



Multnomah County Agenda Placement Request Budget Modification

(Revised 9/23/13)

Board Clerk Use Only

Meeting Date: _____

Agenda Item #: _____

Est. Start Time: _____

Date Submitted: _____

Agenda Title: BUDGET MODIFICATION # DA-01-15: Increasing Fed/State Appropriation for Juvenile Justice Title IV-e Funding by \$316,063

Requested Meeting Date: 2/19/15 **Time Needed:** 10 minutes

Department: 15 - District Attorney **Division:** Juvenile

Contact(s): Allen Vogt, MCDA Finance Manager

Phone: 503-988-3863 **Ext.** 83863 **I/O Address** _____

Presenter Name(s) & Title(s): District Attorney Rod Underhill, The Honorable Nan Waller, Multnomah County Chief Judge, The Honorable Maureen McKnight, Multnomah County Chief Family Court Judge, Lori Fellows, Senior Deputy District Attorney, Christina McMahan, Juvenile Services Director for Multnomah County

General Information

1. What action are you requesting from the Board?

Increase FY2015 Fed/State appropriation by \$316,063 in Program Offer 15007-15 Juvenile Court Trial Unit with funding made available through the State of Oregon's Department of Human Services, Title IV-e Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services.

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.

This BudMod and the associated program change proposals revise the current practices of the Multnomah County District Attorney's Office in the Juvenile Justice System. This approach has the support of The Honorable Nan Waller, Multnomah County Chief Judge, The Honorable Maureen McKnight, Multnomah County Chief Family Court Judge, and Christina McMahan, Juvenile Services Director for Multnomah County.

Due to budget cuts in prior years, District Attorney Office staffing in the area of Juvenile Justice was reduced from 29.0 FTE in the FY2009 Adopted Budget to 25.0 FTE in the current FY2015

Budget. As a result certain activities related to juvenile dependency cases were curtailed and/or eliminated. This BudMod would allocate the funding necessary to increase staffing to previous levels utilizing Federal Title IV-e funds. The positions to be added are: 2 Deputy District Attorney's, one restitution/delinquency clerk (OA2), 1 Legal Intern, and a 0.5 victim advocate position.

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

The total Fed/State appropriation increase of this BudMod is \$316,063, made available via DHS Title IV-e contract (#CFDA 93.658.) The actual spending increase during the remainder of FY2015 (February 15, 2015 through June 30, 2015) is estimated at a \$191,251. The balance of \$124,812 is planned to remain unspent and be returned to General Fund at year end, however, it is retained in the budget and shown as a Supplies line item in the Exp/Reve/FTE Budget Modification Summary.

In the first full year of operations (FY2016) total costs of the additional staff (including COLA increases) are estimated at \$459,002 and are fully funded with Title IV-e funds.

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

The additional staff would allow for the following service enhancements:

(1) The District Attorney's Office will formally screen all delinquency referrals.

Currently, the District Attorney's Office only screens cases that are not eligible for diversion. Screening all juvenile criminal referrals (except cases that are eligible for warning letters) ensures that careful consideration is given to any diversion eligible youth. Deputy District Attorney screening enhances the juvenile justice system's ability to provide fair, impartial and consistent practices. This will include any new referral for a youth who is currently on probation. After this initial enhanced screening process, cases that are eligible for diversion as outlined in the interagency agreement will be returned to the juvenile department for informal handling. Cases which warrant formal processing will be prosecuted by Deputy District Attorneys.

(2) The District Attorney's Office will improve screening outcomes.

This will entail ensuring referrals are screened within 15 days rather than the current practice of 30 days. Complex cases and sex crimes will continue to be an exception to this general rule as they require additional time and resources to appropriately investigate and prosecute. Expediting our turnaround time increases community safety accelerates accountability for the youth and improves system performance with swift and decisive action.

(3) Improve screening of diversion cases.

Assessments of youth for diversion should be based on both risk assessment for the youth and the type of offense the youth committed. The District Attorney's Office is committed to a comprehensive collaborative review with the Juvenile Services Division of the diversion process to include examining which cases are appropriate for diversion, what minimum standard accountability measures are applicable and implementing consistent criteria for what constitutes a successful completion of diversion and what constitutes a failed diversion. Through this process we will improve diversion agreements to ensure that youth who commit serious offenses are held accountable for their actions and are engaged in specific services with the Juvenile Department designed to protect the community and rehabilitate the youth.

(4) Failed diversion agreements should be timely referred to the District Attorney's Office for review.

A failed agreement is a red flag for a youth that should be taken as a serious risk to the community. This proposal calls for collaboration with the Juvenile Services Division to develop standards for what constitutes a failed diversion and what action is required in response to a failed

diversion. Cases with failed diversion agreements will go to the District Attorney's Office for staffing with the Juvenile Division and screening. This change will ensure that youth who are clearly engaged in risky behaviors and failing diversion agreements will be held accountable for their choices. This proposal will entail establishing new guidelines on which misdemeanor offenses qualify for District Attorney review when a diversion agreement is failed.

(5) A tiered approach to probation violations for committing a new crime shall be applied in consultation with the District Attorney's Office.

The core of any probation is that the youth not commit new crimes while on supervision. The District Attorney's Office will work with Juvenile Services Division to create a tiered approach when this fundamental aspect of probation is violated. This will result, in some cases; with the District Attorney's Office being involved in probation violation hearings to ensure the violation is brought to the Court's attention by a probation violation hearing, a new petition or both. This change will significantly improve public safety, offender reformation and accountability for youth who have committed new offenses.

(6) All probation violations should be prosecuted by the District Attorney in court hearings.

Currently, probation violation hearings are infrequently attended by the District Attorney's Office. Reinstating this policy will provide a strong voice for the community in probation violation hearings. Victims will also be better served by having a Deputy District Attorney assigned to probation violation hearings so their interests can be effectively advocated to the Court.

(7) Ensure that reports are submitted to the Court and the District Attorney's Office before any probation is terminated.

The District Attorney's Office will work collaboratively with Juvenile Services Division in developing a system where a report is submitted to the Court and the District Attorney's Office before a probation is terminated. This report should include a list of the court ordered services and the youth's successful or unsuccessful compliance with those court orders. This will better apprise the Court of the youth's progress toward the statutory criteria of reformation and accountability before terminating probation. Currently, probations may be terminated without the youth successfully completing all court ordered services and without a formal report being submitted to that effect. This proposal will enhance supervision of those decisions by the Court and provide the District Attorney an opportunity to raise the matter before the Court if appropriate.

(8) Provide increased staffing for delinquency restitution.

The District Attorney's Office will dedicate staffing to a restitution and delinquency clerk that will interface with victims of delinquent youth to gather and enforce restitution for those offenses. Restitution for the victims of criminal offenses is a bedrock principle of criminal justice and improvements within this system will ensure that victims are made whole whenever possible.

(9) Designate a Deputy District Attorney to respond to specialized issues in the school context.

This Deputy District Attorney will specialize in the particular type of delinquency that often occurs within the school setting. Besides the family unit, schools are the fundamental structure that educates and molds our youth. Delinquency within school settings, therefore, can undermine this critical institution not only for the delinquent youth but also his or her peers. This position will closely coordinate with school resource officers and teachers to identify the most serious cases that can be better served with Juvenile Justice System intervention and ensure that in-school responses remain available for less significant needs. Fair, impartial and consistent application of these principles through one Deputy District Attorney will reduce the need of schools to refer minor offenses to the Juvenile Justice System while ensuring that the most significant cases receive appropriate referrals.

5. Explain any citizen or other government participation.

This approach has the support of The Honorable Nan Waller, Multnomah County Chief Judge, The

Budget Modification

6. What revenue is being changed and why? If the revenue is from a federal source, please list the Catalog of Federal Assistance Number (CFDA).

Additional Federal Title IV-e and Oregon Department of Human Services Juvenile Dependency funding became available after the adoption of the MCDA FY2015 Budget.

Title IV-e (CFDA #93.658):

As a result of amendment to the Social Security Act "TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES" entitlement funding has been made available to all Oregon counties to support Juvenile Justice Programs in the area of Juvenile Dependency.

7. What budgets are increased/decreased?

Fed/State fund 1505 increases by \$316,064.

Service reimbursement to the Risk Management Fund will increase by \$38,997.

8. What do the changes accomplish?

Adds 4.50 FTE to the Juvenile Trial Unit. Increases in staffing will allow a return to best practices:

- (1) The District Attorney's Office will formally screen all delinquency referrals.
- (2) The District Attorney's Office will improve screening outcomes.
- (3) Improve screening of diversion cases.
- (4) Failed diversion agreements will be timely referred to the District Attorney's Office for review.
- (5) A tiered approach to probation violations for committing a new crime shall be applied in consultation with the District Attorney's Office.
- (6) All probation violations will be prosecuted by the District Attorney in court hearings.
- (7) Ensure that reports are submitted to the Court and the District Attorney's Office before any probation is terminated.
- (8) Provide increased staffing for delinquency restitution.
- (9) Designate a Deputy District Attorney to respond to specialized issues in the school context.

9. Do any personnel actions result from this budget modification?

Adds 4.50 FTE:

2.0 FTE - Deputy District Attorney 2,
1.0 FTE - District Attorney Legal Intern,
1.0 restitution/delinquency clerk (OA2), and
0.5 Victim Advocate

10. If a grant, is 100% of the central and department indirect recovered? If not, please explain why.

Indirect costs are not recovered per the terms of the grant.

11. Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

No, the revenue is NOT one-time only in nature. Although the Title IV-e program is new as of FY2014, it is anticipated to continue in future fiscal years.

12. If a grant, what period does the grant cover? When the grant expires, what are funding plans? Are there any particular stipulations required by the grant (e.g. cash match, in kind match, reporting requirements, etc)?

The current grant period is 7/1/13 through 6/30/15. Additional Fed/State funding is sufficient to cover all additional program costs in current and future fiscal years.

Required Signature

**Elected Official or
Dept. Director:** _____

Date: _____

Budget Analyst: _____

Date: _____

Department HR: _____

Date: _____

Countywide HR: _____

Date: _____