

**Program #15021A - Conviction Integrity Unit** 3/2/2021

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

**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 proposed Conviction Integrity Unit will review and, when necessary and appropriate, seek 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. Establishing a unit that looks to repair harm will likely have a positive impact on those same communities. This unit will work closely with defense attorneys and community groups to identify appropriate cases for this unit to consider.

**Program Summary**

More than 45 jurisdictions across the country have established Conviction Integrity Units (CIUs) as a mechanism for scrutinizing past cases. MCDA’s CIU will address all issues that arise after conviction and sentencing including, but not limited to, post conviction relief (PCR) hearings, Psychiatric Security Review Board (PSRB) Hearings, Parole Board Hearings, reviewing clemency petitions, and reviewing Ramos cases. The CIU will investigate claims of actual innocence, and instances where prosecutorial or law enforcement misconduct is alleged that is uncovered post-conviction. MCDA’s CIU will be led by a Senior Deputy who is experienced in all levels of casework.

It will also be the role of this unit to ensure that MCDA is a leader in conviction integrity in our state. To that end, the head of the CIU will maintain and update 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 establishing the CIU is that MCDA will address disparity in our criminal legal system. CIU will track 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.

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

**Performance Measures**

Measure Type	Primary Measure	FY20 Actual	FY21 Budgeted	FY21 Estimate	FY22 Offer
Output	Number of cases the CIU engages with and the demographics of the people associated with them.	N/A	N/A	N/A	60
Outcome	MCDA posture (support/oppose) in cases of innocence, parole, and clemency; demographics of those impacted.	N/A	N/A	N/A	60

**Performance Measures Descriptions**

MCDA has not previously tracked the number of conviction related reviews it performs. This position will establish centralized intake and data collection.

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Requested General Fund	Requested Other Funds
Program Expenses	2021	2021	2022	2022
Personnel	\$0	\$0	\$115,537	\$148,850
<b>Total GF/non-GF</b>	<b>\$0</b>	<b>\$0</b>	<b>\$115,537</b>	<b>\$148,850</b>
<b>Program Total:</b>	<b>\$0</b>		<b>\$264,387</b>	
<b>Program FTE</b>	0.00	0.00	0.44	0.56

Program Revenues				
Intergovernmental	\$0	\$0	\$0	\$148,850
<b>Total Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$148,850</b>

Explanation of Revenues

\$148,850 IGA with City of Portland - funds 0.56 FTE of a DDA4

Significant Program Changes

Last Year this program was:

This is a new program offer. Some of the work that the CIU will undertake is currently dispersed throughout the office, but lacks intentional leadership and priority. Consolidating work into one unit will improve quality and consistency and increase MCDA's ability to engage with community and legal service providers through a single point of contact.