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Sedgwick County

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Wichita, KS 67203

Legislation Text

File #: 16-0142, **Version:** 1

Changes to District Attorney's staffing table.

Recommended Action: Approve the reclassification request and allow posting of the positions.

The District Attorney's Office has two positions on the staffing table which have not been funded since 2012. These positions were "held" in order to meet base budgets, but are now needed in order to meet mandatory discovery obligations. The District Attorney's Office can fund the positions, including benefits, through use of existing salary savings and anticipated future salary savings (2016 and 2017 budget cycles).

Each law enforcement agency will manage their cases and evidence differently and each uses different types of technology to collect and store case related evidence. The prosecutor is required to accept and manage all evidence regardless of the format in which it is obtained and stored. The prosecutor is also required, per the rules of discovery, to provide copies of the materials to defense counsel of record. In order to meet this obligation the prosecution office must 'respond' to changes in technology. The office must review, redact, store and copy all evidence, including electronic evidence, and have sufficient staff to facilitate the discovery obligations. Electronic evidence could include video/audio recordings of inmate telephone calls, suspect(s) and victim(s) interviews and interrogations, recordings from body cameras, recordings from automobile dashboard cameras, digital photographs, surveillance tapes, crime scene photographs, computer/smartphone/cell phone records including forensic analysis.

Technology use by public safety agencies continues to increase. The Wichita Police Department (WPD) is the law enforcement agency involved in the majority of juvenile and criminal cases (72%) prosecuted by the District Attorney's office. In 2011, WPD began equipping their street officers with body cameras. From 2011 until September of 2015, sixty (60) cameras were in operation. During that same period of time, the District Attorney's office had just 99 cases where body camera video was included as case related evidence. In September of 2015, WPD purchased and implemented two-hundred (200) additional body cameras. Since October 1, 2015, body camera evidence was included in 80 cases. WPD intends to add an additional two-hundred (200) cameras in 2016 which will equip all officers with body cameras. Each officer records an average of 2-4 hours of video in a ten (10) hour shift. It is anticipated all most all WPD cases will have body camera evidence and this is causing an exponential increase in the management of body camera evidence. The office is not staffed to a level necessary to manage the current increase in technological evidence.

An example case -- a recent human trafficking case had 40 individual body camera video clips

provided as part of the case evidence, totaling 9 hours and 46 minutes in length and 7.44 GBs in storage size. This is one case, but literally hundreds of video clips exist and case evidence and that number will continue to rise and cameras are deployed.

The prosecutor's office must meet discovery obligations within time deadlines and are required to disseminate discoverable materials on each and every case. The District Attorney's office will be unable to handle the influx of digital evidence relating to criminal and juvenile offender cases without additional staff which will provide necessary resources to manage electronic evidence and adhere to discovery obligations.

This request is to take two previously "held" positions and reclassify them as Discovery Coordinator positions. The first position, 20001979, is an Administrative Assistant position, grade 120. The second position, 20002000, is an Office Specialist position, grade 117. This request is to reclassify both positions to grade 123. Additionally, the request is to authorize the positions to be filled effective as of the date of BOCC authorization.

Alternatives: N/A

Financial Considerations: Budget impact for 2016 is estimated at \$89,202; 2017 impact is estimated at \$113,644.

Legal Considerations: None.

Policy Considerations: None.