

**Department:** District Attorney      **Program Contact:** John Casalino

**Program Offer Type:** Existing Operating Program      **Program Offer Stage:** As Requested

**Related Programs:**
**Program Characteristics:** In Target

### Executive Summary

This program provides some funding for review of police Body Worn Camera (BWC) footage. In order to safeguard the rights of the accused and protect crime victims, law enforcement footage should be reviewed prior to charging. This promotes better charging decisions and increases police accountability and equity in our community. This unit consists of .75 of a DDA position, .75 of a legal assistant position and .5 of an investigator position. Gresham Police, Portland State and OSP officers deploy BWCs generating thousands of hours of footage. At current staffing/funding levels, approximately 70% of the BWC submitted is not reviewed prior to charging a community member with a crime.

### Program Summary

Currently, MCDA BWC unit only reviews approximately 30% of the BWC footage submitted prior to making a charging decision. Duplication and distribution of body-worn camera evidence is accomplished by non-lawyer staff. Gresham Police has 132 BWCs, Portland State and the Oregon State Police are also using BWCs. 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. The COVID pandemic has essentially halted adult criminal trials so costs and work associated after initial review have been held static.

The BWC DDA reviews submitted footage on selected cases and writes summaries of evidence and flags potential legal and constitutional issues surrounding suspect statements, search and seizure and officer conduct, among others. This information is then communicated to the particular reviewing DDA who will use it to completely assess all the submitted evidence in the case and make a charging decision. The BWC Unit legal assistant and investigator are responsible for discovering and editing the video.

In order to fulfill obligations to the community, when properly resourced, all BWC prior to charging a community member with a crime. BWC footage allows DDAs to view crime scenes and witness/victim/suspect interviews through an unfiltered lens. Police conduct and interaction with the community can be meaningfully monitored and procedures put in place to increase police accountability, reduce disparity and increase equity. Transparency and system confidence increases by virtue of additional objective evidence available for subsequent review. Charging decisions will improve, leading to better, more just, outcomes. This unit would need to fund 7.5 FTE at approximately \$1.3 million to completely accomplish this goal.

### Performance Measures

Measure Type	Primary Measure	FY20 Actual	FY21 Budgeted	FY21 Estimate	FY22 Offer
Output	Hours of body camera footage reviewed	309	1,560	768	1,000
Outcome	Trials avoided by better charging decisions through the use of BWC	0	-10	0	0
Outcome	Hours of body camera footage received	1,246	N/A	3,972	4,200

### Performance Measures Descriptions

Output – 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. #2 Outcome – COVID conditions and other factors have not made this a measurable metric. #3 New Outcome this year and is more useful to show volume of work--was not budgeted last year.

## 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 certain material within the possession and control of the district attorney.

## Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Requested General Fund	Requested Other Funds
Program Expenses	2021	2021	2022	2022
Personnel	\$207,174	\$0	\$225,551	\$0
Materials & Supplies	\$28,136	\$0	\$5,000	\$0
Internal Services	\$0	\$0	\$31,003	\$0
<b>Total GF/non-GF</b>	<b>\$235,310</b>	<b>\$0</b>	<b>\$261,554</b>	<b>\$0</b>
<b>Program Total:</b>	<b>\$235,310</b>		<b>\$261,554</b>	
<b>Program FTE</b>	1.50	0.00	1.50	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:** FY 2021: 15012A Body Worn Cameras - Gresham

Last Year this program was: FY 2021: 15012-20 Body Worn Cameras - Gresham

Last year, that program partially funded the BWC Unit with a 0.74 FTE Deputy District Attorney 2 and a 0.74 FTE Office Assistant 2. Gresham PD began a gradual deploying BWCs in January 2020. They were fully deployed in FY2021. This combined with OSP and Portland State and the protests in Portland, has overload the current capacity of MCDA BWC Unit to review cases in order to protect community members who are victims of criminal conduct and minimized MCDA's ability to safeguard the rights of the accused. Submitted program 15012B is offered not to increase pre-charging review but to at least increase the ability to review BWC post-charging.

Internal service charges are increased reflecting a change to allocate facilities, data, distribution, telecommunications, and fleet services in individual units. Previously these costs were consolidated in 15001 - Administrative Support Services, 15002 - Information Technology, and the Division I, II, III, and IV Administration program offers.