



LaVonne Griffin-Valade
Multnomah County Auditor

501 SE Hawthorne, Room 601

Portland, Oregon 97214

Telephone (503) 988-3320

Fax (503) 988-3019

www.co.multnomah.or.us/auditor

Report to Management

District Attorney's Office – Neighborhood District Attorney

May 31, 2007

Introduction

The Auditor's Office initiated an audit of the District Attorney's Neighborhood District Attorney unit and Community Court Project to assess the efficiency and effectiveness of those programs, as well as to review their impact on the County's public safety system. Our preliminary review indicated that both programs provide important low-cost services, leverage other community resources, and contribute to the District Attorney's community prosecution and restorative justice efforts. We determined that the cost of further audit work exceeded expected benefits, and as a result, we ended our audit of both programs after the preliminary stage.

This report to management provides background information, describes the activities carried out during our preliminary review of the Neighborhood District Attorney unit, notes general observations, summarizes program strengths, and recommends areas where further consideration by the District Attorney's Office may be valuable. A report to management on our preliminary review of the Community Court Project is being issued simultaneously.

Background

The core mission of NDA is to assist communities in solving local crime problems. Like other models of community prosecution around the country, NDA emphasizes a close working relationship among prosecutors, police, and business and community groups. The intent is to improve community safety and reduce crimes such as illegal drug sales, thefts from cars, illegal camping, prostitution, and other offenses that affect the quality of life in neighborhoods.

The District Attorney (DA) initiated the Neighborhood District Attorney (NDA) in 1990 as a one-year pilot project. The project had been proposed by a neighborhood public safety committee that formed in anticipation of the opening of the Oregon Convention Center. The committee developed a formal plan to address area public safety concerns that included the NDA pilot project. They also agreed to fund a special prosecutor to

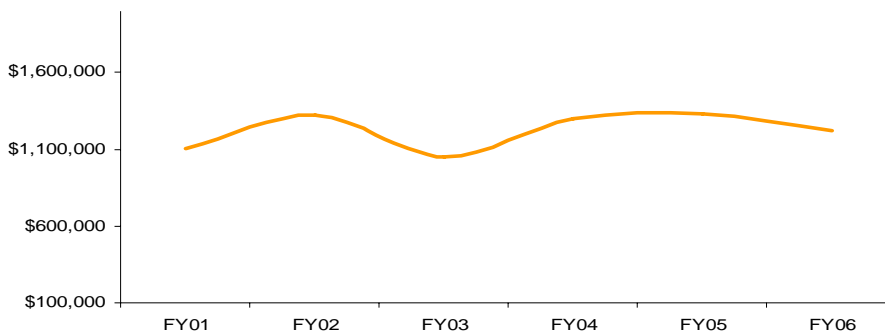
strategize with their group about ways to respond to crime-related issues. This led to the formation of the NDA unit, and over time, more prosecutors were assigned to serve other areas of the county.

Elements of Community Prosecution: Multnomah County’s NDA program was the second such community prosecution initiative established in the United States. It has since been included in several studies by the American Prosecutors Research Institute (APRI), the Bureau of Justice Assistance, and others. The APRI has noted that the NDA unit employs “promising practices to abate...crimes of livability,” and the unit has been profiled as a leading organization in the field of community prosecution. In addition, APRI identified three integral components of community prosecution as being present in effective community prosecution programs, including Multnomah County’s NDA unit:

- Partnerships with a variety of government agencies and community-based groups
- Use of varied and innovative problem-solving methods to address crime and public safety issues
- Community involvement

Spending: Organizationally, NDA is within the DA’s Family Justice/Misdemeanor Division. As shown in the following chart, expenditures fluctuated over the six year period, from a high of 1.3 million in FY02 and FY04 to a low of just over \$1 million in FY03, when adjusted for inflation. In addition to General Fund dollars, the NDA unit receives funding from federal grants and agreements with other governments and business organizations.

Exhibit 1: Neighborhood District Attorney Spending (Adjusted for Inflation)



Source: Auditor’s Office Analysis

Staffing: The first Senior DDA assigned to the NDA unit in 1990 continues as the program supervisor. Currently, the NDA unit is made up of eight DDAs, including the supervisor, who are placed in the community. One DDA prosecutes juvenile gun offenders and provides outreach to the Rockwood community as part of Project Safe Neighborhood, a federally funded grant program. Seven NDA prosecutors are assigned

to the following areas:

- Lloyd District in Northeast Portland
- North and Northeast Portland Police Precincts
- Central Portland Police Precinct
- Tri-Met Police in Portland
- Southeast Portland Police Precinct
- East Portland Police Precinct
- Gresham and East Multnomah County

Also, at one time, the NDA unit had a DDA stationed in the North Portland Police Precinct, but that position was cut as a result of budget reductions. One DDA is now assigned to cover both North and Northeast Portland precincts.

Community Partnerships: The NDA unit receives financial support and additional resources from outside organizations and other public sector entities, as shown in these examples:

- Lloyd Center Business Improvement District funds half of the salary of the DDA assigned to the Lloyd District
- Tri-Met funds the salary of the DDA assigned to Tri-Met and provides bus passes for legal interns working in the NDA unit
- Portland Police Bureau (PPB) provides cars for DDAs assigned to most city precincts
- City of Gresham funds a car for the DDA assigned to Gresham and East County
- PPB provides office space for DDAs assigned to precincts and shares the office assistant at the Lloyd District police contact office
- Portland Business Alliance funds a legal assistant position for the DDA assigned to the Central Precinct
- Management of the Pittock Building in downtown Portland provides office space for the DDA assigned to the Central Precinct

Observations and Interviews

We interviewed most NDA prosecutors and those we spoke with view the work of the NDA unit as significant in resolving community crime problems. Three have worked for the program for more than a decade and are very knowledgeable about community prosecution strategies. Generally, less experienced prosecutors in the NDA unit rely on more experienced leaders in the program to guide and assist them in their work.

We attended a weekly meeting of all NDA staff. Discussions at the staff meeting were focused on assessing the strengths and weaknesses of current strategies being employed or developing new problem-solving efforts. For example, during our preliminary review, as a means of preventing problems associated with large groups of youth congregating late at night, the NDA unit participated in developing plans to cite

parents for failure to supervise their children who were out after curfew.

In addition, we observed NDA prosecutors at two community problem solving committee meetings. NDA unit staff were actively involved in discussions throughout the meetings, advising and answering questions, as well as being available to comment on legal issues. We also accompanied a DDA as police served a community search warrant and attended the preliminary planning meeting that preceded that mission. Police conferred with the NDA prosecutor before and after the community search warrant had been served and sought the prosecutor's advice on appropriate charges.

Problem-solving Strategies:

In most instances, prosecution is not the primary goal or result of the work being done by the NDA unit, according to NDA staff we spoke with. Rather, NDA attorneys work to advise and strategize with community partners to solve livability problems. NDA prosecutors usually do not try cases in court, and most indicated that from their perspective, prosecuting and putting offenders in jail for low-level public safety and livability offenses does not necessarily solve underlying issues associated with criminal behavior.

Because NDA prosecutors are out in the community, they are able to view problems first-hand, build relationships with the police and community groups, and actively participate in the development of solutions. One DDA pointed out that for the NDA program, "success is all a matter of relationship."

Some examples of problem-solving strategies currently in place include:

- The NDA unit helped establish the basis for drug-free zones in specific, targeted geographic areas with a proven history of drug trafficking. The establishment of such zones provided the police with a tool to exclude offenders from these designated areas. Further, offenders can then be charged with trespassing if they return to a zone where they had previously committed drug crimes.
- The NDA prosecutors devised the community search warrant process. The community search warrant (also known as the citizen-driven warrant) allows a citizen to observe, track, and document possible criminal drug activity at a neighbor's residence. Police then complete an affidavit based on the citizen's observations, corroborate the observations, and go before a judge to show probable cause for a search warrant.
- NDA prosecutors participated in efforts to stem elder abuse by accompanying police officers on visits to elders, by meeting with Aging & Disability Services staff to consult with caseworkers about possible elder abuse, and by training human service providers working with seniors.
- The NDA unit developed a Transit Offense Prosecution Guide and a Transit Offense Enforcement Guide, and NDA prosecutors provided training and guidance to improve enforcement efforts.
- The NDA unit participates with the Oregon Liquor Control Commission to craft non-binding good neighbor agreements with businesses that sell alcoholic beverages.

Each NDA district employs a unique set of problem-solving strategies, depending on the livability issues present in that district. Prosecutors in the NDA unit pointed out that they often follow the lead of the precinct commander when determining the strategies to use. For instance, some precinct commanders have been receptive to the use of community search warrants to reduce the number of “drug houses” in neighborhoods, while other commanders are focused on issues such as identity theft, vandalism, or prostitution. NDA staff indicated that they educate themselves on particular problems that are raised by the police or concerned citizens and attempt to provide a broad range of possible solutions.

Working directly with police:

A major role for each DDA in the NDA unit is to work directly with police officers, being available and on call to answer their questions. One DDA described this as working to “make sure officers know the law in order to get the community one step closer to resolving issues.” Examples of NDA prosecutors working closely with police include:

- Advising officers about the sufficiency of evidence
- Reviewing rejected cases and providing technical assistance to improve cases
- Meeting with precinct neighborhood response teams
- Training officers or answering questions about searches and seizures

Working directly with the community:

The NDA unit began in response to community concerns, and working with community groups continues to be a key part of the work of NDA staff. One DDA in the NDA unit said that the work “puts you on the frontline of community needs.” Examples of NDA prosecutors working closely with the community include:

- Attending neighborhood association and business association meetings
- Participating in the development of good neighbor agreements
- Helping to implement trespass agreements with businesses and apartment complexes
- Working with the business community on the bus mall to target areas of concern

In addition to their work with police and community groups, NDA prosecutors review and issue (determine that a case has merit to proceed in the legal process) non-custody misdemeanor cases forwarded from the DA’s Intake unit, occasionally review felony cases, and often follow-up on significant cases that impact the districts where they are stationed.

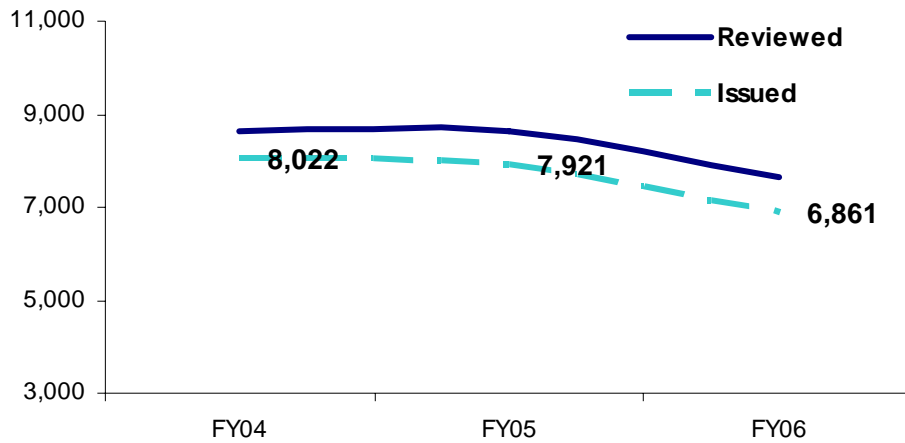
Preliminary Analysis of Outcome Data

Cases Reviewed and Issued:

Prosecutors working in the NDA unit were not initially assigned to review cases forwarded from the DA’s Intake unit, but that task was added to their work assignments when other staff from the DA’s Office were cut during periods of budget reductions. Program offers (annual budget proposals) for the NDA unit report the number of cases reviewed and issued as performance measures. The data provided by the DA’s Office

report that 90% or more of the cases reviewed between FY04 and FY06 were subsequently issued (forwarded on for prosecution). The number of cases reviewed declined by 12% and the number of cases issued declined by 14% in that time period. Management suggested that this decrease was due to a change in the case review responsibilities assigned to interns. Cases reviewed and issued are shown in the chart that follows.

Exhibit 2: Cases Reviewed and Cases Issued – FY04 through FY06



Source: Auditor's Office analysis of the DA's Office reported data

Community Search Warrants:

Using a community search warrant was a strategy developed by the NDA prosecutors in response to residents' concerns about drug houses and other neighborhood crime problems. This approach was first used in April 2002, and NDA staff told us that its use has sent a message to drug dealers and demonstrated to concerned neighbors that the law enforcement community listens to them.

According to data provided by the DA's Office, about 90 community search warrants were served between its inception in 2002 and August 2006. All of these were served within the City of Portland and often resulted in eviction of the individual(s) living in the residence, as well as seizure of drugs and/or drug paraphernalia.

(Please note that the data discussed in this section were drawn from reports provided by the DA's Office or found in the NDA's program offers. Data collection methods were not reviewed, and data were not tested for accuracy or reliability.)

Summary of Preliminary Review of the DA's Neighborhood DA Unit

Program strengths: The NDA unit employs well-trained, professional staff, some of whom are recognized as national experts in community prosecution. Their work appears to be valued and appreciated by the community, the police, and the District Attorney. We were impressed with the collaboration employed to alleviate quality-of-life crimes. We heard testimonials from the police and community partners about the effectiveness of approaches used, including one officer who commented that the NDA was "very important to the work police do and...has helped really turn things around."

The staff we spoke with were committed to the model of community prosecution used by the NDA. Several NDA prosecutors commented about the opportunity they have to affect criminal behaviors and crime in communities. Individual NDA staff are trained and expected to work autonomously with the police, business groups, and neighborhood organizations in their assigned areas of the county. They use their professional judgment to build effective relationships with the police and community groups.

We observed first-hand that NDA prosecutors provide police with tools, such as the community search warrant, to address livability issues in affected neighborhoods. NDA prosecutors advise and assist police officers to strengthen cases and neighborhood response actions by providing special training, technical assistance, and clarification of the law, or by being present during various precinct missions and other ride-alongs. We also observed that the police and community groups rely on the NDA unit to interpret laws and ordinances and to provide leadership on how to impact crime.

Areas for Further Consideration and Study: The following suggestions are aimed at strengthening how the NDA unit tracks efforts, demonstrates effectiveness, and assesses community outcomes.

Tracking workload and outcomes: Generally speaking, the NDA unit appears to have adequate overall management processes, but we found that the process for logging activities may not provide accurate data for reporting outcomes.

Each month, most NDA staff log cases reviewed and issued, problem-solving activities and contacts, and training and education events carried out. They summarize those activities for management in monthly "desk count" reports. We were provided desk count reports covering a six month period in 2006 and found that the reports are not consistently prepared by NDA staff. In addition, some numbers appeared to be estimates rather than actual counts. For example, in one case, there was no fluctuation in the number of individual police contacts reported – 150 contacts in each of the six months – an activity that would likely have had month-to-month fluctuation.

Management indicated that the desk count reports were established more as a supervisory tool than an instrument for collecting data. However, we are concerned that the reports may present an inaccurate picture of program results, particularly since the numbers are used in calculating the performance measures contained in the NDA's program offers. We suggest that NDA management review the process for logging

activities and establish practices that ensure greater accuracy in how data are recorded. If this is not feasible, we recommend development of alternative performance measures using data that can be verified and tested, such as those found in the DA's CRIMES case tracking system.

Also, during our review, the DA's Office discovered an error in how cases reviewed and issued by NDA prosecutors had previously been captured in CRIMES and reported in the Auditor's Service Efforts and Accomplishments report. The DA's Office has indicated that they are working to correct that problem.

Measuring impact: In August 2003, the Bureau of Justice Assistance (BJA) issued a monograph that discussed community prosecution efforts throughout the country, including Multnomah County's NDA unit. The monograph proposed a framework for evaluating the impact of community prosecution initiatives, including a comprehensive list of outcomes for organizations to consider in measuring program effectiveness.

We recommend that the NDA unit consider adopting the BJA evaluation framework and develop processes to measure some or all of the suggested outcomes, possibly in conjunction with implementation of MultStat. To begin with, BJA has already applied the framework to Multnomah County's NDA unit, so that step is presumably complete. Further, much of the data needed to measure the suggested outcomes may reside in systems managed by or available to the DA's Office.

Conclusion

We were impressed with the professionalism and dedication of the NDA prosecutors. The program appears to successfully provide an innovative approach to community prosecution and one that, according to one DDA we spoke with, "makes the rule of law relevant to the community." Because the audit ended earlier than planned, we did not fully review data systems, analyze trends, or determine long-term outcomes. However, based on interviews and observations, with support from our limited preliminary analyses, the NDA unit appears to operate efficiently and effectively. Further, the level of collaboration between the DA's Office and police and community groups is emblematic of successful community prosecution initiatives.

Scope and Methodology

The purpose of the audit was to determine whether the Neighborhood DA unit operates efficiently and effectively, as well as what impact the unit has within the County's public safety network.

Audit steps:

- Reviewed literature and research monographs from the Bureau of Justice Assistance and the American Prosecutors Research Institute literature, as well as other general discussions of community prosecution efforts around the U.S., including the 2002 Boland study of Multnomah County's NDA unit
- Reviewed budget documents applicable to the NDA unit
- Analyzed the DA's expenditure data captured in SAP
- Interviewed NDA management and staff, as well the DA's Finance Manager
- Attended a weekly NDA staff meeting
- Accompanied a DDA as policed served a community search warrant and attended the preliminary meeting of police to plan the mission
- Attended two community problem-solving meetings with NDA staff
- Reviewed statistics and reports supplied by NDA staff

This audit project was included in the FY07 audit schedule and was conducted in accordance with generally accepted government auditing standards.



Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600

Portland, OR 97204-1193

Phone: 503-988-3162 Fax: 503-988-3643 www.co.multnomah.or.us/da/

May 29, 2007

RESPONSE TO AUDIT OF NEIGHBORHOOD DA PROGRAM

To: LaVonne Griffin-Valade, County Auditor

From: Michael D. Schrunk, District Attorney

I wish to express my appreciation to you and your staff for the professional manner in which you have performed the task of auditing the Neighborhood DA program. It is important that the Board of County Commissioners and the public get accurate and relevant information regarding the services provided by their County government programs.

We appreciate your thoughtful suggestions for program improvements in the areas of workload and outcome tracking as well as impact measurement. I am pleased to report that we have already initiated an effort to track case issuing more accurately through CRIMES, our case management system. At this point it appears to be capturing the information we need. In addition, we are initiating an interim measure to more accurately capture the daily activities of the attorneys in the unit. We intend to develop an automated system which will allow us to electronically record not only these activities but also outcomes and impacts related to those activities. We will utilize the recommendations for tracking and analysis outlined in the Monograph you cited from the Bureau of Justice Assistance.

Thank you for your kind words about the importance of the program. We do believe that it provides a valuable service to the people in Multnomah County and we look forward to implementing your suggestions.

Very truly yours,

MICHAEL D. SCHRUNK
District Attorney