



MENDOCINO COUNTY DISTRICT ATTORNEY'S OFFICE

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Memo

TO: Mendocino County Board of Supervisors
FROM: Meredith Lintott, District Attorney
DATE: June 3, 2010
RE: Mendocino County Budget 2010-11
District Attorney's Office BU 2070

The recommended budget for the District Attorney's Office is insufficient for the District Attorney to carry out her mandated duty to conduct all prosecutions of public offenses on behalf of the people. GC § 26500.

The Executive Office has assigned a NCC to BU2070 of \$3,419,765; this amount is \$730,002 less than the amount necessary to run the District Attorney's Office. The District Attorney's Office has, in the past 3 years, shared a disproportionate amount of the budget cuts in the criminal justice system. The reductions have been disproportionate to the reductions to County Counsel and the Public Defender: a BOS action that is arbitrary and capricious and could subject the County to a civil suit.

As I am sure you are aware, the BOS may have control over the county budget, but may not by way of failing to appropriate funds, prevent the district attorney from incurring necessary expenses for crime detection as county charges. *Hicks v. Board of Supervisors* (1977) 69 Cal.App.3d 228. While the BOS may appropriate funding; the BOS cannot manage the expenditure of appropriated funds or control the actions or assignments of personnel. GC § 25303.

“Although the BOS exercises control over the county budget. . . the board may not, by failing to appropriate funds, prevent the DA from incurring necessary expenses for crime detection as county charges.” GC§ 29601.

What are the consequences of underfunding the District Attorney's Office?

- Request to Superior Court judges pursuant to PC 1130 to appoint private attorneys to prosecute felony trials, and have the court order the Auditor to pay the bill as county charges under GC 29602. This is a real possibility as we are currently short 2 DDA IVs and one experienced DDA is out on extended medical leave.
- Petition for Declaratory Relief under CCP 1060; or a Petition for a Writ of Mandate under CCP 1085.
- Substantial reduction in the prosecution of misdemeanor cases, perhaps leaving the District Attorney's Office only prosecuting DUIs and Domestic Violence misdemeanors. While law enforcement officers will continue to arrest and write reports; we will have insufficient staff to prosecute.
- Permanent office closures to the public at least one day per week.

The District Attorney's Office has worked diligently to stay within budget and has taken cuts greater than other departments. We wish to continue working with the County in these dire budget times. However, the BOS needs to know that the proposed recommended budget will jeopardize public safety in Mendocino County.