

**Minutes for the Board of Commissioners  
Multnomah Building, Commissioners Conference Room 635  
501 SE Hawthorne Blvd. Portland, Oregon  
Tuesday, May 21, 2013**

**EXECUTIVE SESSION**

Chair Jeff Cogen called the meeting to order at 9:05 a.m. with Vice-Chair Judy Shiprack and Commissioners Deborah Kafoury, Loretta Smith and Diane McKeel present.

**ES.1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d). Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings. Contact: Jenny M. Madkour, County Attorney. Presenters: Jenny M. Madkour and Steve Herron.**

Executive Session was held and adjourned at 9:39 a.m.

**Minutes for the Board of Commissioners  
Multnomah Building, Board Room 100  
Tuesday, May 21, 2013**

**FY2014 Budget Work Sessions #5**

**\*BWS #6 WAS CANCELLED\***

Chair Jeff Cogen called the meeting to order at 9:51 a.m. with Vice-Chair Judy Shiprack and Commissioners Deborah Kafoury, Loretta Smith and Diane McKeel present.

Jenny M. Madkour, County Attorney, and Marina Baker, Assistant Board Clerk, were also in attendance.

**BWS #5 FY2014 Budget Work Session on Public Safety Departments – District Attorney's Office. Presenters: Rod Underhill, District Attorney; Robert Pung, Chairman of MCDA CBAC; Adam Brown, MCDA Business Services Manager.**

**Chair Cogen:** GOOD MORNING, WELCOME TO THIS MORNING'S BUDGET WORK SESSION. TODAY WE'RE GOING TO BE HEARING FROM OUR DISTRICT ATTORNEY'S OFFICE. I'LL TURN IT OVER TO YOU, ROD.

**Mr. Underhill:** THANK YOU VERY MUCH, CHAIR COGEN AND COMMISSIONERS. THANK YOU VERY MUCH FOR HAVING US OVER. THIS IS MY FIRST BUDGET SESSION AS IT IS ADAM BROWN'S. WERE I REALLY ON TOP OF MY GAME WOULD I HAVE BEEN HERE LAST YEAR AND WATCHED MR. SCHRUNK PRESENT TO THE COMMISSION, BUT I DON'T KNOW WHAT I WAS DOING, BUT I DIDN'T COME OVER. SO YOU'LL FORGIVE ME IF I'M A LITTLE DISJOINTED, OR OUT OF STEP, YOU'LL CORRECT ME AND POINT ME IN

THE RIGHT DIRECTION. BUT FIRST WE WANT TO THANK YOU ALL FOR THE CONTINUED GOOD DIALOGUE WE'VE BEEN HAVING, AND FOR OUR BUDGET AS IT STANDS TODAY. WE'RE VERY PLEASED AND PROUD TO BE ABLE TO CONTINUE I BELIEVE TO OFFER THE GOOD WORK THAT WE HAVE DONE FOR YEARS AND YEARS INTO THE FUTURE. CERTAINLY FOR NEXT YEAR. BUT SOME OF THE DETAIL TO WALK THROUGH IT AND OPEN UP AT ANY TIME WITH QUESTIONS FROM ANY OF YOU OF COURSE. SO IT BEGINS WITH THE MISSION STATEMENT OF THE DISTRICT ATTORNEY'S OFFICE. IT IS A LITTLE BIT DIFFERENT THAN YOU'VE SEEN IN THE PAST. NOT NOTABLY SO, BUT IT DOES TALK ABOUT US AND OUR COMMITMENT TO AN OPEN AND BALANCED ADMINISTRATION OF JUSTICE, AND ONE THAT HONORS AND RESPECTS DIVERSITY IN ALL OF ITS FORMS. AND I THINK YOU'LL SEE HERE IN A SLIDE OR TWO FROM NOW EVIDENCE OF THAT, AND SOME OF THAT MAY BE NUANCE CHANGE. WE'RE GOING TO DILIGENTLY WORK TO PROTECT CHILDREN AND VICTIMS OF CRIME BY MAINTAINING TIMELY AND APPROPRIATE SANCTIONS FOR OFFENDERS WHO ENGAGE IN CRIMINAL ACTIVITY HERE IN OUR COMMUNITY. SOME OF THE -- AS WE DRILL DOWN INTO SOME OF THE GUIDING PRINCIPLES, TRUST ME, I WON'T READ ALL OF THAT AT THIS POINT. BUT I WILL HIGHLIGHT A COUPLE OF THINGS.

SOME RECENT DEVELOPMENTS. FOR EXAMPLE, ON BULLET POINT NUMBER THREE, I'M VERY GRATEFUL AND PLEASED TO HEAR THAT ONE OF OUR ADVOCATE POSITIONS OUT THE GATEWAY CENTER FOR DOMESTIC VIOLENCE HAS BEEN FUNDED FROM WHAT I UNDERSTAND, CHAIR COGEN, I APPRECIATE THAT. YOU'D HAVE GOTTEN A HASTY PHONE CALL BUT I BELIEVE I WAS DOWN AT MY DAUGHTER'S GRADUATION. SHE WAS APPROPRIATELY DOMINATING MOST OF MY TIME. BUT I SAW FROM AFAR, MY BLACKBERRY, THAT THAT WAS PICKED UP BY THE COUNTY, GREATLY APPRECIATE THAT. IT IS A VERY VALUABLE LEG TO THE STOOL OUT AT THE GATEWAY PROGRAM. AS FAR AS KIND OF SOME OF THE OTHER THINGS, I THINK I'LL JUST TOUCH ON FOR A BACKUP AND BULLET POINT, THEY'RE NOT NUMBERED, BUT THE SECOND ONE DOWN. THE FLEXIBILITY THAT THE DISTRICT ATTORNEY'S OFFICE HAS TO HAVE IS EVIDENCED BY SOME OF THE THINGS THAT WE'VE NOTICED HERE IN THE VERY RECENT PAST, AND THAT IS OUR GROWING TREND OF EAST COUNTY CRIME, AND INCREASING CRIMINAL STATISTICS AT LEAST IN REPORTED CRIMES IN EAST COUNTY. AND OUR FLEXIBILITY IN ADDRESSING THAT. FOR EXAMPLE, WE'VE -- I'VE HAD SOME VERY GOOD CONVERSATIONS WITH CHIEF JUNGINGER AT GRESHAM, HE AND I HAVE BEEN MEETING I THINK MORE THAN I CERTAINLY EVER DID IN THE PAST WITH HIM, HAVING CONVERSATIONS ABOUT HOW WE CAN HELP EAST COUNTY BETTER, WITH RESPECT TO THAT, FOR EXAMPLE, WE KIND OF PIVOTED A NEIGHBORHOOD PROSECUTOR POSITION A LITTLE BIT, LOOKED THAT WAY AS OPPOSED TO LOOKING WEST. AND AS WE WORK THROUGH THAT, I DON'T WANT TO GET -- DRILL DOWN TOO DEEP IN THE DETAILS, BUT IT'S THOSE KINDS OF ITEMS OF FLEXIBILITY THAT ALLOW US TO MEET THE NEEDS OF EVOLVING TRENDS.

WE SEE GANG POPULATIONS HEADING THAT WAY, AND I'M VERY PLEASED TO SAY THAT AS PART OF THE LPSCC, VICE-CHAIR SHIPRACK IS WELL AWARE THAT I'M GOING TO WORK WITH A GANG SUBCOMMITTEE, AND OUR FIRST MEETING IS PROBABLY GOING TO BE OUT AT TROUTDALE. I TALKED TO CHIEF ANDERSON AND WE'RE GOING TO GO FAR EAST. OUR FIRST GANG SUBCOMMITTEE MEETING IS

SCHEDULED, WE HAVEN'T GOT OUR DATE BUT I'VE ALREADY TALKED TO RESERVE A SPACE. THAT KIND OF FLEXIBILITY -- AND THERE'S OTHERS, BUT THAT IS GREATLY NEEDED. RIGHT IN THE MIDDLE, WE TALK ABOUT EMERGING TRENDS IN CRIMINAL ACTIVITY AND GUIDANCE WITH PROVIDING EXPERT LEGAL ADVICE, IT MAY NOT SURPRISE YOU THE DISTRICT ATTORNEY'S OFFICE IS VERY MUCH A PRESENCE IN SALEM. MAYBE I'M JUST NOTICING IT, BUT IT SEEMS MORE SO THIS YEAR THAN WE HAVE IN RECENT PAST. WE'RE BEING ASKED TO SPEAK ON SUCH THINGS AS BRADY BILL, AND THAT'S A BIG TOPIC FOR CRIMINAL JUSTICE COMMUNITY. AND MY FIRST ASSISTANT IS DOWN THERE, DOWN IN SALEM AND BEING ASKED NUMEROUS TIMES TO WEIGH IN, COMMUNICATE, AND TRY AND NAVIGATE THE WATERS OF AN APPROPRIATE PIECE OF LEGISLATION IN THAT AREA. WE -- THE OTHER DAY WE MET WITH LEADERS FROM PORTLAND POLICE BUREAU AS THEY ARE WORKING TO DRILL DOWN INTO THEIR POLICIES AND PROTOCOLS IN RESPONSE TO DEADLY PHYSICAL FORCE USAGE BY LAW ENFORCEMENT OFFICERS. AND THEY HAVE REACHED OUT TO THE DISTRICT ATTORNEY'S OFFICE AND SPECIFICALLY ME AND ONE OF MY CHIEF DEPUTIES TO HELP THEM DEVELOP A WORKABLE RESPONSE TO THAT KIND OF SITUATION. MUCH MORE COMPLICATED THAN IT WOULD STRIKE YOU. BUT IT TRULY IS. WE ARE AS AN OFFICE GOING TO REACH OUT FROM A STAYED POINT STANDPOINT AND ENGAGE MORE SO THAN IN THE RECENT PAST WITH THE OREGON DISTRICT ATTORNEYS ASSOCIATION AND PROVIDING LEGAL TRAININGS FOR THAT GROUP MORE SO THAN WE HAVE BEEN IN THE RECENT PAST. WE'RE GOING TO MAKE A CONCERTED EFFORT -- WE HAVE BEEN MAKING A CONCERTED EFFORT TO BE MORE AVAILABLE FOR THINGS LIKE SUMMER CONFERENCES AND BRINGING SOME OF OUR EXPERTISE AND SHARING THAT EXPERTISE WITH THE REST OF THE STATE AS IT APPLIES TO DISTRICT ATTORNEYS. ANOTHER BULLET POINT, WORKING COLLABORATIVELY WITH CRIMINAL JUSTICE SYSTEM PARTNERS IN DEVELOPING INNOVATIVE PROGRAMS.

SOME OF YOU HAVE HEARD ABOUT THE EFFECTIVE RESOLUTION PROJECT, ERP. COMES WITH A FIVE OR 10-MINUTE EXPLANATION, BUT JUST KNOW THAT WE'RE WORKING WITH ALL OF OUR SYSTEM PARTNERS TO TRY AND GET BETTER, SMARTER ALL THE TIME, AND THE ERP IS ONE OF THOSE PROGRAMS THAT WE'RE JUST LAUNCHING, I DON'T WANT TO LEAVE ANYBODY OUT, BUT THE DEFENSE BAR OF THE COURTESIES ITEM, DCJ, THE LAW ENFORCEMENT COMMUNITY, ALL OF US, THE SHERIFF'S OFFICE TO COME UP WITH SMARTER, BETTER WAYS TO EFFECTIVELY NUMBER ONE, ACTUALLY SAVE MONEY, AND NUMBER TWO, ACTUALLY PROBABLY WE THINK DELIVER A BETTER PRODUCT WHEN IT'S ALL SAID AND DONE. BUT MAYBE CERTAIN QUESTIONLESS COME FROM THAT. THAT'S JUST I HOPE TO THINK A RELATIVELY QUICK INTRODUCTION. I'D LIKE TO INTRODUCE ALTHOUGH I THINK HE'S NOT A NEW FACE TO THIS GROUP, THE CITIZEN BUDGET ADVISORY COMMITTEE CHAIRMAN, BOB PUNG, HE'S GOING TO MAKE A FEW COMMENTS IN A MINUTE. I WILL TAKE ADVANTAGE OF THIS OPPORTUNITY TO THANK BOB FOR HIS CONTINUED COMMITMENT TO THE DISTRICT ATTORNEY'S EFFORTS IN THIS AREA. HE'S BEEN A LONG-STANDING FIXTURE IN OUR OFFICE, AND THIS YEAR PER HIS AND MY CONVERSATION LAST YEAR HE WAS GOING TO GIVE ME ONE YEAR OF HIS SERVICE AS CHAIRMAN ON THE BUDGET ADVISORY COMMITTEE. SO THIS IS HIS SWAN SONG, IF YOU WILL, WITH THE DISTRICT ATTORNEY'S OFFICE. BUT WORD HAS IT HE STILL HAS GAME, AND WILL CONTINUE TO ASSIST OTHERS. BUT I'LL HAVE TO SEARCH, AND I WILL, FOR SOMEONE TO STEP INTO THOSE SHOES.

LET ME TURN IT OVER TO BOB. THEN I'LL COME BACK AND CONTINUE THE PRESENTATION.

**Mr. Pung:** GOOD MORNING, CHAIR COGEN, COMMISSIONERS. MY NAME IS BOB PUNG, AND I'M THE CHAIR OF THE DISTRICT ATTORNEY'S BUDGET ADVISORY COMMITTEE. OVER THE COURSE OF THE LAST FIVE YEARS, SINCE THE ECONOMIC DOWNTURN OF 2008 AND '09, THE DISTRICT ATTORNEY'S OFFICE HAS RELIED ON TREMENDOUS PHYSICAL STEWARDSHIP TO PRESERVE ESSENTIAL CRIMINAL JUSTICE SERVICES IN THE STRANGE BUDGETARY ENVIRONMENT WE FACE. GIVEN THE CRITICAL ROLE OF THE DISTRICT ATTORNEY'S OFFICE PLAYS IN KEEPING OUR COMMUNITY SAFE, THE PEOPLE OF MULTNOMAH COUNTY WOULD BE PROUD TO KNOW HOW EFFECTIVELY AND EFFICIENTLY THE OFFICE CARRIES OUT THEIR DUTIES. THE COMMITTEE MET WITH THE DISTRICT ATTORNEY AND HIS BUDGET STAFF ON FOUR OCCASIONS DURING THIS BUDGET PROCESS STARTING IN JANUARY OF THIS YEAR. THE GOAL OF THIS MEETING WAS TO LEARN ABOUT THE BUDGETARY ENVIRONMENT, THE D.A. IS FACING AND PROVIDING HIM WITH INPUT ON THE WAYS IN WHICH WE AS MULTNOMAH COUNTY RESIDENTS WOULD PRIORITIZE UNDER THOSE CONDITIONS. AT THE START OF THE BUDGET SEASON, THE DISTRICT ATTORNEY WAS FACING FUNDING PRESSURE AT THE FEDERAL STATE AND COUNTY LEVELS AND CITY LEVELS. WHICH THE COMMITTEE UNDERSTOOD THIS REALITY TO BE NEARLY UNIVERSAL TO THE DEPARTMENT ACROSS THE COUNTRY. AND WE ARE -- WE WERE CONCERNED TO SEE HOW FURTHER CUTS MIGHT IMPACT THE SAFETY OF OUR COMMUNITY. THE DISTRICT ATTORNEY IS STILL FACING A NUMBER OF CUTS.

I AM PLEASED TO INFORM YOU THAT THIS -- THE OFFICE BUDGET OUTLOOK HAS IMPROVED A GREAT DEAL SINCE JANUARY. THE DISTRICT ATTORNEY WAS ASKED TO SUBMIT A BUDGET WITH A 1% CONSTRAINT OF -- OR APPROXIMATELY \$200,000. THE OFFICE PROPOSED ELIMINATING D.A. -- A D.A. LEVEL THREE POSITION ASSIGNED TO THE CHILD ABUSE UNIT. IN THE CHAIR'S EXECUTIVE BUDGET, CHAIR COGEN HAS RESTORED THIS POSITION AND I WANT TO THANK HIM FOR HIS DOG THAT. THE DISTRICT ATTORNEY WAS FACING CUTS FROM THE CITY OF PORTLAND FOR THREE POSITIONS, THE DRUG IMPACT AREA, DEPUTY D.A., AND GATEWAY VICTIMS ADVOCATE POSITION. AND THE PROSTITUTION NEIGHBORHOOD D.A. THIS COMMITTEE IS PLEASED THAT THE CITY RESTORED THE DRUG IMPACT AREA DEPUTY D.A., AND THAT CHAIR COGEN HAS RESTORED THE GATEWAY VICTIM ADVOCATE POSITION. I WOULD LIKE TO THANK THE CITY AND CHAIR COGEN FOR HIS WORK IN GETTING THESE TWO POSITIONS RESTORED. THE PROSTITUTION NEIGHBORHOOD DEPUTY D.A. IS STILL UNFUNDED. GIVEN THE IMPORTANT WORK BEING DONE BY THE -- THIS DEPUTY D.A. IN THIS AREA, THE HUMAN TRAFFICKING AND COMMITTEE -- AND THE COMMITTEE ENCOURAGES THE CITY AND THE COUNTY TO WORK TOGETHER TO CONTINUE FUNDING FOR THIS POSITION. DUE TO THE REDUCTIONS IN STATE FUNDING, THE DISTRICT ATTORNEY HAS CUT TWO POSITIONS FROM THE CHILD SUPPORT ENFORCEMENT DIVISION. WHILE THESE CUTS HAVE A MINIMAL IMPACT ON OPERATIONS, WE CANNOT FORGET THE IMPORTANT WORK BEING DONE BY THIS DEPARTMENT. LAST YEAR SED COLLECTED OVER \$30 MILLION IN CHILD SUPPORT. I THINK THAT IS VERY COMMENDABLE.

THE DISTRICT ATTORNEY SUBMITTED A PROGRAM OFFER TO FUND A NEWLY CREATED POSITION, MENTAL HEALTH DEPUTY D.A. CHAIR COGEN, I WOULD LIKE TO THANK YOU FOR SHOWING YOUR COMMITMENT TO THE IMPORTANT WORK THE DISTRICT ATTORNEY IS DOING IN THIS AREA BY FUNDING THIS POSITION. THE DISTRICT ATTORNEY SUBMITTED THREE ONE-TIME-ONLY PROGRAM OFFERS AT IMPROVING OPERATIONAL EFFICIENCIES THROUGH TECHNOLOGY UPGRADES. WE ARE EXCITED THAT THE CHAIR HAS INCLUDED THESE ITEMS IN THE EXECUTIVE BUDGET BECAUSE WE FEEL THEY WILL HELP THE DISTRICT ATTORNEY COPE PACE WITH THE TECHNOLOGY RELATED TO CHANGES IN THE LEGAL PROFESSION. THE DISTRICT ATTORNEY'S OFFICE IS A LEAN ORGANIZATION THAT KEEPS CITIZENS SAFE BY HOLDING THE -- THOSE WHO COMMIT CRIMES IN MULTNOMAH COUNTY RESPONSIBLE FOR THEIR ACTIONS. SINCE 2009, THE NUMBER OF FULL-TIME DEPUTY D.A.s HAS DECREASED BY NEARLY 20%. WE HAVE HAD -- WE HAVE BEEN CONCERNED ABOUT HOW CONTINUED REDUCTIONS HAVE IMPACTED THE OFFICE CAPACITY TO PROSECUTE CRIMES AND KEEP CITIZENS SAFE. WE ARE PLEASED TO SEE BUDGET -- THE BUDGET STABILIZING THIS YEAR ACROSS THE COUNTRY, INCLUDING AT THE DISTRICT ATTORNEY'S OFFICE. ON BEHALF OF THIS COMMITTEE, I WOULD LIKE TO THANK YOU -- THANK THE CHAIR AND THE COUNTY COMMISSIONERS FOR THEIR WORK IN STABILIZING THE COUNTY'S BUDGET. THANK YOU. AND IT'S BEEN A BIG PLEASURE WORKING WITH ALL OF YOU ALL THESE YEARS, AND I'M GOING TO MISS DOING THIS, BUT I THINK WE HAVE A WONDERFUL PERSON LEAD THIS OFFICE, AND IT'S BEEN A PLEASURE WORKING WITH YOU.

**Chair Cogen:** THANKS BOB, AND THANKS FOR ALL THE YEARS OF SERVICE YOU'VE GIVEN TO THIS COUNTY. WE APPRECIATE IT. COMMISSIONER MCKEEL.

**Commissioner McKeel:** HI BOB. THANK YOU SO MUCH FOR ALL YOU DO FOR US AT THE COUNTY. YOU ARE AN INCREDIBLE PERSON AND AN INCREDIBLE HELP TO US. I'M SURE WE CAN FIND SOMETHING ELSE HERE FOR YOU TO DO. [LAUGHTER]

**Mr. Pung:** I'M ALREADY WORKING ON THAT.

**Commissioner McKeel:** FABULOUS, I'M HAPPY TO HEAR THAT.

**Mr. Underhill:** I HINTED AT THAT.

**Commissioner McKeel:** THANKS, BOB.

**Mr. Underhill:** THANK YOU AS WELL, BOB. YOUR SERVICE HAS BEEN A TREMENDOUS ASSET TO ME, ESPECIALLY MY FIRST YEAR GETTING MY BEARINGS ON THINGS.

LET ME QUICK, THIS IS A SNAPSHOT, NOT SOMETHING I'LL READ THROUGH EACH AND EVERY AGENCY, BUT CERTAINLY WE ARE COMMUNITY PARTNERS WITH A TREMENDOUS AMOUNT -- AS I LOOK AT THIS LIST, WE COULD ADD TO IT PROBABLY ANOTHER PAGE OR TWO OF DIRECT SERVICE PROGRAMS WE WORK WITH, AND JUST TREMENDOUS COMMUNICATION NETWORK HERE IN THE MULTNOMAH COUNTY AREA, AND IN FACT THE STATE OF OREGON. AND BELIEVE IT OR NOT, WE REACH ACROSS THE RIVER OFTEN TIMES ESPECIALLY AS IT INVOLVES CRIMES AND WORK WITH CLARK COUNTY INDIVIDUALS. THE DISTRICT ATTORNEY OVER THERE IS

A PROFESSIONAL COLLEAGUE OF MINE AS IS THE SHERIFF, AND ON AND ON. LET ME MOVE ON TO THE NEXT SLIDE AND BEGIN TO DRILL DOWN A LITTLE BIT MORE INTO SOME OF THE DETAILS. THE ORGANIZATIONAL CHART, JUST THIS LOOKS AT A LITTLE DIFFERENT THAN IT HAS IN THE PAST AS WELL. IF WE WERE TO GO BACK AND LOOK 10 YEARS AGO OR MAYBE CLOSER TO 15 YEARS AGO IN THE DISTRICT ATTORNEY'S OFFICE, IT RESEMBLED WHAT YOU SEE HERE TODAY. BUT IN THE LAST SEVERAL YEARS, IT WAS ONLY TWO DIVISIONS. ONE WAS CALLED THE CIRCUIT COURT DIVISION, AND THERE WAS A FAMILY SERVICES. AND I, AS A CHIEF DEPUTY, SUPERVISED THE FAMILY SERVICES DIVISION, NORM FRANK HAD THE OTHER DIVISION. THERE ARE NOW THREE DIVISIONS, AND 3 ARE DIVISION ONE, TWO, AND THREE, CHARLENE WOODS IS CHIEF DEPUTY OF MANAGEMENT DIVISION OVER DIVISION ONE, CHUCK SPARKS, ANOTHER CHIEF DEPUTY OVER TWO, AND DON REES, OVER DIVISION NUMBER 3. THEY'VE BEEN DIVIDED GENERALLY SPEAKING TOPICAL, BUT THEY ALSO WORK WITHIN THE STRENGTHS AND WHEELHOUSE IF YOU WILL, OF THE CHIEF DEPUTY'S SUPERVISED THEM. SO THERE WAS SOME VERY THOUGHT OUT I THINK LOGIC INTO THE SMALL REALIGNMENT OF THINGS IN THE OFFICE. WHAT WE DID, WHAT I DID IN ORDER TO ACCOMPLISH THAT IS I TOOK A SENIOR DEPUTY OUT OF OUR GANGS IN UNIT C AND MADE THAT POSITION A CHIEF DEPUTY. THAT WAS A CHANGE. I DIDN'T HAVE -- THAT WAS HOW THAT LEVELED ITSELF OUT. OPERATIONALLY THESE THREE CHIEF DEPUTIES CARRY WITH THEM SOME OBLIGATIONS THAT HISTORICALLY WERE SENIOR DEPUTY KIND OF OBLIGATIONS. AGAIN, DEEPER DETAIL IF INDIVIDUALS HAVE QUESTIONS. THAT'S A LITTLE BIT OF A SNAPSHOT OF THE ORGANIZATIONAL CHANGE. I DO WANT TO TAKE A FEW MINUTES TO TALK ABOUT SOME KEY ACCOMPLISHMENTS, AND THEN WE'LL MOVE OVER, I'LL TURN IT OVER TO ADAM BROWN FOR SOME DRILLING DOWN INTO DEEPER DETAIL OF THE MONEY AND THE BUDGET AND HOW THAT WORKS.

SOME KEY ACCOMPLISHMENTS. AN AREA OF HUMAN TRAFFICKING IS A KEY AREA WHERE THIS COMMUNITY STARTED FROM A POSITION, A HANDFUL OF YEARS AGO OF NEEDING TO DO WORK BETTER. AND WE HAVE DONE THAT. I LOOK AT THIS GROUP IN FRONT OF ME, COMMISSIONERS AND THE CHAIR, AND I KNOW THIS IS NOT NEWS TO YOU. ALL OF YOU HAVE ASSISTED WITH THAT, SPECIFICALLY OF COURSE COMMISSIONER MCKEEL HAS BEEN A CHAMPION IN THIS AREA. AND WE WERE A WILLING PARTNER IN RECOGNIZING NUMBER ONE THAT WE NEEDED TO DO BETTER. AND SO ONE OF THE THINGS WE'VE DONE, THAT I'VE DONE S. TAKEN ONE OF OUR PREMIER HUMAN TRAFFICKING PROSECUTORS, J.R. UJIFUSA, MANY OF YOU HAVE MET HIM, AND ASSIGNED HIM TO THE DOMESTIC VIOLENCE UNIT IN THE DISTRICT ATTORNEY'S OFFICE. COMES WITH MAYBE LONGER DESCRIPTION THAN IS NECESSARY, BUT THE RATIONALE BEHIND THAT IS, HUMAN TRAFFICKING FITS IN THE CATEGORIES OF HOMELESSNESS, DRUG ABUSE, GANG ENVIRONMENT, CHILD ABUSE, DOMESTIC VIOLENCE, YOU COULD -- I, AS A DISTRICT ATTORNEY, COULD ASSIGN THAT INDIVIDUAL TO ANY ONE OF A NUMBER OF PLACES. BUT OVER AND OVER AGAIN I RECOGNIZE THAT THE DYNAMIC OF THE RELATIONSHIP BETWEEN THE PITCHES AND THE YOUNG WOMEN WHO ARE BEING VICTIMIZED IS THAT OF A DOMESTIC VIOLENCE SITUATION. AND SO BEST TO PLACE HIM, THAT PROSECUTOR THERE SUCH THAT HE COULD THEN TRAIN OTHERS IN THAT REGION, THAT AREA AS WELL. AND SO WE DID THAT HERE RECENTLY, AND IT'S ALMOST DAILY THAT I AM REWARDED WITH HAVING MADE A GOOD DECISION. HE IS TRAINING OTHERS SO THEY CAN TAKE OVER SOME OF THOSE OBLIGATIONS AS THE DAYS MOVE

FORWARD AND THE BETTER WE GET AT THIS, THE MORE SITUATIONS, SIMILAR CRIMES WE SEE, WE'RE UNCOVERING. SO WE'RE NOT -- I'VE SAID THIS A NUMBER OF TIMES TO ANYBODY THAT WILL LISTEN, THIS EFFORT REMINDS ME OF DOMESTIC VIOLENCE EFFORTS THAT WERE DONE IN THE VERY EARLY '90s, '91, '92, '93, WHERE THIS COMMUNITY, ALONG WITH A COLLECTIVE NATIONAL MOVEMENT OF DOING DOMESTIC VIOLENCE CASES BETTER, MADE SIGNIFICANT STRIDES IN THE EARLY '90s, AND I WAS FORTUNATE TO BE INVOLVED IN THAT. I SEE THIS AS THAT AREA, AND FOR MANY YEARS, IN DOMESTIC VIOLENCE, THE BETTER WE GOT AT IT, THE MORE WE SAW WHAT WE DIDN'T SEE BEFORE. AND THAT IS WHAT WE -- IS OCCURRING IN HUMAN TRAFFICKING AREA. SO J.R. IS TRAINING OTHERS AROUND HIM, OTHER COLLEAGUES AND PROSECUTORS TO HELP WITH WHAT IS A GROWING NUMBER OF SERIOUS CRIMES IN THAT AREA. SO THAT'S -- I CAN KEEP GOING ON AND ON ABOUT HIM, BUT I WON'T. I'LL MOVE ON AND MAYBE CIRCLE BACK IF PEOPLE HAVE QUESTIONS. BECAUSE WE WILL ADDRESS A COUPLE OF POINTS IN THE HUMAN TRAFFICKING AND THE PROSTITUTION AREA IN A MOMENT.

**Commissioner McKeel:** I HAVE A FEW QUESTIONS AROUND THIS, AS YOU MIGHT GUESS.

**Mr. Underhill:** YOU BET. ALWAYS WANTING TO TALK TO YOU ABOUT THIS AREA. IT'S A PASSION OF YOURS AND MINE.

**Commissioner McKeel:** YES. I'M CONCERNED ABOUT THIS PROSTITUTION NEIGHBORHOOD D.A. POSITION. BECAUSE IT LOOKS LIKE IT'S THE ONLY THING THAT'S NOT BEEN FUNDED OUT OF -- OUT OF THIS CBAC REPORT. AM I CORRECT?

**Mr. Underhill:** THAT IS THE CASE RIGHT NOW, YES.

**Commissioner McKeel:** SO CAN YOU TALK A LITTLE BIT ABOUT HOW THESE TWO -- WE HAVE A WHOLE SYSTEM AROUND THIS ISSUE, SO CAN YOU TALK A LITTLE BIT ABOUT HOW THIS PERSON WORKS WITH J.R.? BECAUSE AS WE KNOW, WE ALL THINK -- J.R. IS AN AMAZING PERSON, AND WE SEE ON AN INCREASING BASIS HIS SUCCESS IN PROSECUTION OF PITCHES. AND SO COULD YOU TALK A LITTLE BIT ABOUT HOW THOSE TWO WORK TOGETHER?

**Mr. Underhill:** YOU BET. I WILL. AND IT IS IMPORTANT PROBABLY TO DRAW THE CONTRAST, MEANING HOW WE DID THINGS, I'LL USE THE FIVE YEARS AGO CONTRASTED WITH TODAY. FIVE YEARS AGO, AND AS WE MARCH FORWARD, WHEN THE ORIGINAL PROSTITUTION PROJECT POSITION WAS FUNDED BY THE CITY, IT WAS J.R. AS A BRAND-NEW FELONY LEVEL TWO INDIVIDUAL. THAT POSITION WAS DESIGNED TO NOT BE A FELONY PROSECUTION VEHICLE, BUT INSTEAD TO WORK ON THE PROSTITUTION ISSUES THROUGHOUT THE COUNTY, LARGELY HOUSED AND TARGETING FOR LACK OF A BETTER PHRASE, THE EAST PRECINCT AREA, THE 82nd AREA. BUT THAT'S NOT -- THAT DOESN'T LIMIT THEM. THEY'RE WORKING ON CRAIGSLIST, THEY'RE WORKING ALL KINDS OF STING OPERATIONS. THEY'RE COUNTYWIDE, BUT THEY HAVE DRAWN TO FOCUS, IF YOU WILL, BEGINNING FOCUS OF EAST PRECINCT AREA AND 82nd. THEY WORK WITH THE -- YOU KNOW, THE JOHN SCHOOL AND ACTUALLY A REVENUE STREAM FOR SERVICES THAT ARE INDIVIDUALS THAT ARE ARRESTED FOR PROSTITUTION, JOHN GOSS THROUGH A

TRAINING, IT'S A PRETTY SUBSTANTIAL FEE. THE COUNTY RECEIVES A SIGNIFICANT AMOUNT OF THAT TO THE TUNE OF THE DISTRICT ATTORNEY'S OFFICE, FOR EXAMPLE, IN THE LAST FISCAL YEAR RECEIVED \$30,000, THOUGH JUST TO KNOW, WE PASSED THAT THROUGH. IT DOESN'T STOP WITH THE DISTRICT ATTORNEY'S OFFICE. OUR THIRD OF THAT FUNDING STREAM, WE PASSED THROUGH TO THE COUNTY'S GENERAL FUND. WE DON'T KEEP IT AT 30,000. LIFEWORKS NORTHWEST I THINK GETS ANOTHER THIRD, SO THEY DO GET THEIR 30,000 STOPS WITH THEM. PPB GETS A 3rd, AND I THINK IT GOES TO THE PORTLAND POLICE BUREAU. BUT OURS, WE PASS THROUGH.

NOW, YOUR QUESTION ABOUT THE -- HOW DOES THIS WORK WITH RESPECT TO J.R. AGAIN, IN THE OLD DAYS, WE HAD DOWNTOWN PROSECUTORS THAT TOOK THOSE PROMOTING AND COMPELLING CASES. SO THOSE ARE GOING TO BE THE PITCH-BASED CASES. BUT THEY WERE FRANKLY SPREAD OUT IN THE OFFICE, AND NOT AS CENTRALIZED AS WE HAVE THEM NOW. AND WHEN YOU CENTRALIZE ANYTHING, YOU DO A BETTER JOB. IT'S NOT FOR LACK OF GOOD PEOPLE, WE HAD GOOD PEOPLE. BUT THEY JUST DIDN'T RECEIVE THE TRAINING, DIDN'T RECEIVE THE ABILITY TO REALLY DRILL DOWN DEEP INTO THE CERTAIN AREA. AND SO WHAT J.R. WOULD DO IS WORK THOSE CASES, WORK WITH THE LAW ENFORCEMENT OFFICERS AND DEVELOP AN INVESTIGATIVE MODEL THAT ALSO BEGAN TO WORK WITH THE -- TREATING THESE YOUNG WOMEN AS VICTIMS AS OPPOSED TO CRIMINALS. AND I'LL BE ONE OF THE FIRST TO SAY THAT IN THE '90s, WHEN I WAS -- SPENT A DECADE IN THE DOMESTIC VIOLENCE ARENA, THIS IS SOMETHING I OVERLOOKED. I LOOK BACK AT MY CAREER DURING THAT DECADE, FOR EXAMPLE, AND WAS ONE OF THE MASSES WHO DIDN'T SEE WHAT WE NOW SEE. AND I REGRET THAT. BUT BETTER LATE THAN NEVER, AND SO WITH THAT -- IN THAT RESPECT, J.R. WAS PERFECT PERSON AT THAT TIME WITH THE VISION AND THE PERSONALITY AND THE CAPABILITIES TO HELP ME SEE WHAT I AND MANY HAD MISSED IN OUR HISTORY. AND THAT IS, THESE YOUNG WOMEN, THESE YOU KNOW, 14, 17, 20-YEAR-OLD YOUNG WOMEN OR GIRLS SOMETIMES, ARE VICTIMS OF OUR COMMUNITY NOT NECESSARILY NEED TO BE TREATED ALL THE TIME AS CRIMINALS.

SO WE DEVELOPED A VERY GOOD NET FOR LOOKING AT THIS ENTIRE AREA. IN FACT, YOU'LL KNOW COMMISSIONER MCKEEL, YOU AND I CHAIRED WHAT WE THINK IS THE FIRST CHILD ABUSE PROTOCOL IN THIS AREA IN THE NATION. WE CAME UP WITH -- WE ATTACHED IT TO OUR MDT MODEL, WORKING WITH CARES NORTHWEST, AND TO EVERYBODY'S BELIEF, IT WAS THE FIRST SUCH PROTOCOL IN THE NATION DEALING WITH TRAFFICKED YOUNG GIRLS AND TREAT THEM AS CHILD ABUSE VICTIMS, AS OPPOSED TO CRIMINALS. WE'RE VERY PROUD OF THAT. AND THAT'S -- J.R., AS YOU MIGHT REMEMBER, WAS SITTING TO OUR LEFT AND HELPED US WALK THROUGH THAT. J.R.'S CAREER ADVANCEMENT AND THAT POSITIONS ADVANCEMENT HAS BEEN BROUGHT DOWNTOWN TO FOCUS ON THE COMPELLING AND PROMOTING THAT USED TO BE PEPPERED THROUGHOUT DIFFERENT PARTS OF THE OFFICE. LEAVING BEHIND THAT PROSTITUTION POSITION, WHICH IS THE FOURTH LEG TO THE STOOL OF WORKING ON THE STREET LEVEL WITH THE JOHNS AND THESE YOUNG WOMEN WHO ARE PROSTITUTING THEMSELVES. AND WORKING VERY CLOSELY WITH LIFE WORKS NORTHWEST, AND JANUS YOUTH PROJECT AND ALL OF THAT. AND SO IT'S A SIGNIFICANT PIECE OF A GREATER NETWORK. J.R. BENEFITS, FOR EXAMPLE, THAT POSITION, THAT HUMAN TRAFFICKING



PROSECUTOR POSITION DOWNTOWN IN THE DOMESTIC VIOLENCE UNIT NOW, BENEFITS GREATLY FROM THE ADDITION OF ALL OF THAT SUPPORT OUT IN THE COMMUNITY. BECAUSE SIMPLY PUT, HE CAN'T NOW. HE'S IN TRIAL, HE'S GOT A DIFFERENT CASE LOAD. DIFFERENT OBLIGATIONS.

**Vice-Chair Shiprack:** MR. CHAIR?

**Chair Cogen:** YES, COMMISSIONER SHIPRACK.

**Vice-Chair Shiprack:** EXCUSE ME FOR INTERRUPTING, BUT YOUR DISCUSSION OF THIS POSITION STARTS TO ENTER ON AREA WHERE I'M LOOKING AT YOUR ORGANIZATIONAL CHART, AND I'M WONDERING -- IT LOOKS TO ME THAT DIVISION THREE WOULD INCLUDE RAPE. THE CRIME OF RAPE. AS A VIOLENT CRIME.

**Mr. Underhill:** CORRECT. IT DOES.

**Vice-Chair Shiprack:** AND WHAT IS STATUTORY RAPE?

**Mr. Underhill:** SO I'LL TAKE ON I THINK THE FIRST PART OF YOUR QUESTION, AND THEN THE SECOND PART. SO DIVISION ONE, DOMESTIC VIOLENCE CHILD ABUSE, BOTH -- THAT'S DIVISION ONE THAT YOU'RE REFERRING TO, BOTH OF THOSE DEAL WITH SEXUAL ASSAULTS IN THE CONTEXT OF THOSE AREAS. MEANING, CHILD ABUSE, A SEXUAL ASSAULT OF THE CHILD IN WHATEVER RELATIONSHIP THAT MIGHT EXIST, DOMESTIC VIOLENCE -- I'LL MOVE OVER TO DIVISION THREE, WHERE IT SAYS VIOLENT CRIMES, SO THERE WE HAVE WHAT WE CALL UNIT D, AND WE HAVE -- AND SO THOSE ARE STRANGER-TO-STRANGER VIOLENT CRIMES. SO THAT ALSO INCLUDES SEXUAL ASSAULTS THAT WOULD BE NONRELATIONSHIP-BASED AND I CALL IT -- WHEN I SAY STRANGER-TO-STRANGER, IT MIGHT BE ACQUAINTANCE-BASED SITUATIONS AS WELL. SO YOU'RE GOING TO HAVE SEXUAL ASSAULTS IN DIVISION THREE AS WELL. DIVISION TWO YOU SEE IN THERE IS GANG UNIT. AND YOU DO HAVE SEXUAL ASSAULT-BASED CRIMES THAT ARE PERPETRATED BY AN INVOLVED GANG MEMBER. SOMEBODY THAT WE KNOW IS A GANG MEMBER. NOW, WE WILL LOOK AT THAT AND WE WILL MAKE INFORMED DECISIONS ABOUT SHOULD THAT STAY WITH THE GANG PROSECUTOR, OR SHOULD WE MOVE THAT TO SOMEONE ELSE? I RAN THE GANG UNIT FOR A NUMBER OF YEARS, AND JUST BECAUSE A GANG MEMBER INVOLVED THEMSELVES IN AN ALLEGATION OF SEXUAL ASSAULT, SHOULD A GANG PROSECUTOR, ARE THEY BEST SITUATED TO DEAL WITH THE SEXUAL ASSAULT CASE?

**Vice-Chair Shiprack:** EXCUSE ME FOR INTERRUPTING, THE REASON I ASK THE QUESTION IS THAT YOU SPOKE ABOUT THESE PROSTITUTES AS WOMEN OR GIRLS BETWEEN THE AGE OF 14 AND 17. I'M IN MY SENIOR YEARS HERE, ROD, AND I THINK OF PEOPLE WHO ARE UNDER THE AGE OF 18 AS BEING GIRLS. AND I THINK THAT THE AGE OF CONSENT IS 18. SO IT SEEMS TO ME THAT WHEN YOU TALK ABOUT YOUNG GIRLS WHO PROSTITUTE THEMSELVES, WHAT YOU'RE REALLY TALKING ABOUT IS STATUTORY RAPE. AND THAT THE PROSECUTION OF STATUTORY RAPE WOULD FALL UNDER ONE OF OR ALL THREE OF THE OTHER DIVISIONS, BECAUSE IT WOULD BE CHILD ABUSE GANG-RELATED CRIME AND VIOLENT CRIME. IT REALLY MIGHT BE ALL OF THOSE THINGS. BUT I THINK THAT OUR -- THE WAY WE FRAME ISSUES IN OUR COMMUNITY, THE WAY WE TALK ABOUT ISSUES IN OUR COMMUNITY,

HAS A LOT TO DO WITH THE WAY WE RESPOND TO ISSUES IN OUR COMMUNITY. AND I'M JUST RESPONDING THAT IT -- TO ME, I HAVE A HARD TIME WRAPPING MY EXPERIENCE AND MY JUST INVOLVEMENT HERE AS A BOARD MEMBER AROUND THE CONCEPT OF YOUNG GIRLS WHO PROSTITUTE THEMSELVES. IT SEEMS TO ME THAT WHAT WE'RE TALKING ABOUT ARE CRIME VICTIMS, AND THE CRIME IS STATUTORY RAPE. AND I JUST WANT TO WORK WITH YOU AND WITH THE D.A.'S OFFICE AND WITH THE COMMUNITY, AND I THINK THAT COMMISSIONER MCKEEL HAS BEEN WORKING ON THIS AS WELL, TO JUST KIND OF CLARIFY WHAT IT IS THAT WE'RE DEALING WITH HERE. AND WHO THE CRIMINALS ARE.

**Mr. Underhill:** RIGHT. WELL, AND I BELIEVE YOU'LL BE PLEASED TO KNOW A LITTLE BIT MORE DETAIL OF WHEN BRINGING THE HUMAN TRAFFICKING POSITION DOWN INTO THE DOMESTIC VIOLENCE UNIT, A PROSECUTOR NAMED JENNA PLANK WAS IN THE DOMESTIC VIOLENCE UNIT AT THE TIME, AND BEGAN TO TAKE SOME OF THE HUMAN TRAFFICKING CASES ALONG WITH J.R. SHE WAS ONE OF A FEW OF THE FIRST TRAINING OPPORTUNITIES WE HAD FOR J.R., FOR EXAMPLE, TO TRAIN OTHERS. AND THE LENS OF THESE CASES, HOW TO AGGRESSIVELY AND APPROPRIATELY PROSECUTE HUMAN TRAFFICKING CASES. JENNA BEGAN TO DEVELOP AN EXPERTISE IN THAT AREA. I THEN TRANSFERRED HER OVER TO THE GANG UNIT. I DID THAT INTENTIONALLY BECAUSE THEN SHE COULD TAKE HER NEWFOUND SKILLS AND TAKE THEM OVER TO ANOTHER SIDE OF THE OFFICE AND SPREAD THAT TRAINING KNOWLEDGE TO OTHERS IN THE GANG UNIT. BECAUSE WHAT YOU SAY IS RIGHT -- THEY CAN INSERT THESE CASES CAN INSERT THEMSELVES IN A NUMBER OF DIFFERENT WAYS INTO THE CRIMINAL JUSTICE SYSTEM TO INCLUDE THE CHILD ABUSE ARENA. AND SO WE ARE EXPANDING OUR PREPARATION FOR BEING ABLE TO APPROPRIATELY DEAL WITH THEM IN DEALING WITH THE CORRECT RAMIFICATIONS, AND SENTENCE, IF YOU WILL, OR WHAT HAVE YOU, WITH THE PITCH, WORK APPROPRIATELY WITH THE VICTIM, THE YOUNG WOMEN THAT WE'RE TALKING ABOUT, BECAUSE THEY COME IN A LOT OF DIFFERENT SHAPES AND SIZES TO US AS WELL. AND WHAT I MEAN BY THAT IS, PARTICIPATION LEVELS. THEY RANGE FROM AGGRESSIVELY HOSTILE TO US, TO COMPLETELY APPRECIATIVE AND THANKFUL FOR HELPING THEM GET OUT OF THE LIFESTYLE. AND EVERYWHERE IN BETWEEN.

**Vice-Chair Shiprack:** I GUESS I'M STILL -- I WANT TO SAY THAT I STILL FIND IT UPSETTING ON SO MANY LEVELS THAT THE SOLICITATION OF A 14-YEAR-OLD PROSTITUTE BY A 50-YEAR-OLD MAN IS THE SUBJECT OF EMBARRASSMENT TO THE 50-YEAR-OLD MAN, WHEN HE IS CAUGHT. AND THAT THE 14-YEAR-OLD WOULD BE SUBJECT TO PROSECUTION UNDER JUVENILE LAWS, WHERE REALLY WHAT IT'S MORE THAN EMBARRASSMENT, IT IS A FELONY CRIME, AND STILL I DON'T READ ABOUT IT IN THAT CONTEXT. I READ, YOU KNOW, SHAME, OR LIKE A SOCIALLY AWKWARD SITUATION FOR AN OTHERWISE VERY RESPECTABLE MEMBER OF OUR COMMUNITY. AND I THINK THAT HAS TO STOP. AND THAT I THINK ONE OF THE WAYS TO STOP IT IS IN THE WAY WE TALK ABOUT IT. AND WOULD LIKE TO SEE THAT START HERE AROUND THIS TABLE AND IN THIS ROOM.

**Mr. Underhill:** YOU'RE IN THE RIGHT SPOT, THEN. YOU'LL BE PLEASED TO KNOW MYSELF AND J.R. SAT DOWN WITH OTHERS AND CREATED LEGISLATION THAT WE'VE BEEN PUSHING THROUGH DOWN IN SALEM AS WE SPEAK. WE'VE RAN INTO SOME

CHALLENGES, SOME DIFFICULTIES, BUT THE SITUATION THAT YOU OUTLINED WOULD HAVE BEEN CRIMINALLY GREATLY ENHANCED HAD THE LEGISLATION THAT WE WROTE BEEN ADOPTED. I KNOW COMMISSIONER MCKEEL IS WELL AWARE OF IT. WE LET HER OFFICE KNOW, AND PICKED THEIR BRAINS FOR THINGS WE MIGHT BE MISSING. BUT YOU AND I ARE ON THE SAME PAGE IN THIS AREA.

**Vice-Chair Shiprack:** THAT'S GREAT. LET ME KNOW WHAT I CAN DO TO HELP.

**Mr. Underhill:** YEAH. WE MAY NOT GET THROUGH LEGISLATIVELY WHAT WE WANT TO, THERE'S A FISCAL IMPACT. ANYWAY, WITHOUT DRILLING DOWN TOO DEEPLY INTO THE PROBLEMS, MORE THAN WILLING TO SHARE WITH YOU THE ORIGINAL VERSION OF THE LEGISLATION BECAUSE MAYBE NEXT YEAR WE'LL BE MORE SUCCESSFUL HAVING GIVEN UP THIS YEAR, BUT IT'S NOT LOOKING AS GOOD AS WE THOUGHT IT WOULD. BUT WE ARE -- I'M WITH YOU.

**Commissioner Smith:** GOOD MORNING, THANKS FOR COMING BEFORE US AND THANK YOU BOB FOR YOUR WORK. QUESTION. IN TERMS OF WHEN YOU HAVE YOUNG WOMEN UNDER THE AGE OF 18 AND THEIR PARENTS BASICALLY PROSTITUTE THEM OUT, IS THAT CONSIDERED CHILD ABUSE, OR HUMAN TRAFFICKING? WHAT IS THAT CALLED?

**Mr. Underhill:** IT CAN BE LOTS OF THINGS. AND WHAT I MEAN BY THAT IS, WE HAVE THE MOST SERIOUS OF THE OFFENSES IN THIS AREA IS CALLED COMPELLING PROSTITUTION. THAT IS WHERE THEY ARE PROMOTING IT, THEY'RE ENCOURAGING IT, BUT ADDING TO IT, THEY'RE DOING SOME FORM OF USUALLY PHYSICAL VIOLENCE IN ORDER TO PUSH THAT THROUGH. THAT'S A BALLOT MEASURE 11 OFFENSE. THERE IS ALSO PROMOTING PROSTITUTION. AND THAT IS BEING THE PITCH OR THE MODERATOR, FACILITATOR OF THE SITUATION, BUT MAYBE NOT THROUGH IDENTIFIABLE VIOLENCE. THAT'S STILL A SERIOUS FELONY. YOU ALSO HAVE WITH IT DEPENDING ON THE SITUATION, AIDING AND ABETTING RAPE IN THE FIRST DEGREE. DEPENDING ON NOW WE START TO LOOK AT THE AGE OF THE YOUNG LADY, RIGHT? AND WE CAN HAVE AIDING AND ABETTING SODOMY, AIDING AND ABETTING RAPE IN THE FIRST DEGREE DEGREE, UNLAWFUL SEXUAL PENETRATION, AIDING AND ABETTING SEX ABUSE. IT CAN BE A NUMBER OF THINGS BEFORE YOU GET TO THE CRIMINAL MISTREATMENT ARENA, WHICH YOU CAN, WHEN WE'RE TALKING ABOUT SOMEBODY WHO HAS CARE AND CUSTODIAL RESPONSIBILITIES, LIKE A PARENT, OR A GUARDIAN, WHEN THEY ARE ENGAGING IN THAT BEHAVIOR, THAT'S ANOTHER CHARGEABLE OFFENSE. UNDERSTANDING, THOUGH, CRIMINAL MISTREATMENT IN THE FIRST DEGREE IS A CLASS C FELONY AND ON THE CONTINUUM OF OFFENSES WOULD BE ON THE LOWER SIDE OF THESE OTHER MORE SERIOUS OFFENSES. SO WHEN IT IS A PARENT THAT IS OPERATING ESSENTIALLY AS A PITCH IN THE SITUATION --

**Commissioner Smith:** IT SEEMS THE PARENTS ARE NOT BEING TREATED AS EGREGIOUS AS OTHERS, BECAUSE IT'S STILL THE SAME CRIME. IN MY OPINION IT'S PROBABLY WORSE BECAUSE IT'S YOUR PARENT.

**Mr. Underhill:** I WOULDN'T DISAGREE. I WOULDN'T DISAGREE. AND I'M INTERESTED IN -- I'M INTERESTED IN FOLLOWING UP THAT CONVERSATION, BECAUSE IF WE'RE NOT

TREATING THEM AS AGGRESSIVELY AS WE SHOULD, I WANT TO CHANGE THAT. I'M THINKING THAT WE ARE, BUT I DON'T WANT TO BE MAKING A MISTAKE. IF YOU'RE THINKING OF SITUATIONS WHERE WE'RE NOT DOING WHAT WE NEED TO BE DOING, I WANT TO CHANGE THAT. BECAUSE I DO THINK IT'S A VIOLATION OF THE TRUST CONTRACT THAT WE HAVE WITH ONE ANOTHER, A PARENT, A CHILD, FOR CRYING OUT LOUD, HOW COULD IT BE WORSE? I'D LIKE TO CHANGE THAT.

**Commissioner McKeel:** I HAVE ONE FOLLOW-UP WRAP-UP, BECAUSE I KNOW WE HAVE OTHER THINGS TO DISCUSS. MY QUESTION IS, WHAT HAPPENS TO THE SYSTEM IF THIS POSITION IS NOT FUNDED? BECAUSE WE'VE TALKED ABOUT IT TOUCHES ON JOHN'S SCHOOL, WHICH WE KNOW HAS BEEN SUCCESSFUL, SELF-SUSTAINING PROGRAM. YOU TALKED ABOUT THE LEGISLATION DOWN AT THE STATE, THERE'S SOME NEW LEGISLATION THAT'S GOING TO COME THROUGH. AND HOW DO WE WORK WITH THAT? SO YOU KNOW --

**Mr. Underhill:** WELL, GOOD QUESTION. MILLION DOLLAR QUESTION. I HAD A CONVERSATION WITH THE MAYOR OF PORTLAND LAST NIGHT, HE AND I TALKED AROUND 7:00, AND QUITE CANDIDLY HE LET ME KNOW THE CITY WAS NOT GOING TO BE IN A POSITION, WAS NOT GOING TO BE FUNDING THE LAWYER POSITION IN THIS AREA. AND HE ASKED THE SAME QUESTION, SLIGHTLY DIFFERENT LENS. SO I SPENT LAST 18 HOURS OR SO TRYING TO COME UP WITH, ALL RIGHT, WHAT ARE WE GOING TO DO? I'LL ANSWER IT THIS WAY. THIS IS THE BEST I CAN DO -- WE'RE GOING TO DO EVERYTHING WE CAN AT THE DISTRICT ATTORNEY'S OFFICE TO HAVE SERVICE UNINTERRUPTED. WHAT DOES THAT MEAN? DOES THAT MEAN LOOKING IN THE COUCH CUSHIONS FOR THE NICKELS AND DIMES THAT SOMETIMES COME THROUGH SALARY SAVINGS AND OTHER THINGS THAT PROGRESS THROUGHOUT THE YEAR? CAN I TRY IN THREE-MONTH INCREMENTS TO LOOK AT, WE'LL TRY FOR THREE MONTHS AND SEE HOW THE DISTRICT ATTORNEY'S BUDGET IS, YOU KNOW, AND I'D LIKE TO DO THAT. I WOULD LIKE TO NOT TAKE THAT POSITION AWAY AT ALL. IF THERE'S ANY WAY I CAN WITHIN THE OFFICE, ABIDING BY ALL THE RULES THAT APPLIED TO THE BUDGETS AND BEING FISCALLY RESPONSIBLE, THAT'S WHAT I'D LIKE TO -- THAT'S WHAT I'D LIKE TO TRY MYSELF. ADAM AND I WERE TALKING, THAT'S THE FIRST THING I TALKED TO HIM ABOUT, THE CONVERSATION WITH THE MAYOR YESTERDAY. AND ME BRAINSTORMING WITH HIM ABOUT HOW TO PULL THAT POSITION ON. WOULD WE NEED ONE FTE FUNDING, THE \$130,000 THAT THE CITY FUNDED US IN THE PAST, OR COULD WE -- IF WE COULD GET .5 OF THAT AND THEN DO WHAT I JUST DESCRIBED, TIGHTEN OUR BELT WITH THE BUDGET WE HAVE, AND SEE IF THERE ARE SALARY SAVINGS OVER THE REST OF THE FISCAL YEAR NEXT YEAR, AND KEEP THAT POSITION IN PLACE. THE ANSWER TO THAT WE BELIEVE IS YES. WE BELIEVE THE ANSWER TO THAT QUESTION IS YES. .5 FUNDING OF IT. IF THAT .5 FUNDING DOESN'T COME, WOULD I LIKE TO TRY IT ANYWAY IN MY THREE-MONTH INCREMENTAL LENS? I'D LIKE TO DO THAT, AS LONG AS THAT IS ACCEPTABLE WITH THE BOARD AND SOMETHING THAT YOU THINK IS A GOOD IDEA FOR ME TO EXPLORE. THAT'S WHAT I'D LIKE TO DO. BECAUSE I -- WE DO GET VALUE ADDED TO OUR COMMUNITY WITH THAT POSITION. SO I WANT TO DO EVERYTHING I CAN WITHIN MY SHOP TO MAKE IT HAPPEN, THAT WE CONTINUE THAT SERVICE.

**Chair Cogen:** COMMISSIONER KAFOURY.

**Commissioner Kafoury:** THANK YOU. I'M NOT TRYING TO PUT YOU ON THE SPOT, I'VE BEEN PUSHING ON THE HEALTH DEPARTMENT AS WELL. I APPRECIATE YOU FEEL STRONGLY ABOUT THIS POSITION. YOU DO HAVE ADDITIONAL DOLLARS IN YOUR BUDGET, AND I'M CURIOUS WHAT WAS YOUR THOUGHT PROCESS ABOUT WHY YOU PUT NEW MONEY INTO – OR, ADDITIONAL RESOURCES INTO OTHER AREAS INSTEAD OF THIS ONE, IF IT RISES TO SUCH A LEVEL OF IMPORTANCE WITH YOU.

**Mr. Underhill:** THE MENTAL HEALTH POSITION?

**Commissioner Kafoury:** THERE'S -- FROM -- THERE'S OTHER MONEY IN YOUR BUDGET LOOKS LIKE THAT YOU DIDN'T HAVE LAST YEAR.

**Mr. Underhill:** WELL, I'LL START WITH FOCUSING ON THE MENTAL HEALTH, AND MAYBE IT WILL COME TO ME. SO WHEN THE DEPARTMENT OF JUSTICE CAME OUT WITH THEIR REPORT, AT THE END OF LAST YEAR, AROUND OCTOBER, IF I REMEMBER RIGHT, MAYBE IT WAS SEPTEMBER, AND IT WAS A REPORT DEALING WITH HOW IT WAS FOCUSED ON THE PORTLAND POLICE BUREAU, AND ITS FOCUS WAS HOW MENTAL HEALTH ISSUES WERE ADDRESSED BY THE PORTLAND POLICE BUREAU, AND THE NEED FOR IMPROVEMENT. WELL, I READ THAT REPORT BEFORE - - I GOT A COPY OF THE REPORT JUST HOT OFF THE PRESS, THE NIGHT BEFORE IT WAS MADE PUBLIC, AND I READ IT, AND THE NEXT MORNING I WENT IN AND IT WAS MR. SCHRUNK'S OFFICE, AND I WENT IN AND SAID, WE NEED TO HELP IN THIS AREA. WE NEED TO DO WHAT WE CAN. THIS IS -- THEY'RE THE ONES TAKING THE BULLETS ON THIS, NO PUN INTEND AT ALL, BUT THEY'RE THE ONES IN THE TARGET ZONE OF THIS REPORT, BUT IT'S A COMMUNITY-BASED NEED. I -- WE DO -- I WOULD LIKE TO, I RECOMMENDED, I WOULD LIKE TO TAKE A POSITION THAT EXISTS IN THE MISDEMEANOR UNIT WHO ALREADY DOES SOME OF THE MENTAL HEALTH-BASED WORK, AND DEDICATE THEM FULL-TIME TO A MENTAL HEALTH DEPUTY TO BROADEN OUR REACH AND OUR LENS IN THE AREA OF TRAINING AND ASSISTANCE. HE AGREED.

HOW DID I BACKFILL IN THE MISDEMEANOR POSITION, BECAUSE THAT'S A POSITION I TOOK FROM TO SLIDE IT OVER, IF YOU WILL, AND THE ANSWER IS, I BEGAN TO PUSH AND MAKE MUCH MORE SUBSTANTIALLY MORE ROBUST THE AREA OF VOLUNTEER PROSECUTORS. AT ANY -- NOW -- SO WE HAVE HAD AT ANY GIVEN TIME ONE, TWO, OR THREE, THREE HAS BEEN THE HIGH, THE MAX, VOLUNTEER PROSECUTORS ASSISTING WITH MISDEMEANOR PROSECUTION. THEY'RE FREE TO US. IT COMES WITH IT A PLETHORA OF ISSUES. SOME OF WHICH ARE UNION-BASED, SOME OF WHICH ARE TRAINING BASED, SOME ARE DURATION BASED. IT'S A VERY INFIRM WAY TO RUN AN OFFICE, BASED ON VOLUNTEERS WHEN YOU'RE TALKING ABOUT PROSECUTORS. AS WE'VE EXPERIENCED AT ANY GIVEN TIME, SOMEBODY WILL GET A CALL AND THEY'LL GET A JOB, AND OFF THEY GO, AND IT HAS TO BE THAT WAY WITH VERY OR LITTLE -- NO WARNING. SO THAT POSITION WAS TAKEN OUT MUCH A MISDEMEANOR POSITION. THE MENTAL HEALTH POSITION.

THE PREMISE WAS, IF I LOSE THE PROSTITUTION POSITION, THAT IS A MISDEMEANOR POSITION, THE MENTAL HEALTH POSITION HAS BEEN PERMANENTLY FUNDED, BUT THE PROSTITUTION POSITION IS TO BACKFILL WHAT I'VE BEEN

KEEPING TOGETHER WITH GLUE AND, YOU KNOW, WIRE, AND BAND-AIDS. IN THE MISDEMEANOR UNIT. AND I DON'T -- IT'S NOT MY INTENTION TO GET TOO DRAMATIC. BUT THE MIDDLE OF LAST WEEK, WE HAVE A PROSECUTOR GOING ON AN EXTENDED LEAVE. ABSOLUTELY JOB ONE IS FOR HER TO RAISE HER NEWBORN CHILD FOR THE NEXT SEVERAL MONTHS. AND FOR THE FIRST TIME IN MEMORY, IN MY MEMORY AS THE DISTRICT ATTORNEY, SITTING IN A ROOM WITH VERY EXPERIENCED PROSECUTORS AND US ABSOLUTELY STRUGGLING, STRUGGLING TO FIGURE OUT HOW TO BRIDGE THAT GAP, THAT FOUR-MONTH LEAVE GAP WITH MOVING THE DECK CHAIRS AROUND. WE'RE THAT THIN. AND I DON'T WANT TO GET TOO BASE OR OVERLY DRAMATIC WITH YOU, BUT I SAW PROSECUTORS ACTUALLY ANGRY AT ONE ANOTHER, FRIENDS AND COLLEAGUES, ANGRY AT ONE ANOTHER BECAUSE WE'RE THAT THIN. AND SO I HAVE TO FILL THAT MISDEMEANOR POSITION. PEOPLE ARE VERY THIN, AND SPREAD TOO THIN THERE. SO WHEN THAT MENTAL HEALTH POSITION GETS FUNDED, THAT POSITION IS FUNDED, BUT I POPULATE BEHIND THAT IN THE MISDEMEANOR UNIT. THEY'VE BEEN PROMISED THAT. I'VE STRIPPED THEM CLEAN. I DID IT WITH MIKE'S PERMISSION. STARTING ABOUT OCTOBER. BUT THEY CAN'T SUSTAIN IT ANY LONGER. AND SO THAT'S THE PLAN, DO I WANT TO DO WHAT I SAID EARLIER ABOUT THE PROSTITUTION POSITION, AND THE ANSWER IS YES, FOR THE REASON I WON'T BE REDUNDANT, BUT FOR THE REASONS I SAID. SO DOES THAT, COMMISSIONER, DOES THAT GO TO ANSWERING THE QUESTION?

**Commissioner Kafoury:** SURE.

**Mr. Underhill:** OK. ANY OTHER QUESTIONS BEFORE I THINK I SWITCH OVER TO KEY ACCOMPLISHMENTS. I THINK WE'VE TALKED ENOUGH ABOUT THE MENTAL HEALTH POSITION FOR NOW. I'LL MOVE ON REAL QUICKLY THEN TO THE EQUITY DIGNITY AND OPPORTUNITY COUNCIL. I MENTIONED TO YOU THE MISSION STATEMENT IN THE VERY BEGINNING WAS DIFFERENT THAN IT HAD BEEN BEFORE. AND IT REFLECTS SOME AREAS THAT I WANT TO PUSH AND DO BETTER IN THE DISTRICT ATTORNEY'S OFFICE. ONE OF THE FIRST THINGS I DID WAS FORM AN EQUITY DIGNITY AND OPPORTUNITY COUNCIL. IT'S MADE UP OF 12 INDIVIDUALS, SIX ATTORNEY STAFF, SIX NONATTORNEY STAFF, VERY DIVERSE GROUP. I MADE IT I THINK CRYSTAL CLEAR TO THEM THAT I WOULD BE KIND OF AN HONORARY MEMBER, IF YOU WILL. I DID NOT WANT TO OCCUPY ONE OF THE 12 CHAIRS. I WANTED THEM TO BE IN CHARGE OF IT. AND I WANT TO HAVE THAT GROUP, HAVE ME COME VISIT AT THEIR LEISURE, AND IF THEY HAVE QUESTIONS OR THEY WANT ME TO WEIGH IN ON SOME IDEAS, JUST ASK, AND EVERY ONCE IN A WHILE I'LL THROW ONE OUT, EVEN IF NOT ASKED. IT'S A GROUP OF 12 INDIVIDUALS IN THE OFFICE THAT I WANT TO REALLY HAVE A ROBUST EXCHANGE OF IDEAS.

ONE OF THE FIRST THINGS THAT WE ACCOMPLISHED SINCE JANUARY UNTIL NOW IS THE I THINK IT'S ACCURATE TO SAY THE ENTIRE OFFICE HAS BEEN TRAINED ON THE COUNTY'S EQUITY LENS. AND WHAT I MEAN BY THAT IS, WE'VE -- IT SAYS TWO TRAININGS, BUT WHAT THAT MEANS IS WE HAD A FIRST SESSION AND SECOND SESSION, BUT BECAUSE OF OPERATIONAL NEEDS, WE'VE HAD TO DIVIDE IT UP INTO GREATER THAN TWO TRAININGS. WE HAD HALF THE OFFICE TRAINED FOR THE -- ONE SECTION, AND THE OTHER HALF, AND NOW WE'RE IN THE SECOND PHASE OF THINGS. WE'RE NOT COMPLETELY DONE, BUT WE'RE NEAR DONE. AND WHEN YOU

HAVE AN OFFICE THE SIZE OF OURS, CLOSE TO 200 MEMBERS, AND TO BE ABLE TO SAY THAT JUST ABOUT EVERYBODY HAS RECEIVED THIS TRAINING, WE'RE VERY PROUD OF THAT. IT'S NOT SOMETHING WE'VE EXPERIENCED REALLY IN MEMORY. AND ITS VALUE WAS NOT JUST IN THE TEACHINGS AND THE TRAININGS AND THE TOPIC AND THE WONDERFUL OPPORTUNITY FOR EVERYBODY TO LEARN THINGS, BUT TO SEE EACH OTHER IN A DIFFERENT SETTING IN OUR OFFICE AND GET EVERYBODY IN ONE ROOM. IT HAS SIGNIFICANT GAINS. WHO KNOWS WHAT THE NEXT -- WE'RE NOT QUITE DONE WITH THE COUNTY'S EQUITY TRAINING LENS. VERY CLOSE. BUT WHO KNOWS WHAT'S NEXT. I'VE WEIGHED IN, I'VE THROWN OUT, MAYBE -- WE'VE TALKED ABOUT COMING UP WITH AN ANTI-BULLYING CAMPAIGN, AND DOING THAT IN-HOUSE FIRST, AND THEN SEEING IF WE COULD HELP THE REST OF THE COMMUNITY AND BRING THAT TRAINING ELSEWHERE. SO WE'VE GOT, WHETHER IT LANDS HERE OR NOT IS GOING TO BE UP TO THEM, BUT WE'VE GOT 12 DEDICATED PEOPLE WHO ARE VERY INTERESTED IN DOING THAT WORK. SO I'M VERY PROUD OF THAT AND VERY PROUD OF THEM.

**Commissioner McKeel:** CHAIR COGEN?

**Chair Cogen:** COMMISSIONER MCKEEL.

**Commissioner McKeel:** EXCUSE ME, I DO WANT TO BACK UP TO THE MENTAL HEALTH DEPUTY D.A. YOU CAN YOU KNOW, YOU CAN TALK TO ME ABOUT THIS LATER IF YOU WANT. I DON'T WANT TO TAKE UP THE WHOLE TIME. I'M JUST CURIOUS WHAT YOU'RE SEEING THE WORKLOAD IS WITH THIS -- I THINK THE MENTAL HEALTH ISSUE IS HUGE. AND IT'S GOING TO GET BIGGER, IN MY OPINION. SO I'M VERY INTERESTED IN THIS. SO WHAT THE WORKLOAD IS, AND HOW DOES THIS FIT INTO THE BIGGER SYSTEM OF MENTAL HEALTH? I'M ALSO INTERESTED BECAUSE YOU KNOW, VETERANS IS ANOTHER FOCUS OF MINE, HOW WE ARE WORKING WITH THE V.A. WITH LINDA MADDY AT THE V.A., AND GABRIEL, WHO IS OUR VSO IN THE JAILS HERE AT THE COUNTY. AND I ALSO -- I THINK I'M CORRECT ON THIS, I UNDERSTAND THAT WASHINGTON AND CLACKAMAS COUNTY ARE HOLDING SOME MENTAL HEALTH COURTS IN HOSPITALS, AND I JUST WONDER IF WE'RE LOOKING AT THAT MODEL AT ALL, AND WHAT THAT LOOKS LIKE.

**Mr. Underhill:** OK. VERY GOOD. I'VE WRITTEN DOWN A FEW NOTES. GOOD QUESTION. I'LL START WITH THE WORKLOAD WHICH I'LL TRANSLATE INTO WHAT ARE THE OBLIGATIONS. WHAT DOES THIS PERSON DO TODAY. AND WHAT CAN THEY DO TOMORROW.

**Commissioner McKeel:** AND WHAT YOU ANTICIPATE IN THE FUTURE.

**Mr. Underhill:** WHAT THEY DO TODAY, I'VE WRITTEN DOWN CIVIL COMMITMENT HEARINGS. THE DISTRICT ATTORNEY'S OFFICE HAS HAD THE RESPONSIBILITY OF HANDLING THE INVOLUNTARY COMMITMENTS THAT OCCUR IN MULTNOMAH COUNTY THAT DEPUTY CONTINUES THAT. IF WE WERE TO BACK UP PRE-- THIS TIME LAST YEAR, IF WE WERE TO BE LOOKING AT HOW THE OFFICE HANDLED THAT SITUATION, THIS TIME LAST YEAR AND THE ANSWER WAS, SADLY, WE STAFFED THAT POSITION, THOSE CIVIL COMMITMENT HEARINGS MORE OFTEN THAN NOT WITH LAW STUDENTS, WITH INTERNS. WE'RE DOING A GREAT SERVICE TO THOSE

HEARINGS AND THE ANSWER WAS NOT AS GOOD AS WE WOULD LIKE TO. THE INTERNS ARE GOOD PEOPLE, BUT BOTTOM LINE IS, THEY'RE NOT AS EXPERIENCED AS OTHERS. AND SO I THINK THERE WAS -- WELL, THERE WAS AN IMPACT FELT IN COLLATERAL AND SOMETIMES DIRECT WAYS BY JUST HAVING WHAT KIND OF EXPERIENCE WE HAD IN THE ROOM. NOW WE HAVE A FULL-TIME PROSECUTOR IN THE ROOM, AND THE FUNDING THAT THE CHAIR HAS IN HIS BUDGET WILL HAVE US BEING A FELONY ENTRY LEVEL, BUT FELONY PROSECUTOR WHICH WILL ADD TREMENDOUS VALUE TO STABILITY, AND EXPERIENCE IN THAT ROOM TO DO THOSE CASES THE RIGHT WAY. THAT SEGUES A LITTLE BIT INTO YOUR QUESTION ABOUT THE HOSPITALS. YES, WE ARE BRANCHING OUT TO HAVING THE HEARINGS IN THE HOSPITALS, A TREMENDOUS AMOUNT MORE THAN WE USED TO. THERE ARE GOODS AND BADS. THERE ARE GOOD -- AND PRESIDING JUDGE WALLER HAS MET WITH ME AND OTHERS, VICE CHAIR SHIPRACK, YOU'VE ATTENDED ONE OR TWO OF THOSE MEETINGS, WE'VE BEEN MEETING AT 7:30 A COUPLE TIMES TO EXPLORE THE GOOD AND THE BADS. BECAUSE THERE IS A BALANCE, AND WE'RE WORKING TO STRIKE THAT BALANCE. WE'RE WORKING TO STRIKE THE BALANCE ON EFFICIENCY, ON PRODUCTIVITY, EFFECTIVENESS, ALL THOSE THINGS. AND WE'LL GET THERE. WE'RE NOT THERE YET. BUT WE'LL GET THERE. BUT WE'RE DOING A LOT IN THE HOSPITAL RIGHT NOW.

**Commissioner McKeel:** OKAY, GOOD.

**Mr. Underhill:** MENTAL HEALTH COURT HEARINGS. ANOTHER AREA WHERE THIS DEPUTY WILL HAVE A CONSISTENT VALUABLE PRESENCE AT THE MENTAL HEALTH COURT HEARINGS BECAUSE SOME OF THE PEOPLE WE'VE SEEN IN THE CIVIL COMMITMENT HEARINGS WE'RE SEEING IN MENTAL HEALTH COURT. WE HAVE OVERLAP. THE THINGS THIS OFFICE, THE DISTRICT ATTORNEY'S OFFICE DIDN'T DO, THEY'RE CERTAIN -- VERY EFFECTIVELY IS GETTING OUT OF THE BUILDING. DOING THINGS BEYOND THE CIVIL COMMITMENT AND MENTAL HEALTH AREA THAT I'VE MENTIONED. AND THAT IS ENGAGING IN THE OUTREACH. AND THE TRAININGS. LAURA MAUER, WHO IS THE MENTAL HEALTH DEPUTY RIGHT NOW, HAS DONE A TREMENDOUS JOB IN THE LAST HANDFUL OF MONTHS IN BUILDING BRIDGES AND GETTING OUT OF THE BUILDING. SHE'S WORKING VERY AGGRESSIVELY WITH AS I UNDERSTAND WITH THE COMMUNITY PARTNERS, AND THAT'S WHERE IT'S VALUE ADDED. HER TRAINING, BOOTS ON THE GROUND, LAW ENFORCEMENT OFFICERS ENCOUNTERING THESE INDIVIDUALS ON THE STREET IS HARD TO QUANTIFY, HARD TO UNDERSTAND WHAT EXACTLY THAT VALUE IS. BUT DOES IT AVOID SOME USE OF FORCE SITUATIONS? THE ANSWER IS I'LL BET IT DOES. DOES IT OPEN AN EYE TOWARD THAT OFFICER'S ABILITY TO UNDERSTAND WHAT IS THE RIGHT RESPONSE? IS THIS AN ARREST, CITATION, IS THIS A, NO, LET ME GET YOU IN THE CAR AND DRIVE YOU OVER HERE INSTEAD. HAVING OPTIONS, AND THAT'S WHAT LAURA MAUER IS ABLE TO DO, TO HELP LAW ENFORCEMENT UNDERSTAND THOSE OPTIONS AS WELL. WHAT CAN THIS POSITION DO THAT CURRENTLY THEY DON'T DO? BUT I'M OPTIMISTIC WE'LL BE ABLE TO DO HERE -- IT MAY BE VERY, VERY SOON. AND THAT IS, THE OFFICE, THE DEATH PENALTY'S OFFICE HAS A NUMBER OF CRIMES THAT WE ENCOUNTER, AID AND ASSIST ISSUES, AND GEI, GUILTY EXCEPT FOR INSANITY. IT USED TO BE CALLED GBI, GUILTY BUT INSANE. BUT THE LAW NOW IS GEI. WE SEE THOSE FILED DEFENSES OR MOTIONS OR NOTICES DEPENDING ON WHAT WE'RE TALKING ABOUT, IN ALL KINDS OF CRIMES, ALL THE WAY DOWN FROM



AGGRAVATED MURDER TO CRIMINAL TRESPASS AND IN BETWEEN. CAN THIS DEPUTY BE THE HUB FOR SOME OF THAT MATERIAL THAT WORK, AND THE ANSWER IS, I BELIEVE SO. I'M NOT SUGGESTING THAT DEPUTY WOULD HANDLE ALL THOSE HEARINGS, BECAUSE I'M NOT GOING TO HAVE -- IT MAY NOT BE THAT THIS POSITION DEFENDS THE OFFICE'S POSITION IN AN AGGRAVATED MURDER GEI DEFENSE. I'VE GOT EXPERIENCED PROSECUTORS WHO WILL LIKELY DO THAT. BUT CAN THIS DEPUTY POSITION ASSISTS THEM, PROVIDE THEM THAT BACKGROUND LEGWORK ON CASE LAW AND UNDERSTANDING? AND THE ANSWER IS YES, THAT'S AN AREA WE HAVEN'T MARCHED INTO THAT I HAVE PLANS TO, TO HAVE THAT PERSON BE THE HUB FOR THE OFFICE'S OTHER 70 OR SO TRIAL LAWYERS TO GO TO. TO SEEK ADVICE ON CURRENT LAW AND CHANGES IN THAT AREA. SO DID THAT HELP ANSWER YOUR QUESTION, COMMISSIONER?

**Commissioner Mckeel:** YEAH.

**Mr. Underhill:** OK. I WILL -- IF THERE'S ANY OTHER QUESTIONS FIRE AWAY, OTHERWISE, I'VE DONE A LOT OF TALKING, I HOPE I'VE GOTTEN SOMEWHERE, AND IT MADE SENSE, BUT I'LL TURN IT OVER TO ADAM BROWN.

**Vice-Chair Shiprack:** I JUST WANT TO OBSERVE THAT I THINK THAT THE FACT THAT OUT OF THE MEMBERS OF YOUR STAFF WHO I KNOW ARE LIKE SWAMPED WITH CASES EVERY DAY, THAT THEY ARE TAKING TO COURT EVERYBODY DAY, THAT THERE IS THIS SORT OF UNENDING DRUM BEAT OF LIKE GOTTA DO THIS RIGHT NOW KIND OF WORK THAT TAKES DEPUTY D.A.s OUT OF THEIR OFFICE INTO THE COURTROOM, WHERE THEY'RE DOING BUSINESS ON OUR BEHALF, THAT REALLY THERE IS ALSO THIS PERCEPTION OF THE D.A.'S OFFICE AS BEING AN ADJUNCT OF PUBLIC SAFETY DIRECTLY AFFILIATED WITH THE POLICE. AND THOSE ARE YOUR WITNESSES, AND CRIMES, AND -- BECAUSE WE WANT TO BE SUCCESSFUL WITH OUR PROSECUTIONS IN THESE CASES, IT'S REALLY IMPORTANT THAT THERE BE THAT RELATIONSHIP BETWEEN THE D.A.'S OFFICE AND THE POLICE. SO I'M CURIOUS, THE MENTAL HEALTH DEPUTY IS TRAINING POLICE AS PART OF HER JOB, ARE THERE OTHER DEPUTIES WHO ARE ENGAGED ON A REGULAR BASIS WITH PROVIDING TRAINING FOR POLICE IN TERMS OF COURTROOM DEMEANOR AND THE LAW?

**Mr. Underhill:** YES. I'LL SPEAK -- MAYBE I'LL TOUCH ON, FOR EXAMPLE, WHAT I'VE DONE IN THE YEARS. FOR YEARS AND YEARS AND YEARS I WAS ON THE ADJUNCT STAFF, IF YOU WILL, OF THE DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING. SO THE ACADEMY AND I DID SIGNIFICANT AMOUNT OF TRAININGS OVER THE YEARS ACTUALLY DECADES, PLURAL, DOWN IT WAS IN MONMOUTH, NOW DOWN IN THE SOUTH PART OF SALEM AT THE NEW RELATIVELY NEW ACADEMY DOWN THERE. AND OTHER MEMBERS OF THE DISTRICT ATTORNEY'S OFFICE HAVE DONE THE SAME OVER THE YEARS. MORE LOCALLY TRAINED WITH FOR YEARS AND YEARS AND YEARS, I WAS A CONTRACT TRIPLE AER FOR THE PORTLAND POLICE BUREAU. THEY WOULD HAVE ADVANCED ACADEMY, AND MYSELF AND SEVERAL OTHER PROSECUTORS IN THE OFFICE TRAINED THEM ON YOU NAME IT, SOME OF THE TOPICS WERE SEARCH WARRANTS, AND SOME OF THE TOPICS WERE I DID SIGNIFICANT TRAINING IN THE AREA OF DOMESTIC VIOLENCE AND CHILD ABUSE.

SOME OF THE AREAS WERE CUSTODIAL INTERROGATIONS AND HOW TO CONDUCT INTERROGATIONS. SEARCH AND SEIZURES. IT GOES ON AND ON.

**Vice-Chair Shiprack:** SINCE THIS IS A BUDGET HEARING, WHEN YOU CONTRACT WITH THEM IS THAT IN ADDITION TO YOUR SALARY AS A D.A. AND THE CITY OF PORTLAND PAYS FOR THAT SEPARATELY AS A SERVICE TO THE POLICE BUREAU?

**Mr. Underhill:** YES. YES. FOR EXAMPLE, WHEN I DID DPSST TRAINING, I WOULD TAKE HALF A DAY OF VACATION AND GO DOWN AND THEY WOULD PAY, I DON'T RECALL NOW, \$40 AN HOUR OR SOME SUCH THING, AND I WOULD TRAIN WITH -- THEY WOULD PAY ME AS A CONTRACT LAWYER TO DO THAT TRAINING FOR THEM. THEY DID IT WITH OTHER AREAS OF THE STATE AS WELL. SO IT WASN'T JUST ROD UNDERHILL, OR JIM HAYDEN OR --

**Vice-Chair Shiprack:** IT'S JUST INTERESTING. I DIDN'T REALIZE THAT WE HAD THAT RELATIONSHIP WITH THE CITY OF PORTLAND.

**Mr. Underhill:** THE CITY OF PORTLAND THAT WAS THE CASE FOR A NUMBER OF YEARS. THEY RECENTLY GOT AWAY FROM THAT. I DON'T RECALL WHEN, BUT ABOUT FIVE YEARS AGO, MAYBE IT WAS LESS. THEY GOT AWAY FROM DOING THAT PRACTICE BECAUSE ONE OF THEIR OFFICERS IS A FORMER PROSECUTOR IN THE DISTRICT ATTORNEY'S OFFICE, SO THEY PUT HIM IN A FULL-TIME TRAINING MODE AND DISCONTINUED FOR THE MOST PART THE HIRING OF ANY LAWYERS TO DO THAT SPECIFIC TRAINING FOR THEM OFF HOURS. SO WHEN I SAY -- WHEN I SUMMARIZED, I'M RUSTY BECAUSE I HAVEN'T DONE IT FOR A HANDFUL OF YEARS, BUT THEY'VE MOSTLY DISCONTINUED IT. THEY'RE HAVING CONVERSATIONS ABOUT STARTING IT BACK UP, BUT I'M NOT SURE. SO I'M A LITTLE RUSTY ON THAT.

**Commissioner McKeel:** SO THIS -- I DON'T KNOW IF THIS FITS IN WITH YOUR QUESTION, COMMISSIONER SHIPRACK, BUT THE DEPARTMENT OF COMMUNITY JUSTICE AND THE PORTLAND POLICE BUREAU HAVE A TRAINING THAT THEY DO, IT'S DONE ON MAYBE A QUARTERLY BASIS AROUND ISSUES DEALING WITH DIFFERENT POPULATIONS.

**Vice-Chair Shiprack:** I GUESS IT'S -- I REALLY DO APPRECIATE THAT AS SAFE TO SAY I HAVE A NEWLY PRIORITIZED CURIOSITY ABOUT THE RELATIONSHIP BETWEEN THE CITY OF PORTLAND'S BUDGET AND MULTNOMAH COUNTY'S BUDGET IN GENERAL.

**Chair Cogen:** ROD, IF I MAY, WE'RE ALREADY ABOUT 10 MINUTES BEYOND THE TIME THAT WAS ALLOTTED FOR THIS BRIEFING. I KNOW WE'VE HAD A VERY ENGAGED CONVERSATION, BUT WE'VE BARELY BEGUN TO TALK ABOUT THE NUMBERS. HOW MUCH MORE TIME DO YOU THINK YOU HAVE FOR THE PRESENTATION, BECAUSE JUST TO BE BLUNT, I HAVE A TIME SENSITIVE MEETING I CAN'T BE TOO LATE FOR. WE MAY HAVE TO -- I WANT TO MAKE SURE THERE'S TIME FOR THIS. WE DO HAVE TIME LATER THIS AFTERNOON BECAUSE OUR AFTERNOON BRIEFING WAS RESCHEDULED, AND THERE'S ALSO TIME THURSDAY THAT WE COULD ADD TO THIS TO MAKE SURE WE HAVE ADEQUATE TIME. BUT I WANTS TO GET A SENSE FROM YOU.

**Mr. Underhill:** WE'LL HUSTLE. WE WANT TO ACCOMMODATE -- WE'RE GOING TO ACCOMMODATE YOUR SCHEDULE, OF COURSE, CHAIR. WHEN WOULD YOU LIKE US TO WRAP UP TODAY?

**Chair Cogen:** I CAN STAY ABOUT ANOTHER 10 MINUTES. IF WE CAN GET DONE THEN, THAT'S GREAT, IF NOT I'D LIKE TO RESCHEDULE BECAUSE I WANT TO MARION COUNTY SURE WE HAVE TIME FOR THE FULL CONVERSATION.

**Mr. Brown:** SURE. CHAIR COGEN, COMMISSIONERS, THANK YOU FOR HAVING ME HERE TODAY, I'M ADAM BROWN. MY ROLE WAS TO PROVIDE YOU WITH THAT DATA YOU'RE REFERRING TO. SO I CAN TRY AND CRUISE THROUGH HERE AS QUICKLY AS I CAN. OBVIOUSLY THERE ARE GOING TO BE QUESTIONS, BUT I'D LIKE TO PROVIDE YOU WITH DETAILS. WE CAN GET THROUGH AS MUCH AS WE CAN HERE IN THE NEXT 10 MINUTES OR SO. BUT WE'D BE HAPPY TO ACCOMMODATE FURTHER DISCUSSION IF NEEDED. WITH THAT I CAN JUST GET STARTED WITH SOME OF THE DETAILS ON THE BUDGET. OUR OVERALL BUDGET WAS ABOUT 26.5 MILLION DOLLARS. THAT DOESN'T INCLUDE LAST WEEK'S LATE ADDITION OF THE VICTIMS ADVOCATE POSITION, WHICH AMOUNTS TO ABOUT \$82,500. I DID ADD THAT POSITION INTO THE NUMBER OF FTE, SO THAT BROUGHT US UP TO \$194 -- 194 FULL-TIME EMPLOYEES, ABOUT A THIRD OF THOSE POSITIONS ARE DEPUTY DISTRICT ATTORNEYS AT 73 1/2. THAT INCLUDES OUR THREE CHIEF DEPUTY DISTRICT ATTORNEYS AND THE FIRST ASSISTANT TO THE DISTRICT ATTORNEY. APPROXIMATELY 20% OR JUST OVER 20% OF THE DISTRICT ATTORNEY'S BUDGET COMES FROM SOURCES OTHER THAN THE GENERAL FUND. SO FEDERAL GRANTS, STATE CONTRACTS, AND GRANTS, AND CITY FUNDED POSITIONS. GENERAL FUND FUNDS 148 -- ALMOST 149 POSITIONS, WHEREAS OTHER FUNDS FUND 44 POSITIONS. TO LOOK AT THIS BY DIVISION, AS ROD DESCRIBED, WE HAVE THREE PRIMARY FACETS OF OUR OFFICE WHICH ARE DOING THE TRIAL WORK AND THE LEGAL WORK, AND THEN WE HAVE THE ADMINISTRATION PORTION OF OUR OFFICE. SO ESSENTIALLY THE ADMINISTRATION PORTION IS ABOUT 20% OF THE OFFICE'S BUDGET, THERE'S 40 EMPLOYEES. THE ADMINISTRATION IS ABOUT 87% GENERAL FUND, 13% OTHER FUND.

DIVISION ONE, WHICH IS THE LARGEST OF THE DIVISIONS, WHICH LARGELY HAS TO DO WITH THE SIZE OF THE MISDEMEANOR TRIAL UNIT AND OUR INTAKE UNIT, EXCUSE ME, LARGELY HAS TO DO WITH OUR JUVENILE UNITED AND THE SUPPORT ENFORCEMENT UNITS WHICH ARE SORT OF ADJUNCT FROM THE REST OF OUR OFFICE, THAT BUDGET IS \$8.5 MILLION, 48% GENERAL FUND AND 51% OTHER FUND. THE REASON THAT DIVISION ONE HAS SUCH A HIGH PERCENTAGE OF OTHER FUND IN THE BUDGET IS DUE TO THE CONTRACT THAT WE HAVE FOR THE TERMINATION OF PARENTAL RIGHTS WORK, AND THE CONTRACT WE HAVE WITH THE STATE FOR JUVENILE DEPENDENCY WORK, ALONG WITH THE FEDERAL AND STATE FUNDING THAT COME TO SUPPORT CHILD SUPPORT ENFORCEMENT. SO THAT DEPARTMENT IS JUST OVER 50% OTHER FUND. DIVISION TWO, THE MISDEMEANOR TRIAL UNIT, THE NEIGHBORHOOD D.A. PROGRAM AND THE GANG UNIT IS ABOUT 50 EMPLOYEES, 90% GENERAL FUND, 10% OTHER FUND, THERE ARE FEW GRANTS ASSOCIATED WITH THAT DIVISION, ONE OF THOSE IS THE ALBINA GRANT WHICH WAS -- WHICH WE GOT IN 2013, WHICH ESSENTIALLY REPLACED THE PROJECT SAFE

NEIGHBORHOOD GRANT THAT WE LOST FROM THE FEDERAL GOVERNMENT. DIVISION THREE, VIOLENT CRIME UNIT, DRUGS, AND PROPERTY CRIMES, THAT, AGAIN, THIS UNIT -- THIS DIVISION IS LARGELY GENERAL FUND AT 95%, 4% OTHER FUND, 42 FULL-TIME EMPLOYEES.

SO DIVISION ONE HAS ABOUT 22 DEPUTY DISTRICT ATTORNEYS, DIVISION TWO HAS 27 DEPUTY DISTRICT ATTORNEYS, AND DIVISION THREE HAS 22 DEPUTY DISTRICT ATTORNEYS. ARE THERE ANY QUESTIONS ABOUT THE FUNDING RELATIVE TO DIVISION? OK. IF WE LOOK AT THE BUDGET BY SPENDING CATEGORY, AS YOU CAN SEE, THE MAJORITY OF THE DISTRICT ATTORNEY'S OFFICE BUDGET GOES TOWARDS PERSONNEL COSTS AT ABOUT 84%. THE SECOND LARGEST CHUNK IS THE INTERNAL SERVICE CHARGES THAT WE PAY TO THE COUNTY FOR OUR FACILITIES OUR TELEPHONES, OUR FLEET, OUR I.T. COSTS, WE ALSO HAVE 4% OF OUR BUDGET GOES TOWARDS MATERIALS AND SERVICES, SO THESE ARE THINGS LIKE PRINTING COSTS, OFFICE SUPPLIES, TRAVEL AND TRAINING, AND OUR INTERNAL SOFTWARE LICENSING AND MAINTENANCE COSTS. WE HAVE ABOUT 4% OF THE BUDGET GOES TO PASS-THROUGH AND POSTAL SERVICES. IN THIS CATEGORY THE LARGE COMPONENT HERE IS OUR CASE-RELATED EXPENSES, SO OUR EXPERT WITNESS FEES, OUR GENERAL WITNESS FEES OR ANY EXPENSES THAT WE MIGHT INCUR RELATED TO TRIAL PROCEEDINGS. WHEN CASES GO TO TRIAL IT CAN BE COSTLY TO OUR OFFICE. THE FUNDS FOR THOSE EXPENSES COME FROM PROFESSIONAL SERVICES AREA. IF WE'RE TO LOOK AT THE DISTRICT ATTORNEY'S OFFICE BUDGET FUNDING BY SOURCE, ABOUT 70% -- 77% OF THE DISTRICT ATTORNEY'S BUDGET COMES FROM THE GENERAL FUND, 10% FROM FEDERAL FUNDING, 2% FROM LOCAL FUNDING INCLUDING THE CITY, AND 11% COMES FROM THE STATE.

**Mr. Underhill:** CHAIR, CAN I SUGGEST WE LOOK AT THURSDAY OF THIS WEEK IF THERE'S TIME TO COME BACK AND ANSWER QUESTIONS?

**Chair Cogen:** I THINK THAT'S A GOOD IDEA. I DON'T WANT TO RUSH JUST BECAUSE OF TIMING CHALLENGES. AM I RIGHT? WE HAVE TIME ON THURSDAY FOR THIS?

**Mr. Kieta:** THAT'S CORRECT. I THINK IT WAS AT 9:45. WE'LL MAKE SURE EVERYBODY GETS COMMUNICATED WITH THE SCHEDULED, BUT WE DO HAVE A LITTLE OVER AN HOUR SET ASIDE.

**Chair Cogen:** I WANT TO MAKE SURE EVERYONE HAS TIME TO GET ALL THE QUESTIONS AND ISSUES ADDRESSED AND IDENTIFIED. SO THAT SOUNDS GREAT, ROD, IF THAT WORKS FOR YOU ALL. I THINK THAT WOULD BE A GOOD WAY TO PROCEED.

**Mr. Underhill:** I SAID THURSDAY, ADAM CORRECTED ME ON SOME MATTERS FOR HIS OBLIGATION ON THURSDAY. ARE WE -- DO YOU HAVE TIME THIS AFTERNOON?

**Chair Cogen:** I KNOW WE HAD A BRIEFING SCHEDULED FOR 1 -- FROM 1:30 TO 3:00 THIS AFTERNOON THAT GOT CANCELED BECAUSE OF PERSONAL OBLIGATIONS. SO I ASSUME THAT WORKS FOR FOLKS. I DON'T KNOW IF THAT WORKS FOR YOU ALL.

**Mr. Underhill:** ANY CHANCE AFTER 3:00, OR AT 3:00?

**Chair Cogen:** THAT DOESN'T WORK. WE HAVE AN EMERGENCY MANAGEMENT -- IT DOESN'T WORK FOR ME.

**Mr. Kieta:** WHAT I CAN DO, I'LL WORK WITH ALL THE PARTIES AND WE'LL FIND A SPOT SHORTLY TO COME BACK AND FINISH THIS BRIEFING THAT WORKS FOR EVERYBODY.

**Chair Cogen:** OK. AS LONG AS YOU'RE CONFIDENT WE'LL FIND SOMETHING. I WANT TO MAKE TIME TO FINISH THIS.

**Ms. Kieta:** YES.

**Chair Cogen:** OKAY, THANKS. I APOLOGIZE FOR THAT, BUT WE DO HAVE A LOT OF INTEREST IN YOUR BUDGET HERE, SO WE WANT TO MAKE SURE WE ALL GET A CHANCE TO ADDRESS IT.

**Mr. Underhill:** THANK YOU.

**Chair Cogen:** THANKS EVERYONE FOR COMING IN THIS MORNING. AT THIS POINT WE'RE ADJOURNED AND WE WILL BE REGROUPING ON THIS AT A TIME THAT WE'LL SOON FIGURE OUT. [GAVEL]

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:19 a.m.

*This transcript was prepared by LNS Captioning and edited by the Board Clerk's office. For access to the video and/or board packet materials, please view at: [http://multnomah.granicus.com/ViewPublisher.php?view\\_id=3](http://multnomah.granicus.com/ViewPublisher.php?view_id=3)*

Submitted by:  
Lynda J. Grow, Board Clerk and  
Marina Baker, Assistant Board Clerk  
Board of County Commissioners  
Multnomah County

**Tues. 05/21/13     Budget Work Session #6 – 1:30 pm – 3:00 pm – CANCELLED**