



## **Multnomah County District Attorney's Office Community Budget Advisory Committee FY 2023 Report**

The Multnomah County District Attorney's Office (MCDA) Community Budget Advisory Committee (CBAC) met repeatedly over eight months to review and evaluate the MCDA proposed FY 2023 budget. District Attorney Mike Schmidt and his staff presented a complete picture of MCDA workloads, goals and challenges. In this, DA Schmidt and his staff placed particular emphasis upon operating in a manner that achieved both public safety and equity for all. The CBAC met with multiple MCDA employees and evaluated substantial data from MCDA and other sources in reaching its conclusions. These sources are not restated here due to volume and complexity but will be provided by MCDA as desired, and a short reference list of notable data from MCDA is attached. The CBAC received all requested information and had all of its questions answered.

Based upon these inputs, the MCDA CBAC reached the following factual conclusions and recommendations, which we respectfully submit to the Chair and Commissioners:

### Factual Conclusions

1. We now face an existential threat to the health and safety of our community in the form of extreme, devastating and unprecedented gun violence. Shootings and homicides are climbing for the fourth straight year—each year worse than the one before. Young victims are killed and disabled at astounding rates. Black victims comprise a disproportionately large number of homicide and shooting victims. *See attached MCDA Data, item 1.*
2. At this perilous moment, the community at large, and many underserved communities within the county, are disconnected from the justice system and do not trust it—including MCDA—just when trust is essential for progress against homicides, violent crime, and crime generally.
3. Criminal justice system responses to this wave of violence are inadequate, both in design and resources. The problem continues to grow. At this critical time, there is a shortage of prosecutors. Deputy DAs (DDAs) are swamped with work and unable to get ahead of the many problems driving this surge.
4. Specifically, at a time when Portland is experiencing one of the highest homicide and gun violence rates in the country, DDAs are leaving the office due to skyrocketing caseloads, and it is the highly experienced DDAs who are leaving. Portland alone shattered its all-time record for homicides in 2021. A “typical” year would see 25-35 homicides. Portland alone

had 92 last year, wiping-out the 1987 “record” of 70. 2022 is on pace to match or exceed this new record.

5. Shootings are also at an all-time high, still climbing, and continuing to erode community safety even when they do not result in death or injury. Gun crimes and gun trafficking continue to surge. Multnomah County is on pace for a 20% increase in gun crimes over last year, which was already at historic highs. *See MDCA Data item 2.*
6. Property crimes are also up. Auto thefts, car clouts and burglaries often go uninvestigated and unprosecuted. This “tax” on the populace wears people down and further erodes faith in the justice system. Unchecked property crime degrades the social fabric and the quality of life.
7. The Covid case backlog in the system is a significant problem, straining the scarce resources of MCDA as well as public defenders and courts. MCDA faces a years-long process of working-through this backlog. Case delays create justice-system fatigue for victims and their families as well as witnesses, and unsustainable caseloads for MCDA attorneys and staff. *See MCDA Data item 3.*
8. Facing these challenges is your District Attorney’s Office, which has experienced years of attrition of positions and funding in addition to more recent attrition of experienced personnel. Currently, despite rising levels of violent and property crime, the MCDA is substantially underfunded and understaffed compared to its own historical staffing levels as well as to similar jurisdictions nationwide. *See MCDA Data, item 4.*
9. Further complicating this challenging picture is the impending adoption of Body Worn Cameras (BWC) by both the Portland Police Bureau (August ’22) and the Multnomah County Sheriff’s Office. The CBAC strongly supports this vital, positive step towards transparency, but it comes with a grave responsibility for MCDA to fully review all relevant video data before issuing a criminal case with BWC content. This requires a corresponding resource commitment from the county, without subtracting resources from MCDA elsewhere.
10. We would like to say that Multnomah County is “on the rebound,” but we cannot. In fact, the opposite appears true as to both violent and property crime. Large swaths of our county are correctly seen as unsafe by the public. Homicides and gun crimes are an almost daily occurrence, while property crime appears out of control. To this CBAC, the Chair and Commissioners have both the responsibility and power to apply desperately needed resources to these problems. The proposed MCDA budget is the correct path; we support it in every particular.
11. Lastly, but most importantly, we have been encouraged by the DA’s outreach with the communities most impacted by this crime. Making change will require community partnerships, and we believe the approach of moving DA’s into the local community is a positive direction.

## Recommendations

1. Fully and properly fund the District Attorney's Office to do its job and meet the challenges our community faces. Violent crime first, but then also property crime, must be vigorously addressed or the situation will get worse. Do not cut this budget. Give DA Schmidt what he needs to address our rising crime with an eye on equity as he does so. Meet the needs of our community, including our youth, to be safe from gun violence. Meet the needs of victims and their families for justice. Government's first job is public safety, and strong action is needed.
2. Completely fund the implementation by MCDA of Body Worn Camera data review for justice system accountability. No case should be issued unless the deputy district attorney understands all of the evidence, including BWC data. This is a constitutional requirement; it cannot be accomplished at less than 100 percent. The constitutional rights of both the accused and the victims require that this review be timely and complete. The advent of PPB and MCSO BWC programs is a huge positive for justice and transparency, yet is practically meaningless unless met with full review by MCDA.
3. We do have hope for the future, to the extent that we meet current challenges (items 1 and 2, above) and become proactive in solving our criminal justice problems. To this end, we urge funding for the MCDA Attorney Access Program (MAAP). This is a revival and update of the former Neighborhood DA Program, which will place a MAAP DDA in each commissioner's district, making MCDA an outward-facing office that partners with all communities and hears all voices in each district, working with community groups to proactively identify and resolve issues that can lead to crime before the crime occurs. An important change is that each MAAP DDA and staff will be housed with community-based organizations rather than in police precincts, to enhance approachability and emphasize independence. Building relationships and partnering with the communities they serve, the MAAP DDAs will handle cases of particular importance to those communities, while also working towards solutions that are appropriate and responsive to specific community needs. The CBAC strongly endorses this program as it pivots MCDA from reactive to proactive in meeting some of our most serious challenges. We know that simply adding more DDAs is not the answer. Instead, we support this strategic step to partner with all communities in our county, especially the underserved and Communities of Color, to identify justice system challenges from their perspectives and to address them on their terms. This is a strong equity move, an investment in our community that will help identify the root causes of crime and shape community-approved solutions.

In summary

The MCDA CBAC appreciates this opportunity to reflect upon the MCDA FY 2023 proposed budget and the criminal justice system challenges in Multnomah County. While these issues are significant, we are confident that the Chair and Commissioners will equip MCDA for the many important tasks ahead.

Respectfully,

CBAC Members:

Tim Cunningham

Wayne Graham

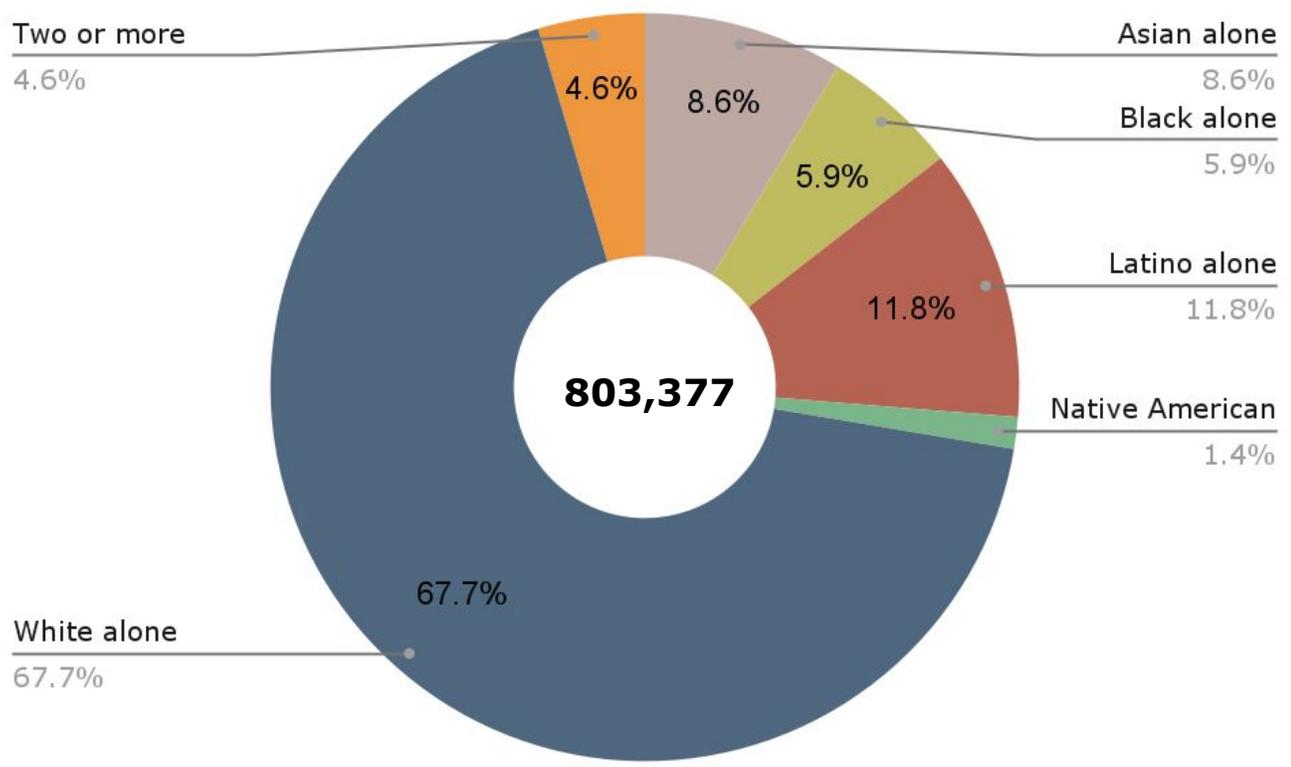
Eric Hunter

Chuck Sparks

Babak Zolfaghari-Azar

ITEM 1 | Total Number of homicides in Multnomah County

**FIGURE 1 | Multnomah County Population (2021)**



Source U.S. Census Bureau - July 1, 2021 population estimate

**FIGURE 2 | Multnomah County Homicide Counts - Vital Statistics and Multnomah County-area Law Enforcement Annual Reports to FBI**

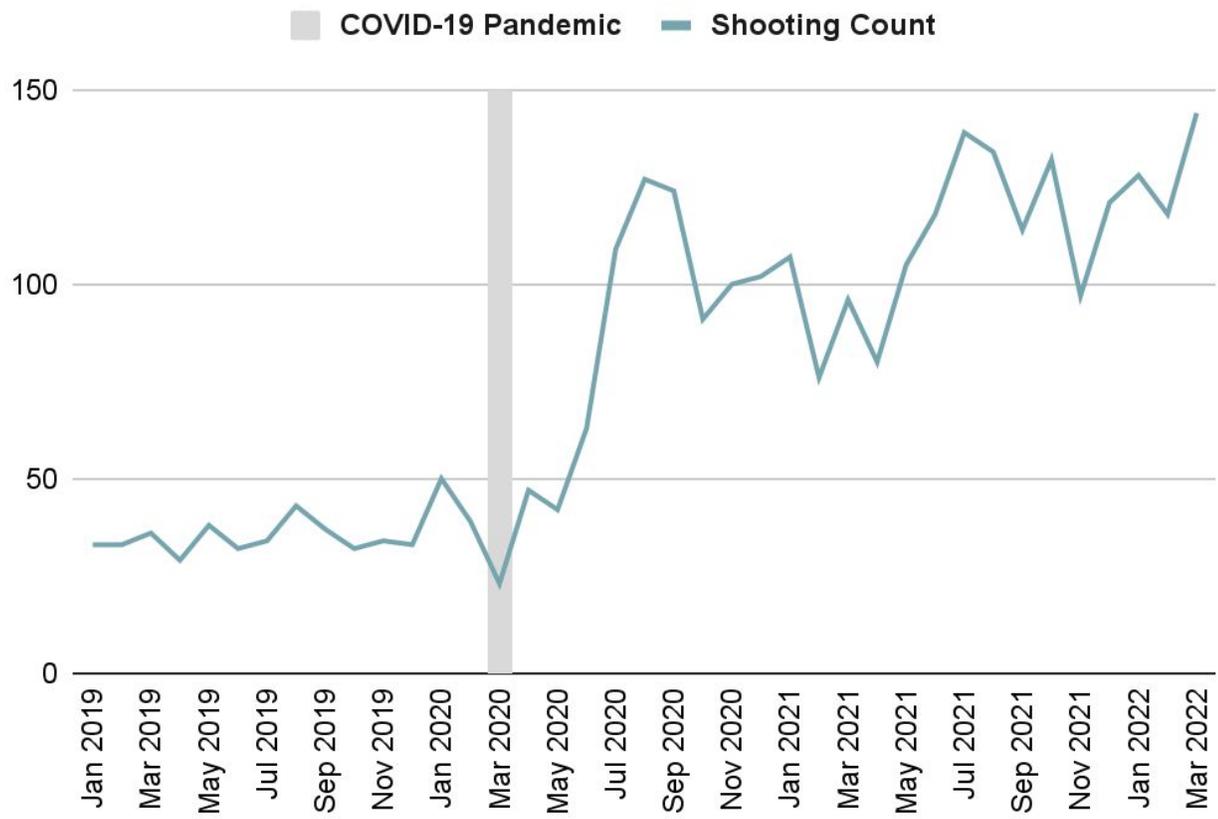
VITAL STATS			MULTNOMAH LAW ENFORCEMENT AGENCIES- NIBRS										
Year	Total Certified	Rate per 100,000	Total Reported *	VICTIM RACE									
				Asian		Black		Native American		White		Unk / Other	
				#	%	#	%	#	%	#	%	#	%
2016	31	3.9	24	2	8%	8	33%	0	0%	14	58%	0	0%
2017	33	4.1	36	1	3%	7	19%	1	3%	27	75%	0	0%
2018	24	3.0	30	0	0%	10	33%	0	0%	20	67%	0	0%
2019	36	4.4	33	2	6%	11	33%	2	6%	18	55%	0	0%
2020	53	6.4	59	1	2%	24	41%	0	0%	33	56%	1	2%
2021	74	8.9	-	-	-	-	-	-	-	-	-	-	-

Source Vital Stats - Oregon Health Authority Center for Health Statistics "Death by manner" dashboard  
 Source NIBRS - FBI Crime Data Explorer - "Summary Crime reported 2010-2020" dashboard

\*"Total reported" figures are a summation of annual reports from the Portland Police Bureau, Gresham Police Department, and the Multnomah County Sheriff's Office. 2021 data has not been released on the FBI Crime Data Reported website as of the date of this report.

ITEM 2 | Total Number of Shootings in Multnomah County

**FIGURE 3 |** Number (chart) of Shootings Reported to the Portland Police Bureau (2019 - 2022)



**Source** Portland Police Bureau "Shooting Incident Statistics" dashboard

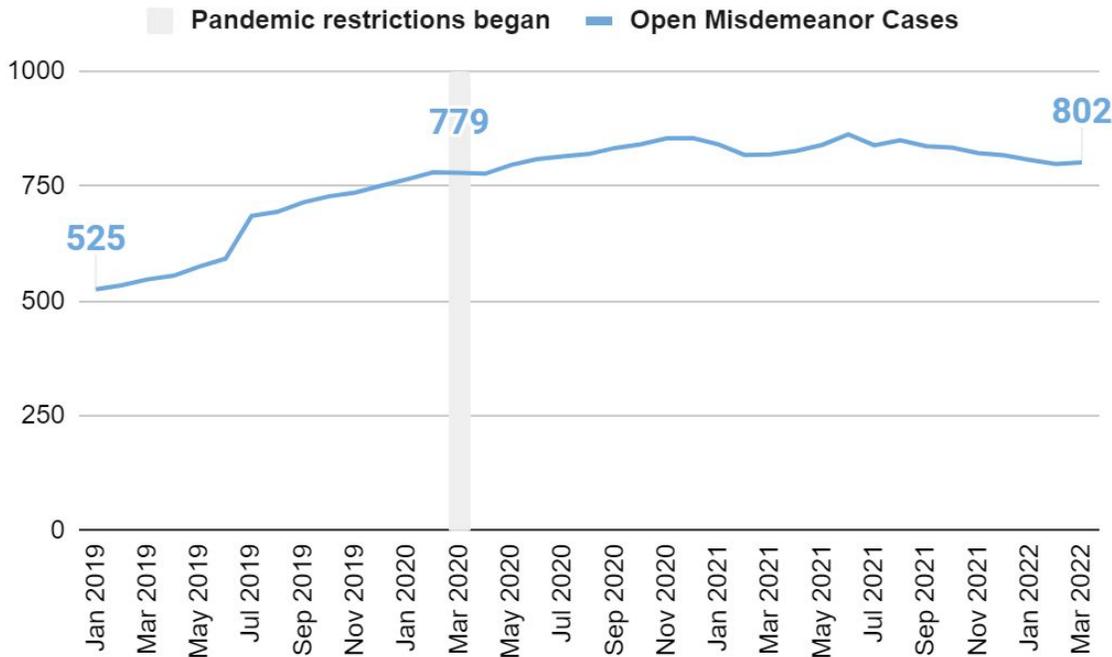
**FIGURE 4 |** Number (table) of Shootings Reported to the Portland Police Bureau (2019 - 2022)

	2019	2020	2021	2022
January	33	50	107	128
February	33	39	76	118
March	36	23	96	144
April	29	47	80	
May	38	42	105	
June	32	63	118	
July	34	109	139	
August	43	127	134	
September	37	124	114	
October	32	91	132	
November	34	100	97	
December	33	102	121	
<b>Total</b>	<b>414</b>	<b>917</b>	<b>1319</b>	<b>390</b>

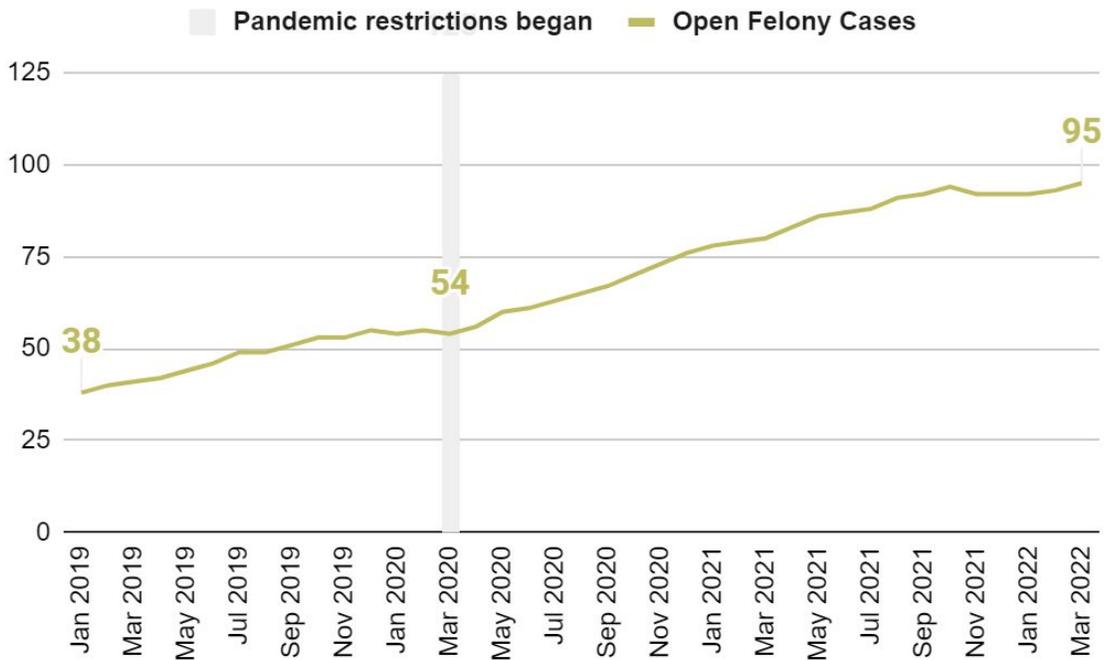
**Source** Portland Police Bureau "Shooting Incident Statistics" dashboard

ITEM 3 | Pandemic Impact on Multnomah County District Attorney Caseloads

**FIGURE 5 | Average Number of Open Misdemeanor Cases, per prosecutor, at the end of a month**



**FIGURE 6 | Average Number of Open Felony Cases, per prosecutor, at the end of a month**



**FIGURE 7 | Percent Change in Average Number of Open Cases by Case Type**

Category	Jan 2019 to Mar 2020	Mar 2020 to Jan 2022	Jan 2019 to Jan 2022
Open Misdemeanor Cases	48% increase	3% increase	53% increase
Open Felony Cases	42% increase	76% increase	150% increase

ITEM 4 | Multnomah County District Attorney Staffing Levels

**FIGURE 8 |** Number of Attorneys Employed at MCDA, by Deputy DA Level

	Deputy DA 1	Deputy DA 2	Deputy DA 3	Deputy DA 4	Deputy DA Chief	Deputy DA First Assistant	TOTAL
<b>2019</b>	13	22	30	12	3	1	<b>81</b>
<b>2020</b>	15	20	27	13	3	1	<b>79</b>
<b>2021</b>	12	21	27	13	3	1	<b>77</b>
<b>2022</b>	15	30	19	13	3	1	<b>81</b>

All staff counts are as of April 1st of each calendar year.

**FIGURE 9 |** Number of Deputy DAs, per Capita - Multnomah County to Comparable Jurisdictions

