



County Attorney Issues

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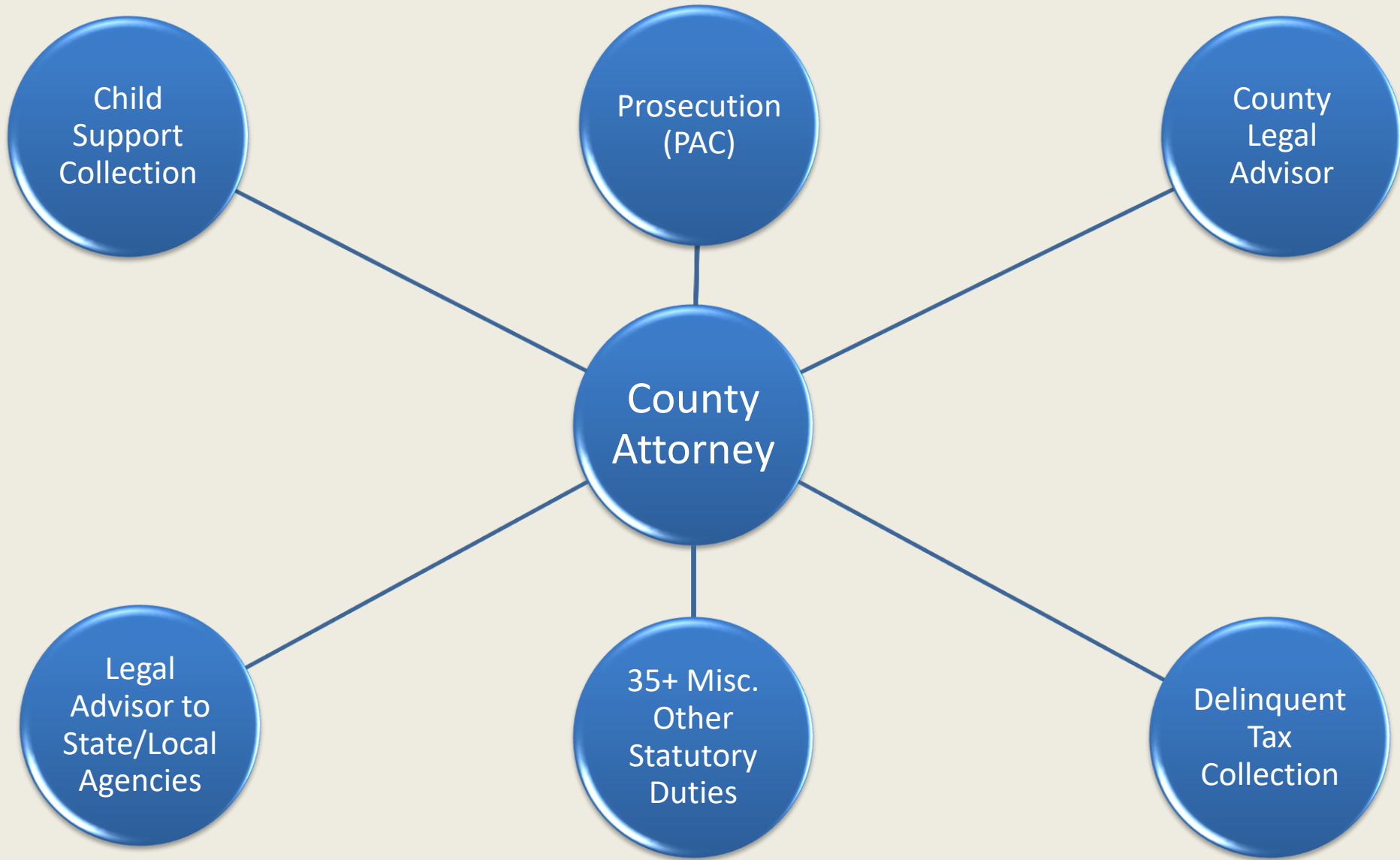
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KCAA Board Member

Overview

- Duties of County Attorneys
 - Criminal Prosecution
 - Delinquent Tax Collection
 - Child Support Collection
 - Legal Counsel to Local Government
 - Other Duties
- County Attorney Funding
- Legislative Issues Facing County Attorneys

Overview of County Attorney Duties



Duties of County Attorneys

- Criminal Prosecution
 - All Misdemeanor Criminal & Traffic Offenses
 - Domestic Violence
 - DUI
 - Felonies through Preliminary Hearing
 - Juvenile Court & F.A.I.R. Team
 - Child Dependency, Neglect and Abuse
 - Mental Health / Disability Cases
 - “Casey’s Law” Cases
 - Review criminal complaints for charging decision
 - Work with law enforcement to secure search warrants & arrest warrants 24/7

Criminal Prosecution Caseloads

- As of FY17:
 - Approximately 114,000 Misdemeanors filed in District Court
 - Approximately 255,000 Traffic Cases filed
 - Nearly 18,000 Juvenile Cases filed – that’s nearly 1,500 more than FY16 (FY16 = 16,411)
 - Nearly 45,000 Family Court cases filed
- In total, there were nearly 493,000 cases filed in FY 2017.
 - Does not include
 - Review of thousands of criminal complaints filed each year
 - Countless mediations never reaching the criminal court docket
 - Working with local law enforcement to secure search warrants & arrest warrants 24/7

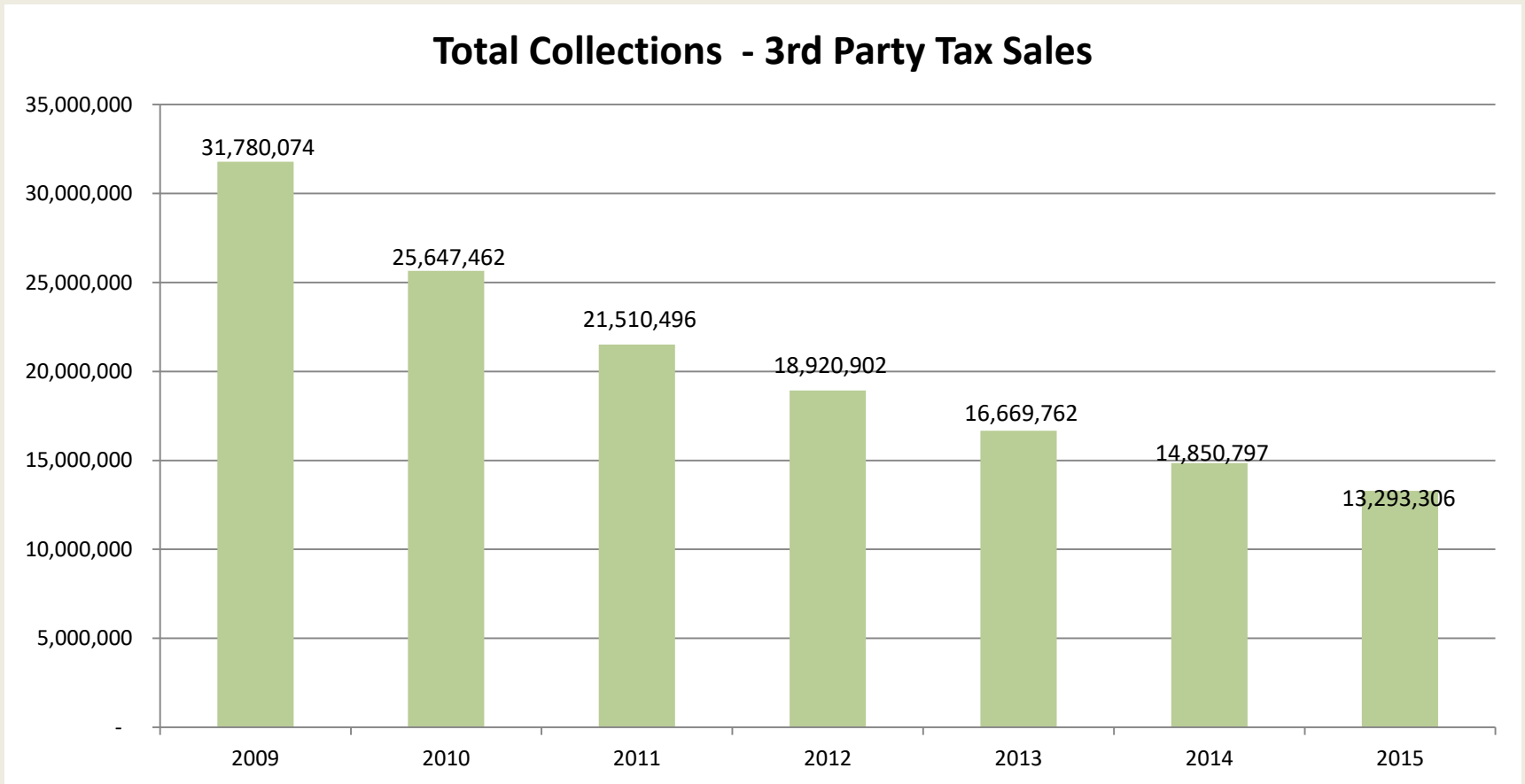
Criminal Prosecution Caseloads



The average County Attorney / Assistant County Attorney is responsible for prosecuting more than **1,971** cases per year.

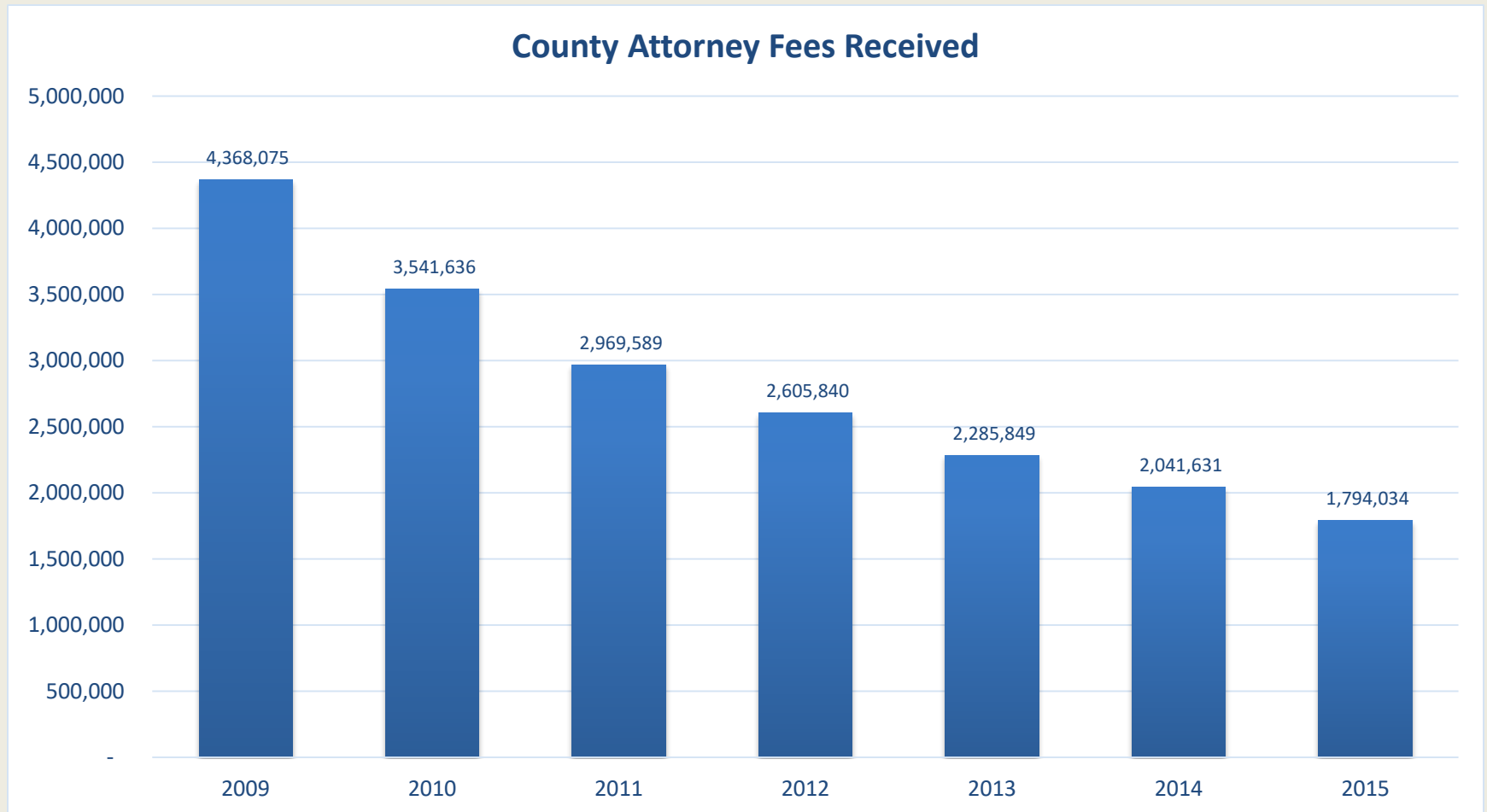
Source: PAC CY17 Data

Delinquent Tax Collection



Decline in third-party purchases has had negative impact on CA's, County Clerks & Sheriffs. Source: Department of Revenue

Delinquent Tax Collection



Source: Department of Revenue

Child Support Collection

- 116 County Attorneys have entered into contracts with the Child Support Enforcement (CSE) Division of Department of Income Support (DIS).
- SFY18 child support collections were \$374,434,986.04.

Child Support Collection

Top 15 Counties in terms of active cases as of 7/13/2018

| | | | |
|-------------|--------|-------------|-------|
| • Jefferson | 59,983 | • Campbell | 5,063 |
| • Fayette | 19,386 | • Christian | 4,941 |
| • Kenton | 12,711 | • Madison | 4,871 |
| • Daviess | 7,123 | • Pulaski | 4,440 |
| • Warren | 5,765 | • Laurel | 4,417 |
| • Boone | 5,378 | • Henderson | 4,184 |
| • Pike | 5,285 | • Floyd | 4,009 |
| • Hardin | 5,186 | | |

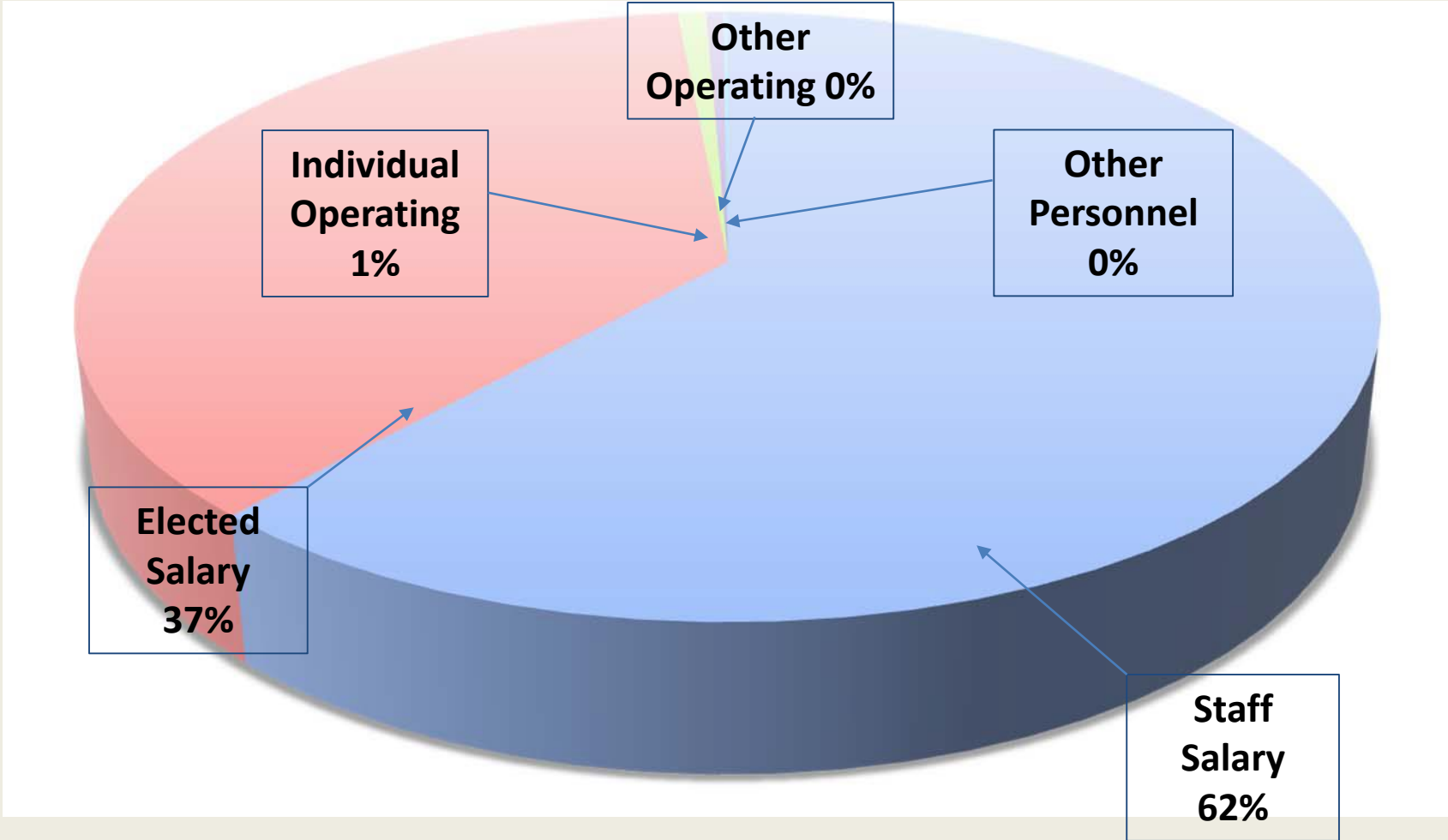
How are County Attorney's Offices funded?



Criminal Prosecution Funding (PAC Budget)

- 505 employees + 120 Elected Officials
 - FY17- 51 FT Assistants, 196 PT Assistants and 48 QT Assistants. About a dozen of those Assistants are “shared” employees who work for more than one county or the county and the Commonwealth’s Attorney at the same time.
- Average of 2.4 prosecutors and 2 clerical positions per office
- Annual operating expenses for each office \$3000
- Operating budget equates to 1% of total PAC County Attorney budget
- County Attorneys budgets do not benefit directly from fines, fees, or court costs.

2018 PAC County Attorney Budget



Prosecution (PAC)

- 99% salary for prosecution staff only
- \$3,000 per year for expenses

Child Support Contract with CHFS-DIS

- Pays expenses and salaries solely for CS collection
- Strictly reimbursement-only
- Significant shortfalls predicted for FY20

Bad Check Collection Programs (KRS 514.040)

- \$50 gross per check collected
- Operating expenses only
- Sharply declining

Traffic Safety Diversion Programs (KRS 186.574)

- First \$25 per case to Circuit Clerks
- Next \$30 per case to F.A.C. in lieu of costs
- Operating expenses only

Delinquent Tax Collection (KRS 134.504)

- CA receives a portion of penalty paid by taxpayer
- Operating expenses only
- Declining

Local Governments

- Not statutorily required
- Some direct budget appropriations
- Many are in-kind only (courthouse office space, etc.)

Jefferson District Court Case Volume

- **80,101** distinct criminal matters of the **483,901** distinct criminal matters in District Courts statewide
- Jefferson County Attorney touched **more than one out of every six cases (17%)** in the state last year

Jefferson County Attorney Operating Expenses

- **State's \$3,000 allocation for operating expenses would pay for:**

One month's worth of postage

(Average \$2,667 for \$32,000 annually)

Prosecutor Starting Salaries Jefferson County as Example

– Compared with neighboring states:

| | |
|-------------------------------------|-----------------|
| Jefferson County Attorney's office: | \$40,000 |
| Ohio: | \$52,968 |
| Indiana: | \$56,763 |
| Tennessee: | \$65,750 |
| Nationwide (Large Urban Areas): | \$61,103 |

SOURCE: International Municipal Lawyers' Association (IMLA)

Prosecutor Salaries/ Average Experience

- **Jefferson County:** 69 Assistant County Attorneys who handle criminal matters, with an average level of experience of 15.4 years and an **average salary of \$56,064.**
- The **national average salary** for prosecutors with 10-20 years of experience is **\$93,065.** Source: IMLA
- **In similarly sized cities to Louisville,** the average jumps to **\$102,051.** Source: IMLA

Legislative Concerns

- Budget
 - Attracting and retaining good prosecutors is becoming increasingly difficult.
 - Anticipated child support budget shortfalls will have impact on KY's families.
- Criminal Law
 - DUI Ignition Interlock
 - We continue to work with stakeholders to make the law more practical.
 - Medical Marijuana & DUI
 - Details matter. Any responsible legislation must address DUI.
 - Marsy's Law
 - Only a handful of CA's have Victim's Advocates. To implement Marsy's Law with fidelity to its purpose, each CA's office MUST have a Victim's Advocate.

Legislative Concerns

- Child Support
 - Extension of the CS Guidelines in accordance with Commission recommendations
 - Guidelines Commission's shared custody proposals
- County Detectives
 - KRS 69.360. We support amending the statute to allow all county detectives to serve process statewide and make arrests, not just consolidated local governments.