

# District Attorney CBAC

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TO: Chair Deborah Kafoury and County Board of Commissioners 5 pages  
FROM: District Attorney CBAC  
DATE: 3-3-16  
SUBJECT: Budget Advisory Committee (CBAC) Report & Recommendations

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## EXECUTIVE SUMMARY

After careful consideration, the Multnomah County District Attorney's Citizen Budget Advisory Committee is pleased to make the following recommendations for the Chair's executive budget.

Understanding that resources are limited, we have ranked the District Attorney's out-of-target requests. However, our position is that all of these programs are important to the public safety system and should be undertaken if possible.

Rank	Program Offer Number	Program Offer Title
1	15011	Data Research Team
2	15012	CRIMES Replacement
3	15301B	Unit A – Deputy District Attorney (0.50 FTE)
4	15201B	Unit C – Deputy District Attorney (0.50 FTE)
5	15302B	Unit B – Deputy District Attorney (1.00 FTE)
6	15202B	Misdemeanor Trial Unit – Deputy District Attorney (1.00 FTE)
7	15013	Body Worn Cameras
8	15014	Grand Jury Recordation

## PROCESS

The District Attorney's Citizens Budget Advisory Committee (CBAC) has met with the District Attorney (DA) and members of budget staff on five occasions so far during the FY 2017 budget season. Meetings have been well attended by CBAC members.

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**Members:** Ray Davenport, Mike Delman, Lissa Kaufman, Richard Ladick, Cliff Wamacks, Dick Wegner, and Charles Wilhoite  
**Staff:** Allen Vogt

## District Attorney CBAC

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Throughout our meetings we had robust discussions on many topics:

- The need for accurate and reliable data to make sound prosecutorial decisions as well as decisions regarding resource allocation;
- The need for an update to the current CRIMES case management system to ensure continuity of operations;
- Impact to the office of Measure 91 that legalized non-medical cultivation and uses of marijuana;
- Courthouse replacement project;
- Proper preparation for the potential mandate for the recordation of grand jury;
- Body Camera policy pros and cons and resource requirements;
- Update on continuing Post-Conviction Integrity DDA activity;
- Sexual Assault Kit Backlog Elimination Project;
- External sources of funding including grants and the related review and application processes for such funding.

During our first meeting on October 14, 2015 we set a schedule for the budget season, reviewed the roles and responsibilities of CBAC members, the CBAC Chair, the Office of Citizen Involvement, and the MCDA Staff Liaison. We were pleased to be joined by Gary Marschke of the Office of Neighborhood Involvement. DA Underhill presented an overview of the office and introduced all of the out-of-target program offers that are presented in the FY2017 Requested Budget.

Our second meeting was held on November 18, 2015. The MCDA Finance Manager, Allen Vogt presented a review of the FY2016 Adopted Budget. We were joined by First Assistant Jeff Howes who answered questions on the Prosecution and Investigation function, the Victim's Assistance Program, Restitution, and the Post-Conviction Integrity DDA Program. The meeting concluded with a review of the CRIMES Replacement Project that was initially proposed in FY2016.

During our third meeting, held on December 16, 2015, the MCDA Finance Manager presented a summary of the County Economist's General Fund Forecast and the resulting 2% constraint request from the County Chair. We then had extended conversations on the Body Camera Program and the Grand Jury Recordation bill proposed for the upcoming legislative session. Finally, we selected Lissa Kaufman as our CBAC Chair and Dick Wegner as the Central CBAC Representative. We also discussed the desire to increase the diversity of this CBAC.

Our fourth meeting was held on January 20, 2016. We began the meeting with an update on the County Courthouse Project and were pleased to hear that the DA will be included in the new building. DA Underhill described how the office involved both the Executive Management Team and Senior DDAs to come up with budget cuts to meet the 2% constraint that equates to \$471,000.

## District Attorney CBAC

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We had more discussion of the Body Camera Program and Grand Jury Recordation bill. We were also briefed on the in-target Sexual Assault Kit Backlog Elimination Program. We had continuing conversations about the need to improve the data analysis capabilities of the office and believe that the use of interns from the Portland State University Mark O. Hatfield School's Criminology and Criminal Justice department to supplement permanent staff may be a cost effective way of doing so.

Our final meeting was held on February 25, 2016 in order to produce this letter of recommendations.

### RECOMMENDATIONS

Understanding that resources are limited, we have ranked the District Attorney's out-of-target requests. However, our position is that all of these programs are important to the public safety system and should be undertaken if possible.

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1	15011	Data Research Team
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### ADDENDUM

#### Out-of-Target Program Offers

The District Attorney has put forth eight out-of-target program offers for your consideration. Three of the program offers represent ongoing funding requests, one is a one-time only request, and the remaining three represent the personnel cuts made in order to meet the 2% constraint request.

## District Attorney CBAC

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Here is an overview of the District Attorney's out-of-target requests:

### 15011 – Data Research Team (On-going)

The Multnomah County District Attorney's Office recognizes the value of making data-driven decisions and seeks to enhance its ability to do so. The creation of a Data Research Team staffed with a Research Analyst Senior and supplemented with temporary intern staffing from Portland State University would represent a significant step towards improving those capabilities.

### 15012 – CRIMES Replacement (One-Time Only)

For the past 15 years the CRIMES case management software system has allowed MCDA to meet legislative requirements to maintain an official register of business however, the system is rapidly becoming obsolete and increasingly difficult and costly to maintain and license. In cooperation with Multnomah County IT, the MCDA IT department has begun evaluation of modern alternatives and seeks funding in FY 2017 to purchase a modern case management software system and fund an internal team to implement the project.

### 15013 –Body Worn Cameras (On-going)

Local law enforcement agencies have recently announced their intention to equip their officers with body mounted video cameras in the coming fiscal year. The Portland Police Bureau has begun rolling out cameras in their traffic division and is seeking funding to increase the scope to cover all 600+ officers on the street. Once fully implemented by law enforcement, MCDA will face the task of having to handle a large increase in the quantity of digital evidence that the captured video represents. This program offer would enable the hiring of 6.00 FTE to review.

### 15014 – Grand Jury Recordation

As this report is being written the Oregon legislature is debating Senate Bill 1550 that would require recordation of grand jury proceedings. As currently written, the bill would impose significant costs to the District Attorney's office as well as to the State of Oregon. Anticipated additional responsibilities to our office include the transcribing an estimated 124,000 pages of testimony per year and the distributing copies of recordings and transcriptions of the proceedings to defense attorneys. In addition to creating and distributing the recordings and transcriptions, MCDA attorneys and legal staff will need to review approximately 6,500 hours of additional audio and written evidence when preparing cases.

## District Attorney CBAC

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### 15201B/15202B/15301B/15302B – Deputy District Attorney Staffing Reductions

As more than 80% of MCDA budget is personnel costs, the only realistic method to meet the meet the 2% constraint request is by reducing staffing. It is also worth mentioning that although changes in the legal environment and defense practices have lead to an increase in the workload associated with a typical case, staffing levels have not returned to pre-recession levels when workloads were less. For example, the FY2009 Adopted Budget included 93 attorney and legal intern positions which subsequently declined to 75 positions in FY2013. Including the 3.00 FTE reductions described below, this FY2017 proposed budget would include 79 attorney and legal intern position. Given this failure to return to historical staffing levels, it is difficult to identify any program area that could sustain a reduction. Cuts to the Domestic Violence Unit, MDT Child Abuse, and Victim's Services would be particularly painful and were not considered viable options.

With some difficulty, a total of 3.00 FTE Deputy District Attorney positions in the following four units were identified as the least harmful:

- In Unit C/Gangs a position that handles traffic fatality or robbery (non-gang/non-domestic violence) cases has been identified.
- As the largest unit in the department and one that is somewhat able to supplement permanent staffing with law students, fellows, and interns, the Misdemeanor Trial Unit (MTU) is also identified for a reduction.
- Although national trends are down, in Multnomah County we've seen a slight increase in property crimes. However, given the lack of more suitable alternatives, a position in Unit A – Property Crime is also cut.
- Finally, a position in Unit D that handles felony drug crime is also eliminated.