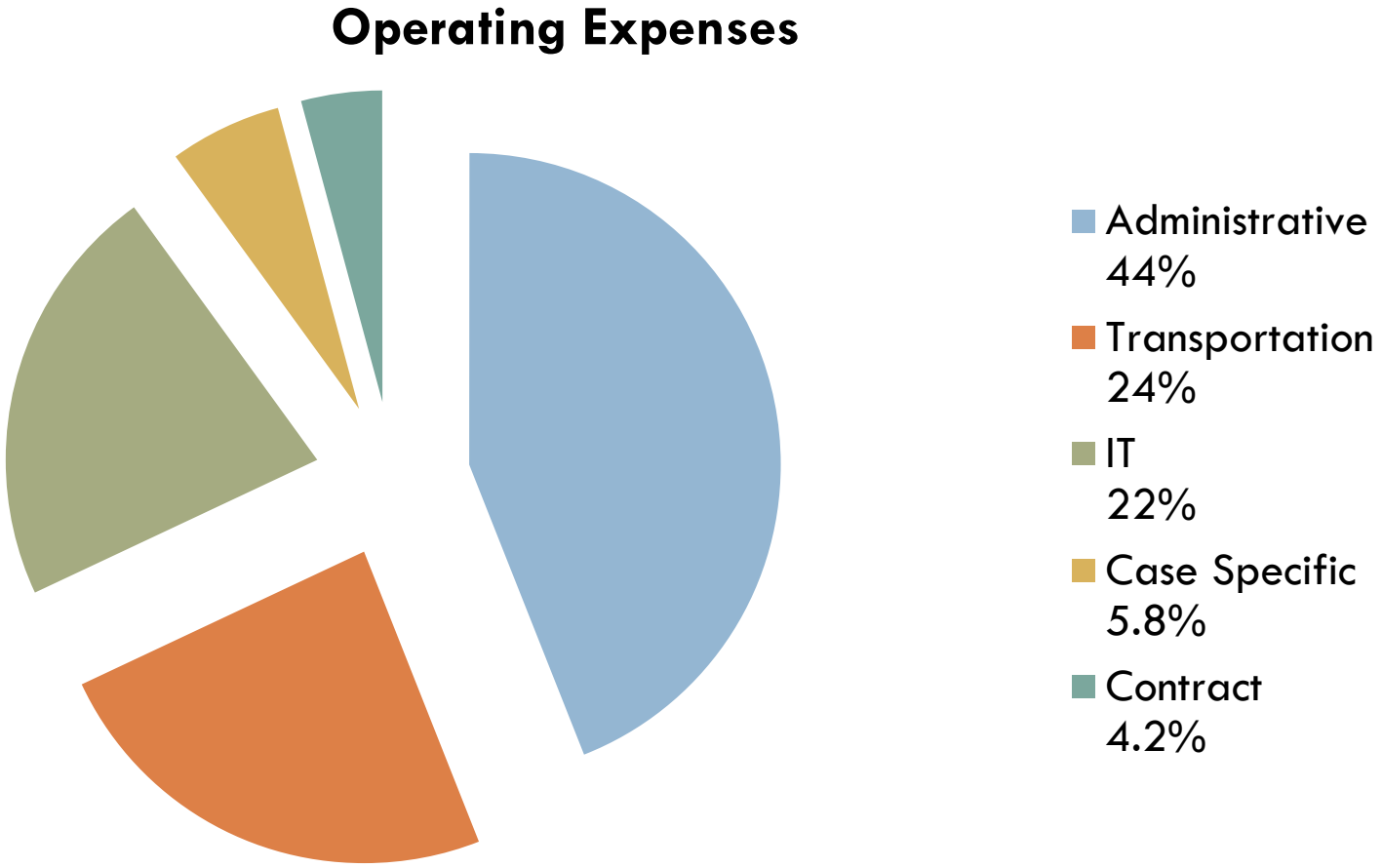
We Spend What We Get

No Reserves



DA Expenses

What Do We Spend Money On?



DA Expenses

What Do We Spend Money On?

- Administrative
  - Supplies, Phone, Scanners, Internet, Furniture
  - CDAC and Atty Dues
- Transportation
  - 6 Vehicles, Transportation and Training Expenses
- Information Technology (IT)
  - CDAC "Action"; Hardware & Software; Outsourced Support
- Case Specific
  - "Mandated Costs" Paid by State
  - Special Prosecutions, Grand Jury
- Contract Services
  - HR and Professional (audit)

DA Budget : Values

- Stewardship
  - Taxpayer dollars; Taxpayer property
  - Buy Well; Preserve; Use Wisely
- Scheduled Replacement
  - Equipment that Depreciates Quickly
  - Computers and Vehicles
- Manage Fiscal Risk
  - Personnel Policies and Actions
  - Plan Ahead for Big Items; Servers, Major Software

Future Challenges

- Recruitment and Retention
- Volume, but not what you think
- The Great Divide
  - Rural/Frontier vs Urban
- Drugs
  - The False Choice: Criminal Justice vs. Public Health
- Public Understanding and Support

Future Challenges

Recruitment and Retention

- Yes, it is a matter of money
  - Example – Investigator
  - Example – Attorney
  - Example – Staff
- Risks
  - Training Ground
  - Less than Top Tier

Future Challenges

Volume, but not what you think

- It's data, not cases
  - Body cams just the tip of the iceberg
  - Cameras in cell phones
  - Surveillance cameras
  - Social media
- Data Review
- Data Management

Future Challenges

The Great Divide

- Rural/Frontier versus Urban/Metro

- Best example - pre-trial services
- DA Term Limits
- Salaries/Resources
- Major Case Units
- Examples: Mueller homicide / Delta DV

Future Challenges

Drugs

- The False Choice: Criminal Justice OR Public Health

- There is No Robust Public Health System Available
- Public Health response doesn't deal with collateral damage
- Kids and Trauma
- It is going to take Both
- Rural vs. Urban again

Future Challenges

Public Understanding and Support

- We are either the Enemy Government or The Omnipotent Problem Solvers
  - Sorry, we are not either one
- We are Motivated By Glee to Punish
  - We invented drug courts, no notches in the belt
- We are Cops in Suits and Cannot Fairly Prosecute Police and Public Officials
  - We don't supervise police, we didn't create social disadvantage, and we can't magically eliminate racial bias

Future Challenges

Public Understanding and Support

- We must follow the Law
- We must follow the Evidence
- We are responsible for the Truth
- We are Humans Dealing With Humans

DA : Glass Door

- Website www.co7da.org
- Dan's cell phone 970-596-7876
  - I'm not a hipster
- Opportunities For You
  - Victim's Rights Awareness Week, April 17 – 21
  - ALEE
  - Staffings and Trainings