



District Attorney's Office Harris County, Texas

FY2022-23 BUDGET PRESENTATION

01/11/2022

BY DISTRICT ATTORNEY KIM OGG



Statutory Duties & Responsibilities of the District Attorney

Texas Government Code, Sec. 43.180.

HARRIS COUNTY DISTRICT ATTORNEY.

- (a) The voters of Harris County elect a district attorney.
- (b) The district attorney shall attend each term and session of the district courts of Harris County. The district attorney shall represent the state in criminal cases pending in the district and inferior courts of the county. The district attorney has control of any case heard on habeas corpus before any civil district court or criminal court of the county.
- (c) The district attorney has all the powers, duties, and privileges in Harris County relating to criminal matters for and in behalf of the state that are conferred on district attorneys in the various counties and districts.

Statutory Duties & Responsibilities of the District Attorney

Art. 2.01. DUTIES OF DISTRICT ATTORNEYS.

Each district attorney shall represent the State in all criminal cases in the district courts of his district and in appeals therefrom, except in cases where he has been, before his election, employed adversely.

When any criminal proceeding is had before an examining court in (her) district or before a judge upon habeas corpus, and (he) is notified of the same, and is at the time within his district, (her) shall represent the State therein, unless prevented by other official duties.

It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done.

They shall not suppress facts or secret witnesses capable of establishing the innocence of the accused.

The Role of the Prosecutor

“As the authority charged with both the administration of justice and the protection of public safety, prosecutors play a central role in balancing the scales of justice.” *per*

Mike Ware, Executive Director of Innocence Project of Texas

The DA’s Office is **key** to every “public safety” measure taken by the Commissioner’s Court, including:

\$5.1M violence interruption program

\$2.1M Harris County Sheriff Office targeted criminal enforcement

\$3.5M City of Houston Shot Spotter Technology

\$.78 M (\$780,888) Associate Judges for 6 new Felony Associate Courts

\$1.02M (\$1,021,333) Visiting Judges to Try Cases in 3 Felony Emergency Courts

\$.4M (\$418,018) Visiting Judges to Try Cases in 2 Misdemeanor Emergency Courts



Harris County District Attorney's Office Practices Align with Harris County Justice and Safety Objectives

- Reduce violent crime
- Reduce unnecessary exposure to the Criminal Justice System
- Support victims in dangerous situations
- Lessen exposure to the Juvenile Justice System
- Reduce racial and economic bias within the Criminal Justice System

The District Attorney's Office is Essential to Public Safety

Population Harris County: 5M

Number of Crimes Reported Annually: 185,087 (Per FBI 2020: HPD & HCSO Violent & Property Crimes)

Number of Police Agencies Referring Criminal Cases: 87

Number of Police Officers Filing Cases: 13,000

Number of Criminal Cases Filed Annually – Adults: 85,000

Number of Criminal Cases Filed Annually – Juveniles: 6,000

Number of Harris County Assistant District Attorneys: 360

Number of Harris County Support Staff: 485

The District Attorney's Office is understaffed. See JMI Study. See TSU Study. See PFM Study.

HCDAO Accomplishments

- Continued to serve all police agencies, appear in all courts and represent the people of Texas 24 hours per day, seven days per week, 365 days per year.
- Increased services to Victims of Crime from 2,300 in 2017 to 19,000 in 2021.
- Our Mental Health prosecutors worked with police to divert 4,000 non-violent offenders to treatment instead of jail from 2018 to 2021. For every dollar spent on the program, the cost incurred would have been \$5. Recidivism is down 50%.
- The HCDAO Juvenile Diversion program, diverted juveniles in trouble for school crimes to the 5th Ward Center for Urban Transformation (CUT) and to the 3rd Ward Hope for Families juvenile diversion program instead of the Juvenile Detention Center. The school to prison pipeline is stopped in Harris County. Recidivism is down.
- HCDAO prosecutors collected of over \$30M in restitution for crime victims since Jan. 2017.
- In partnership with police chiefs in Harris County, the HCDAO does not prosecute marijuana possession saving more than 14,000 offenders to date from jail and a criminal record.

HCDAO Technology Advances Move the Entire Criminal Justice System Forward into the 21st century

- Technology goals reached since 2017: (1) eliminate existing paper, (2) stop producing paper, and (3) automate the delivery of evidence to the defense
- The Defense Portal was developed to Delivery Evidence Electronically
- Development of New Technology to assist Victims of Violent Crimes
- An eFiling System was developed to Electronically file Court Documents with District Clerk
- An eCharge System was developed to Electronically file charges in the Intake Bureau
- The Future: ePortal—An electronic system to receive evidence from Law Enforcement Agencies

HCDAO Challenges

- Employee Recruitment and Retention – Salaries are not competitive with surrounding counties. Montgomery and Ft. Bend counties start prosecutors at \$12,000 more per year with much smaller caseloads per prosecutor.
- Logistics – DAO staff is located in 7 buildings with most of our prosecutors located 1.5 miles from the Criminal Justice Center (CJC). Approximately 20% of prosecutors time is spent commuting by METRO bus.
- Unmanageable caseloads compared to other DA offices.
- Complexity of discovery requirements – Volume of digital and forensic evidence has exploded without a commensurate increase in staffing. Example: Backlog in receipt of body worn camera evidence and 911 evidence.
- No current resolution to expand the number of jury trials to address the criminal case backlog.
- Funding uncertainty due to critical positions being funded by grants (55 grant positions), temporary funding of necessary Intake weekend positions, and the over-time triage program.

Rising Crime and the Duty to Protect the Public's Safety

The DAO doesn't control the crime rate, just like the Fire Department doesn't control the number of fires. Police are called by the residents of Harris County when crimes are committed against them. The police investigate and when they have a suspect in custody or have determined who should be arrested for the crime, they contact the District Attorney's Intake Division. Each case filed is screened by a prosecutor and every individual arrested has their case presented to a Magistrate/Hearing Officer within 24 or 48 hours. Because of rigorous screening by Intake prosecutors, the increase in crime has not led to an enormous increase in cases filed, but in more serious violent cases being filed.

In particular, three main CRIME DRIVERS have become evident in the increase in Harris County HOMICIDE where over 611 (HPD 479 / HCSO 124 / Pasadena 8) number of people were murdered in 2021. 445 of those homicides were solved by police and filed with the DAO. Those crime drivers are:

- Domestic Violence offenders
- Gang Violence offenders; and
- Repeat Violent Offenders.

To meaningfully prosecute specific violent crime offenders, and better protect the public, the DAO must be fully staffed. This necessitates appropriate funding.



Increase the number of Domestic Violence Prosecutors

16,800 domestic violence cases are currently pending system-wide. We can expect another 17,000 in 2022.

The cases range from a punch in the face to torture/ homicide by intimate partners and those who share households. The cases are increasing in brutality and Texas Law requires police intervention and arrest where any risk of violence remains following police exit.

Current average caseloads for misdemeanor prosecutors handling these cases in the Trial Bureau are more than 1,000 and for felony prosecutors over 800.

Add 18 prosecutors and 14 support staff and centralize prosecution of high risk Domestic Violence Offenders for \$1,723,467.

Increase the number of Police Intake Prosecutors

15 new ADA positions and 7 support staff positions were TEMPORARILY FUNDED in 2021. It took approximately 6 months to hire qualified people for these evening, nighttime and weekend shifts.

Unfortunately, Temporary funding is unsuccessful for recruitment/retention.

With new responsibilities for BAIL due to Sen. Bill 6, the increased number of arrest and search warrants required by police for investigation, increased numbers of cases reviewed for pre-charge diversion for mental health and drugs, and the number of police who have to wait on hold to speak to an understaffed Intake Division — the request for increased funding will make the whole criminal justice system more efficient.

Fund 24 prosecutors and 24 support staff at cost of \$2,716,169.

Increase the number of Trial Bureau Prosecutors to Prosecute Repeat Violent Offenders

The criminal caseload has increased 149% since August 2017 (Hurricane Harvey).

The criminal case backlog (number of cases carried forward from one year to the next) has tripled in that time period.

Caseloads for these prosecutors are untenable. The situation for the public is awful. Career criminals on multiple bonds terrorize neighborhoods and our tourist and shopping areas.

The number of cases now assigned to prosecutors is untenable.

Trial court prosecutors are expected to cover multiple venues assigned by Courts for hearings, trials, and dockets.

The caseloads, the distance our prosecutors must travel to reach the CJC daily, the condition of the courthouse, the case loads, the non-competitive salaries....all lead to difficulty in retention, making recruitment and training efforts inefficient and at times, further delaying justice for victims.

Meanwhile, more violent offenders than ever before roam our streets on bail because of trial delays. More than 2,000 murderers now clog our system, with all but 700 on bail or at large.

Our police are arresting the same violent offenders over and over.

Fund 40 new attorneys to the Trial Divisions, both felony and misdemeanor for \$2,776,332.

Increase the number of Victim Service Professionals

Crime victims have rights under Texas Law and the District Attorney's Office is statutorily required to provide Victim Assistance Coordinators, known as VACS.

Through grants and reallocation of internal staff, the District Attorney's Office of Victims' Services now contacts nearly 20,000 victims of violent crime annually instead of the previous administration's 2,000 annually. 19 VACs are currently VOCA grant funded but grant funding decreased by 10% current year and is expected to decrease an additional 15% this year (10/01/2022).

With so many more victims and such long trial delays, VACS are indispensable in the justice system in terms of serving frustrated crime victims.

With so many additional court venues to appear in simultaneously, it is impossible to continue to require crime victim advocates to be in more than one place at a time.

Fund 5 additional VACS for \$274,872.

Continue Funding TRIAGE PROGRAM

Prosecutors achieved a hard-earned tipping point last Fall when case counts finally showed more cases being disposed of through plea, trial or dismissal in the courts than cases filed in those courts during the same period.

Many factors critical to reducing the backlog are NOT within prosecutorial control, such as case scheduling, case bail, response of the defense bar. Nevertheless, by re-reviewing all non-violent misdemeanor and felony cases and “pushing plea offers through the portal” to defense attorneys, this signals to all that the State is READY to try the case.

The goal is to dispose of as many non-victim cases as possible and focus our very limited resources on serious violent felony offenses for trial.

Continue our \$3.5 M TRIAGE FUNDING. After all it was taken from the District Attorney’s Office Budget by the Commissioner’s Court and then “re-allocated” for our plan. This was NOT NEW FUNDING.

To halt funding will insure the backlog not only continues, but will increase.

HCDAO Budget Requests

Proposal	FY2022 Cost (03/01/2022-08/31/2022)	FY2023 Cost (09/01/2022-08/31/2023)	Description
Domestic violence 18 Attorneys 14 Support Staff	\$1,723,467	\$3,759,551	This request will help with the spike in Domestic Violent cases in both felony and misdemeanor cases.
Repeat Violent Crime 40 Attorneys	\$2,776,332	\$4,824,616	This request will help with the spike in repeat violent offenses
Police Intake Bureau: 3 shifts for weekends 24 Attorneys (8 per shift) 24 Support Staff (8 per shift)	\$2,716,169	\$4,560,314	This request will help with the Intake process. Experience ADAs will not have to work over weekend by hiring new ADAs.
Victim Assistant Coordinators (VACs) Code of Criminal Procedure Ch. 56	\$274,872	\$469,047	Having 5 more VACs will allow for the victims of violent crime to be informed of their rights and the DAO to be in compliance with the CH.56 Code (such as initial contact calls, the victim impact statement, crime victim compensation, community referrals, court accompaniment and advocacy)
Continuation of Overtime Triage Program	\$2,200,000	We want to spend our entire 2020 rollover of \$3.5M	This request will continue to help reduce the criminal court case backlog
Total 125 PNs: 82 Attorneys, 24 Administrative Assistants, 7 Social Workers, 5 Victim Assistant Coordinators, 4 Paralegals & 3 Investigators	\$9,690,840	\$13,613,528	The Total Requested of \$13,613,528 does not include the 2020 Rollover Funds.



Summary of DA Budget Request

Fund 82 new Assistant District Attorneys and 43 Support Staff:

- Address Homicide and Violence caused by Repeat Violent Offenders by funding 40 ADAs
 - Address Domestic Violent Crimes by funding 18 ADAs and 14 Support Staff
 - Provide *permanent staff* for DA Intake night and weekend shifts by funding 24 ADAs and 24 Support
 - Help victims of Violent Crime by funding 5 Victim Assistance Coordinators (VACs)
 - Continue our over-time TRIAGE project to reduce case backlog (using the remaining 2020 rollover funds)
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- **TOTAL ask for new positions: \$13.6M**