

**Department:** District Attorney

**Program Contact:** Jeff Howes

**Program Offer Type:** Innovative/New Program

**Program Offer Stage:** As Requested

**Related Programs:**
**Program Characteristics:** Out of Target

### Executive Summary

A DDA must review all available evidence prior to making a charging decision. Tangible evidence must be reproduced by the district attorney's office and provided to the defense attorney. When body-worn camera evidence is received by the DA's Office, the process of reviewing and replicating the evidence will be mandatory, not discretionary. GPD is currently in the process of purchasing body worn cameras for all GPD patrol officers. Dramatic increases in prosecutors' offices personnel costs are being experienced nationwide.

### Program Summary

Primary among the duties of a deputy district attorney is to review cases submitted by local law enforcement agencies to determine whether the case should be charged as a crime. This function is at the heart of the prosecution function. The charging decision in every case is guided by a 22-step analysis contained within the MCDA Policy Manual. As the case progresses through the system, the video may need to be re-reviewed, redacted, reformatted, and used in trial preparation and witness preparation.

Police departments across the United States are phasing in the use of body worn cameras. The Gresham Police Department has instituted an aggressive timeline for equipping their officers with body-worn cameras. Conservative estimates state that 1.5 hours of video will be created by a police officer on every shift. Of this 1.5 hours, 10% will contain video pertinent to a criminal case – video that must be reviewed prior to charging and must be reproduced and given to the defense after charging.

Body-worn camera evidence will be reviewed by a deputy district attorney. Duplication and distribution of body-worn camera evidence will be accomplished by non-lawyer staff. A review of comparably-sized offices from around the country has shown that, with the adoption of body-worn cameras by law enforcement, prosecutor's personnel costs rose between 3% – 10%. For example, the Wayne County District Attorney's Office (Detroit, MI) experienced an 8% increase in personnel costs after several of their law enforcement partners began using body-worn cameras.

Data from body-worn cameras will be voluminous and secure storage will be necessary to comply with witness/victim privacy concerns as well as Criminal Justice Information Services (CJIS) compliance requirements.

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.

For additional MCDA Budget Information:

<http://mcda.us/wp-content/uploads/2019/02/MCDA-Budget-Informational-Packet-FY-20.pdf>

### Performance Measures

Measure Type	Primary Measure	FY18 Actual	FY19 Purchased	FY19 Estimate	FY20 Offer
Output	Hours of body camera footage reviewed	N/A	N/A	N/A	5800 hrs
Outcome	Better charging decisions reflected by fewer motions to suppress evidence, fewer dismissals of pending cases.	N/A	N/A	N/A	-200 cases

### 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 following material within the possession and control of the district attorney: (b) any written or recorded memoranda of any oral statements made by the defendant, or made by a codefendant if the trial is to be a joint one. (d) Any books, papers, documents, photographs, or tangible objects: (A) which the district attorney intends to offer in evidence at trial.

## Revenue/Expense Detail

	Proposed General Fund	Proposed Other Funds	Proposed General Fund	Proposed Other Funds
Program Expenses	2019	2019	2020	2020
Personnel	\$0	\$0	\$276,032	\$0
Materials & Supplies	\$0	\$0	\$60,322	\$0
<b>Total GF/non-GF</b>	<b>\$0</b>	<b>\$0</b>	<b>\$336,354</b>	<b>\$0</b>
<b>Program Total:</b>	<b>\$0</b>		<b>\$336,354</b>	
<b>Program FTE</b>	0.00	0.00	2.00	0.00

Program Revenues				
<b>Total Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Explanation of Revenues

## Significant Program Changes

Last Year this program was: