



## ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS

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Pam Booth, Esq.  
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### **RE: Comments Concerning New Performance Work Plan and Performance Evaluations**

Dear Ms. Booth:

Thank you for attending the Association of Deputy District Attorney's Board of Directors meeting to discuss the new Performance Work Plan ("PWP") and Performance Evaluations ("PE"). For a number of months we requested to meet with the Administration regarding this issue, and are grateful you presented at the board meeting. However, we are disappointed that the Administration failed to provide us with a copy of the Performance Evaluation form that is associated with the draft Performance Work Plan you provided. Likewise, we are concerned that the Administration provided such a short time in which to comment on the proposed PWP and PE impact on the DDAs.

At the conclusion of your presentation, the ADDA Directors discussed the Administration's efforts to change the historical Performance Evaluations. The ADDA Board of Directors overwhelmingly voted to strongly OPPOSE the new model of PE and PWP as presented by the Administration for the following reasons:

- 1. The Rating Criteria Imposes Unreasonable Super-Lawyer Standards and is Designed to Penalize DDAs and Not Reward Exceptional Work**– The Administration stated that the District Attorney's Office hires the best and the brightest and therefore imposes on its employees very high performance standards. As a result, the rating standard is being set exceptionally high so that the majority of deputy district attorneys can only be rated "competent" rather than exceeding the standard. We object to this unfair technique to reduce the number of "outstanding" ratings which were given in the past. Imposing a "super lawyer" rating standard

with little opportunity for excelling, but considerable opportunity for a substandard rating creates an unfair system to evaluate deputy district attorneys.

2. **The New Rating System will Diminish Civil Service Protection** – By setting the basic standard exceptionally high, providing little opportunity to exceed the goal, but considerable risk of failing to meet an artificially high standard, deputies are at greater jeopardy for termination. DDAs may be disciplined (up to and including termination) for a few “needs improvement” or “unsatisfactory” ratings. The Los Angeles County District Attorney’s Office has a long history of vindictive transfers, passed promotions, constructive demotions, *etc.* for those deputy district attorneys who may have social or political view different from the District Attorney. We object to a new rating system that provides greater opportunity to abuse deputy district attorneys, without sufficient opportunity to reward them for exceptional work.
3. **The New Rating System will Diminish Moral** – We believe the new PE and PWP will further hurt moral among experienced prosecutors. After years of exceeding the standards set by the office, these deputy district attorneys will be downgraded. This will occur not because of poor performance, but due to an arbitrary increase in the standards. Deputy district attorneys are now being penalized for their exceptional work. It is due to their history of outstanding work that the new standards are being elevated. This is unfair and will further hurt moral.
4. **No Objective Standard** – The Administration claims the new PWP will utilize an objective standard to review DDAs’ performance; however, the new rating criteria requires a subjective review by the rater. The Administration utilizes undefined qualitative review criteria rather than defining that criteria or using specific quantitative criteria. As such, since any rating will continue to be subjective we do not believe the proposed changes are necessary. We suggest better training for managers and supervisors.
5. **The New Rating Criteria fails to Provide Sufficient Uniformity between Offices** – Although the Administration claims they want uniformed objective standards to rate deputy district attorneys, it fails to create uniformity between offices because it does not utilize specific quantitative criteria, or defined qualitative criteria supplemented with examples for each rating category. The new PWPs and PEs abandon the long history of use and interpretation of the current method which has been litigated at numerous Civil Service Commission hearing and trials. This new system replaces the prior form with a new untested form and creates an unnecessary degree of uncertainty.
6. **Imposing the new System Prior to Conclusion of Unionization Efforts is an Effort to Avoid Formal Meet and Confer Required of Represented Employees** – The Administration represented that they have not yet imposed a new PWP or PE for all the represented employees. By focusing on the unrepresented deputy district attorneys before we conclude our unionization efforts is unfair. The Administration should complete the process with represented classes first, so that mandated employee feedback from those classes would be incorporated into the PE and PWP used for deputy district attorneys. Since unionization efforts are actively underway, the attempt to avoid formal, mandated meet and confer is anti-labor and unfair . Likewise, it is equally unfair to provide the ADDA little time to review the PWP and provide extensive and specific comments, especially since the Administration failed to provide us with the related PE form to compare to the PWP.

We strongly encourage the Administration to halt the implementation of this new rating system until our concerns can be appropriately resolved and the needs of labor and management can be addressed.

Respectfully,

BOARD OF DIRECTORS  
ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS

By:  
STEVEN J. IPSEN  
Deputy District Attorney  
President, Association of Deputy District Attorneys

cc: Hon. Steve Cooley, District Attorney  
John K. Spillane, Chief Deputy District Attorney