

Department: District Attorney **Program Contact:** John Casalino
Program Offer Type: Innovative/New Program **Program Offer Stage:** As Requested
Related Programs:
Program Characteristics: Out of Target

Executive Summary

This program seeks necessary supplemental funding to meet core county, constitutional and ethical prosecution obligations required by the growing practice of law enforcement to use Body Worn Cameras (BWC) while policing. This program request is in response to the substantial increase in capacity required by the Gresham Police Department's implementation of 132 BWCs in February 2020. This program specifically seeks to increase capacity of the BWC Unit detailed in program 15012A so that proper charging decisions can be made, victims of crime are protected and the rights of the accused are safeguarded.

Program Summary

This program seeks necessary additional funding for the BWC Unit detailed in Program 15012A. Last year, that program partially funded the BWC Unit with a 0.75 FTD Deputy District Attorney 2 and a 0.75 FTE Office Assistant 2.

In order to review the volume of BWC footage in FY21, when GPD will be at full capacity with 132 body worn cameras deployed, full funding of the DDA 2 and the OA 2 is necessary, as well as the addition of 3.0 FTE DDA 2 and 1.0 FTE District Attorney Investigator. Combining programs 15012A and 15012B will enable this unit to review the estimated 6 to 15 hours of BWC footage each day prior to 12:00 pm for all Gresham custody cases.

Based upon an average of 1.0 hours of video per case, DDAs would spend between 7.5 and 18.75 hours reviewing footage each day prior to 12:00 pm. An investigator will be necessary to make the appropriate edits to the video for use in court, as only relevant and admissible evidence is allowed during the course of a court hearing. Much of the footage that is captured may not be relevant nor admissible in a court proceeding, but Gresham will be mandated by their policy to capture it and provide it to MCDA. MCDA, however, must review ALL of it to assist in making sure that correct charging decisions are made to protect the community and safeguard an individual's rights and liberty interests. MCDA will be required to turn over all footage to defense counsel by way of the Discovery process. Staff and investigators also must review and redact material to insure privacy interests are secured. All of this is time, labor and technically intensive.

Body-worn camera footage will allow prosecutors to view crime scenes and witness/victim/suspect interviews through an unfiltered lens. Transparency and system confidence will increase by virtue of additional objective evidence available for subsequent review. Charging decisions will improve, leading to better, more just, outcomes.

Performance Measures

Measure Type	Primary Measure	FY19 Actual	FY20 Budgeted	FY20 Estimate	FY21 Offer
Output	Hours of body camera footage reviewed	N/A	N/A	N/A	3,750
Outcome	Trials avoided by better charging decisions enabled through the use of body camera footage	N/A	N/A	N/A	-20

Performance Measures Descriptions

Output – All body camera footage submitted by GPD will be reviewed by a deputy district attorney to assist in determining whether criminal charges should be issued. If charges are issued, pertinent footage will be duplicated and made available to defense attorneys. Outcome – Having audio/visual evidence will allow prosecutors to view crime scenes and interviews through an unfiltered lens. Transparency and system confidence will increase by virtue of additional objective evidence available for subsequent review. Charging decisions will improve, leading to better, more just, outcomes.

Legal / Contractual Obligation

Oregon Constitution: Article VII Section 17. Prosecuting Attorneys. There shall be elected by districts comprised of one, or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct. Oregon Revised Statute (ORS): 135.185: The District Attorney shall disclose to a represented defendant the certain material within the possession and control of the district attorney.

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Requested General Fund	Requested Other Funds
Program Expenses	2020	2020	2021	2021
Personnel	\$0	\$0	\$713,726	\$0
Materials & Supplies	\$0	\$0	\$54,000	\$0
Total GF/non-GF	\$0	\$0	\$767,726	\$0
Program Total:	\$0		\$767,726	
Program FTE	0.00	0.00	4.50	0.00

Program Revenues				
Total Revenue	\$0	\$0	\$0	\$0

Explanation of Revenues

Significant Program Changes

Last Year this program was:

This is a new program offer. Law enforcement BWC implementation in Gresham was delayed last year. The BWC unit was only partially funded last year under program 15012A. This year BWCs in Gresham will be fully deployed. Given the tremendous workload increase combined with MCDA's increased responsibility to review, analyze, discover and present BWC material, program 15012B is offered as a solution for the county to meet its obligations to community members.