

**Department:** District Attorney

**Program Contact:** Jeff Howes

**Program Offer Type:** Operating

**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. This program was developed coordination with national technical assistance provider Fair and Just Prosecution, who supplied MCDA with best practices and materials from well established-JIUs around the country.

**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. 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 by it.

**Performance Measures**

Measure Type	Performance Measure	FY23 Actual	FY24 Budgeted	FY24 Estimate	FY25 Target
Output	Number of clemency petitions reviewed and MCDA position (support/oppose) determined.	137	60	10	10
Outcome	Number of applications screened for eligibility for resentencing under SB 819.	204	450	550	550
Outcome	Number of expungement motions processed	9,761	5,000	10,500	10,500

**Performance Measures Descriptions**

To improve clarity, Performance Measure "Number of expungement motions processed" is revised from "Number of expunged convictions."

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Proposed General Fund	Proposed Other Funds
Program Expenses	2024	2024	2025	2025
Personnel	\$993,619	\$153,740	\$1,048,016	\$380,843
Materials & Supplies	\$6,223	\$0	\$6,223	\$0
Internal Services	\$64,018	\$37,959	\$53,898	\$46,646
<b>Total GF/non-GF</b>	<b>\$1,063,860</b>	<b>\$191,699</b>	<b>\$1,108,137</b>	<b>\$427,489</b>
<b>Program Total:</b>	<b>\$1,255,559</b>		<b>\$1,535,626</b>	
<b>Program FTE</b>	3.54	0.46	3.54	2.46

Program Revenues				
Intergovernmental	\$0	\$191,699	\$0	\$427,489
<b>Total Revenue</b>	<b>\$0</b>	<b>\$191,699</b>	<b>\$0</b>	<b>\$427,489</b>

Explanation of Revenues

This program generates \$46,646 in indirect revenues.

Federal thru City of Portland ~ Edward Byrne Justice Assistance Grant (JAG) = \$214,863 funds 0.46 FTE of a DDA4 + \$46,646 indirect expense.

Federal thru CJC ~ Edward Byrne Justice Assistance Grant (JAG) = \$212,626 funds 2.00 FTE administrative staff. Indirect not allowable.

Significant Program Changes

Last Year this program was: FY 2024: 15021 Justice Integrity Unit

Moved 2.0 FTE from PO 15204 - Pretrial to this program offer: 1.0 FTE Legal Assistant 2 position and 1.0 DDA 3 position.

Moved .56 FTE DA Investigator position to PO 15402 Investigations Unit from this program offer.

Added 2.0 FTE Administration Staff members - Funded by CJC JAG Byrne Grant to assist with expungement backlog.