

DISTRICT ATTORNEYS

GOVERNOR'S BUDGET RECOMMENDATIONS

| Source of Funds | FY23 Adjusted Base | FY24 Recommended | % Change Over FY23 | FY25 Recommended | % Change Over FY24 |
|-----------------|--------------------|------------------|--------------------|------------------|--------------------|
| GPR | 56,624,900 | 66,197,900 | 16.9 | 70,755,200 | 6.9 |
| PR-F | 0 | 2,668,000 | 0.0 | 0 | -100.0 |
| PR-S | 108,200 | 116,800 | 7.9 | 116,800 | 0.0 |
| PR-O | 4,582,600 | 3,577,000 | -21.9 | 3,577,000 | 0.0 |
| TOTAL | 61,315,700 | 72,559,700 | 18.3 | 74,449,000 | 2.6 |

FULL-TIME EQUIVALENT POSITION SUMMARY

| Source of Funds | FY23 Adjusted Base | FY24 Recommended | FTE Change Over FY23 | FY25 Recommended | FTE Change Over FY24 |
|-----------------|--------------------|------------------|----------------------|------------------|----------------------|
| GPR | 456.40 | 505.20 | 48.80 | 511.20 | 6.00 |
| PR-F | 46.00 | 46.00 | 0.00 | 0.00 | -46.00 |
| PR-S | 1.00 | 1.00 | 0.00 | 1.00 | 0.00 |
| PR-O | 41.50 | 34.50 | -7.00 | 34.50 | 0.00 |
| TOTAL | 544.90 | 586.70 | 41.80 | 546.70 | -40.00 |

AGENCY DESCRIPTION

The agency includes 71 district attorney offices, with one office in each of 70 counties and one office serving two counties. An elected district attorney heads each office. In addition, 60 offices have one or more assistant district attorneys and 14 have one or more deputy district attorneys. These prosecutors are state employees, and other office staff are county employees. The agency distributes salaries and fringe benefits to all prosecutors, court-ordered costs for special prosecutors, and limited additional administrative expenses. The costs for information technology are addressed as a part of the Department of Administration's budget.

District attorneys manage their offices. They also:

- Prosecute violations of criminal, forfeiture and county traffic laws;
- Conduct "John Doe" and grand jury proceedings;
- Prosecute felonies, misdemeanors and civil actions, including sexual predator cases;
- Assist in the investigation of potential welfare fraud;

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- Handle all misdemeanor and select felony appeals;
- Meet the requirements of the state's crime victims' rights law; and
- Propose budget requests.

MISSION

The mission of the agency is to advocate for justice under the law to protect the community.

PROGRAMS, GOALS, OBJECTIVES AND ACTIVITIES

Program 1: District Attorneys

Goal: Ensure justice is done in a timely manner in all instances in which a case has been referred for prosecution by law enforcement agencies.

Objective/Activity: Complete timely prosecutorial action in all cases referred by law enforcement agencies involving firearms, sexual assault and burglary.

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PERFORMANCE MEASURES

2021 AND 2022 GOALS AND ACTUALS

| Prog. No. | Performance Measure | Goal 2021 | Actual 2021¹ | Goal 2022 | Actual 2022¹ |
|------------------|--|------------------|--------------------------------|------------------|--------------------------------|
| 1. | Number of days from receipt of all law enforcement referrals of a felon in possession of a firearm cases until initial prosecutorial action. | 18.7 | 16.1 | 19.7 | 10.5 |
| 1. | Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action. | 24.5 | 36.4 | 25.5 | 28.9 |
| 1. | Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action. | 20.8 | 32.9 | 21.8 | 22.5 |

Note: Based on fiscal year.

¹Based on an analysis of data from the District Attorney Case Management System (PROTECT) for fiscal years 2020-21 and 2021-22 cases for the 71 district attorney offices. The statistics are the unweighted median number of days for reporting of offices having such cases.

2023, 2024 AND 2025 GOALS

| Prog. No. | Performance Measure | Goal 2023 | Goal 2024 | Goal 2025 |
|------------------|--|------------------|------------------|------------------|
| 1. | Number of days from receipt of all law enforcement referrals of a felon in possession of a firearm cases until initial prosecutorial action. | 21 | 22 | 23 |
| 1. | Number of days from receipt of all law enforcement referrals of sexual assault cases until initial prosecutorial action. | 27 | 28 | 29 |
| 1. | Number of days from receipt of all law enforcement referrals of burglary cases until initial prosecutorial action. | 23 | 24 | 25 |

Note: Based on fiscal year.

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GOVERNOR'S BUDGET RECOMMENDATIONS

RECOMMENDATIONS

1. Staff Compensation
2. New Assistant District Attorney Positions
3. Increase Part-Time Assistant District Attorneys
4. Conversion of Prosecutor Funding
5. Deputy District Attorney Allocations
6. District Attorney Information Technology Program
7. Representation for Law License Grievances
8. Increase Supplies and Services Funding
9. Standard Budget Adjustments

District Attorneys

**Table 1
Department Budget Summary by Funding Source (in thousands of dollars)**

| | ACTUAL FY22 | ADJUSTED BASE FY23 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|-------------------------|----------------|--------------------------|----------------|------------|------------------------------|------------|
| | | | FY24 | FY25 | FY24 | FY25 |
| GENERAL PURPOSE REVENUE | \$53,641.2 | \$56,624.9 | \$71,833.1 | \$77,817.2 | \$66,197.9 | \$70,755.2 |
| State Operations | 53,641.2 | 56,624.9 | 71,833.1 | 77,817.2 | 66,197.9 | 70,755.2 |
| FEDERAL REVENUE (1) | \$0.0 | \$0.0 | \$2,668.0 | \$0.0 | \$2,668.0 | \$0.0 |
| State Operations | 0.0 | 0.0 | 2,668.0 | 0.0 | 2,668.0 | 0.0 |
| PROGRAM REVENUE (2) | \$3,654.9 | \$4,690.8 | \$3,693.8 | \$3,693.8 | \$3,693.8 | \$3,693.8 |
| State Operations | 3,349.9 | 4,385.8 | 3,388.8 | 3,388.8 | 3,388.8 | 3,388.8 |
| Local Assistance | 305.0 | 305.0 | 305.0 | 305.0 | 305.0 | 305.0 |
| TOTALS - ANNUAL | \$57,296.0 | \$61,315.7 | \$78,194.9 | \$81,511.0 | \$72,559.7 | \$74,449.0 |
| State Operations | 56,991.0 | 61,010.7 | 77,889.9 | 81,206.0 | 72,254.7 | 74,144.0 |
| Local Assistance | 305.0 | 305.0 | 305.0 | 305.0 | 305.0 | 305.0 |

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

**Table 2
Department Position Summary by Funding Source (in FTE positions)**

| | ADJUSTED BASE FY23 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|-------------------------|--------------------------|----------------|--------|------------------------------|--------|
| | | FY24 | FY25 | FY24 | FY25 |
| GENERAL PURPOSE REVENUE | 456.40 | 518.70 | 518.70 | 505.20 | 511.20 |
| State Operations | 456.40 | 518.70 | 518.70 | 505.20 | 511.20 |
| FEDERAL REVENUE (1) | 46.00 | 46.00 | 0.00 | 46.00 | 0.00 |
| State Operations | 46.00 | 46.00 | 0.00 | 46.00 | 0.00 |
| PROGRAM REVENUE (2) | 42.50 | 35.50 | 35.50 | 35.50 | 35.50 |
| State Operations | 42.50 | 35.50 | 35.50 | 35.50 | 35.50 |
| TOTALS - ANNUAL | 544.90 | 600.20 | 554.20 | 586.70 | 546.70 |
| State Operations | 544.90 | 600.20 | 554.20 | 586.70 | 546.70 |

(1) Includes Program Revenue-Federal and Segregated Revenue-Federal

(2) Includes Program Revenue-Service and Program Revenue-Other

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Table 3
Department Budget Summary by Program (in thousands of dollars)

| | ACTUAL FY22 | ADJUSTED BASE FY23 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|-----------------------|----------------|--------------------------|----------------|------------|------------------------------|------------|
| | | | FY24 | FY25 | FY24 | FY25 |
| 1. District attorneys | \$57,296.0 | \$61,315.7 | \$78,194.9 | \$81,511.0 | \$72,559.7 | \$74,449.0 |
| TOTALS | \$57,296.0 | \$61,315.7 | \$78,194.9 | \$81,511.0 | \$72,559.7 | \$74,449.0 |

Table 4
Department Position Summary by Program (in FTE positions)

| | ADJUSTED BASE FY23 | AGENCY REQUEST | | GOVERNOR'S RECOMMENDATION | |
|-----------------------|--------------------------|----------------|--------|------------------------------|--------|
| | | FY24 | FY25 | FY24 | FY25 |
| 1. District attorneys | 544.90 | 600.20 | 554.20 | 586.70 | 546.70 |
| TOTALS | 544.90 | 600.20 | 554.20 | 586.70 | 546.70 |

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1. Staff Compensation

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|----------------|-----------|------------|-----------|----------------------------|-----------|-----------|-----------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 10,934,400 | 0.00 | 15,048,500 | 0.00 | 7,013,400 | 0.00 | 9,539,800 | 0.00 |
| TOTAL | 10,934,400 | 0.00 | 15,048,500 | 0.00 | 7,013,400 | 0.00 | 9,539,800 | 0.00 |

The Governor recommends providing funding to address the following: (a) raise the minimum rate of pay for assistant and deputy district attorneys to \$35 per hour to increase retention of experienced counsel (\$7,013,400 GPR in each year); (b) a one-step pay progression increase for assistant and deputy district attorneys (\$1,672,100 GPR in FY25 in one-time funding); and (c) increase the compensation of elected district attorneys beginning with the start of their new term (\$854,300 GPR in FY25). The Governor also recommends providing an exemption to the maximum salary adjustment limitation to allow assistant and deputy district attorneys to receive pay progression that is greater than 10 percent of salary in each year of the biennium.

2. New Assistant District Attorney Positions

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|----------------|-----------|-----------|-----------|----------------------------|-----------|-----------|-----------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 2,873,800 | 48.40 | 3,831,800 | 48.40 | 3,421,600 | 44.90 | 4,562,100 | 44.90 |
| TOTAL | 2,873,800 | 48.40 | 3,831,800 | 48.40 | 3,421,600 | 44.90 | 4,562,100 | 44.90 |

The Governor recommends providing funding and position authority for new assistant district attorney positions.

3. Increase Part-Time Assistant District Attorneys

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|----------------|-----------|---------|-----------|----------------------------|-----------|---------|-----------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 111,000 | 1.40 | 111,000 | 1.40 | 91,500 | 0.90 | 116,800 | 1.40 |
| TOTAL | 111,000 | 1.40 | 111,000 | 1.40 | 91,500 | 0.90 | 116,800 | 1.40 |

The Governor recommends providing funding and position authority to increase part-time assistant district attorney positions to full-time.

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4. Conversion of Prosecutor Funding

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|----------------|-------------|----------------|-------------|----------------------------|-------------|----------------|-------------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 664,000 | 12.50 | 989,700 | 12.50 | 237,100 | 3.00 | 515,900 | 8.50 |
| PR-O | -237,100 | -3.00 | -237,100 | -3.00 | -237,100 | -3.00 | -237,100 | -3.00 |
| TOTAL | 426,900 | 9.50 | 752,600 | 9.50 | 0 | 0.00 | 278,800 | 5.50 |

The Governor recommends converting 3.0 FTE PR permanent positions to GPR permanent positions. The Governor also recommends creating 5.5 FTE GPR positions to replace 5.5 FTE PR-F project positions that are expiring.

5. Deputy District Attorney Allocations

The Governor recommends allowing counties with a population between 200,000 and 750,000 to appoint up to four deputy district attorneys.

6. District Attorney Information Technology Program

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|------------------|-------------|------------------|-------------|----------------------------|-------------|----------|-------------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 1,400,000 | 0.00 | 1,400,000 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| TOTAL | 1,400,000 | 0.00 | 1,400,000 | 0.00 | 0 | 0.00 | 0 | 0.00 |

The Governor recommends providing funding to the District Attorney Information Technology Program at the Department of Administration to cover the cost of hardware, software and legal subscription services. The Governor also recommends providing the program with funding to upgrade the prosecutor technology for case tracking system. See Department of Administration, Item #22.

7. Representation for Law License Grievances

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|----------------|-------------|----------------|-------------|----------------------------|-------------|----------|-------------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 175,000 | 0.00 | 175,000 | 0.00 | 0 | 0.00 | 0 | 0.00 |
| TOTAL | 175,000 | 0.00 | 175,000 | 0.00 | 0 | 0.00 | 0 | 0.00 |

The Governor recommends providing position and expenditure authority to the Department of Administration to hire an attorney to represent state attorneys before the Office of Lawyer Regulation in the event that a grievance against their law license is filed. See Department of Administration, Item #38.

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8. Increase Supplies and Services Funding

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|----------------|-----------|---------|-----------|----------------------------|-----------|---------|-----------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | 800,000 | 0.00 | 800,000 | 0.00 | 559,400 | 0.00 | 559,400 | 0.00 |
| TOTAL | 800,000 | 0.00 | 800,000 | 0.00 | 559,400 | 0.00 | 559,400 | 0.00 |

The Governor recommends providing funding to reflect increased supplies and services costs related to provision of current programmatic requirements.

9. Standard Budget Adjustments

| Source of Funds | Agency Request | | | | Governor's Recommendations | | | |
|-----------------|----------------|-----------|------------|-----------|----------------------------|-----------|------------|-----------|
| | FY24 | | FY25 | | FY24 | | FY25 | |
| | Dollars | Positions | Dollars | Positions | Dollars | Positions | Dollars | Positions |
| GPR | -1,750,000 | 0.00 | -1,163,700 | 0.00 | -1,750,000 | 0.00 | -1,163,700 | 0.00 |
| PR-F | 2,668,000 | 0.00 | 0 | -46.00 | 2,668,000 | 0.00 | 0 | -46.00 |
| PR-S | 8,600 | 0.00 | 8,600 | 0.00 | 8,600 | 0.00 | 8,600 | 0.00 |
| PR-O | -768,500 | -4.00 | -768,500 | -4.00 | -768,500 | -4.00 | -768,500 | -4.00 |
| TOTAL | 158,100 | -4.00 | -1,923,600 | -50.00 | 158,100 | -4.00 | -1,923,600 | -50.00 |

The Governor recommends adjusting the agency's base budget for: (a) removal of noncontinuing elements from the base (-\$1,496,900 and -4.0 FTE positions in FY24 and -\$4,164,900 and -50.0 FTE positions in FY25); (b) full funding of continuing position salaries and fringe benefits (\$999,100 in each year); (c) reclassifications and semiautomatic pay progression (\$560,900 in FY24 and \$1,147,200 in FY25); and (d) night and weekend differential pay (\$95,000 in each year).