

Item #7  
11/23/21

**MICHAEL J. WALTON**  
**SCOTT COUNTY ATTORNEY**



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November 17, 2021

To: Board of Supervisors

RE: Request to Elevate Position

I greatly appreciate the Board's support by following the advice of the Vera Causa staffing report. As a step in addressing those concerns two Assistant County Attorney positions have been created. Unfortunately, I have been unable to fill two open assistant positions due to lack of qualified applicants. Two Assistant Attorney positions have been advertised for nearly sixty days. Although the positions require an Iowa license, and experience with Iowa law and procedure is preferred, we expanded the search nation-wide. We have received a total of eight candidates the entire time. None of the candidates were experienced prosecutors or even trial attorneys for the most part. Although we interviewed three candidates, none of those will result in a hire.

We recently lost a new attorney to Polk County where the salary was ten thousand dollars higher for an entry level position. I need qualified attorneys to handle the approximately one-thousand open felony cases. The shortage of Assistant Attorneys and large caseload is creating conditions where I fear the loss of current employees, exasperating an already difficult situation.

I believe I could attract a suitable candidate if one of the currently open positions was elevated to Senior Attorney level. I estimate this would be an increase of approximately sixteen thousand dollars per year in salary.

Therefore I am requesting the Board to immediately elevate one of the open Assistant County Attorney positions to Senior Attorney. I thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Walton". The signature is fluid and cursive.

Michael J. Walton  
Scott County Attorney

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[www.scottcountyiowa.com](http://www.scottcountyiowa.com)

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**Scott County Attorney's Office**  
**Justification for Digital Evidence Specialist**

**NEED**

The Scott County Attorney's Office needs a specialist to process the electronic evidence produced by law enforcement on a daily basis. The nature of this evidence has evolved into technology that requires knowledge and skills beyond that of the typical paralegal, administrative assistant, or attorney. The amount of this evidence requires a full time position.

Eleven law enforcement agencies currently provide digital evidence to the office including body camera, squad camera, and private surveillance. These agencies have different and unique approaches to how digital evidence is stored and shared. Our office is required to interact with all these agencies' technology to obtain this evidence. We are constantly working with this evidence to transfer, store, and produce it for use in court. We are also required to produce this evidence to the defense, which is a time consuming and technically difficult process. Failure to fully and accurately obtain, store and transfer this evidence can have serious and detrimental consequences to the prosecution of a case.

The County Attorney's Office is currently struggling on a daily basis to handle this important evidence. An example of the challenge is the recent Breasia Terrell homicide investigation. Our office had to transfer over a terabyte (1000 gigabytes) of digital evidence to the defense. To complicate the situation further, certain companies—like Walmart—have their own surveillance software that sometimes does not mesh well with evidence-based storage systems. That's one example. There are thousands of cases each with electronic evidence of various forms. These challenges require technical skills and experience to transfer the evidence into a viewable and storable form for use in court.

**PROPOSED DUTIES**

The Digital Evidence Specialist will provide technical support to deal with the digital evidence required for criminal investigation and prosecution. The position will provide prosecution assistance by obtaining, compiling, processing and maintaining digital evidence. The position will work with multiple video systems from multiple local law enforcement agencies to obtain digital media information and maintain physical evidence related to ongoing trials. It will assist attorneys with evidence retention and trial preparation and provide training for users on applicable technology.

# Digital Evidence Specialist

## DRAFT

FLSA: Non-Exempt

### SUMMARY

Under general supervision, the Digital Evidence Specialist provides E-Discovery and trial assistance by obtaining, compiling, processing and maintaining digital evidence. Works with multiple video systems from local law enforcement agencies to obtain digital media information. Maintains physical evidence related to ongoing trials. Assists attorneys with evidence retention, trial preparation, and provides training for users on applicable technology.

**ESSENTIAL FUNCTIONS** -- *Essential functions, as defined under the Americans with Disabilities Act, may include any of the following representative duties, knowledge, and skills. This list is ILLUSTRATIVE ONLY, and is not a comprehensive listing of all functions and duties performed by incumbents of this class. Employees are required to be in attendance and prepared to begin work at their assigned work location on the specified days and hours. Factors such as regular attendance at the job are not routinely listed in job descriptions, but are an essential function. Essential duties and responsibilities **may** include, but are not limited to, the following:*

- Proactively initiate case evidence for attorneys. Obtains, compiles, processes and tracks a variety of electronic evidence digital from applicable law enforcement agencies or other sources. Digital evidence may include copies of squad car, interview room, body cam and third party videos, audio recordings including 911 calls, and still photographs.
- Inventories, organizes and logs incoming digital evidence. Adheres to procedures that ensure proper handling of sensitive digital evidence.
- Converts digital media formatting as required for editing, redacting, or displaying.
- Redacts protected and/or sensitive material from digital media as directed by attorney.
- Edits digital material for length and relevance. Synchronizes audio and video clips with written transcripts.
- Provides subject matter expertise and technical support to legal staff in relation to issues arising from accessing and/or viewing digital evidence. Acts as liaison with Information Technology staff and Attorney's Office regarding E-Discovery technical needs including network storage concerns and maintenance and upgrades for equipment. Provides direction and finds solutions for questions and issues involving digital evidence.
- Supports trial attorneys with the preparation of digital and/or physical evidence and works with them to develop plans for trial or hearings using a courtroom presentation system.
- Collaborates with other governmental offices to design and create exhibits for trials and/or hearings.
- Communicates with defense attorneys to schedule appointments for digital media viewing. Duplicates digital media as necessary.
- Provides training for attorneys and support staff in use of technology related to digital evidence.
- Keeps up-to-date on changes in technology related to E-discovery.
- Stores, retrieves, secures, accesses, and implements the chain of custody and maintenance of records of all evidentiary, including physical, property from all law enforcement agencies; verifies proper packaging to ensure integrity of all property and evidence in accordance with State law and court orders.
- Logs physical evidence in and out of the evidence room and makes notes in judicial dialog; verifies all evidence is sealed, dated, and initialed by the requesting attorney before sending back to law enforcement agency.
- Manages and maintains the organization of the evidence room; sorts through evidence from closed cases and verifies it is ready to be returned to original agency; calls agencies coordinate the pickup of returned evidence.

- Demonstrates the ability to exemplify, by his/her actions, the County PRIDE philosophy.
- Performs related duties as assigned.

## **MINIMUM QUALIFICATIONS**

### **Education, Training, and Experience Guidelines**

Associate's degree in information technology, computer science, paralegal studies or criminal justice; AND three years of experience in the legal industry or technical field OR an equivalent combination of education, training, and experience.

### **Knowledge of:**

- State and Federal electronic document filing and retrieval.
- Applicable local, State, and Federal laws, codes, regulations, and ordinances.
- General office practices, procedures, and Microsoft programs.
- Substantive and procedural law.
- Judicial system, laws, and court proceedings.
- Investigative and research techniques.
- Legal terminology.
- Research techniques and resources.
- Chain of custody and evidence handling regulations and protocols.
- Legal research software and resources.
- Utilizing digital media applications for recovery, retrieving and storing data.
- Retrieval of body cam squad video.
- Inventory systems, data storage, data storage and retrieval systems.
- Records maintenance and retention policies and procedures.
- Customer service principles, practices, and etiquette.

### **Skill in:**

- Reviewing and editing multi-media files.
- Working effectively with little or no direct supervision.
- Prioritizing and multi-tasking work to meet deadlines.
- Maintaining accurate records, documentation, and filing systems.
- Handling and maintaining the confidentiality of files and information.
- Interacting tactfully and professionally with County staff, outside agencies, and the public.
- Establishing and maintaining cooperative working relationships.
- Communicating effectively verbally and in writing.

## **LICENSE AND CERTIFICATION REQUIREMENTS**

Must possess NCIC certification or obtain certification within six (6) months of appointment.

## **PHYSICAL DEMANDS AND WORKING ENVIRONMENT**

Work is performed in a standard office environment. May be required to work flexible schedule as needed.

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

\_\_\_\_\_  
DATE

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SCOTT COUNTY AUDITOR

## R E S O L U T I O N

### SCOTT COUNTY BOARD OF SUPERVISORS

November 23, 2021

#### APPROVAL OF CLASSIFICATION AND STAFFING ADJUSTMENTS IN THE ATTORNEY'S OFFICE

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

Section 1. That the table of organization for the Attorney's Office increased by up to 1.00 FTE Senior Assistant Attorney (total 8.0 FTE) to add an additional attorney of the those prosecuting major crimes and the decrease of up to 1.0 FTE of Assistant Attorney (total 8.0 FTE). The combined attorney positions remains at 16.0 FTE.

Section 2. That the table of organization for the Attorney's Office be increased by 1.00 FTE Paralegal (total 3.0 FTE) and decreased by 1.00 FTE Paralegal/Audio Visual Production Specialist. The position remains at the salary range 26.

Section 3. That the table of organization for the Attorney's Office be increased by 1.00 FTE Digital Evidence Specialist. The position shall be placed at the salary range 27.

Section 4. This resolution shall take effect immediately.