



Office of Community Involvement



DA CBAC

TO: Chair Deborah Kafoury and County Board of Commissioners (4) pages

FROM: DA CBAC

DATE: 4/3/2019

SUBJECT: Budget Advisory Committee (CBAC) Report & Recommendations

EXECUTIVE SUMMARY

The Multnomah County District Attorney's Office has been confronted with a 3% constraint plus an additional \$2.2 million dollars in program reductions for the FY19 budget. These reductions include non-renewal of the long-standing contract with the Department of Human Services (DHS) to provide counsel for Termination of Parental Rights (TPR) cases in Multnomah County and Juvenile & Title IV e-contracts. The elimination of TPR programming will require reassignment and potential demotion of up to seven DDAs. Notwithstanding these reductions and disruptions; prosecution of the most serious criminal offenders and the safety of our community remain the top priorities for the Multnomah County District Attorney's Office. Accordingly, recommendations for budget reductions are proposed with a goal of minimizing effects on the department's ability to prosecute crimes and maintain community safety in a manner that avoids discriminatory practices and impact. To meet the constraint, CBAC recommendations include reducing Juvenile resources and reallocating juvenile victims assistance work to existing "Victim Advocate" programs in other units.

The CBAC encourages funding for gathering additional data to allow for further evaluation of how the DA's Office can use its resources in an equitable and consistent manner addressing historical inequities and racial disparities in the criminal justice system. We recommend that metrics for measurement of outcomes be adopted in consultation with local organizations involved with criminal justice reform and civil rights work.

Additional funding for data analysis has been a consistent request for over several years to enable the DA's office to make decisions about how to allocate its existing resources to meet its primary goals. CBAC members were tasked with recommending and prioritizing programs and to do so, we needed sufficient information. With the process changes described below an investment in these analytical resources is even more critical.

PROCESS

This year, the DA CBAC added 3 new committee members for a total of 7 members, partially fulfilling a goal of diversifying the CBAC membership. The CBAC met a total of 10 hours. This year was also a more dynamic year than others. The CBAC made efforts to gather information from a variety of sources within the DA's office and from one outside community group, the ACLU of Oregon. In the future, CBAC members believe that more outreach to community groups and stakeholders would continue to be beneficial to the process. These recommendations reflect the collective opinion of the committee, which consists of community members and practicing attorneys with decades of experience with the Multnomah County criminal justice system.

The CBAC's recommendations were also based on presentations from District Attorney Rod Underhill and DA Finance Manager, Allen Vogt, both of whom presented information on the budget structure and recommendations of areas of constraint. The CBAC also heard presentations from Chief Deputy District Attorney John Casalino and Senior Deputy District Attorney Lori Fellows. Mr. Casalino and Ms. Fellows provided an in-depth presentation regarding the change in services regarding juvenile dependency cases and the loss of funding as a result of this change. The CBAC was also visited by Deputy District Attorney Jeff Lowe, and Senior Legal Assistant Tammy Ruffing for a discussion of grand jury recordation. The CBAC also hear from Senior Deputy District Attorney Glen Banfield and Victim Advocate Kendra Bonetti regarding the work of the Department's Equity, Dignity and Opportunity Council (EDOC). Finally, Deputy District Attorney Ryan Lufkin covered the Gresham police department body camera implementation process and also discussed case weighting analysis. The CBAC found these presentations to be helpful in educating members about the costs associated with various policy preferences as well as state mandates.

District Attorney Rod Underhill provided helpful rationale for his recommendations, including a FY19-20 Supplementary Budget Report. Given the significant number of new committee members, substantial time was spent on budget and program education.

As there are some CBAC members who are familiar with the criminal justice system and the District Attorney's office in general, the opinions of these members were discussed at CBAC meetings. Topics covered included the District Attorney's Office historical involvement with Juvenile Dependency and Termination of Parental Rights (TPR) cases, and the changes to programming and budget that occurred as the TPR contract was awarded to the Department of Justice. In addition, the Multidisciplinary Team (MDT) unit will be moved to the Juvenile Court Building to realize cost savings. They are currently co-housed with DHS to allow coordination and collaboration with DHS regarding child abuse investigation and planning.

Members: Tim Cunningham, Cynthia Escamilla, Yesenia Gallardo, Leah Gibbs, Lisabeth (Lissa) Kaufman, Rebecca Nickels, Ernest Warren
Staff: Dana, Anderson, Allen Vogt

EMERGING ISSUES & CHANGES

Three significant challenges impacted budgetary decision-making in FY20. First, budget constraints from the general fund were exacerbated by the loss of funding streams at the state and federal levels. Second, these losses of funding were accompanied by several unfunded mandates that impacted the MCDA's office, including grand jury recordation requirements and implementation of body-worn camera procedures in some jurisdictions. Third, there continues to be a dearth of data associated with measuring the outcomes and impact of MCDA's various programs and how these are meeting the overall objectives of the agency. The current metrics (which are largely financial or volume-based as opposed to outcome-based) are insufficient and it is difficult for the CBAC to make reasoned and thoughtful decisions about how best to support a given program or department.

The CBAC shares the County's commitment to equity and also prioritizes the needs of vulnerable populations. Accordingly, data and information on trends including the impacts on communities of color, recidivism, and racial disparities of the criminal justice system in Multnomah County are critical to informed decision-making. As the department responsible for making charging and prosecutorial decisions, it is critical that the MCDA has the necessary information to ensure equity in policy and practices.

This year, the MCDA will be required to fulfill new mandates, including the implementation of body worn cameras in Gresham and Portland, and the ongoing recordation of grand jury processes. Without increased financial support to comply with these new requirements, there are insufficient resources for other important programs. The goal of transparency is promoted by these two new mandates. However, the goals of promoting equity for reducing bias in management of MCDA cases requires considerate expense to evaluate the volume of new data. Therefore, we support funding to best apply this powerful new tool.

Multnomah County is becoming larger and more complex. With this brings new challenges for MCDA. The CBAC supports the addition of a dedicated Mental Health DDA and a Homelessness Specialty Court Coordinator. The CBAC supports adequate funding for targeted and special programs to meet the safety needs of the communities while protecting the special needs of these vulnerable populations.

RECOMMENDATIONS

CBAC recommendations for budget modifications were based on an understanding of the unique funding challenges for FY20 and the shifting needs for prosecutorial resources. For example, with the loss of TPR funding, the Juvenile Dependency and Delinquency unit still requires investment for the children and families of Multnomah County. The CBAC concurs with the DA's recommendations for cuts because they are creating ongoing efficiencies within their units while minimizing the impact to public safety. Additionally, during discussions the CBAC discussed the DA's emphasis on ensuring prosecution of more serious person crimes and allocating scarce resources towards this goal.

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The CBAC regrets to recommend the following cuts:

- Juvenile Trial Court - 3.79 FTE
- Unit A/B - 1.0 FTE
- Victim Assistance Program - 2.0 FTE

The Out-of-Constraint budget requests are based on the need for support for programs that will help increase the capacity and effectiveness of the DA's ability to prosecute crimes and increase efficiencies through adoption of new set of metrics. Our specific recommendations are as follows, in priority order:

General Fund Requests:

1. 15013 MCDA Research and Planning Unit (2.0 FTE new-ongoing) \$260,000

This funding will support the ability to measure outcomes of new performance metrics adopted for the MCDA's office.

2. 15101 B Juvenile Dependency and Delinquency (8.0 FTE backfill) \$1,296,318

Select Juvenile Dependency and Delinquency caseload; No TPR in order to represent state's interest in non-MDT dependency cases where the DA's presence will be most impactful.

Unfunded Mandates:

3a. 15012 Body Work Cameras - Gresham (2.0 FTE new-ongoing) \$336,354

3b. 15011 Body Worn Cameras - Portland (7.0 FTE new-ongoing) \$1,313,927

Video review, discovery, trial prep, trial, redaction as result of Gresham and Portland police video evidence

3c. 15016 Grand Jury Recordation (2.0 FTE new-ongoing) \$367,060

General Fund Requests:

4. 15014 Mental Health DDA (1.0 FTE) \$151,574

Support efforts to connect misdemeanor offenders with mental health service providers and social services

5. 15015 Homelessness Specialty Court DDA \$151,574

Funds resource to collaborate with community, agency, and social service providers in effort to reduce recidivism and improve stability in housing and treatment

ACKNOWLEDGEMENTS

The CBAC would like to acknowledge the contributions of Allen Vogt and Dana Anderson, both of whom ensured that committee members had necessary information and support. The CBAC would also like to recognize our outgoing member, Lissa Kaufman, who served on this and other CBAC committees for the last 6 years. She is dedicated to our County, and her years of service are very much appreciated.

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