

Multnomah County District Attorney's Office Community Budget Advisory Committee FY 2024 Report

The Multnomah County District Attorney's Office (MCDA) Community Budget Advisory Committee (CBAC) met repeatedly over several months to review and evaluate the MCDA proposed FY 2024 budget. District Attorney Mike Schmidt (DA) and his staff presented substantive information about MCDA workloads, reporting dashboards, and both qualitative and quantitative data around the 2024 budget submission. In this effort, DA and his staff placed particular emphasis upon operating in a manner that achieved both public safety and social justice. The committee also met with multiple MCDA employees and evaluated data from other third-party sources in reaching its conclusions. We appreciate the DA's commitment to transparency and accountability.

Based upon these inputs, the MCDA-CBAC reached the following conclusions and recommendations, which we respectfully submit to the Board of County Commissioners.

As a prelude, several members of the current MCDA-CBAC were involved in the FY 2023 budget process, and we believed the increase in funding approved by the Board of County Commissioners was a meaningful step forward to address chronic and systemic funding shortfalls at MCDA. We recognize the challenges and root causes of higher rates of crime are complex, systemic, and ever evolving. We recognize that no government authority has unlimited resources to address what at times looks like limitless needs for funding. We believe the funding increases in 2023 were a positive step forward to narrow the resource shortfall, but that MCDA continues to operate at crisis levels, and we support the DA's 2024 budget requests as a further step to make our communities safer and more just.

1. We reviewed the third-party staffing adequacy study performed in 2018 and again in January 2023. This report performed an analysis of required staffing levels at MCDA relative to workloads. In 2018, the report identified that the department was understaffed by 41.29 FTEs or 35.9%. In 2023 the shortfall is lower, but still substantial, with a deficit of 26.92 FTEs or 24.7%.
2. The extent of chronic understaffing over time, in our opinion, has exacerbated the current challenges of a department that is being asked to fight a crime wave of historic proportions, address past social justice inequities (Justice Integrity Unit), and modernize its IT systems, but being given, at best, 75 cents on the dollar to meet the challenge. The report identified staffing shortfalls of 33% in the criminal trial unit, 24% in property and violent offenses, 26% in non-domestic violence felony crimes, 23% in domestic violence, 34% in the child abuse team, and 27% in misdemeanor trial unit, to name a few. Although funding has increased, the shortfalls remain. Candidly, this report further elaborates that the funding gap is larger

than 25 cents on the dollar. Why? As an example, the shortfall of public defenders has resulted in a higher proportion of cases being dismissed before reaching prosecution. In 2022 a report by the American Bar Association (“The Oregon Project: An Analysis of the Oregon Public Defense System and Attorney Workload Standards”, January 21, 2022) found Oregon has 31% of the public defenders it needs. This constitutional crisis contributes to the MCDA being unable to prosecute hundreds of cases for lack of available defense attorneys – MCDA is issuing cases only to see them dismissed by the courts. Stated differently, if the public defender crisis didn’t exist, the funding shortfall would be higher.

3. This chronic underfunding is further corroborated by dashboards maintained by the MCDA. Open cases per prosecutor for felonies have grown from 38 in 2019 to 101 in 2023. Open cases per prosecutor for misdemeanors has grown from 525 to 766. At the recent work session with the Chair the DA expressed his appreciation that the additional funding from the 2023 budget cycle has improved overall caseload management. But the caseloads continue to be too high, in our opinion, especially by historical standards.
4. The volume of criminal activity is an exogenous force requiring additional resources. The Portland Police Bureau reported 1,028 vehicle thefts, 548 burglaries, 1,088 cases of vandalism, and 672 assaults in January 2023 alone. For the twelve-month period ended February 28, 2023, Portland Police Bureau reported 70,554 crimes. Homicide rates continue at unacceptably high levels (86 over this same time period). The City of Gresham averages around 2,700 crimes annually. This means that the approximately 800,000 residents of Multnomah County have a 1 in 10 chance of being a victim of crime in a year. We recognize that the resources to make Multnomah County safe again require funding of many needs, not just that of the MCDA. We also recognize that communities can’t simply “arrest their way out of the problem.” But, while many efforts are taking place throughout Multnomah County to deal with this level of criminal activity, we believe the DA’s office cannot continue a trendline of systemic underfunding while the trendline of higher crime rates is elevated.
5. To accommodate budget constraints requested by the Chair, MCDA proposed cuts to the misdemeanor trial and the property/drugs/human trafficking units (units a/b). We support the restoration requests by MCDA and do not support any budgetary reduction that results in reduced actions to prosecute property crimes.
6. We understand the recently enacted MAAP program is underway, utilizing a pilot program structure. We support the Board of County Commissioners’ desire to see data driven results from this program, and value the DA’s commitment to do so.
7. We understand the Chair has requested program offers to fund certain task forces for auto theft and organized retail theft. We support these types of budget increases, tied to data driven reporting to ensure, like all budget resources at Multnomah County, spending is tied to measurable outcomes.

8. We did not spend time on the body worn camera issue. We understand body worn cameras act as an unfunded mandate on the county, because once local police departments enact these cameras, the DA's office will be required to review the videos. We appreciate the Board of County Commissioners' caution in how this is funded.
9. Lastly, but most importantly, we have been encouraged by the DA's outreach with the communities most impacted by crime. Making change will require community partnerships and leadership.

Overall, we support the DA's 2024 budget submission, and support the Chair's request for funding of selected task forces enthusiastically. We believe the budget should not allow for higher caseloads for misdemeanors and believe the current level of funding should not decrease.

Thank you for your consideration of this recommendation.

MCDCA – CBAC Members:

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