



Office of Community Involvement



District Attorney's Office CBAC

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

FROM: District Attorney's Office CBAC

DATE: April 30, 2020

SUBJECT: District Attorney's CBAC Recommendations

SUMMARY This committee thoroughly reviewed the MCDA FY 2021 proposed constraint budget. We are deeply concerned that the County proposes to saddle the MCDA with yet another significant cut to the budget after multiple cuts in prior years. While we recognize the overall budgeting challenges for the County, the MCDA is responsible for carrying out functions which are mandated or enable public trust in our justice system. These new cuts endanger public safety while putting at risk the County's constitutional and statutory responsibilities to crime victims, accused persons, and our community.

CHALLENGES, CONCERNS, PRIORITIES

First among the challenges facing MCDA is the deployment of **Body Worn Cameras** (BWC) by partner police agencies, notably the Gresham Police Department (GPD). The Committee welcomes this advance as a transformative addition to criminal justice, but the decisions to implement BWC systems in Gresham and other departments are not made by the MCDA. Despite that, those decisions require the MCDA ensure public trust in the process and perform its duties ethically. The added work needed to meaningfully review and consume this vast pool of data, generated by 132 BWC units, while also timely providing it to the defense, presents a huge challenge to MCDA. The committee is concerned that this work be accounted for in the FY 2021 budget to ensure that criminal charging and prosecution is fully informed by BWC data. The committee urges approval of MCDA's additional fund request of \$767,726 for BWC work. This is a top priority.

With the prevalence of mental illness in the population of criminally-involved persons, the MCDA request for a **Mental Health DDA** to address the problem at the misdemeanor level receives the committee's strong support. The challenge to the MCDA is the same as faced by our entire society: scarce resources for a growing mental health problem. The \$169,595 cost will, the committee believes, be quickly recovered by consolidating disposition and treatment for mentally ill persons with multiple cases, providing appropriate supervision and connection with resources for mentally ill misdemeanants, and, when appropriate, diverting them from jail and/or the Oregon State Hospital into local supervision and mental health programs.

Community livability is drastically affected by high-need, repeat offenders, some of whom are homeless, who repeatedly touch the criminal justice system without their underlying needs being met. Jail is not the answer for their often complex and unique situations, which may

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include substance abuse, homelessness, past trauma, and mental illness. The addition of a **Strategic Prosecution and Services DDA** to address these high impact/high needs individuals by coordinating with social service agencies, police partners, veterans' services organizations, and other community partners can help address the significant problem of repeat offenders who impact community livability, and do so in a manner that minimizes recidivism and jail bed use. The committee strongly supports this sensible request.

The federal Violence Against Women Act (VAWA) offers competitive grants to fund a prosecutor to service underserved populations, and the MCDA has secured such a grant, lasting three years. In order to receive the funds, the MCDA and Multnomah County must match the grant with 25-40% of the total cost of the position. The **Domestic Violence DDA- VAWA** will reach into a host of underserved populations experiencing domestic violence, including, but not limited to, people of color, immigrants and refugees, homeless persons, LGBTQ2SIA+, human trafficking victims, persons with disabilities, and people with limited English proficiency. The \$71,319 cost is more than recouped by the 60% remainder paid by the VAWA grant, while, more importantly, better serving these vulnerable populations. The immediate recovery of the County's investment in a vital service area makes this especially attractive.

The addition of \$40,000 for **psychological or psychiatric evaluations of SB 1008 youth** is entirely appropriate to ensure the proper disposition of these 15, 16 and 17 year-old Measure 11 defendants; the committee strongly supports it.

The committee sees the addition of body worn cameras and the continuing demands of **Grand Jury Recordation** as creating a vastly different work-flow for the MCDA. The committee supports the request for added funding to address Grand Jury Recordation issues along with BWC challenges, and is mindful of the cumulative, substantial, and draining impacts of these two factors on the MCDA mission.

Turning to **proposed reductions**, the committee understands and accepts them, but has the following concerns:

While the loss of the **Civil Commitment DDA** is understandable since it is not a core MCDA function and can be performed by other agencies (as done in other Oregon counties), the clear benefits of pairing the prosecutor's office with this important point on the county's mental health continuum are undeniable, and will be lost. Given that, presumably, the county will incur this cost regardless, the committee strongly recommends that this be restored to MCDA via full funding.

Losses proposed to the Victims' Assistance Program are troubling to the committee, and significant. While the need to cut due to the constraint is clear, and these cuts are two among several bad choices. The **loss of a Misdemeanor Restitution Clerk** will seriously impact thousands of misdemeanor crime victims, while the **loss of a Victim Advocate in the Domestic Violence Unit** will significantly impact a very vulnerable population. The committee understands why these were chosen, but the constraint is now requiring cuts to core services.

Members: Tim Cunningham, Cynthia Escamilla, Leah Gibbs, Eric Hunter, Chuck Sparks, Rebecca Nickels, Ernest Warren **Staff:** Allen Vogt, Dana Anderson

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In closing, the committee respectfully points to the need, in a healthy, thriving community, for an ethical, talented, and diverse prosecutor's office with strong leadership. We are fortunate to have that in Multnomah County. The committee is concerned, however, that the ongoing pattern of budget reductions will unacceptably reduce prosecution services to victims, vulnerable populations, the accused, and our community in general. The committee supports the program offers submitted, but trusts that the Chair and Commission will work to both limit the negative impacts of the proposed constraint budget while continuing to fully serve our community's diverse interests and populations.

Members: *Tim Cunningham, Cynthia Escamilla, Leah Gibbs, Eric Hunter, Chuck Sparks, Rebecca Nickels, Ernest Warren* **Staff:** *Allen Vogt, Dana Anderson*