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To: Livingston County Board of Commissioners

From: David Reader

Re: Resolution to Authorize Addition of an APA 2

The Livingston County Prosecutor=s office is requesting authorization to add an APA 2 to its staff. The request is made due to a set of unique circumstances, which if not addressed, will lead to a substantial diminution of the ability of the office to meet its mandated service function for our county residents. An APA 2 is at a level to take on Felony Trials. Our finance office has provided a cost with benefits for an APA 2 grade level 1 at \$120,676.00 per year.

The prosecutor=s office is staffed with 1 Chief Assistant Prosecutor, 1 Family Support Prosecutor, 1 Appellate/FOIA Prosecutor and 9 Assistant Prosecutors. The Chief Assistant, Family Support and Appellate Prosecutors are full time positions, with full time responsibilities in their own right.

The 9 Assistant Prosecuting Attorneys (APA), are tasked with warrant review, on call duty, case preparation/review, witness/victim consultation and court appearances in front of the 6 County Judges, Magistrate and Juvenile Referee. Much of their work is done outside of a courtroom processing cases in a timely fashion. In addition, the APAs will work with outside agencies and committees, LACASA, HRCB, training for local police agencies etc.

Due to a perfect storm of circumstances our office is looking at having 4 of its 9 APAs out on FMLA for an extended period of time, starting in July and then increasing into August and beyond. The storm will end, if all goes well, by early February 2022. This will leave the office severely understaffed, challenging our ability to meet our core statutory responsibilities.

Compounding the 44% reduction of APA staff is the restart of Jury Trials by the Courts. The Courts in Livingston County have an extreme backlog of Felony Jury Trials waiting to be heard as a result of the COVID lock down. Backlogs are hard to undo. The logjams become undone, only after a lengthy process of repeated trials. Once dates certain become a reality, the logjam becomes undone. Given the extreme logjam that now exists, I would anticipate that this will take through the end of 2022. This logjam of cases in and of itself would warrant the addition of a seasoned felony trial prosecutor.

Once started, it is anticipated that multiple court rooms will be doing back to back jury trials to clear out their dockets. Jury Trials, for a prosecutor and its staff, are extremely time and labor intensive. Multiple trials set for the same day call for an inordinate number of subpoenas for witnesses and victims. Adjournment of those cases that do not go to trial can and will lead to witness and victim burnout. Our interaction with these witnesses and victims is essential to avoid this burnout. These trials will put an even greater strain on the resources of our office staff and assistant prosecutors.

I have requested the finance office to cost out the difference on the Prosecutor=s budget for the balance of 2021 and 2022 with the addition of this position and will provide it when received. For the 2021 year we have 8 new assistant prosecutors on staff who are at grade levels 1 and 2, which is a substantial reduction of budgeted salary for the current year.

I would propose that if an opening for an APA position occurs that the vacancy would not be backfilled without consultation and approval of the board to do so. I understand this would require justification at that time. I cannot, however, say when that would occur.

If you have any questions, please don=t hesitate to contact me at 517-546-1850