

**FY2019 Contingency Budget Request and Justification
for One Attorney II and One Clerk II in the Grand Jury/Intake Division
of the Fort Bend County District Attorney's Office**

I. DUTIES AND RESPONSIBILITIES OF INTAKE PROSECUTORS IN 2018

The Grand Jury/Intake Division of the Fort Bend County District Attorney's Office is comprised of a Chief Prosecutor, a Deputy Chief Prosecutor, Two (2) Attorney IIs, Three (3) Attorney Is, and Six (6) Administrative Assistants.

Attorneys in the Grand Jury/Intake Division of the Fort Bend County District Attorney's Office handle the initial intake review of both felonies and misdemeanors, other than those assigned to specialized caseloads, and determine whether those felony and misdemeanor offenses should be filed in court. The review of cases on intake not only requires the attorneys to determine whether there is enough evidence to prove a case beyond a reasonable doubt, but also requires the attorneys to assess whether all of the evidence has been gathered by law enforcement officers and included with the case file. The creation of the Michael Morton Act in 2014 (Texas Code of Criminal Procedure 39.14) requires the District Attorney's Office to provide all inculpatory and exculpatory evidence to a defendant. Often, if Grand Jury/Intake attorneys do not ensure that evidence is obtained, the evidence could be lost or destroyed. For example, surveillance footage from a commercial business is generally only available for 30 days before the images are overwritten by newer surveillance footage. If the Grand Jury/Intake attorney does not ensure that officers have gathered that evidence, it will not be available later for trial. Once an attorney has made the decision to file a case, the attorney must draft the charging documents, and in the case of a felony offense, present the case to the Grand Jury.

Attorneys in the Grand Jury/Intake Division also review, edit, and assist with all arrest and search warrants that law enforcement officers seek on felonies and misdemeanors not assigned to specialized caseloads such as child abuse and domestic violence. In recent years, the number of warrants has increased in number and complexity due to the availability of evidence on cellular telephones, digital storage devices, and through social media corporations. The proper composition of these search warrants requires expert, specialized legal knowledge on the part of both intake attorneys and law enforcement officers, in order to abide by strict

constitutional and statutory guidelines. Prosecutors working help law enforcement officers obtain evidence through warrants are necessarily operating under urgent deadlines – before critical evidence is deleted by its owner, or the media and internet companies themselves. Additionally, Grand Jury/Intake attorneys also meet with and advise law enforcement officers on legal issues that arise during criminal investigations the officers are handling. Grand Jury/Intake attorneys also provide training to local law enforcement officers throughout the year.

Duties:

- Review felony and misdemeanor cases and determine whether case should be filed in court, put on hold for more information, or rejected
- Ensure necessary evidence has been collected by law enforcement and attached to the case file in order to comply with Texas Code of Criminal Procedure Section 39.14
- Draft charging documents for misdemeanor and felony cases
- Present felony cases to grand jury
- Review, edit, and assist in the preparation of arrest and search warrants
- Discuss ongoing criminal investigations with law enforcement officers and advise on legal issues pertaining to the investigation
- Provide trainings to law enforcement officers

In 2017, law enforcement agencies filed 12,842 cases with the District Attorney’s Office. In 2018, law enforcement agencies filed 16,159 cases with the District Attorney’s Office. That is a 25% increase in the number of cases filed. Between 2016 and 2018, the Grand Jury/Intake Division on average reviewed 250 arrest and search warrants. Additionally, Grand Jury/Intake attorneys discuss cases and have meetings about cases and ongoing investigations with law enforcement officers in person and over the telephone on a daily basis.

II. ADDITIONAL RESPONSIBILITIES ADDED IN 2019

In January 2019, in addition to the responsibilities described above, the Intake/Grand Jury division received the added responsibility of reviewing all of the felony gang and narcotics cases on intake. Additionally, the Intake/Grand Jury division received the added responsibility of reviewing and editing arrest and search warrants pertaining to gang and narcotics cases. This is a

significant increase to the work load that the Intake/Grand Jury division handles. In 2017, there were 2,346 narcotics cases reviewed on intake. In 2018, there were 2,734 narcotics cases reviewed on intake. In 2016, 193 arrest and search warrants were reviewed for narcotics related investigations. In 2017, 103 arrest and search warrants were reviewed for narcotics related investigations. In 2018, 147 arrest and search warrants were reviewed for narcotics related investigations. This means on average, 148 warrants per year are reviewed for narcotics related investigations. Additionally, Intake/Grand Jury attorneys are now discussing narcotics and gang related investigations and legal issues with law enforcement officers who specialize in these types of cases.

Additionally, pursuant to the Michael Morton Act of 2014 (Texas Code of Criminal Procedure 39.14), the District Attorney’s Office requested four Clerk II’s in 2016 to assist with processing state-mandated discovery compliance and was only awarded two clerks. The need to expand that workforce is paramount for the reasons listed herein. An award of one Clerk II will provide immediate relief as the office reforms its workflow to be more efficient and responsive.

III. DEMONSTRATIVE CHARTS AND DIAGRAMS

Fort Bend County Population Increase

Year	Population¹	Percentage Increase
1990	225,421	–
2000	354,452	57%
2010	585,375	65%
2013	643,408	9%
2018	764,828	18%

Increase in Adult Cases Filed by Law Enforcement Agencies with the District Attorney’s Office

Year	Cases Filed	Percentage Increase
2007	10,681	–
2013	11,171	4%
2017	12,842	14%
2018	16,159	25%

¹ U.S. Census Bureau

Number of Felony Gang and Narcotics Intake Cases

Year	Cases Reviewed
2017	2,346
2018	2,734

Number of Felony Gang and Narcotics Arrest and Search Warrants

Year	Number of Warrants
2016	193
2017	103
2018	147

Increase in Adult Criminal Cases Filed in County and District Courts

Year	Cases Filed	Percentage Increase
1987	3,824	
2000	5,952	55%
2010	8,824	48%
2017	9,310	5%
2018	12,045	29%

Increase in Adult First-Degree (highest) Felony Charges Filed in District Courts

Year	Cases Filed	Percentage Increase
2000	181	-
2010	254	40%
2013	318	25%
2018	369	16%

IV. CONCLUSION

Fort Bend County's population explosion has caused growth in all in county departments, including the District Attorney's Office. Fort Bend County has also increased the number of courts to address the growing caseload that naturally occurs with a rise in population, in an effort to keep the countywide crime rate as low as possible. Fort Bend County's dynamic growth has fueled a need for an ever increasing level of services from law enforcement agencies, including the District Attorney's Office. The District Attorney's Office strives to provide public service at the highest degree of professionalism and

expertise. Last year there was an unprecedented 25% increase in the number of cases filed by law enforcement agencies with the District Attorney's Office. This increase saw the number of cases filed with the District Attorney's Office go from 12,842 cases to 16,159 cases. In 2019, the Intake Division was also tasked with reviewing all of the felony narcotics and gang cases on intake as well as all of the narcotics and gang arrest and search warrants. This is an increase of more than 2,000 cases and over 100 warrants. In order to continue to provide these services at a high and professional level that would satisfy public expectations, one additional Attorney II position is immediately necessary. With its felony and misdemeanor intake workload along with the addition of the narcotics workload, this additional Attorney II position will allow for the efficient administration of justice, contribute to the ability to more promptly schedule criminal court appearances for Defendants, ease concerns over the population of the Fort Bend County jail, and provide confidence to law enforcement personnel and the Public that the District Attorney's Office has the necessary resources to make fair and prompt, evidence-based charging decisions.

Both requested positions can be funded from the District Attorney's Salary line item in the FY2019 budget, including insurance, with no impact to the current budget. The District Attorney's Office will purchase the necessary equipment and furniture for both positions. The award of these positions now will reduce the personnel requests in the FY2020 budget.