

Department: District Attorney

Program Contact: Mike Schmidt

Program Offer Type: Existing

Program Offer Stage: Proposed

Related Programs:
Program Characteristics:
Executive Summary

Prosecutors must be leaders in ensuring that convictions are the result of fair and transparent processes consistent with the pursuit of justice. MCDA's Justice Integrity Unit reviews and, when necessary and appropriate, seeks to overturn convictions when there is evidence of actual innocence, prosecutor or law enforcement misconduct, or other considerations that undermine the integrity of the conviction. The criminal legal system has disproportionately impacted communities of color. This unit works closely with defense attorneys and community groups to identify appropriate cases for this unit to consider.

Program Description

More than 45 jurisdictions across the country have established Justice Integrity Units (JIUs) as a mechanism for scrutinizing past cases. MCDA's JIU addresses all issues that arise after conviction and sentencing including, but not limited to, post conviction relief (PCR) hearings, motions to set aside convictions (expungements), Psychiatric Security Review Board (PSRB) Hearings, Parole Board Hearings, and reviewing clemency petitions. The JIU investigates claims of actual innocence, and instances where prosecutorial or law enforcement misconduct is alleged that is uncovered post-conviction. MCDA's JIU is led by a Senior Deputy who is experienced in all levels of casework.

It is also the role of this unit to ensure that MCDA is a leader in justice integrity in the state. To that end, the head of the JIU maintains and updates policies, protocols and materials related to: discovery obligations; eyewitness identification; recorded police interviews; ethics and professionalism; confidential informants; forensic evidence retention; proffers and cooperation agreements; and homicide file closing protocols.

Even as MCDA moves forward with better practices, building public trust in the criminal justice system requires addressing the past harm that has been perpetrated by the criminal legal system. MCDA acknowledges that harm has fallen disparately on communities of color. Therefore, the intention and expectation of the JIU is that MCDA will address disparity in the criminal legal system. JIU tracks the demographic information related to cases that it works on in order to measure that impact, and to ensure that this unit does not increase disparities that already exist.

MCDA works to expeditiously advance eligible applicants' motions to have their criminal records expunged. This allows people who have exited the criminal justice system without incident for several years to avoid numerous collateral consequences that flow from having a criminal record. MCDA has modified its policies to reduce the number of defendants who would be denied expungement based on an inability to pay fines and fees in other matters. The result is equitable social outcomes for populations that are over-represented in the criminal justice system, and thus inequitably disadvantaged.

Performance Measures

| Measure Type | Primary Measure | FY22 Actual | FY23 Budgeted | FY23 Estimate | FY24 Offer |
|--------------|--|-------------|---------------|---------------|------------|
| Output | Number of Justice Integrity Unit cases | N/A | 60 | 550 | N/A |
| Outcome | Number of clemency petitions reviewed and MCDA position (support/oppose) determined. | N/A | 60 | 200 | 60 |
| Outcome | Number of applications screened for eligibility for resentencing under SB 819. | N/A | N/A | 80 | 60 |
| Outcome | Number of expunged convictions | 6,422 | N/A | 6,500 | 5,000 |

Performance Measures Descriptions

MCDA proposes to replace Performance Measure 1 with more precise measures. The Justice Integrity Unit is handling several types of cases. 1)The Governor's office asks for MCDA's opinion on petitions for clemency. In the final months of Governor Brown's term, there was a surge of those requests. 2) MCDA accepts applications for resentencing under SB 819. These include claims of innocence, over-sentencing and collateral consequences. 3) Expungements are now conducted by JIU.

Revenue/Expense Detail

| | Adopted General Fund | Adopted Other Funds | Proposed General Fund | Proposed Other Funds |
|------------------------|-------------------------|------------------------|--------------------------|-------------------------|
| Program Expenses | 2023 | 2023 | 2024 | 2024 |
| Personnel | \$394,248 | \$160,361 | \$625,491 | \$153,740 |
| Materials & Supplies | \$6,223 | \$0 | \$6,223 | \$0 |
| Internal Services | \$22,499 | \$0 | \$64,018 | \$37,959 |
| Total GF/non-GF | \$422,970 | \$160,361 | \$695,732 | \$191,699 |
| Program Total: | \$583,331 | | \$887,431 | |
| Program FTE | 2.00 | 0.56 | 2.10 | 0.46 |

| Program Revenues | | | | |
|----------------------|------------|------------------|------------|------------------|
| Intergovernmental | \$0 | \$160,361 | \$0 | \$191,699 |
| Total Revenue | \$0 | \$160,361 | \$0 | \$191,699 |

Explanation of Revenues

This program generates \$37,959 in indirect revenues.
 \$191,699 Edward Byrne Justice Assistance Grant (JAG) pass through from City of Portland - funds 0.46 FTE of a DDA4 + \$37,959 indirect expense.

Significant Program Changes

Last Year this program was: FY 2023: 15021A Justice Integrity Unit

The 1.56 FTE that were purchased, in the expansion program offer B in FY 2023, have been moved to this original program offer.