



Office of Community Involvement



TO: Chair Deborah Kafoury and County Board of Commissioners (3) pages

FROM: Multnomah County District Attorney CBAC

DATE: April 18, 2018

SUBJECT: Budget Advisory Committee (CBAC) Report & Recommendations

EXECUTIVE SUMMARY

Despite being confronted with a 2% constraint for the FY19 budget, the prosecution of the most serious criminal offenders and the safety of our community remain the top priority for the Multnomah County District Attorney's Office. As such, recommendations for budget cuts are made based with the intent to minimize impacts on the department's ability to prosecute crimes and maintain community safety in a manner that avoids discriminatory practices and impact. To meet the constraint, our recommendations include reducing personnel from two DA Units, one-time asks for the Sexual Assault Kit Initiative among others, one ongoing ask related to data analysis and research, and some backfill requests.

As a CBAC, we believe there needs to be more data and evaluation of how the DA's Office can use its resources in an equitable and consistent manner that addresses historical inequities and racial disparities in the criminal justice system. For a number of years we have supported a request for resources to enable the DA's office to make decisions with scarce resources and gather the information needed to ensure that resources are devoted to its primary goals.

PROCESS

This year, the DA CBAC added 4 new committee members for a total of 7 members. The CBAC met a total of 6 hours. These recommendations reflect the opinions of the committee, which represent community members and practicing attorneys with a combined 40+ decades of experience with the Multnomah County criminal justice system.

This year, the CBAC's recommendations were based on presentations from District Attorney Rod Underhill and DA Finance Manager, Allen Vogt, both of whom presented information on the budget structure and recommendations of areas of constraint. The CBAC was also visited by Deputy District Attorney, Don Rees, for one meeting. The DA provided helpful rationale for his department's recommendations and given the large number of new committee members, significant time was spent on budget education. Some CBAC members received briefing from

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other management level staff in earlier years, but staff briefings were limited this year. Accordingly, all substantive information was provided directly from the District Attorney and did not include other viewpoints within the office. As there are some CBAC members who are familiar with the criminal justice system and the District Attorney's office in general, the opinions of these members were discussed at CBAC meetings. Topics covered included Portland's Sexual Assault Kit Initiative, the District Attorney's Office historical involvement with Juvenile Dependency and Termination of Parental Rights cases, and changes to the prosecution of "interfering with public transit" (IPT) crimes. The CBAC also discussed some demographic trends relevant to criminal prosecutions.

EMERGING ISSUES & CHANGES

The primary challenge for budgetary decision-making is the lack of data. Data on the efficacy and outcomes of programs is severely lacking, which makes it difficult to make reasoned and thoughtful decisions about how best to support a given program or department. Particularly given the CBAC, as well as the county's commitment to equity, data and information on trends such as the impacts on communities of color and the racial disparities of the criminal system in Multnomah County are critical to help make informed decisions. As the office responsible for making charging and prosecutorial decisions, there is no greater need than that of the DA's office for information to ensure equity in policy and practices.

In addition, the District Attorney's Office is increasingly required to fulfill additional mandates, such as ensuring recordation of grand jury processes and/or utilizing a preliminary hearing charging procedure to address this requirement without any additional financial support. Without increased financial support to comply with state-mandated requirements, programs such as the Neighborhood DA program are vulnerable to cuts as the DA shifts its capacity to meet new obligations.

Other crime-related trends for the county include an increase in property crimes, while rates of violent and gang crimes remain unchanged. The DA's office continues to evaluate programs designed to address lower level drug crimes through treatment in lieu of prosecution.

RECOMMENDATIONS

CBAC recommendations for budget modifications were based on an understanding of the changing demographics of our county and the shifting needs for prosecutorial resources. For example, the need for continued support for community-strengthening programs such as the Neighborhood District Attorney Program in East County where there is a higher rate of crimes and need for services compared with Rosewood was an important consideration. The CBAC also

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concurs with the DA's recommendations for cuts because they minimize the impacts of the constraints on the current DA staff since the positions that have been recommended for cuts were positions filled by personnel that are due for retirement. Additionally, during discussions the CBAC discussed the DA's emphasis on ensuring prosecution of more serious person crimes and allocating scarce resources towards this end.

The DA CBAC regrets to recommend the following cuts:

- Unit C/Gangs - DDA4 - 1 full-time DDA4
- Rosewood Neighborhood District Attorney Program - 1 full-time DDA4

The Out-of-Constraint budget requests are based on the need for support for programs that are nearing completion (SAKI) and for programs that will help increase the capacity and effectiveness of the DA's ability to prosecute crimes. Our specific recommendations are as follows, in priority order:

1. #15307B Sexual Assault Kit Backlog Elimination Project (one-time) \$182,233

This funding will support the completion of the kit elimination, which is nearing completion.

2. #15014 Crime Strategies Unit, Research Analyst 1.0 FTE (ongoing) \$147,074

The Crimes Strategies Unit will work with DA's Office to develop a strategic prosecutorial plan to maximize existing resources. This position that will increase the capacity of the DA's Office by providing analysis, research, and recommendations on targeting areas for prosecution and identifying community needs and evaluating efficacy of DA programs.

ACKNOWLEDGEMENTS

The CBAC would like to acknowledge the contributions of Allen Vogt and Dana Anderson, both of whom ensured that committee members had necessary information and support. The CBAC would also like to recognize our outgoing member, Robert Pung, who served on this and other CBAC committees for the last 30 years. He is dedicated to our County, and his years of service are very much appreciated.

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