

TO: Chair Jessica Vega Pederson  
Chris Fick, Chief of Staff  
Serena Cruz, Chief Operating Officer  
Christian Elkin, Budget Director

FROM: District Attorney Mike Schmidt, Multnomah County District Attorney

DATE: February 13, 2023

RE: FY 2024 Budget Submission Transmittal Letter

---

## Department Overview

---

It is an honor to transmit to the Chair this submitted FY 2024 budget for the Multnomah County District Attorney's Office (MCDA).

A budget is a moral document and a vehicle for transparent and accountable fiscal responsibility. This budget promotes the County's public safety value of maintaining safe neighborhoods through prevention, intervention, and enforcement by using smart approaches to prosecuting criminal activity. It serves vulnerable people in our community including crime victims and those seeking child support. Finally, it promotes social and racial justice with investments to achieve diversity, equity and inclusion goals within the MCDA organization and in the outcomes of our work.

County residents are aware of the profound social disruption that emerged with the pandemic response beginning in March 2020. The impacts of the pandemic are far reaching and will likely play out over generations. The impacts to public safety include an exponential increase in the homicide rate, a mental health and addiction crisis, a broken public defense system, and police resources that are stretched too thin. MCDA now has unprecedented caseloads leading to increased employee stress and turnover and victim dissatisfaction.

Notwithstanding these challenges, guided by our mission and values work and with the support of the Board of Commissioners, MCDA is building back better. Increases in the

past two years are helping rebuild toward staffing rates commensurate with the workload. The Justice Integrity Unit, established in FY 2022, has overturned wrongful convictions, and continues to review a large number of expungement and clemency requests. The Multnomah Attorney Access Program (MAAP) funded for FY 2023 has reestablished a community-based approach recognized by DA offices around the country as a best practice. Multnomah County was once a leader in this area and I'm proud to say that we are reestablishing ourselves and learning from innovations other offices have made in the intervening years when our program went away due to budget cuts. MCDA is a national transparency leader, publishing our data plainly on our website with accompanying data stories to help the general public understand why this data is meaningful. We have the most diverse staff and diverse leadership in the history of the agency. And, finally, we are on the precipice of becoming a paperless office with electronic discovery for our defense partners.

Despite historic challenges, the people of MCDA show up every day to do extremely challenging work because they believe in Multnomah County and the ideal that everybody deserves to live in a safe community where people can thrive.

---

## Diversity, Equity, and Inclusion Efforts

---

MCDA's mission centers equity: *We strive for justice and equitable outcomes in the pursuit of greater public safety for all. The Multnomah County District Attorney's Office carries out its responsibilities with integrity and humility. We are a learning organization guided by evidence-based research. We are committed to criminal justice reform and building trust.*

This mission is supported by two (of five) values that speak to inclusion and diversity:

*Be **collaborative**. Uphold inclusive approaches where all voices are heard and constructive feedback is welcomed. Foster a culture of trust, humility, and respect.*

*Seek **equitable outcomes**. Reduce racial and all forms of discrimination within our systems. Assess for adverse impacts and disparities within our decisions, policies, and practices.*

The Chair and Commission signaled their commitment to advancing DEI at MCDA with funding in the FY 2023 Budget for MCDA to hire its first Equity Manager. The Equity Manager joined MCDA's Executive Team in September of 2022. Ari Alberg, a team of one, is already leading our executive team through trainings, administered an office wide survey

on equity, and is leading our managers throughout the office on a six-week course to help them bring equity work into their daily lives and practice.

MCDA needs relief from historically high caseload to leverage the expertise brought to MCDA by its Equity Manager and to utilize the quality resources and support available from other County staff. Management and frontline staff lack capacity to engage in the training and implementation activities necessary to address known DEI concerns.

---

## FY 2024 Budget Priorities and Key Issues

---

Multnomah County continues to see high rates of violent crime, particularly homicides and domestic violence. These higher crime rates have now been persistent over several years. MCDA continues to support County investments in interventions that prevent crime, but there is also a need for added capacity to seek justice and accountability through the criminal legal system. Simply put, MCDA needs to grow its staffing levels to reflect today's public safety challenges.

### Continue added staffing for gun Violence and Domestic Violence cases

Positions funded by the American Rescue Plan assisted MCDA to prosecute felony gun violence and domestic violence cases in a more timely and thorough manner and reduce caseloads. MCDA's gun violence caseload per attorney are alarmingly high, but without the positions funded by ARP, we estimate caseloads would be 27% higher. As the homicide rate remains historically high, it is critical to maintain the staffing that has been supported by ARP.

### Avoid cuts that would impact prosecution of misdemeanors

If reduced funding is available, MCDA will prioritize the prosecution of felonies over the prosecution of misdemeanor crimes. However, misdemeanor crimes can have serious impact on victims. Take driving under the influence (DUI) and theft under \$1000 for instance. The misdemeanor crimes have a significant impact on the safety of our roads, and the profitability of our businesses. For a variety of reasons, MCDA's misdemeanor caseload has continued to climb. Reduction in staffing of these units would negatively impact efforts to address the misdemeanor backlog.

### Provide additional resources and focus to homicide prosecutions

I cannot overstate the tragedies reflected in the current homicide rate. These violent deaths are concentrated among people who are unhoused and take place in our lowest income neighborhoods. BIPOC people are significantly overrepresented in the death toll. MCDA absolutely supports investments in prevention strategies. Holding people accountable through prosecution can contribute to interrupting cycles of violence. In particular, when we can effectively engage with survivors, we can lessen the likelihood of unsanctioned retribution.

Because of the volume of these most serious crimes, MCDA is moving to focus prosecution of homicides in a single unit. Prosecutors are finding it is too difficult to manage a caseload comprised of a range of felony crimes. MCDA seeks the Chair and Commission's support to add a deputy district attorney, investigator, legal assistant and victim advocate positions and assign them to the new homicide unit.

### Stabilize and modernize mission-critical information technology

Chronic under-investment in information technology has exposed MCDA to the possibility of critical systems failing. The negative consequences in a breakdown of data and document management systems cannot be overstated. MCDA proposes one-time funding for the replacement of MCDA's case tracking system, CRIMES. The CRIMES system is operationally obsolete, surpassing its technological longevity, which poses a threat to public safety.

### Expand capacity to review body-worn camera evidence

Law enforcement adoption of body worn cameras (BWCs) provides a tool for documenting police actions and for holding police accountable when their actions violate protocols, policy or the law. BWC footage can improve MCDA's charging decisions. However, BWCs create a large body of evidence that prosecutors must review and analyze to make charging decisions and then share this evidence with the defense when charges are issued. Today, only a fraction of law enforcement officers in the county wear BWCs but MCDA is unable to review all of the evidence produced. Moreover, the City of Portland is under a consent decree requiring BWCs. The City is negotiating with its police union to determine BWC protocols. Deployment of BWC by the largest law enforcement force in the county will require MCDA to devote substantial new resources to review BWC evidence.

---

## Budget Overview

---

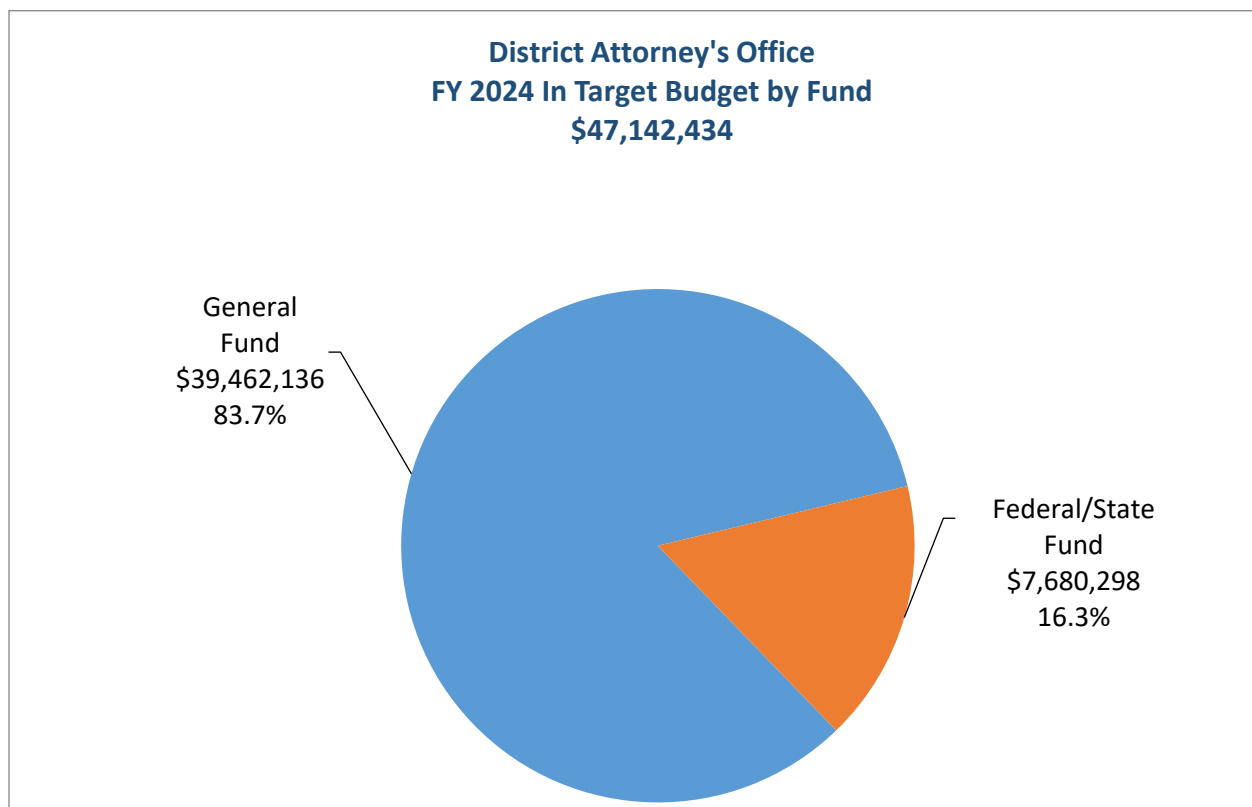
MCDA's budget submission totals \$50,959,307 and 223.46 FTE for FY 2024 for both in and out of target programs. In-target programs are funded within the department's General Fund target

allocation or by Other Funds; out-of-target programs are additional requests not funded within the department’s General Fund target allocation. The submission is detailed in the table below showing the total allocation.

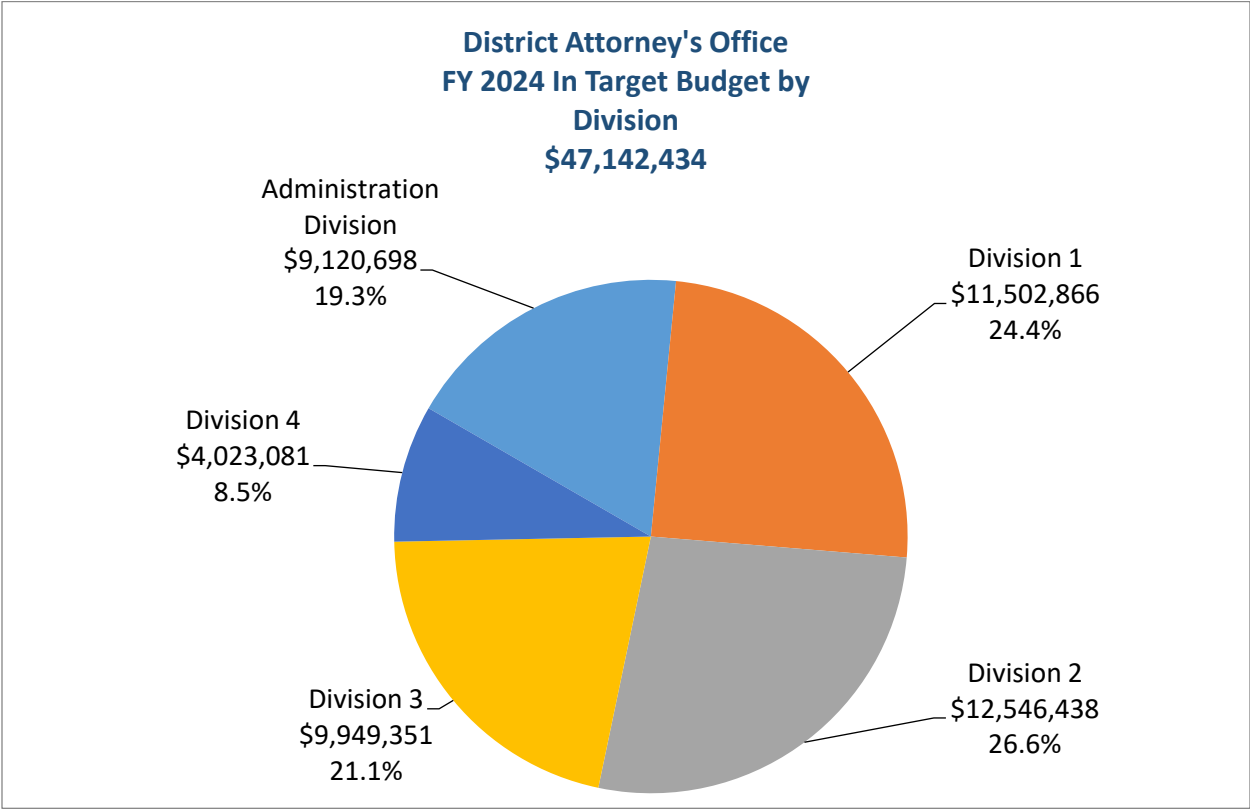
<b>FY 2024 District Attorney’s Office Budget Submission</b>					
	FY 2024 General Fund*	FY 2024 Other Funds (except 1515)	FY 2024 ARP Fund** (1515)	Total Funds	Total FTE
In Target Programs	\$39,462,136	\$7,680,298	\$0	\$47,142,434	206.46
Out of Target Programs	\$2,874,800	\$0	\$942,073	\$3,816,873	17.00
<b>Total FY 2024 Submission</b>	<b>\$42,336,936</b>	<b>\$7,680,298</b>	<b>\$942,073</b>	<b>\$50,959,307</b>	<b>223.46</b>

\* Includes both the General Fund and Video Lottery Fund.

MCDA primarily funded by General Fund. The pie chart below shows the budget by fund for **in target programs**.



The District Attorney's Office has five (5) divisions, with the **in target budget** distributed as shown in the pie chart below.



This budget maintains/supports the department and continues the core work by:

- As the ultimate authority responsible for prosecution of crime, The District Attorney (DA) and executive staff provide the leadership, vision, policies, resource allocation, oversight, and direction for the Multnomah County District Attorney's Office.
- The DA and executive team represent MCDA to public safety peers, work with legislators and State law enforcement leaders, and provide assistance and leadership for statewide and national district attorney matters.
- Division 1 is responsible for criminal cases in which the most vulnerable and diverse children, adults and families in the county are victims. This division includes the Domestic Violence (DV) Unit, Juvenile Court Unit, Misdemeanor Trial Unit (MTU) and Support Enforcement Division (SED). Although racial minorities are over-represented as victims of abuse and as criminal defendants, DDAs and victim advocates engage with these families to reduce disparities and increase access to services.
- Division 2 includes Unit C, the Pretrial Unit, and the Strategic Prosecution and Services Unit (SPSU). Collectively these units handle a wide range of crimes, from aggravated murder and armed robbery to shoplifting and chronic criminal trespass. This division also handles a variety of non-trial matters. Although racial minorities are over-represented as crime victims and criminal defendants, Division II DDAs and DA victim advocates engage with the victims they serve to reduce the impacts of these disparities and increase access to services. Further, the Division II CDDA monitors plea bargaining practices to ensure consistency and improve equity of outcomes.
- Division 3 includes Unit D - violent persons and gun crimes; the Multi-Disciplinary Team (MDT) prosecuting sexual and physical abuse of children; and Unit A/B property/drugs/human trafficking. BIPOC and LGBTQ community members are disproportionately represented both as persons accused of crimes prosecuted in these trial units and as survivors of these crimes. Therefore, the CDDA of Division III encourages staff through daily and weekly meetings to seek equitable, fair and unbiased case charging decisions and resolutions. Evidence based sentencing recommendations focusing on mental health and addiction treatment rather than incarceration whenever possible is the favored outcome whenever possible to best serve public safety.
- Division 4 includes the Victims Assistance Program and the Investigations Unit. The victim advocate is a champion for victims during various stages of the criminal justice process. The primary goal of the Victim Assistance Program is to make the criminal justice system more responsive to community members, particularly to victims of crime. In the Investigations Unit, the investigators are the initial point of contact with victims of crime – a diverse, often vulnerable, injured, skeptical, marginalized cross section of the community.

## General Fund Target Allocation

- In order to meet the 1.5% General Fund constraint requirement, MCDA is distributing reductions among units prosecuting nonviolent crimes. This is a reduction of 3.0 FTE Deputy District Attorney (DDA) positions.
- By doing this, this will preserve attorney staffing in units prosecuting violent crime.
- Also, this will maintain administrative staff to improve efficiency of prosecutors.

## General Fund Reductions

Proposal for Meeting Reduction in FY 2024 General Fund Target Allocation				
Offer Number	Program Name	General Fund	FTE Reduction	% GF Reduced
15105A	Misdemeanor Trial Unit	(174,898)	(1.00)	-100%
15204	Pretrial	(181,346)	(1.00)	-100%
15301	Unit A/B-Property/Drugs/Human	(228,586)	(1.00)	-100%
<b>Totals</b>		<b>(584,830)</b>	<b>(3.00)</b>	<b>N/A</b>

- **PO 15105A Misdemeanor Trial Unit** – Reduction of 1.0 DDA 1 FTE. Attorneys assigned to the Misdemeanor Trial Unit (MTU) prepare cases for trial and represent the State in misdemeanor jury and bench trials. Reduction in these DDAs will increase caseloads for remaining DDAs to levels that are not manageable and will exacerbate challenges to retain prosecutors. Impacts such as delays in prosecutions and less attention to each case further harms victims and do not benefit most defendants either. A restoration program offer is being submitted for this reduction.
- **PO 15204 Pretrial** – Reduction of 1.0 DDA 1 FTE. The Pretrial Unit deputy district attorneys (DDAs) are responsible for reviewing and issuing all misdemeanor cases other than those involving domestic violence. Reduction in these DDAs will increase caseloads for remaining DDAs to levels that are not manageable and will exacerbate challenges to retain prosecutors. Impacts such as delays in prosecutions and less attention to each case further harms victims and do not benefit most defendants either. A restoration program offer is being submitted for this reduction.
- **PO 15301 Unit A/B-Property/Drugs/Human Trafficking** – Reduction of 1.0 DDA 2 FTE. Unit A/B prosecutes property crimes, including wage theft, auto theft, organized retail theft, and commercial drug delivery cases. The Human Trafficking Unit protects survivors of human trafficking many of whom are minors, using a trauma-informed, victim-centered approach. BIPOC community members are disproportionately impacted



by human trafficking. Deputy District Attorneys seeks to establish safety and trust with trafficking survivors. Reduction in these DDAs will increase caseloads for remaining DDAs to levels that are not manageable and will exacerbate challenges to retain prosecutors. Impacts such as delays in prosecutions and less attention to each case further harms victims and do not benefit most defendants either. A restoration program offer is being submitted for this reduction.

## Reallocations

FY 2024 Significant Departmental Changes (Reallocations)				
Offer Number	Program Name	General Fund	Other Funds	% GF Changed
Multiple	Various	(373,413)	0	-100%
Multiple	Various	200,000	0	100%
15002A	Information Technologies	173,413	0	100%
15402	Investigations Unit	491,202	(491,202)	100%
15206	Strategic Prosecution Unit	313,466	(313,466)	100%
15207	MAAP Program	153,598	(153,598)	100%
<b>Totals</b>		<b>958,266</b>	<b>(958,266)</b>	<b>N/A</b>

- **Multiple/15002A – Information Technologies** - Recent staff turnover has resulted in reduced staffing costs as senior staff are replaced by those with less seniority. MCDA is deploying these savings, in the amount of \$373,413, to two areas.

  - Reallocation of \$200,000 to Internal Services-Records due to a \$232,227 (or 62.2%) increase from the previous year. In FY 2023, MDCA received a one-time reduction, in the amount of \$100,000. In FY 2024, the charge is restored.
  - Reallocation of \$173,413 to continue a mission-critical IT position, a Systems Administrator, which was previously funded by SED Incentive (Oregon Child Support Program).
  
- **PO 15402 – Investigations Unit** - To align with County best practices, MCDA is budgeting the revenue and expenses of service contracts, previously from Other Funds, now to the General Fund. In this program offer, Portland Police Bureau contracts for the services of 3.0 MCDA Investigator positions.
  
- **PO 15206A – Strategic Prosecution Unit** - To align with County best practices, MCDA is budgeting the revenue and expenses of service contracts, previously from Other Funds, now to the General Fund. In this program offer, Tri-Met contracts for the services of 1.0 MCDA DDA 3 position.

- **PO 15207A – MAAP Unit** - To align with County best practices, MCDA is budgeting the revenue and expenses of service contracts, previously from Other Funds, now to the General Fund. In this program offer, Gresham Police Department contracts for the services of 1.0 MCDA Investigator position.

---

## State, Federal, and Other Funds

FY 2024 Other Fund Changes					
Offer Number	Program Name	General Fund	Other Funds	FTE Impacts	\$ GF Backfill Requested
15104	Child Support Enforcement	0	(287,983)	(2.00)	0
15206A	Strategic Prosecution Unit	0	(62,677)	(0.31)	0
<b>Total</b>		<b>0</b>	<b>(350,660)</b>	<b>(2.31)</b>	<b>0</b>

- **PO 15104 - Child Support Enforcement** – Reduction in 2.0 FTE in the amount of \$287,983:
  - Reduction of 1.0 FTE Support Enforcement Agent funded by SED 66 Title IV Fed-Oregon Child Support Program. This position is vacant and no longer doing grant work.
  - Reduction of 1.0 FTE System Administrator – SED 66 Title IV Fed-Oregon Child Support Program. This position was no longer performing programmatic grant work. But, this position is performing critical IT work. This position is being backfilled with reallocated General Funds within MCDA’s constraint amount.
- **PO 15206A – Strategic Prosecution Unit** – Reduction of .31 FTE DDA 2 funded by the IPS (Innovative Prosecution Solutions for Combating Violent Crime FY20) grant. This grant ended in FY 2023.

FY 2024 Out of Target Program Requests (Ongoing)							
Priority	Offer Number	Program Name	General Fund	Other Funds	Multco ARP	FTE	New or Existing
1	15901	ARPA - Unit D - Violent Person Crimes - Reduction in Gun Violence Case Management	0	0	746,268	4.00	Existing
2	15900	ARPA - Domestic Violence Unit - Reduction in DV Case Management	0	0	195,805	1.00	Existing
3	15301B	Unit A/B - Property/Drugs/Human Trafficking - Restoration of DDA 2 Position	228,586	0	0	1.00	Existing
4	15204B	Pretrial - Restoration of DDA 1 Position	181,346	0	0	1.00	Existing
5	15105B	Misdemeanor Trial Unit - Restoration of DDA 1 Position	174,898	0	0	1.00	Existing
6	15305	Homicide Unit	669,670	0	0	4.00	New
7	15205B	Body Worn Cameras - Expansion	704,049	0	0	5.00	New
<b>Total</b>			<b>1,958,549</b>	<b>0</b>	<b>942,073</b>	<b>17.00</b>	<b>N/A</b>

- PO 15901 – ARPA-Unit D – Violent Person Crimes – Reduction in Gun Violence Case Management** - This was previously funded with ARP funds as OTO. This new Program Offer would make this on going. While the COVID 19 pandemic caused a case backlog during the last year, gun violence—shootings and homicides—increased in Multnomah County at record rates, exceeding all historical norms. Multnomah County now has one of the highest homicide rates in the United States. This violence disproportionately impacts BIPOC people and communities. This would fund 2.0 deputy district attorneys and 2.0 investigators.
- PO 15900 – ARPA-Domestic Violence Unit – Reduction in DV Case Management** - This was previously funded with ARP funds as OTO. This new Program Offer would make this on going. This program offer funds an additional prosecutor to address the increased number of unresolved domestic violence cases, which would save lives and minimize the harmful life-long effects that domestic violence has on survivors and their children.
- PO 15301B – Unit A/B – Property/Drugs/Human Trafficking – Restoration DDA 2 Position** - This program offer would restore the DDA 2 position that was cut in order to

meet the FY 2024 General Fund constraint amount. The impact of the loss of this position is covered in the General Fund Reductions section of the transmittal letter.

- **PO 15204B – Pretrial – Restoration DDA 1 Position** - This program offer would restore the DDA 1 position that was cut in order to meet the FY 2024 General Fund constraint amount. The impact of the loss of this position is covered in the General Fund Reductions section of the transmittal letter.
- **PO 15105B – Misdemeanor Trial Unit – Restoration DDA 1 Position** - This program offer would restore the DDA 1 position that was cut in order to meet the FY 2024 General Fund constraint amount. The impact of the loss of this position is covered in the General Fund Reductions section of the transmittal letter.
- **PO 15305 – Homicide Unit** - In response to rising homicide rates in Multnomah County, Creation of a new unit within the Multnomah County District Attorney’s Office (MCDA) dedicated exclusively to the prosecution of homicide cases is proposed. This program is part of an effort to address the historically unprecedented number of homicides, the majority related to gun violence, in Multnomah County. Both the victims and the perpetrators of these homicides are disproportionately members of BIPOC communities and the impact of these crimes is reaching into families, schools and neighborhoods with traumatic consequences.
  - 1 DDA 4, 1 Investigator, 1 Legal Assistant Sr, and 1 Victim Advocate
- **PO 15205B – Body Worn Cameras - Expansion** – This program assists MCDA in meeting core constitutional and ethical prosecution obligations required by the growing use of body worn cameras (BWC) by law enforcement while policing. The City of Gresham Police Department (GPD), the Oregon State Police (OSP) and Portland State University (PSU) use BWCs and the volume of footage is increasing. This program will increase MCDA's capacity beyond the BWC Unit detailed in program 15205A - Body Worn Cameras - Gresham to accommodate review of a larger share of BWC footage received in order to more completely fulfill MCDA’s constitutional and ethical obligation.

## One-Time-Only Out of Target Requests

The following table lists MCDA’s one-time-only out of target requests in order of priority:

FY 2024 Out of Target Program Requests (One-Time-Only)							
Prior ity	Offer Number	Program Name	General Fund	Other Funds	Multco ARP	FTE	New or Existing
1	15002C	IT - DA Case Tracking System - OTO	916,251	0	0	0.00	New
<b>Total</b>			<b>916,251</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>N/A</b>

- PO 15002C – IT – DA Case Tracking System-OTO** - This program offer will replace MCDA’s current case tracking system, CRIMES, for the investigation and presentation of Juvenile and Adult judicial cases. The existing CRIMES system has become operationally obsolete, surpassing its technological longevity that poses a threat to public safety. This request includes \$159,508 for temporary staffing to support and train staff. In addition to this request, DCA is transferring carry-over OTO funds to MCDA (15002B) for the remaining balance of the software upgrade.

## COVID-19 Impacts & American Rescue Plan

MCDA’s caseloads began to build during the pandemic shutdown when court operations ground to halt. The number of cases disposed of each month has not recovered to pre-pandemic levels. As noted above, caseloads are among the factors that have negatively impacted MCDA’s ability to retain staff. Turnover appears to have peaked in late 2021 but is still above pre-pandemic levels. Some critical support functions, such as discovery, have been operating in a crisis mode for months due to turnover.

MCDA still very much needs the additional staffing for gun violence and domestic violence cases provided by the American Rescue Plan to address the historically large caseloads in these areas. General fund support for these positions is MCDA’s top priority for its FY 2024 budget.

American Rescue Plan (ARP) Programs				
Program	Program Name	FY 2023 Budget	FY 2024 Budget	FY 2024 Action
<b>Multco Direct ARP</b>				
15901	Gun Violence Case Management	821,802	746,268	Requesting ongoing funding
15900	Domestic Violence Case Management	191,354	195,805	Requesting ongoing funding
<b>Total Multco Direct</b>		<b>1,013,156</b>	<b>942,073</b>	

- **PO 15901 – ARPA-Unit D – Violent Person Crimes – Reduction in Gun Violence Case Management** - While the COVID 19 pandemic caused a case backlog during the last year, gun violence—shootings and homicides—increased in Multnomah County at record rates, exceeding all historical norms. Multnomah County now has one of the highest homicide rates in the United States. This violence disproportionately impacts BIPOC people and communities. This would fund 2.0 deputy district attorneys and 2.0 investigators. MCDA is seeking to fund this Out-of-target (OOT) program offer as an ongoing program.
- **PO 15900 – ARPA-Domestic Violence Unit – Reduction in DV Case Management** - This program offer funds an additional prosecutor to address the increased number of unresolved domestic violence cases, which would save lives and minimize the harmful life-long effects that domestic violence has on survivors and their children. MCDA is seeking to fund this Out-of-target (OOT) program offer as an ongoing program.

---

## Span of Control

---

Span of Control has increased from 1:6.8 in FY 2023 to 1:7.7 in FY 2024.

---

## Division Level Organization Chart

---

- The expungement workflow has moved from PO 15204A – Pretrial to PO 15021 Justice Integrity Unit
- Moved 1.0 FTE System Administrator position from PO 15104 Child Support Enforcement to PO 15002 DA Information Technologies
- Moved 1.0 FTE HR Manager 1 (Equity Manager) position from PO 15023 Equity Manager to PO 15003 DA Finance/HR
- Moved 1.0 FTE DA Investigator position from PO 15402 Investigations Unit to PO 15207 MAAP Program

**District Attorney's Office**  
**\$47,142,434 | 206.46 FTE**  
 Mike Schmidt, District Attorney

**Administration**

\$9,120,698

36.56 FTE

- Management Services
- Administrative Support
- Information Technology
- Finance/Human Resources
- Records/Discovery
- MCDA Research & Planning Unit
- Justice Integrity Unit

**Division I**

Glen Banfield,  
 Chief DDA  
 \$11,502,866  
 55.60 FTE

- Juvenile Unit
- Domestic Violence
- Child Support Enforcement
- Misdemeanor Trial Unit

**Division 2**

Kirsten Snowden,  
 Chief DDA  
 \$12,546,438  
 53.10 FTE

- Unit C
- Pretrial (Including body worn cameras)
- Strategic Prosecution

**Division 3**

Don Rees,  
 Chief DDA  
 \$9,949,351  
 38.50 FTE

- Unit A/B
- Unit D
- MDT – Child Abuse

**Division 4**

Peter Simpson,  
 Chief Investigator  
 \$4,023,081  
 22.70 FTE

- Victims Assistance
- Investigations