

To:	Chair Deborah Kafoury Kim Melton, Chief of Staff Christian Elkin, Budget Director
From:	Mike Schmidt, Multnomah County District Attorney
Date:	February 12 th , 2021
RE:	FY 2022 Budget Submission Transmittal Letter

Department Overview

It is an honor to transmit to the Chair my first department budget as the newly-elected District Attorney for Multnomah County. A budget is a moral document and a vehicle for transparent and accountable fiscal responsibility. These fraught times require forward-looking investments for our community, which continues to struggle on many fronts, and an unambiguous commitment to dismantling systemic racism. The FY 2022 District Attorney's budget will advance a safer and more equitable Multnomah County. I am grateful for your partnership in this work.

The core work of the Multnomah County District Attorney's Office (MCDA) is, as it has been historically:

- To uphold the rule of law by providing timely, fair, appropriate, and just accountability for people who engage in criminal activity.
- To provide dedicated, compassionate, trauma-informed guidance and support to victims of crime, to educate them about their rights, and to guide them through the complex legal process.
- To provide the best and most cost-effective child support collection services.

A safer and more just community requires MCDA to collaborate extensively with community organizations, legislators, education and social service providers, the judiciary, and law enforcement stakeholders. We will join progressive district attorneys across the country to lead a national dialog to advance criminal justice reform. It is critical for MCDA to have adequate staffing to contribute its experience and perspective to partner-led efforts. We must also turn

our gaze inward. It is a top priority to apply an equity lens to MCDA policies and practices and accelerate reform measures.

MCDA also needs to effectively communicate to external and internal stakeholders. The work of this office generates extraordinary demands for public information. Maintaining public support for criminal justice reform and effective implementation of reform measures requires an even greater level of transparency, responsiveness and dialog. Our capacity for research, data collection and, moreover, data analysis, expanded by the County last year, is critical to transparency and achieving equity and public safety outcomes.

Finally, it is not enough to simply do better going forward. To right past wrongs and earn the trust of those who have been historically harmed by institutional racism, MCDA must effectively and thoughtfully commit to reviewing sentences of those who have been convicted. We must also review policies of the past and reimagine what public safety means by incorporating community voice as well as learning from advances made around the nation. Intentionally taking on this work is proposed as important new initiatives of the District Attorney.

Fiscal Year 2021 – An Unprecedented Year

At the start of the current fiscal year, July 1, 2020, our county was more than three months into a global pandemic that continues to this day and has strained our community in many, and as yet untold, ways. On July 1, Portland woke to its 36th consecutive day of protest in the wake of the tragic killing of George Floyd by Minneapolis police on May 26, 2020. One month later, I entered office five months before the start of the term to which I was elected, following the unexpected retirement of Rod Underhill on July 31, 2020. I am just the fourth Multnomah County District Attorney to serve this community in 45 years.

As context for your consideration of my FY 2022 budget, I want to highlight MCDA's successes and challenges.

Successes

MCDA experienced a drastic swell in the number of referred criminal cases – more than 1,000 – following the civil unrest that occurred during some of the racial justice protests and demonstrations. As prosecutors, we acknowledge the depth of emotion that motivates these demonstrations and support those who are civically engaged through peaceful protesting. It will undermine public safety, not promote it, if we leverage the force of our criminal justice system against peaceful protestors who are demanding to be heard. To that end, MCDA strategically focused prosecution efforts on those committing violence and property destruction. Of the total number of referred cases only 30% involved a priority crime such as arson/burning crimes, person crimes, property crimes, or weapons crimes. Our decision to

utilize prosecutorial discretion and focus MCDA’s response on crimes that truly impact public safety conserves MCDA resources and also ripples through police, jail, courts, public defense, and our department of community justice, all of which have been severely strained by the pandemic. Between the end of May 2020 and January 22, 2021, protest-related cases were as follows:

Priority Crime Category	Number of Cases Referred	Number of Cases Issued	Number of Cases Pending Follow Up	Number of Cases Rejected
Person Crimes	172	61	30	68
Property Crimes	105	53	20	17
Weapons Crimes	32	20	2	8

MCDA’s Support Enforcement Division (SED) helps children receive financial support from parents and strengthens families by connecting them to community services. In FY 20, SED achieved its largest collection year ever, collecting more than \$33 million. That money was directly distributed to more than 7,500 families in Multnomah County – providing a critical safety net for children and families during a challenging year.

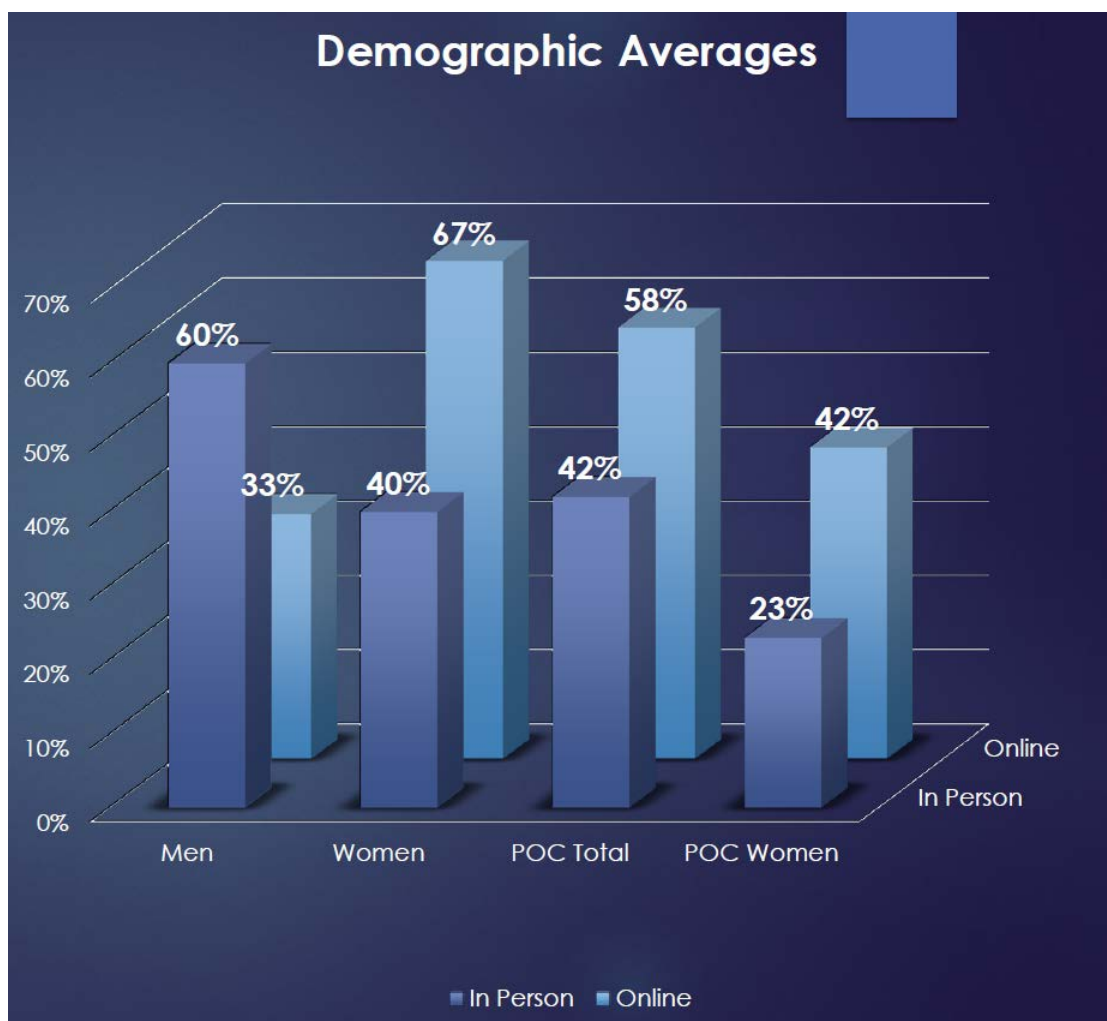
On June 24, 2020, MCDA successfully prosecuted Jeremy Joseph Christian who fatally stabbed two men and injured a third after he was confronted for shouting racist and anti-Muslim slurs at two teenage Black girls on a MAX train in Portland. Christian received a sentence of two consecutive terms of life imprisonment without the possibility of release or parole. The court also imposed 310 months of additional prison time to be served consecutive to the life imprisonment sentences. MCDA is proud of the trial team and our victim advocates who provided, and continue to provide, dedicated support and advocacy to the victims in this case.

MCDA completed the [Untested Sexual Assault Kit Project](#) in July 2020. This five-year program, funded by the New York County District Attorney’s Office, resulted in testing nearly 3,000 previously untested sexual assault kits from around the state. MCDA is recognized as a national leader for this effort.

For FY 2020, the Multnomah County Board of Commissioners funded additional research and data analysts for MCDA. This new capacity resulted in the first district attorney-based criminal prosecution dashboard, which is an important new internal management tool. The launch of MCDA’s [Protest Cases Dashboard](#) in October 2020 ensures community access to observe and monitor trends in case referrals and charging decisions specific to protest and mass demonstrations. Additional dashboards in development will bring even more insight to our work as Oregon’s largest district attorney’s office.

In December 2020, after careful consideration, the MCDA announced the immediate implementation of reforms related to how Possession of a Controlled Substance (PCS) cases will be handled in Multnomah County. These reforms respond to the passage of Ballot Measure 110, which states people will no longer be arrested and jailed for the possession of small amounts of drugs. Instead, they will get the opportunity for a health assessment and will be connected to treatment or recovery services, including housing assistance. While these reforms do not free up significant attorney capacity, they provide some relief across the criminal justice system and in the community.

The ongoing COVID-19 pandemic made it impossible to host an in-person [Legal Services Day](#). MCDA, working with numerous other stakeholders, helped support two online versions of the program where eligibility was based on financial need. We saw promising data result: the proportion of women and people of color increased in the online version. By removing barriers to access, MCDA reached a vastly underserved and underrepresented population, disproportionately impacted by the criminal justice system. The following chart compares in-person and online participation in Legal Services Day.



Challenges

2021 brought a surge of gun violence in cities around the nation; Multnomah County was no exception. We grieve for the families impacted by gun violence. Prosecuting homicides is the number one priority for MCDA. Under Oregon law, the responsibility and duty of investigating a criminal homicide falls jointly to the medical examiner and district attorney's office. For every criminal homicide, MCDA assigns a deputy district attorney to lead the criminal investigation conducted by law enforcement. While many of our recent homicides remain unsolved, there is a significant increase in a deputy district attorney's workload each time they are assigned a homicide investigation. We have made addressing gun violence in Multnomah County our top priority by expanding the number of deputies available to respond to scenes of gun violence. We share the view that gun violence is a public health emergency and must be treated as such. Our response must be coordinated, holistic and urgent. MCDA submitted its Unit D – Gun Violence program offer to reflect the crucial need for more resources in this area. As MCDA does its part to ensure accountability for those who harm people in our community, I urge the County to invest in upstream interventions that will disrupt the factors leading to increased gun violence at a level commensurate with the surge.

With the necessary slowdown in court operations resulting from the COVID-19 pandemic, all MCDA units have experienced increased caseloads compared to the prior calendar year as we are unable to advance cases through the legal process. The unit most impacted is Domestic Violence (DV), which experienced caseloads increasing by 70%--approximately 300 more cases in 2020 than in 2019. This increase notwithstanding, we are still concerned that domestic violence maybe underreported. It was essential that our DV Unit continue regular operations during the pandemic; grand jury hearings, in-court appearances, and daily in-person meetings with victims and survivors of domestic violence continue. To the best of the unit's ability, it is staying on top of this growing caseload. Providing essential services to victims is critical and legally required. During this pandemic, our team agonizes over the safety of victims and survivors. For example, the Gateway Center has been closed for in-person support and services during the pandemic.

In the near-term, we are not appearing in as many court hearings or trials for cases of any kind. On February 11, 2021, Multnomah County Circuit Court held its first jury misdemeanor trial since early March 2020. However, as vaccinations roll out and Multnomah County Circuit Court is able to increase court functions, MCDA deputies will be inundated with unprecedented workloads. As DA, I am taking steps to mitigate this eventuality by instructing deputies to resolve as many cases as possible by negotiating plea agreements that would not be typical in non-pandemic times. Nevertheless, when operations in the County fully resume, MCDA will significantly strain to manage the workload.

Because of the pandemic, the mandatory reporting infrastructure that interrupts child abuse came to a standstill. MCDA's Multidisciplinary Child Abuse Team (MDT) saw fewer case referrals as a result. We know that the onset of the COVID-19 pandemic did not wipe out child abuse. With schools closed, kids were forced to stay home—and for many, home is not a safe place. Working with Multnomah County, law enforcement and other stakeholders, MCDA helped to produce several child abuse prevention awareness public safety announcements during the summer. Now, the MDT anticipates a potential flood of new cases as schools slowly reopen in our area.

The Multnomah County District Attorney's Office is comprised of all essential workers. During this pandemic, our office quickly and responsibly responded to ensure our employees could work in a COVID-safe manner. Under the guidance of Multnomah County's Health Department, MCDA took measures to protect our employees, victims, and persons accused of a crime. Of note, many of our Pretrial Unit employees experienced significant emotional stress. This unit operates out of the Multnomah County Justice Center, which was the focus of some protests. Many events were peaceful and powerful, and members of this office participated in those events to build community and to contribute our voice. Even after some demonstrations turned violent, MCDA staff still reported for work each day to ensure that criminal arraignments proceeded despite the Justice Center being breached, set on fire and tear gas rendering parts of it unusable.

The work of MCDA's Juvenile Unit was complicated by the incredible slowdown of the pandemic. For a period of time, defense lawyers could not have meaningful contact with their clients and psychologists could not evaluate youth held in-custody. MCDA's Juvenile Unit collaborated with the Multnomah County Juvenile Services Division to create a Temporary Enhanced Diversion program, which provides a new opportunity for diversion for youth engaged in family violence and other forms of minor assaults. The hope is this program will give youth and their family the services they desperately need without the youth penetrating further into the juvenile justice system.

Our Felony Property Crime and Drug Crime Unit continues to provide services to those with substance abuse disorders in our County's specialty courts: Success Through Accountability, Restitution and Treatment (START), Sanctions Treatment Opportunities Progress (STOP) and DUII Intensive Supervision Program (DISP). Our inability to personally interact with participants in these programs presents unique challenges in our efforts to support them in their recovery. However, we continue to work with the treatment court teams to support participants and encourage them to fully engage with their treatment, especially as there have been a record number of opioid overdose deaths in 2020.¹

¹ <https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html>

Diversity, Equity, and Inclusion Efforts

The mission of the Multnomah County District Attorney's Office is to represent the people of Oregon in supporting crime victims and prosecuting criminal violations under state law using practices that are rooted in anti-racist and anti-discriminatory policies. Our values are formed using bricks of justice, equity, integrity, accountability, collaboration, opportunity and respect and fairness for all.

Today, our public safety system is in a state of reckoning as our community calls for an end to the injustice and racism highlighted during months of nightly protests last summer. Running for office in 2020, I engaged with community members and community-based organizations throughout the County. I heard clearly the pain in communities of color that feel under-protected and over-policed. Prior to taking office, I convened a racially diverse transition team of community members with deep experience in public safety and criminal justice. This budget submission reflects that community engagement, affirmed by my election on a platform of criminal justice reform, with three important program offers: a two-part proposal for a Conviction Integrity Unit (15012A & B) and establishing a Policy Director position (15000B). The capacity created by these proposals will ensure that MCDA makes real progress on the work of criminal justice reform, which is so central to dismantling institutional racism.

While MCDA's funding priority is for capacity to achieve equitable outcomes for people in the community, as part of an office that is transitioning under new leadership, I will advance internal diversity, equity and inclusion. MCDA is already leanly staffed across all functions and does not have a dedicated Equity Manager. However, our Equity Dignity and Opportunity Council – formed in 2013 – meets weekly to advance critically important equity-based conversations, plans and sponsors equity and fairness related trainings, and considers workplace initiatives for review, discussion and solution. Known areas for improvement include expanding racial diversity in upper management, attracting and retaining a diverse workforce of attorneys and support staff, and providing more diversity, equity and inclusion training for all employees.

FY 2022 Budget Priorities and Key Issues

The MCDA budget priorities are to advance criminal justice reform, preserve capacity for quality, timely prosecution and victim support, and to invest in technology to maintain basic

business functions. Two important new initiatives are described here and others are described in subsequent sections.

MCDCA is seeking ongoing funding to stand-up a **Conviction Integrity Unit (CIU)**. In forming a CIU, Multnomah County would join more than 45 jurisdictions around the country that have recognized the importance of a mechanism to scrutinize past cases when concerns arise regarding the integrity of a conviction. The CIU would bring intention and priority to post-conviction relief hearings, parole hearings, reviewing clemency petitions, reviewing *Ramos* cases, and investigating claims of actual innocence, or instances where prosecutorial or law enforcement misconduct is alleged that is uncovered post-conviction. Community trust in the justice system is strengthened when a prosecutor's office has an effective mechanism for conviction integrity review. A fully responsive CIU would also proactively work on expunging the records of eligible people and assist people who owe fines/fees for past criminal legal involvement with an opportunity to forgive those debts under certain and appropriate circumstances. Addressing the collateral consequences of criminal legal involvement strengthens communities by removing barriers to essential resources like housing, lines of credit, driver's licenses, and better employment opportunities.

MCDCA is engaging in a critical reimagining of the role of the prosecutor in a criminal justice system that is too often characterized by racial, ethnic and socioeconomic disparities. This critical reimagining needs to be comprehensive in scope, taking in the relationship between the prosecutor and broader law enforcement, existing charging and sentencing decisions, the use of pretrial and cash bail detention, and much more. This effort cannot be effectively made without dedicated staff. Proposed funding for a **Policy Director** provides MCDCA capacity to perform the research, analysis and community engagement necessary to assist the District Attorney to reassess core operations. The Policy Director facilitates the formation and staffing of workgroups, listening sessions, and other opportunities to enable diverse stakeholders to have direct, meaningful participation in policies developed by MCDCA. No other position at MCDCA provides a comparable mechanism or point of contact for engaging with diverse communities. This work requires a dedicated point of contact who is not acting as a prosecutor, does not carry a caseload, and is specifically tasked with responding promptly.

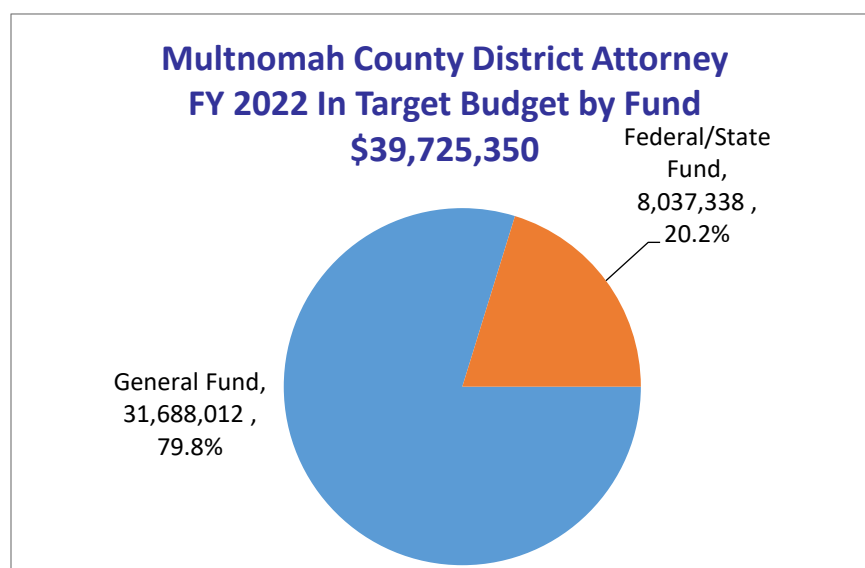
Additional program offers would restore positions and capacity that would be eliminated by a reduction in MCDCA's General Fund target allocation.

Budget Overview

MCDCA’s budget submission totals \$42,967,762 and 205.20 FTE for FY 2022 for both in- and out-of-target programs. The submission is detailed in the table below showing the total allocation.

FY 2022 District Attorney’s Office Budget Submission				
	FY 2022 General Funds	FY 2022 Other Funds	Total Funds	Total FTE
In Target Programs	\$31,688,012	\$8,037,338	\$39,725,350	192.70
Out of Target Programs	\$3,093,562	\$148,850	\$3,242,412	12.50
Total FY 2022 Submission	\$34,781,574	\$8,186,188	\$42,967,762	205.20

MCDCA is primarily funded by General Funds as illustrated below.



MCDCA receives approximately \$8 million in Federal and State funding. Federal and State funding supports the following program offers: Child Support Enforcement (\$3.3M), Victims Assistance (\$1.7M), Strategic Prosecution (\$1.2M), MDT – Child Abuse Unit (\$0.9M), Investigations (\$0.5M), Unit A/B Property/Drugs/Human Trafficking (\$0.1M), Unit D – Violent Person Crimes (\$0.1M), and MCDCA Research and Planning (<\$0.1M).

The core work of MCDA supported by a budget of \$39.7 million includes:

- MCDA prosecutes offenders who commit state criminal violations in Multnomah County. MCDA anticipates approximately 20,000 cases a year will be referred by law enforcement for prosecution. Domestic violence, child abuse, human trafficking, assault, robbery, burglary, gun and weapons crimes, vehicular homicides and homicides are among the offenses prosecuted. MCDA also maintains a Juvenile Unit, a White-Collar Crime Unit and a Pretrial Unit.
- MCDA supports victims of crime—engaging with approximately 10,000 victims a year. Victim advocates are generally assigned in felony and domestic violence cases. Advocates work directly with crime victims to explain the criminal justice system, including what rights are available to them, provide court accompaniment, offer referral information to appropriate community services and guide victims through the prosecution process. Victim services include seeking and enforcing restitution agreements.
- MCDA’s [Support Enforcement Division](#) (SED) helps children receive financial support from parents and fosters the strengthening of families by connecting them to community services. SED establishes child support orders, enforces health care coverage for a child, determines past-due child support and collects support payments. In the most recent fiscal year, the work of SED supported 7,500 families in Multnomah County.
- As an integral part of a larger public safety system, MCDA engages and collaborates with County and State public safety agencies in a number of standing committees and as needed to address matters of community concern. We are actively engaged in conversations about criminal justice reform from the front end of our work with pre-trial reform conversations to the back end as we work to extend sentencing diversion programs for juveniles, and everything in between.
- MCDA regularly communicates with the public and media about its work including crimes and cases of interest. MCDA is using data collection and analysis to improve outcomes from the criminal legal system and to manage its work more effectively. In 2020 MCDA stood up its first ever public facing data dashboard in relation to the protest-related cases referred to our office. We are building on this first success, with subsequent dashboards to be released in the near future.

General Fund Target Allocation

General Fund Reductions

MCDA proposes a reduction of 4.5 FTE to achieve a 2 percent reduction in General Fund Target Allocation. These reductions would eliminate 2.0 FTE attorney and 2.5 non-attorney positions. Workload would be managed by reducing inputs to the system (described below) and reducing or eliminating some services.

Offer Number	Program Name	General Fund	FTE Reduction	% of GF Reduced
15202B	Misdemeanor Trial Unit Restoration	(178,266)	-1.00	-8%
15301B	Unit A/B - Property/Drugs/Human Trafficking Restoration	(235,470)	-1.50	-6%
15308B	Strategic Prosecution Unit Restoration	(92,103)	-1.00	-7%
15401B	Victims Assistance Program Restoration	(111,532)	-1.00	-59%
Totals		(617,371)	-4.50	N/A

- 15202B. This reduction would be accomplished by ending MCDA’s current practice of participating in civil commitment hearings. Civil Commitment hearings are not a statutory obligation of the District Attorney, unlike criminal law matters. Although there is benefit in our participation in these hearings, in order to preserve other core criminal prosecution functions, this is an area where we could make a reduction.
- 15301B. This reduction would cut MCDA’s prosecutorial services in the area of property and drug crime prosecutions. Property crime, like most crime, falls disproportionately on people from the same communities of the people engaging in the criminal activity – so any reduction in property crime prosecutions will likely have a regressive impact on poorer communities. However, when balancing the needs of our community, it is clear that our top priority must be violent crime, and this reduction reflects that decision.
- 15308B. This offer would reduce the work that administrative staff can handle, necessarily slowing some operations and shifting work to other staff and attorneys.

- 15401B. This offer would decrease the number of victims of crime MCDA can serve, necessarily increasing caseloads of the remaining advocates in the unit, and potentially reducing the types of crimes we choose to assign victims to per policy.

Reallocations

Significant Departmental Changes (Reallocations)				
Offer Number	Program Name	General Fund	Other Funds	% of GF Changed
15304B	Unit D - Gun Violence	\$203,571	-	9%
15308C	Strategic Prosecution Unit - Lloyd BID Backfill	\$75,000	-	6%
15401C	Victims Assistance VOCA/CFA Backfill	\$92,326	-	11%
All	Lower internal service charges	(\$370,897)		
Totals		-	-	N/A

Internal service charges to be assessed by the County are lower than those included in the departmental general fund allocation calculation, offsetting the cost of these backfill program offers. More information about these programs is provided in the following section.

State, Federal, Large Grant Funds

Other Fund Changes					
Offer Number	Program Name	General Fund	Other Funds	FTE Impacts	\$GF Backfill (In Target)
15304A	Unit D	-	(203,571)	(0.74)	203,571
15308A	Strategic Prosecution Unit	-	(75,000)	(0.25)	75,000
15401A	Victims Assistance Program	-	(92,326)	(0.76)	92,326
Totals		-	(370,897)	(1.75)	370,897

- Unit D – the Sexual Assault Kit Initiative (SAKI) grant program ends September 30, 2021. No backfill for additional resources are requested, however staffing in Unit D will be maintained at its current level by reallocating general funds to the In-Target program offer 15304B Unit D – Gun Violence. Although the Sexual Assault Kit backlog has been eliminated, the prosecutions from those tested kits will continue into the future. Maintaining this program in Unit D will allow uninterrupted work to continue on those

important cases, as well as allowing for additional overall resources in Unit D to help address the current surge in gun violence and homicides that our community is experiencing.

- Strategic Prosecution Unit – DDA resources previously funded via a multi-year contract with the Lloyd Business District are reallocated in the In-Target program offer 15308C Strategic Prosecution Unit – Lloyd BID Contract Backfill. The contract expired on September 30, 2020 and was not renewed; no backfill for additional general funds are requested. The Lloyd BID contract covered .25 FTE assigned to that project. The work related specifically to the Lloyd Business district, such as attending meetings, providing updates, writing reports, and problem-solving crime solutions to that specific neighborhood will no longer continue. The reassignment of that DDA’s time will benefit other projects in the Strategic Prosecution Unit.
- Victims Assistance Program. The Oregon Department of Justice recently announced a 10% reduction in Victims of Crime Act (VOCA) funding beginning October 1, 2021. In order to avoid a staffing reduction of 0.76 FTE of a Victim Advocate, General Funds are reallocated with no additional General Funds requested. Eliminating this position would have caused increased caseloads for other victim advocates, and potential policy decisions on types of cases that would no longer be eligible for advocate services. Maintaining this position with General Fund resources offsetting the loss in federal funds means that MCDA victim services can remain at current service levels.

Other Significant Program Changes

- In FY22 we have changed our method of allocating costs for internal services provided by the County. In previous years, we have consolidated these costs in the administrative programs in each division. This year we have distributed the internal service costs to each of the units to better reflect their true cost. There is no net change to the department as a result of this change, however individual programs are impacted.

Ongoing Out of Target Requests

Offer Number	Program Name	General Fund	Other Funds	FTE	New or Existing
15000B	Management Services - Policy Director	\$276,647		1.00	New
15021A	Conviction Integrity Unit	\$115,537	\$148,850	1.00	New
15301B	Unit A/B - Property/Drugs/Human Trafficking Restoration	\$235,470		1.50	Restoration
15202B	Misdemeanor Trial Unit Restoration	\$178,266		1.00	Restoration
15401B	Victims Assistance Program Restoration	\$111,533		1.00	Restoration
15012B	Body Worn Cameras Expansion	\$456,523		3.00	New
15105	SB1008 Evaluations	\$80,000		0.00	Existing
15021B	Conviction Integrity Unit Expansion	\$439,142		3.00	New
15308B	Strategic Prosecution Unit Restoration	\$92,103		1.00	Restoration
Totals		1,985,221	148,850	12.50	N/A

The preceding table lists ongoing out of target requests in order of priority. The proposed Policy Director position and the creation of a Conviction Integrity Unit were discussed previously as FY 2022 budget priorities. The Policy Director will provide MCDA capacity to perform the research, analysis and community engagement necessary to assist the District Attorney to reassess core operations and implement reforms. The Conviction Integrity Unit will bring intention and priority to post-conviction actions. The senior deputy position to lead the Conviction Integrity Unit would be funded by the General Fund at 0.44 FTE and a Bureau of Justice Assistance grant of 0.56 FTE.

(15301B) Restoration of the Unit A/B deputy DA and office assistant would maintain service level in this unit. This is a very high-volume felony unit within MCDA, providing accountability to those who victimize community members through property damage, theft, or delivery of controlled substances. The impact of reducing this program area would necessitate difficult policy choices about what cases this unit can continue to handle and what cases we either will no longer pursue, or that we will pursue at a lower level charge (for example, making the determination that some drug and property felonies be handled as misdemeanors). The communities served by this unit are businesses and community members who experience theft and property damage, as well as those impacted by drug distribution.

(15202B) Restoration of the Misdemeanor Trial Unit position continues the work of MCDA at civil commitment proceedings. Currently, MCDA appears at all civil commitment hearings, a

function that is not specifically statutorily required of the District Attorney's Office, and one that many district attorneys around the state do not handle. The restoration of this item ensures that the County has quality legal representation in these delicate cases, which are of a highly technical legal nature. Discontinuing the program at MCDA would require another agency to handle this work. Health investigators, who are most familiar with the cases they bring, or perhaps a County Attorney would be reasonable options.

(15401B) Restoration of the Victim Assistance Program would maintain the service level of help to victims navigating the complex criminal legal system at a time when they have experienced trauma, and may be reliving that trauma by having to participate in recalling and testifying to the events that brought them into the system in the first place. The elimination of a DA Victim Assistant would mean higher caseloads and less availability for individualized attention across all program areas.

(15012B) The Gresham Police Department and the Oregon State Police wear body cameras. Enhancing MCDA's Body Worn Camera (BWC) Unit would enable MCDA to view all video coming from BWCs associated with felony cases and some misdemeanor cases after charging decisions have been made. This program enhancement would not sufficiently resource MCDA to review all BWC footage before making charging decisions due to tight timelines based on legal obligations, nor would we view footage of cases for which we decline to issue charges. However, it would ensure that MCDA has the resources to review the footage at some point during the pendency of the case prior to resolution. Without the enhancement of this unit, as cases and workflow resume to pre-pandemic levels, we will need to make difficult policy decisions about what cases, and under what circumstances we review this evidence. We will, of course, meet our discovery obligations of this evidence.

(15105) In the first year after the passage of the historic SB 1008 legislation that removed the automatic waiver of juveniles into adult court for certain crimes, and replaced it with an individualized evaluation of youth maturity and capacity for adult culpability, MCDA estimated the need of \$40,000 for expert evaluation of individual youths. These evaluations ensure that we are complying with our legal obligations under the new law. The evaluations help us to make determinations on how to proceed in cases involving juveniles based on the science and research of juvenile brain development. They also provide more information for our deputies when they are explaining to victims of very serious crimes why the juvenile should either be tried as an adult or remain in the juvenile system. We now have a better understanding of the number and evaluations we are likely to require and are requesting \$80,000.

(15308B) Restoration of the Strategic Prosecution and Services Unit's senior legal assistant position maintains the current service level of administrative and clerical work that this unit needs to support the work of the attorneys building complex cases using data-driven strategies to have a bigger impact on crime reduction than traditional prosecutorial methods. The Strategic Prosecution and Services Unit reviews case data to build larger, more impactful cases against individuals who are persistently involved in criminal activity, and whose actions have an outsized impact on community safety. This work can be administratively intense as reports and

evidence across units are sought and compiled. The elimination of this position will result in decreased support for the attorneys, slowing the time it takes to put together these complex cases, as well as increasing the time attorneys will spend on creating certain documents and legal filings.

One-Time-Only Out of Target Requests

Out of Target Program Requests (One-Time-Only)					
Offer Number	Program Name	General Fund	Other Funds	FTE	New or Existing
15022	Alfresco Document Management Stabilization and Upgrade	\$644,868		0.00	New
15023	MCDA Technology Upgrade - Email Systems and Public Records	\$221,115		0.00	New
15102B	Domestic Violence Unit OTO Expansion	\$242,359		0.00	New
Totals		1,108,342	-	0.00	N/A

The preceding table lists one-time-only out of target requests in order of priority.

(15022) Alfresco Document Management Stabilization and Upgrade will update MCDA’s primary document management software system, moving the application environment from Windows 2012 servers to Windows 2019 servers, and enhancing the usability of the software. A 0.50 limited duration Project Manager is included to train staff on the significantly updated software interface.

(15023) MCDA Technology Upgrade – Email Systems and Public Records will significantly improve MCDA’s email systems and public records request processes and allow secure document, email, and calendar collaboration between MCDA staff and between MCDA staff and Multnomah County staff by moving our email and calendaring to Google Workspace. A 1.00 limited duration Project Manager is included to implement the project and a 0.50 limited duration Project Manager is included to coordinate with County IT in order to leverage their experience implementing and training employees in the Google Workspace.

(15102B) Domestic Violence Unit Expansion is requested as a one-time only funding in order to help that unit deal with caseloads that are 70% higher than in normal years. The COVID pandemic has drastically reduced our ability to resolve cases expeditiously due to the inability to force cases out to trial. This has resulted in caseloads higher than we have ever seen in this unit. While all of our units are experiencing similar, although not as dramatic increases to caseload size, it is especially crucial to resolve domestic violence cases as fast as possible for the

safety of the victims involved. Unlike most crime, domestic violence frequently involves the accused and the victim staying in close physical or relational proximity. Protection orders and no contact orders help maintain safety, but the longer those cases languish, the longer it takes to get at the underlying dynamics that led to violence in the first place, leading to potentially lethal results. Expeditious resolution of domestic violence cases allows us to intervene as soon as possible in order to ensure that the safety of the victim is addressed effectively.

COVID-19 Impacts

Many of the COVID-related impacts experienced by MCDA and the criminal legal system were described in the Successes & Challenges section.

CARES funding in FY21 provided MCDA needed PPE, technology to allow for remote work, temperature check kiosks, and plexiglass barriers.

With the necessary slowdown in court operations resulting from the COVID-19 pandemic, all MCDA units have experienced increased caseloads compared to the prior year as we are unable to advance cases through the legal process. However, as vaccinations roll out and Multnomah County Circuit Court is able to increase court functions, MCDA deputies will be inundated with unprecedented workloads. Restoring cuts required to meet a reduced General Fund target allocation will assist MCDA to do its utmost to achieve timely resolution of backlogged cases.

Span of Control

Span of Control is reduced from 6.71 in FY21 to 6.55 in FY22 due to a reduction in the number of Direct Reports reporting to the same number of Managers

Division Level Organization Chart

