

# County of Santa Clara

Office of the District Attorney

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DATE: January 30, 2023

TO: Honorable Members of the Board of Supervisors  
Jeffrey V. Smith, County Executive

FROM: Jeffrey F. Rosen  
District Attorney

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*Jeffrey Rosen*  
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SUBJECT: **Report on Funding and Staffing for Gun Violence Task Force**

At its meeting of October 4, 2022, the Board of Supervisors approved a motion and several other elements of direction related to proposed responses to gun violence in Santa Clara County. This memorandum responds to one of the referrals included, which was to provide an off-agenda memo to the Board prior to the Mid-Year Budget Review relating to the process for implementation, confirmed partnerships, and the ongoing base budget.

The full minutes from the meeting indicate the following elements of direction, each of which is addressed in the body of this memo.

“At the request of Supervisor Chavez, the Board directed Administration to adopt the framework proposed by the Offices of the District Attorney (DA) and County Counsel relating to expansion of enforcement of gun regulations in the County, including collaboration with the Office of Budget and Analysis to identify potential funding sources, providing a timeline of adding the specified positions, clarifying the extent and support of ongoing funding, creating a dedicated Gun Task Force, expanding the Gun Related Intelligence Program (GRIP), and conducting expanded training of law enforcement agencies and community members about State gun laws; and, report to the Board during the Mid-Year Budget Review relating to fully funding the recommended budget allocations for Board consideration.

At the request of Supervisor Chavez, the Board directed Administration to provide an off-agenda report to the Board prior to the Mid-Year Budget Review relating to the process for implementation, confirmed partnerships, and the ongoing base budget.

At the request of Supervisor Lee, the Board directed Administration to provide written guidance for individuals classified as ineligible to possess firearms to temporarily surrender guns through the Office of the Sheriff Gun Relinquishment Program.

At the request of Supervisor Lee, the Board directed Administration to report to the Board in November 2022 relating to the costs of expanded gun regulation enforcement, including opportunities for reimbursement and associated State and Federal grant funding.

At the request of Vice President Ellenberg, the Board directed Administration to include the recommendations from the Public Cost of Gun Violence Study presented by the Public Health Department as part of the Mid-Year Budget process relating to funding the expansion of enforcement of gun regulations in the County.

At the request of Supervisor Chavez, the Board directed Administration to report to the Board as part of the Mid-Year Budget process relating to the prioritization and funding requirements resulting from the Public Cost of Gun Violence Study presented by the Public Health Department, in collaboration with the Offices of the DA and County Counsel.

At the request of Vice President Ellenberg, the Board directed Administration to report to the Board as part of the Mid-Year Budget process with an analysis of options for administering the proposed gun law training efforts to reach the community and law enforcement officers; and, describe the feasibility and impact of reallocating existing positions and resources to fund preventative and analytical functions of the GRIP team and associated prosecutorial functions.”

### **Adoption of Framework**

The framework recommended and adopted unanimously by the Board in the October 4 meeting consisted of the establishment of a dedicated Gun Violence Task Force, the expansion of the existing DA’s Office Gun Related Intelligence Program, and continued work to support the defense of laws and ordinances regarding gun possession.

The recommendation for the Gun Violence Task Force was to add a Supervising Criminal Investigator (Lieutenant) in the DA’s Office, and to provide up to \$100,000 per agency in support of local law enforcement agencies to encourage their participation in the Task Force, with a goal of at least six officers from various agencies.

The recommendation for the Gun-Related Intelligence Program (GRIP) was to add five Attorneys, two Crime Analysts, one alternately staffed Senior Paralegal/Paralegal, one alternately staffed Legal Secretary II/I, and one Business Intelligence Analyst, totaling ten additional positions.

The recommendation for supporting the defense of gun laws required no additional resources.

Going forward, it is anticipated that these two groups will merge into a single Gun Violence Task Force to consolidate operations and enhance efficiency. The Task Force will focus on:

- Threat response related to potential active shooters, criminal investigations and apprehensions, Gun Violence Restraining Orders, Mental Health services linkages, and gun seizures through search warrants and other legal processes.
- Illegal Gun Supply Interruption by focused investigations on illegal gun traffickers, ghost gun manufacturers, and illegal gun distribution networks.
- Disarming Prohibited People by following up on cases where offenders are known to have firearms, in direct violation of a court order or prohibiting condition.

## **Funding Analysis**

This section addresses the language of the motion, as well as Supervisor Lee's referral regarding costs and opportunities for reimbursement.

The DA's Office has secured two grants to assist with this program. The first, the Local Law Enforcement Crime Gun Intelligence Center Integration Initiative grant program through the U. S. Department of Justice Bureau of Justice Assistance, was approved by the Board November 15, 2022. The grant provides \$692,163 from October 1, 2022, through September 30, 2025, and will be used to pay for the two Crime Analyst positions for the Gun Violence Task Force.

The second grant is the Firearm Relinquishment grant from the California Judicial Council. The DA's Office applied for this grant in partnership with the Superior Court, based on the Board's November 1 approval of the application. The Judicial Council has indicated to the Superior Court that the grant will be awarded in the full amount requested, and we are awaiting the draft agreement and other supporting documents. The portion of the grant related to the DA's Office will provide \$1,992,250 from January 1, 2023, through June 30, 2025. The grant will provide funding for two Criminal Investigators (these will replace two of the five Attorneys identified as part of the GRIP expansion in the October memo), one Attorney and one alternately staffed Senior Paralegal-Paralegal (two more of the GRIP expansion positions identified in October).

The remainder of the staffing costs would be borne by the General Fund. The DA's Office has identified one-time General Fund sources which can be shifted to this purpose for the remainder of Fiscal Year 2022-2023. The cost of the positions would become part of the General Fund base budget beginning in Fiscal Year 2023-2024. These positions include one Supervising Criminal Investigator (the lead position for the Gun Violence Task Force), two Attorneys, one Legal Secretary, and one Business Intelligence Analyst (all part of the GRIP

expansion described in the October memo). Exact dollar amounts will be included in a legislative file from the DA's Office which will be submitted in coordination with the Board's Mid-Year budget considerations, but estimated amounts are \$280,000 in the current year, covered by one-time sources, and \$1,180,000 annually on an ongoing basis, which would be an additional General Fund expense.

The chart below describes the funding plan for all additional positions, both in the original recommendation and as adjusted as part of the Judicial Council grant. Position recommendations that are unchanged from the October memo are not highlighted, recommendations that have been added after the October memo are highlighted in green, and position recommendations withdrawn since the October memo are highlighted in yellow.

Position	Current Year Funding Source	Ongoing Funding Source
Supervising Criminal Investigator	One-time General Fund (from additional grant revenue)	General Fund Base Budget
Criminal Investigator	Judicial Council grant (added by withdrawing one Attorney)	Grant expires in June 2025
Criminal Investigator	Judicial Council grant (added by withdrawing one Attorney)	Grant expires in June 2025
Attorney	Judicial Council grant	Grant expires in June 2025
Attorney	One-time General Fund (from additional grant revenue)	General Fund Base Budget
Attorney	One-time General Fund (from additional grant revenue)	General Fund Base Budget
Attorney	Withdrawn in favor of a Criminal Investigator	
Attorney	Withdrawn in favor of a Criminal Investigator	
Crime Analyst	US Dept. of Justice grant	Grant expires in Sep. 2025
Crime Analyst	US Dept. of Justice grant	Grant expires in Sep. 2025
Senior Paralegal-Paralegal	Judicial Council grant	Grant expires in June 2025
Legal Secretary	One-time General Fund (from additional grant revenue)	General Fund Base Budget
Data Analyst*	One-time General Fund (from additional grant revenue)	General Fund Base Budget

\* - Data Analyst is the more appropriate classification than the originally identified Business Intelligence Analyst.

The other funding element adopted by the Board included support for participating local law enforcement agencies. The Administration has articulated its concern with the County General Fund providing direct support for local governments, so the DA's Office is exploring

alternative funding sources to ensure that this important incentive can be provided. More information about participating agencies is provided below, but it is important to note here that the Federal agencies that have agreed to participate will not ask for any financial support.

### **Timeline for Adding Additional Positions**

The two Crime Analyst positions adopted by the Board in November have been added, and recruitment is in progress. The remaining positions are proposed to be added at Mid-Year, and it is estimated that they will be filled in April 2023, if the Board adopts the recommendations to be included in the DA's Office February 7 legislative file.

### **Confirmed Partnerships**

The Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) plans to partner with the Task Force in a formal state/federal task force model. Building on a successful years-long partnership with the ATF, this Gun Task Force model would allow participating agencies access to overtime pay from the ATF for participating officers. In addition, the ATF will support operations of the Task Force with equipment, personnel, and financial reimbursement for operational costs. The value of this partnership is tremendous, and expands the capacity of the Task Force in very significant ways, most directly by dedicating three ATF staff members to the Task Force.

The Sheriff's Office received a grant last year for armed prohibited persons enforcement, and it is anticipated that a Deputy funded by the grant will work with the Task Force.

Additionally, Homeland Security Investigations (HSI), which is part of the U. S. Department of Homeland Security, but is separate and distinct from ICE, and does not work on immigration-related issues, has also committed to assigning an agent to the Task Force.

The DA's Office has reached out to various County police departments to identify those that can participate. As noted above, financial support is important to incentivize participation, so the Office is actively researching funding options other than the General Fund.

### **Gun Relinquishment Program**

As suggested by Supervisor Lee, the Task Force will provide written guidance for individuals classified as ineligible to possess firearms to temporarily surrender guns through the Office of the Sheriff's Gun Relinquishment Program.

## **Public Cost of Gun Violence Study**

The Administration will present funding recommendations at Mid-Year for the Department of Public Health associated with the study, coinciding with the Board's discussion of the funding recommendations described in this memo and to be included in the DA's Office's separate legislative file. The DA's Office and Public Health have continued to work in collaboration with the County Executive's Office to provide a coordinated approach that combines elements of education, prevention, and enforcement.

## **Training Delivery Methodology**

The County Executive's Office has led the analysis of this question, and is working with all the partner agencies to design training. Broadly described, Public Health will lead community training and the DA's Office will lead law enforcement officer training.

## **Reallocation of Existing Positions and Resources and Focus on Preventative and Analytical Functions**

The design of the County's approach to gun violence incorporates preventative and analytical functions, but also recognizes the role that enforcement plays in the success of our efforts. The Board received a report from Public Health December 6, 2022 that detailed potential efforts focused on four strategies for reducing gun violence and creating community safety: gun violence prevention and awareness campaigns, support of city-level gun safety initiatives, community investments for resident-centered, place-based strategies to increase protective factors, and enhancing the footprint and capacity of community advocacy groups to mobilize civic engagement and advance sound gun violence prevention policies at the city and county levels.

The work of the Gun Violence Task Force dovetails with this work through collaboration with Public Health and the other County departments who are partners in the prevention of gun violence. The positions to be added to the Task Force include Crime Analysts, a Data Analyst, a Senior Paralegal-Paralegal, and Legal Secretary to provide analytical and logistical support, including collaboration with Public Health on data gathering and reporting to measure the success of our efforts. All of the Task Force's work contributes to prevention, especially as that work receives greater attention in the community.

In recognition of the concerns expressed by the Board, the DA's Office revamped its initial proposal by shifting two planned Attorney positions to Criminal Investigator positions. Reassigning other existing prosecutors to the two remaining Attorney positions which would be funded by the General Fund is not recommended, as the current Court backlog remains very large and is driving high caseloads for all DA's Office prosecutors. Shifting prosecutors from other teams would only exacerbate these workload challenges.

I thank the Board for its interest in and support of this vital work to help protect our community from the scourge of gun violence, and my office is happy to work with you and your staffs to answer any additional questions you may have in advance of the February 7 submission.

c: Chief Board Aides  
Greta Hansen, Chief Operating Officer  
James R. Williams, County Counsel  
Tiffany Lennear, Clerk of the Board of Supervisors  
Jonathan Leung, Office of Budget and Analysis