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Item #6

8/6/19

MEMO
July 30, 2019

TO: Board of Supervisors

RE: Investigator Position

As part of the FY 20 budgetary process the Attorney's office requested an Investigator position. The Board approved the position temporarily and requested a staffing study be completed.

The Report by Justice Planners confirms that an Investigator position is warranted for the County Attorney's Office. The Scott County Attorney's Office needs an investigator to aid with the prosecution of criminal cases. The investigator will assist attorneys with three primary duties: witness contact, electronic evidence review, and follow-up investigations. These duties are currently performed by attorneys; however they do not require legal knowledge, training or experience. These obligations divert attorneys from performing important tasks that do require legal education and experience such as research, writing, motion responses, and courtroom presentations. In addition, the attorneys spend a great deal of time in the courtroom, during which, none of these investigative tasks can be performed.

As the report states, one investigator cannot perform all of the duties listed above. It is not my intention that an investigator will completely relieve attorneys of performing these functions, but it will be a significant aid to effective evaluation and prosecution of cases brought to us.



Scott County Attorney's Office Investigator Position Review

DRAFT REPORT

July 26, 2019



Background

Due to the size of the office and the volume of criminal cases handled annually, the Scott County Attorney's Office has made a request to County Administration officials to add the position of Investigator to their office. In the spring of 2019, Justice Planners was working on a planning project for the Sheriff's Office and Juvenile Detention Center which included determining preliminary staffing requirements. County officials requested Justice Planners review the proposal for the investigator position, and data gathering began in May 2019.

Information was requested including justification for the proposed investigator position, current attorney staffing, assignments and caseloads. The summary justification for the requested position follows:

The Scott County Attorney's Office needs an investigator to aid with the prosecution of criminal cases. An investigator would assist attorneys with three primary duties: witness contact, electronic evidence review, and follow-up investigations. These duties are currently performed by attorneys; however they do not require legal knowledge, training or experience. This diverts attorneys from performing important tasks that do require legal education and experience such as research, writing, motion responses, and courtroom presentations. In addition, the attorneys spend a great deal of time in the courtroom, during which, none of these investigative tasks can be performed.

Scott County is the third largest county by population in Iowa with 172,509 residents. According to the US Census Bureau, Polk County is the largest with a population of 481,830 in 2017 and Linn County is the second largest with 224,115 residents in 2017. The Des Moines metropolitan area population is 682,877 (2017) and the Cedar Rapids metropolitan area population is 264,277 (2017). While Scott County is Iowa's third largest county by population, it is in the Quad Cities metropolitan area has a population estimated at over 380,000, making it the second largest metropolitan area in Iowa.

Profile of the Scott County Attorney's Office

Including Michael Walton, Scott County Attorney, the Scott County Attorney's Office employs a total of sixteen attorney positions. The County Attorney handles major felony prosecutions as well as many administrative duties. There are eight attorneys that handle felony cases in District Court. There are four attorneys that manage indictable misdemeanor cases in Associate Court. For juvenile cases there is one attorney assigned to Child in Need of Assistance (CINA) cases and one attorney that manages the caseload for juvenile delinquency cases. The civil representation of Scott County/Risk Management is managed by one attorney plus a risk manager.

Additional duties are spread out among the attorneys such as traffic/simple misdemeanor trials, weekend court, law enforcement training, citizen inquiries (scheduled for ½ day everyday) and general law enforcement advice and support. The investigator would assist with all divisions.

A high-level comparison was made of caseloads between Scott County and Linn County for fiscal year 2019. Scott County filed a total of 1,355 new felony cases in FY2019 as detailed in Table 1 below. Linn County had a total of 944 new felony cases. These new felony cases are primarily assigned to eight attorneys. Each of these cases will have body camera and or squad video. Most will have interview videos. They will all have police reports and must have witnesses who are willing to be identified and testify in court if requested. Felonies by their nature require increased, sometime extensive witness contact and

Scott County Attorney's Office Investigator Position Review

interaction. Locating and establishing contact with the witnesses is often a challenge. Even though Linn County has a larger population and more county attorneys (19 for Linn vs. 15 for Scott), Scott County is in the Quad Cities metropolitan area with a total population of over 50% more than Linn County.

There were 114 jury trials for felony cases scheduled for between May 20 and June 24, 2019. Not all of these cases went to trial. However, because felony charges are of a more serious nature, they require more preparation and due diligence for preparation.

The number of misdemeanor case filings were higher in FY2019 than in Linn County as well. Scott had 3,689 misdemeanor filings compared with 2,960 in Linn County. These new indictable misdemeanor cases are assigned primarily to four attorneys. Each of these cases have body camera and or squad video, and some will have interview videos. They will all have police reports and must have witnesses who are willing to be identified and testify in court if requested. These cases often involve traffic stops and the squad and video recordings associated with these interactions.

Table 1
New Adult Indictable Cases FY2019

FY 2019 New Indictable Cases	Total New Aggravated/ Serious Misdemeanor	Total New Felony	Total
July 2018	292	110	402
August 2018	291	104	395
September 2018	268	107	375
October 2018	321	122	443
November 2018	296	105	401
December 2018	327	122	449
January 2019	290	127	417
February 2019	329	106	435
March 2019	315	116	431
April 2019	321	126	447
May 2019	349	106	455
June 2019	290	104	394
Total:	3,689	1,355	5,044

Source: Scott County Attorney Office, July 2019

These numbers have reportedly remained consistent for several years. These figures represent indictable cases, but do not include non-indictable cases or cases that staff have spent time reviewing but did not result in charges. There were 157 jury trials for misdemeanor cases scheduled for the time period May 20 and June 24, 2019. As in District Court, not all of these cases went to trial. However, the prosecution had to prepare as if they would be heard. This preparation required the subpoenaing of witnesses and reviewing of evidence and reports.

In addition to the adult case filings handled by the County Attorney's Office, there were 867 juvenile cases filed, compared to 749 juvenile cases in Linn County for FY2019. Of these, there were 552 new delinquency cases filed that were primarily assigned to one attorney. Most of these cases have body camera and or squad video and some have interview videos. They all have police reports and have witnesses who are willing to be identified and testify in court if requested.

Scott County Attorney's Office Investigator Position Review

Table 2
New Juvenile Indictable Cases FY2019

FY 2019 New Juvenile Cases	CINA	Delinquency	Terminations	Total
July 2018	33	67	7	107
August 2018	16	39	12	67
September 2018	22	42	10	74
October 2018	23	58	11	92
November 2018	20	48	10	78
December 2018	19	60	13	92
January 2019	8	38	11	57
February 2019	12	32	1	45
March 2019	12	32	6	50
April 2019	17	35	4	56
May 2019	14	66	10	90
June 2019	12	35	12	59
Total:	208	552	107	867

Source: Scott County Attorney Office, July 2019

There were also 208 new Child in Need of Assistance (CINA) cases that were primarily assigned to one attorney.

Comparisons with Other Iowa County Attorney's Offices

Most County Attorney offices in Iowa do not have an Investigator position. The two largest counties, Polk and Linn, do have these positions due to the volume of cases that are handled through their offices.

The Polk County Attorney's Office has six (6) investigators, all sworn deputies through the Polk County Sheriff's Department, that assist 57 attorneys. They are considering adding a 7th investigator position. One of the investigators is assigned to primarily serving subpoenas. One investigator is assigned to assist with major cases working with trial teams, evidence sorting, interviewing material witnesses, listens to recordings of inmate phone calls, and serving material witness warrants. Three investigators are assigned primarily to work with juvenile cases. These cases deal with terminating parental rights, juvenile delinquency, and some civil cases. The sixth investigator is the lead investigator who supervises the department and assists with all types of cases.¹

The Linn County Attorney's Office has one (1) investigator who is a retired law enforcement officer and assists 19 attorneys. While this investigator does assist attorneys with some criminal, civil, and juvenile cases, the lion's share of his work involves serving subpoenas to witnesses and victims. In 2018 this single investigator served more than 6,500 subpoenas, averaging over 125 subpoenas each week. Much of his time is spent tracking down subjects via social media searched. This investigator will occasionally assist with alibi witness interviews, they do not review video evidence, listen to inmate telephone call recordings or help with trial preparation. During times when the investigator is sick or on vacation, the Linn County Sheriff's Office will serve some subpoenas.²

¹ Source: Brett Williams, Chief Investigator, Polk County Attorney's Office

² Source: Al Stile, Investigator, Linn County Attorney's Office

The Woodbury County Attorney's Office used to have an investigator position more than 15 years ago. However, it was defunded due to budgetary reductions and has not been reinstated.

Proposed Investigator Duties

The County Attorney's Office has proposed three primary duties to be performed by an investigator, 1) Contact Witnesses, 2) Review Electronic Evidence, and 3) Follow-up Investigation. These proposed duties will be reviewed and discussed below. All of these duties are currently performed by each of the attorneys in the Office. The County Attorney's Office has stated the duty that will occupy most of an investigator's time will be reviewing electronic evidence. There will also be a significant amount of time devoted to contacting witnesses, they do not envision an investigator spending the bulk of their time serving subpoenas.

Contact Witnesses

County Attorney Justification: *In many cases, witnesses are not cooperative or difficult to find. However, witness contact is essential for effective prosecution of cases. County Attorneys are required to spend a great deal of time finding and maintaining contact with victims and witnesses. This becomes increasingly important immediately prior to, and during trials when the attorneys should be focusing on legal issues and strategy pertaining to trial.*

The estimated amount of time each of the 14 attorneys spends on this task is approximately ½ hour each day. In a 5-day work week, this equates to about 35 hours each week spent finding and contacting witnesses.

Review Electronic Evidence

County Attorney Justification: *The proliferation of body camera, squad, and surveillance video from numerous sources has greatly increased the time required for case preparation. Phone records (increasingly becoming more sophisticated and useful), geolocation data, 911 calls, jail calls, medical records, and police reports are additional sources of evidence that must be obtained and reviewed. This evidence also creates leads to other evidence that should be followed. This evidence must be edited and converted to a form admissible as court exhibits.*

The volume of this evidence is demonstrated by the following: The largest agency in Scott County, Davenport Police Department, created 82,062 videos during January 1 through July 1, 2019. There are 134,883 active videos on their server as of July 1, 2019. The two other largest agencies are Bettendorf Police Department and the Scott County Sheriff's Department. According to Bettendorf, they average 128 videos per day. Scott County averages 120 videos daily.

There is a total of 17 cities and 13 townships in Scott County. Just looking at the number of law enforcement videos created by Bettendorf, Davenport and the Scott County Sheriff's Department, there are an estimated 126,702 videos created in the first 6 months of 2019. The estimated amount of time each of the 14 attorneys spends on this task is approximately ½ hour each day. In a 5-day work week, this equates to about 35 hours each week spent finding and contacting witnesses.

The estimated amount of time each of the 14 attorneys spends on this task is approximately one hour each day. In a 5-day work week, this equates to about 70 hours each week spent reviewing electronic evidence.

Follow-up Investigation

County Attorney Justification: *Currently the office relies on fourteen outside agencies for investigative support. Most of these agencies are under-staffed and they have varying levels of resources available for additional investigative requests. The County Attorney's office must respect the chain of command of these departments. When requesting additional investigation, following the chain of command, and limited resources of the departments can result in delayed reaction to the requests. An investigator would act at the direction of the county attorney and would be an important liaison to the departments to coordinate additional investigation.*

The estimated amount of time each of the 14 attorneys spends on this task is approximately one hour each day. In a 5-day work week, this equates to about 70 hours each week spent reaching out to a multitude of outside agencies for information.

The times listed for these activities are reported estimates of the average time spent by 14 attorneys performing different functions. (There are two attorneys whose duties do not generally require this type of work). It can be difficult to estimate the time spent on specific tasks related to the investigations, preparation and executing criminal cases. Each case is different and requires a tailored work plan that depends upon the nature of the crime, the evidence involved, and witnesses for that case. Many cases are opened while others are finalized daily.

The County Attorneys also prosecute hundreds of simple misdemeanors including traffic tickets and low-level assaults and thefts that are non-indictable offenses. Although these types of cases may require additional investigation, it is not expected to be a significant part of the investigator's duties.

Jury Trial Assistance

County Attorney Justification: *Finalize any follow-up investigation. Obtain needed exhibits such as photographs, diagrams, and maps. Review video to assist with exhibit creation. Listen to recent jail calls for admissions, new leads, and defendant/victim contact. Locate and serve subpoenas on hard to find witnesses. Provide witness reassurance. Review items in evidence for use as exhibits. Investigate and interview defense witnesses and claims regarding state's witnesses.*

This description appears to be a compilation of the duties and expectations of the proposed investigator position.

Findings

The Investigator in Linn County primarily serves subpoenas and reviews little, if any, electronic evidence. Polk County has a team of six Investigators that are each assigned specific areas of focus. The Scott County Attorney's Office can justify the addition of at least one Investigator position.

The County Attorney's Office stated that a key duty would be reviewing electronic evidence, mostly video evidence and reviewing inmate phone calls. With more than 126,000 videos collected in the first 6 months of this year, the task of simply sorting and cataloging this evidence would be a daunting task. While this task is included in the *Jury Trial Assistance* duties listed above, there are many more time-consuming duties included.

The stated primary duties planned for this new position (primarily contacting witnesses, reviewing electronic evidence, and providing follow-up with investigations) are currently taking approximately 175 hours each week of the attorney's time. Obviously, an Investigator(s) will not completely relieve the attorneys of these tasks. Otherwise it would require more than four Investigator full time equivalent (FTE) positions to fully complete these duties.

A recommendation is to fully define the scope of the duties and expectations of the position, ranking the duties by area of importance. The Investigator job descriptions for Polk and Linn Counties are attached as examples.

Attachments

Sample Investigator Job Descriptions



CLASS CODE: 310300
PAY GRADE: 22
UNIT: AFSCME
Professional
FLSA: Non-Exempt

INVESTIGATOR

Distinguishing Features of the Class:

Under general supervision, coordinates and participates in complex criminal and civil investigations.

Illustrative Examples of Work:

1. Conducts civil and criminal investigative assignments determining what crime has been committed, by whom and what witnesses should be interviewed; interviews clients and witnesses and obtains detailed evidence on cases assigned.
2. Gathers and analyzes information obtained from field investigations, surveillance and interviews with victims and witnesses.
3. May direct an investigative team, coordinating and assigning tasks, and evaluating case progress; ensures proper collection and preservation of evidence; arranges and maintains surveillance and stake-outs.
4. Discusses potential defenses and case preparation with prosecutors, judiciary and/or defense attorneys; assists attorneys with the preparation, prosecution and/or defense of cases in court; attends court hearings and provides testimony to the court.
5. Locates missing witnesses or victims; serves legal notices such as subpoenas and warrants; secures arrest or search warrants; transports witnesses for court appearances and extradites prisoners from other locales.
6. May maintain an "on call" status for duty in case of a special need or emergency; may participate as a member of various associations.
7. Prepares reports on investigative findings.
8. Performs related duties as may be required.

Required Knowledge, Skills, and Abilities:

- Thorough knowledge of Federal, State and County laws.
- Considerable knowledge of police, administrative and investigative procedures.
- Knowledge of the methods and procedures involved in criminal and civil investigative and research work.
- Knowledge of techniques used in the collection and preservation of evidence.
- Ability to coordinate and direct the work of a professional investigative team.
- Ability to interrogate and gain knowledge from witnesses, victims or perpetrators.
- Ability to communicate effectively both verbally and in writing.
- Ability to establish and maintain effective working relationships with representatives of other agencies, other County employees and the general public.
- Ability to obtain a valid motor vehicle operator's license issued by the State of Iowa.

Training and Experience:

- Graduation from high school.
- Plus extensive course work and certification in police administration, supervision and investigation from a recognized law enforcement academy, and
- Two to three years experience in modern police or investigative procedures, or
- Any equivalent combination of training and experience that will have provided the required knowledge, skills and abilities.

Special Requirement:

- A criminal background check may be required.
- A drug screen may be required prior to final offer of employment.

Adopted: 7/1/86
Revised: 3/23/99
Revised: 10/30/09
Revised: 1/1/13
Revised: 7/25/18

**POLK COUNTY JOB OPPORTUNITY****Posting: #18-1117****Investigator (Salary as of 7/1/18)**

OPENING DATE: 06/13/18**CLOSING DATE:** 06/19/18 11:59 PM**DEPARTMENT:** County Attorney's Office**LOCATION:** Justice Center Annex, 222 5th Avenue, Des Moines**HOURS:** 8:00 AM - 5:00 PM**SALARY:** \$65,099.00 - \$85,436.00 Annually**BARGAINING UNIT:** Professional AFSCME**SALARY GRADE:** 22**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:**

- Thorough knowledge of Federal, State and County laws.
- Considerable knowledge of police, administrative and investigative procedures.
- Knowledge of the methods and procedures involved in criminal and civil investigative and research work.
- Knowledge of techniques used in the collection and preservation of evidence.
- Ability to coordinate and direct the work of a professional investigative team.
- Ability to interrogate and gain knowledge from witnesses, victims or perpetrators.
- Ability to communicate effectively both verbally and in writing.
- Ability to establish and maintain effective working relationships with representatives of other agencies, other County employees and the general public.
- Ability to obtain a valid motor vehicle operator's license issued by the State of Iowa.

TRAINING AND EXPERIENCE:

- Graduation from high school.
- Plus extensive course work and/or certification in police administration, supervision and investigation from a recognized law enforcement academy, and
- Two to three years experience in modern police or investigative procedures, or
- Any equivalent combination of training and experience that will have provided the required knowledge, skills and abilities.

SPECIAL REQUIREMENTS:

- A criminal background check may be required.
- A drug screen may be required prior to final offer of employment.

APPLICATIONS MAY BE FILED ONLINE AT:
<http://www.polkcountyiowa.gov/hr/job-opportunities/>

An Equal Opportunity Employer

OUR OFFICE IS LOCATED AT:
111 Court Avenue Suite 390 Human Resources
Des Moines, IA 50309
515-286-3200
515-286-3201
humanres@polkcountyiowa.gov



SUMMARY OF CLASSIFICATION

Conducts investigations of both criminal and civil nature at County Attorney's request. Locates and interviews victims and witnesses, gather restitution information, serves subpoenas and other court related documents, and assists attorneys in trial preparation. Work is performed under the general supervision of the County Attorney. Knows the County's Customer-Centered Culture principles, the County's Mission, Strategic Plan and Core Values and demonstrates a commitment to customer satisfaction for all customers on a regular basis.

ESSENTIAL FUNCTIONS

LOCATES, INTERVIEWS and SERVES witnesses in both criminal and civil cases.

CONDUCTS investigations relating to complaints received by the County Attorney.

GATHERS restitution information from victims of crimes.

SERVES subpoenas and other court related documents.

ASSISTS attorneys in trial preparation and PROVIDES logistical support for County Attorney staff during trials. ENSURES witnesses appear on schedule and that evidence is available.

RESEARCHES defense evidence that may come up in trial.

PERFORMS all other related duties as assigned.

KNOWS the products they personally produce and the customers of each product. Listens to the "Voice of the Customer" and closes gaps between customer expectations and experience whenever possible.

NECESSARY REQUIREMENTS

Knowledge, Abilities and Skills

Knowledge of police and court procedures. Knowledge of legal system involving both criminal and civil issues. Knowledge of interviewing and investigative procedures. Ability to develop and use various sources for gathering necessary information and data. Ability to perform assigned tasks without immediate supervision. Ability to understand and cooperate



with various agencies including both law enforcement and civil authorities. Ability to operate standard office equipment including computer.

Minimum Training and Experience

Associate's degree in a related field required. Three (3) to five (5) years of advanced investigative experience in the criminal field required; or an equivalent combination of training and experience which provides the required knowledge, skills and abilities.

Special Requirements

Valid State of Iowa Driver's License required. Must pass a County physical examination which includes a drug test after offer of employment. Regular work attendance required.



www.justiceplanners.com

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

August 8, 2019

APPROVING ORGANIZATIONAL CHANGES IN THE ATTORNEY'S OFFICE BY CREATING THE POSITION OF INVESTIGATOR AND ESTABLISHING THE SALARY RANGE

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That the table of organization for the Attorney's Office be increased by 1.0 FTE to allow for the position of Investigator.

Section 2. That the salary range for the Investigator position in the Attorney's Office be set at 28.

Section 3. This resolution shall take effect immediately.