



Office of Community Involvement



Department of Community Justice CBAC

TO: Chair Deborah Kafoury and Board of County Commissioners 5 pages

FROM: Department of Community Justice Budget Advisory Committee (CBAC)

DATE: April 16, 2021

SUBJECT: DCJ Community Budget Advisory Committee Report & Recommendations

EXECUTIVE SUMMARY

A budget is a moral document. This is particularly the case with regards to public budgets that impact our most vulnerable and marginalized neighbors. How the county and this department plans to spend their significant, but limited resources significantly impacts community members who are served by the county. As the CBAC for the Department of Community Justice, we are called to holistically evaluate the department's proposed budget and report on its alignment with the values of our community.

Promoting public safety is a value of the county and the Department of Community Justice is one of the law enforcement departments traditionally tasked with working toward achieving this value. Yet, the law enforcement model of achieving public safety is inefficient, unsustainable, and, at its core, racist and inequitable. We provide this advisory report through that lens.

Public safety depends on meeting people's basic needs and responding to harm in ways that support crime victims, transform the circumstances that promote violence, and promote accountability and behavioral change. These responses are best achieved outside of law enforcement settings, which depend on control and the possibility of punishment. Our budget recommendations seek to divest from the Department of Community Justice so that the county can invest its resources in achieving true community safety that does not depend on law enforcement.

PROCESS

The FY 2022 DCJ CBAC met monthly over a videoconference platform with DCJ staff and contractors beginning in October 2020. The reality of meeting during a worldwide pandemic, which disproportionately harmed Black, Indigenous, and other people of color, impacted our seven member committee. While the virtual meeting space made it easier for some members to attend, overall attendance was inconsistent. At least one of our meetings was attended by

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three white committee members and none of the remaining four BIPOC members. The absence of their voices is noted.

While the CBAC appreciates the commitment and availability of DCJ to meet monthly outside of the budget season, we note with disappointment that CBAC members did not enjoy access to the Director's budget proposal until the day that proposal became public on March 10. This is simply not enough time for a volunteer committee to meaningfully evaluate a \$103M (\$77M general fund) budget proposal spread over 49 distinct program offers. While recognizing the department's need to maintain discretion when budget proposals could impact current employees, we urge the department to consider ways to be more transparent with their budget proposal earlier in the process. We point to the February 12 budget proposal transmittal date as a date that the department could share the budget proposal with the CBAC in future years and urge the department to consider earlier access to the budget in order to achieve increased transparency.

EMERGING ISSUES & CHANGES

The adaptation of department operations during the ongoing global pandemic, the local and nationwide reckoning about the individual and community harm caused by the corrections system, and significant state policy changes that have gone into effect in 2020 & 2021 inform our outlook into the future of DCJ.

- **Adaptation of department operations**--DCJ leadership shared with the CBAC how they are adapting to public health requirements since March 2020. We learned that in-person check-ins between people under DCJ supervision were significantly reduced and replaced by phone or virtual check-ins, which the department intends to continue. Virtual visits create easier access for many, but not all people, under supervision and seem to be accomplished more efficiently due to eliminated travel time and expense. We also learned that DCJ is reducing its office footprint. These and other changes will allow the department to operate with reduced expenses related to supervision. At the same time, the pandemic has made it more difficult to reach people who have been harmed and for them to access services. In order to fulfill the department's commitment to public safety, we encourage it to direct resources toward the immediate and long-term needs of people who have been harmed by crime, especially focusing on BIPOC and other marginalized populations who are less likely to report crime and have less access to traditional system-based resources.
- **Reckoning of the harm caused by the corrections system**--While awareness of harms caused at all stages of the corrections system has increased over the past year, these harms were well known within communities most impacted by the system. Correctional control, at all levels-- policing, prosecution, incarceration, and community

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corrections--causes harm. Sadly, for centuries, both locally and nationally, we have failed to invest systematically in resources that prevent crime and in safe, effective, healing non-punitive responses to crime that promote public safety. Instead, we've dangerously invested in a racist system in the name of public safety that leaves individuals, communities, and victims of crime less safe. Community corrections is not an exception.

While we've heard from department leadership of a focus on equity and reducing the population of people under community corrections control, we have not received clear information about the experiences of people under supervision, nor the experience of people who have been harmed who receive services from the department. We are supportive of DCJ directing funds to community programs like CHI and Flip The Script, but believe that effective, culturally-specific programs that serve people who have caused harm should have streams of funding that are independent of the corrections system. It is not appropriate to connect underfunded healing programs to a much larger department primarily staffed by law enforcement officers.

- **State policy changes**--During the past 18 months, two significant statewide policy changes went into effect: SB 1008 (2019), which made the juvenile justice system the presumptive setting for resolving harm caused by children, and BM 110 (2020), which directed that state to fund health-based services for people who use drugs and removed criminal penalties for low-level drug possession. While overall juvenile detention usage declined during the past year, we are alarmed that some kids are spending longer times in detention due to waiver hearing delays. Just as we know that requiring adults to stay in jail because they can't afford bail is an affront to justice and equity, so should children not remain incarcerated because of system delays. We urge the county commission to set a hard cap on the number of days that children can spend in detention due to procedural delays and insist that system departments find an immediate solution.

While implementation of BM 110 is just beginning, we expect two noteworthy impacts on department operations. First, certain drug court programs will be discontinued because people who use drugs will no longer be charged and sentenced criminally. The department's proposed budget shows these reductions in both State funding and budgetary requests from the general fund (offer 50014). Department leadership indicated that people currently in drug court will see their cases dismissed as the program is eliminated. We are concerned with the abrupt termination of lifesaving health and peer support services and the impact this will have on people who were recipients of this service. Responsible termination of these programs should lead to diverting funding from correctional departments to maintain these essential services outside of correctional departments. Second, we anticipate a reduction in the population of people under correctional control of the department.

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BUDGET FEEDBACK

We recommend that the following factors guide budget decisions for FY22:

- Reduction in number of people under supervision--Due to the pandemic, the department saw a reduction in its population in FY20 and FY21. While we anticipate that the operational impacts of the pandemic will wane in FY22 the impacts of BM110 will continue along with a change in charging priorities from the DA's office. In its April 2021 forecast, The state estimates that the statewide community corrections population in 2022 will be 90% of the 2020 population. Assuming a similar trend in Multnomah County, the adult Community Corrections population should be approximately 9,200 people. Inexplicably, in program offer 50000A, the department estimates that 11,500 adults will be supervised in FY22, which is more than 1,200 more people than were supervised in FY20. We urge county commissioners to fund DCJ based on a reduced correctional population and invest these funds in programs and services outside of the corrections system that proactively and responsively reduce harm.
- One area within the department budget that we urge increased funding is the victims service unit (offer 50003). It is unconscionable that people who are harmed by crime and need their basic needs of safety and protection met receive such limited funding. Crime victims, especially from marginalized groups experience diverse needs when they are harmed, which go beyond punishment of the person who caused the harm. Money saved based on a reduction in the corrections population should be used to increase funding for victim services and ensure that services are available for people who have been harmed regardless of their participation in the legal system.
- As we work toward a reduction of the role of the criminal justice system in achieving true public safety, it is essential that the county invest in the creation and sustainability of responses to violence that do not perpetuate further violence. Local and national public health models like [Healing Hurt People](#) and [Common Justice](#) demonstrate that we can effectively respond to violence without relying on the criminal justice system. We urge direct investments in programs and initiatives like these so that future shrinking of the traditional criminal justice departments can be more realistic.

PROGRAM OFFER RECOMMENDATIONS

As discussed above, due to the nature of the budget process, we are not making specific recommendations regarding individual cuts or out of target requests in this report; in fact, these cuts and requests reflect only a small percentage of the budget. Instead, we urge the commissioners to consider that the estimates for the number of people on supervision in FY22 are likely unrealistically inflated resulting in excessive budgeting. More transparency in these estimates could lead to right-sizing the budget and ensuring that limited funds go toward programs that reduce the need for correctional control and promote healing, equity, and justice.

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