



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST NOTICE OF INTENT

(Revised: 9/23/13)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS

AGENDA # R-10 DATE 6/5/14  
MARINA BAKER, ASST BOARD CLERK

## Board Clerk Use Only

Meeting Date: 6/5/14  
Agenda Item #: R.10  
Est. Start Time: 11:15 am  
Date Submitted: 5/22/14

**Agenda Title:** NOTICE OF INTENT for Multnomah County District Attorney's Office to submit a grant for up to \$450,000 from the Bureau of Justice Assistance

*Note: This APR is for NOI's only. APRs are available for other types of submittals. Title should not be more than 2 lines but be sufficient to describe the action requested.*

Requested Meeting Date: 6/5/2014 Time Needed: 10 min  
Department: District Attorney's Office Division: Administration  
Contact(s): Caroline Wong, DDA  
Phone: 988-3162 Ext. 84662 I/O Address: 101/600  
Presenter Name(s) & Title(s): Caroline Wong, Deputy District Attorney

## General Information

### 1. What action are you requesting from the Board?

Approval for the District Attorney's office to submit an application for up to \$450,000 to the Bureau of Justice Assistance (BJA) for a grant to support Smart Prosecution activities focused on "Data-Driven Prosecution: An Innovative Approach to Prosecution Strategy, Policy Change and Recidivism."

### 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Performance measurement is one of the only reliable ways to assess the functionality of existing programs, and is the impetus for the creation of improved structures to replace outmoded methods of problem solving. Criminal prosecution is functionally a complex system of social problem solving, and must be subject to performance measurements in order to achieve maximum public safety and cost effectiveness. The problem that this application seeks to address is the lack of performance measurements applied to prosecutors, and the overall system of criminal prosecution.

This lack of prosecutorial performance measurement affects nearly all criminal prosecution throughout the state of Oregon. District Attorneys' offices throughout Oregon, including MCDA, have little internal data and analysis on whether using a risk/needs assessment at the settlement or sentence phase of a case process is effective, whether specialty court treatment programs affect recidivism rates, whether prosecution-targeted geographic zones ("hot spots") reduce crime in those areas, or whether existing traditional community supervision options are being maximally utilized.

As a result of its lack of internal data collection and analysis, MCDA has no way to measure the effectiveness of innovative prosecutorial strategies throughout the county. This problem is highlighted in three specific areas: 1) Justice reinvestment, 2) "Hot spot" enforcement, and 3) Specialty Court treatment programs.

- 1) Justice Reinvestment: In July 2013, the Oregon legislature passed House Bill 3194, which tasked each county to establish a process to assess offenders and provide a continuum of community-based sanctions, services and programs that are designed to reduce recidivism and decrease the county's utilization of prison institutions while protecting public safety and holding offenders accountable. The Multnomah County Justice Reinvestment Program (MCJRP) was created in response to this legislation. The MCJRP is designed to improve criminal case processes on presumptive prison cases in order to have the best information available at important decision points throughout the public safety continuum. It is designed to facilitate evidence-based sorting of offenders based, in part, on risk and needs. Multnomah County currently revokes probation and sentences offenders to prison after the failed probation period at a rate of 20%. One goal of the MCJRP is to improve sentencing decisions to reduce the rate of probation revocations by the creation and use of an Assessment Report. This report would be used during plea negotiations, judicial settlement conferences and at sentencing. The Assessment Report consists of defendant interviews, performance of a risk/needs assessment on each offender, prior supervision summaries, failure to appear histories, potential case plans, and information about defendants' housing, family and military service. Offenders who receive probation sentences in lieu of prison will undergo intensive case supervision by the Department of Community Justice and will qualify for an innovative wrap-around services program. Simultaneous services include alcohol/drug treatment programming, transitional housing, employment development, and peer mentor support from rehabilitated felons. Performance measurement is crucial to determine whether the MCJRP is an evidence-based program that works to reduce recidivism in a cost-effective manner while holding offenders accountable. The problem MCDA faces is that it does not have internal qualified personnel with the experience to measure performance, or generate analysis on outputs or outcomes, that will result in important program modifications or policy changes.
- 2) "Hot spot" enforcement: Relying on statistics gathered from the Portland Police Bureau (PPB), MCDA worked with law enforcement to create a Drug Impact Area (DIA) for certain drug offenses. The DIA is designed to address livability issues and promote effective treatment while imposing court mandated area exclusions for certain drug offenders from geographic areas with abnormally high concentrations of drugs. A prosecutor is tasked with community outreach, prosecution of drugs cases arising out of the DIA, and coordinating the exclusion program. The danger in relying solely on PPB's data is that it pertains only to the city of Portland, and is

silent as to the rest of the county that is made up of four additional cities and houses approximately 766,135 residents. There are no existing measurements that apply to the entire county. Without countywide data it is impossible to determine whether the DIA program is effectively reducing crime in this specific area post-adjudication, or whether the program is shifting Portland's drug problem to the county's other cities. Reliance on outside agency data is not helpful in measuring performance because it does not focus on outcomes or analysis pertaining specifically to prosecution. By example, PPB recently released its *Drug Impact Area Summary 2014: Quarter 1* that focused on offenders who violated probation conditions by being located in the DIA following a court-ordered exclusion. It found that, between 6/11/2011 and 3/31/2014, 110 of the 1288 offenders excluded from the DIA were re-arrested for this specific probation violation. This data point is important to PPB as an arrest statistic; it has less meaning to MCDA because it doesn't address long term recidivism rates or new crime violations. Rather, MCDA needs research and data on crime reduction in this target area, offender recidivism rates and drug treatment progress to determine if its prosecution strategies are effective.

- 3) Specialty Court treatment programs: Multnomah County is a leader in incorporating new and innovative court practices as part of the criminal justice process. A wide variety of specialty courts is one example of its efforts. MCDA currently works with agency partners to run an expedited Probation Violation Docket and seven specialty courts, including two Drug Treatment Courts, Homeless Court, Mental Health Court, Community Court, a DUI Intensive Supervision Program and a Domestic Violence Deferred Sentencing Program. Multnomah County is also in the process of creating and implementing a Veterans' Docket. MCDA recognizes that, nationally, a broad consensus has emerged within the research community that adult drug courts show increased treatment retention rates and a reduction in recidivism. However, MCDA has very little internal performance measurement data or analysis on whether these specialty courts align with national best practices, and whether they reduce recidivism in a cost-effective manner as compared to offenders traditionally supervised by the Department of Community Justice. Lack of this data is a critical flaw since 6,157 cases have gone through just one of Multnomah County's drug courts from 1994 to 2012 without sufficient internal data analysis.

In short, without a county-wide plan designating a person or persons to the analysis and application of performance measurements, there is no way to confirm that existing innovative prosecution strategies like the DIA, or others listed above, are truly an evidence-based best practice that should be extended to other areas of the jurisdiction. Similarly, without a countywide performance measurement plan there is also no way to determine whether the evidence supports the current design of these existing innovative offender assessments, treatment programs, specialty courts and prosecution-targeted geographic zones, or whether improvements could be made to increase overall recidivism and cost effectiveness.

MCDA must take a research-based approach of evaluating outputs and outcomes is also essential to the effective creation, extension or modification to the Justice Reinvestment program, specialty court treatment programs, and hot-spot data points throughout the county. The proposed strategy described in this section—pairing a researcher designated as Quality Manager with MCDA and the Criminal Justice Policy Research Institute

(CJPRI)—will produce data analysis that will drive any necessary policy changes, which will ultimately result in smarter prosecution strategies that protect public safety and create healthy communities. CJPRI will work closely with the Quality Manager and will be actively involved in the development and evaluation of the targeted grant projects. Employing information sharing between CJPRI and MCDA will allow each agency to take advantage of the diversity of background information, which will result in better decision making.

Performance measurement is the process of quantifying the efficiency and effectiveness of past actions. A Quality Manager who has the expertise to gather data and quantify the effectiveness of past actions is needed to examine MCDA's prosecution strategy performance. MCDA has two in-house data analysts that have the capability to pull statistics regarding number of cases prosecuted annually, and number of cases qualifying for specialty court admission; it does not have a Quality Manager capable of documenting and analyzing the functionality of existing structures.

If the Smart Prosecution Initiative funds a Quality Manager, the manager will coordinate the development and implementation of assessment plans, evaluation of the quality and overall effectiveness of prosecution strategies, and related work projects with specific objectives and timeframes to correct deficiencies in existing prosecutorial strategies. The Quality Manager will develop and implement evaluation strategies for each specific MCDA specialty prosecution court/program that examine crime and recidivism impacts, implementation successes and obstacles, and program cost-effectiveness.

MCDA is unaware of any other District Attorney's Office in Oregon that utilizes an in-house Quality Manager to perform data analysis to promote policy change, conform existing programs to evidence-based practices, or to evaluate best practices and its correlation with specialty court recidivism. MCDA needs a Quality Manager with a strong statistical background who can perform in-depth qualitative and quantitative analysis, along with complex program evaluations and policy analysis. A Quality Manager will be chosen to support the project based on education background and experience, including a minimum of five years of increasingly responsible involvement in quality management, applied research, or program evaluation. The Quality Manager's skills and abilities include, but are not limited to, statistical design, collection methods, statistical analysis and interpretation, evidence-based research techniques, and benchmarking techniques and standards.

This Quality Manager will work alongside prosecutors in management who make policy decisions, in addition to working closely with the Multnomah County Justice Reinvestment Program (MCJRP) prosecutor on Justice Reinvestment outputs and Specialty Court best practices, and the DIA prosecutor on "hot spot" prosecution enforcement issues.

**3. Explain the fiscal impact (current year and ongoing).**

This is a one-time funding opportunity.

**4. Explain any legal and/or policy issues involved.**

None.

**5. Explain any citizen and/or other government participation that has or will take place.**

None.

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**Grant Application/Notice of Intent**

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**  
The Bureau of Justice Assistance (BJA).
- **Specify grant (matching, reporting and other) requirements and goals.**  
Projects must be completed by June 30, 2016. Specific financial, technical, and other reporting requirement to measure the grant recipient's performance and progress will be identified in the BJA grant award agreement. Grant recipients must submit periodic formal performance reports as instructed in award agreement.
- **Explain grant funding detail – is this a one time only or long term commitment?**  
This is a one-time funding opportunity.
- **What are the estimated filing timelines?**  
Grant applications are due June 6, 2014.
- **If a grant, what period does the grant cover?**  
The grant covers a project period from July 1, 2014 to June 30, 2016.
- **When the grant expires, what are funding plans?**  
When grant funds expire the project will be complete.
- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**  
All central and indirect costs are recovered in this project.

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**Required Signatures**

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**Elected Official  
or Department/**

**Agency Director:** Rod Underhill **Date:** 5/22/14

**Budget Analyst:** Allen Vogt **Date:** 5/22/14

*Note: Please submit electronically. We are no longer using actual signatures. Insert names of your approvers followed by /s/. Please insert date approved*