



**May 16th, 2018
BUDGET**

WRITTEN TESTIMONY RE: DISTRICT ATTORNEY'S

**Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard
Portland, OR 97214**

Dear Commissioner,

Thanks to you, your staff, and the budget advisory committees for your work on the Multnomah County budget. The Bus Project would like to comment on the Multnomah County District Attorney's budget, and we regret that we cannot be there in person. As an organization that builds political power and strong, effective leadership pipelines for young people, our work and our communities are greatly impacted by the fact that Oregon incarcerates youth at a higher rate than most states.

While our understanding of brain science, organizing, culture shift, community development and community justice have changed over the years— our District Attorney's budget outcomes have not. The District Attorney's (DA's) budget measures the total number of criminal cases reviewed, issued, and resolved. Those metrics aren't showing the full story. We need to know more about how the DA's office is increasing equity and inclusion, addressing racial disparities, reducing recidivism, supporting crime victims, improving staff training, and demonstrating the cost benefit of the District Attorney's practices.

We must inspect how to better measure the impact of the tens of millions of dollars in public resources spent each year so that we can highlight and understand the successes, failures, and potential for innovation within our legal system. There are examples of what it looks like to track values-based public-safety outcomes in our state. The Department of Community Justice is implementing performance goals and values in its work in measurable ways, and it's time for Multnomah County to lead on this as well.

We endorse recommendations made in the enclosed joint letter and executive summary. It is important that we update policies and practices, and that we have meaningful metrics which help us understand why and how our criminal legal system yields outcomes.

We, along with the ACLU of Oregon, League of Women Voters, Unite Oregon, Coalition of Communities of Color, Oregon Justice Resource Center, and Partnership

Volunteer-Driven Democracy for Our Generation

busproject.org ★ 333 se second ave ★ portland, oregon 97214

for Safety and Justice, would like to begin conversations about developing a new budget framework for the future that includes metrics.

Sincerely,

**Samantha Gladu
Executive Director**



Executive Summary

Setting a Higher Bar for the District Attorney Office Budget

Budgets are a reflection of our values and vision for what kind of outcomes we want to see in our communities. The District Attorney Offices' (DA's) budget largely measures the total number of criminal cases reviewed, issued, and resolved, and other *outputs*. Those measurements fail to tell us how the DA's office is effectively contributing to building safe and healthy communities for **all** Multnomah County residents.

On any given year, well over 10,000 people directly interact with the DA's office in ways that can fundamentally change their lives for the better or worse. The policies, practices, priorities, and structure of the DA's office can be the difference between whether or not crime victims get access to critical services that help them rebuild their lives, whether or not young people are held accountable in a way that protects future life-possibilities, whether people of color are treated fairly, or whether children keep contact and connection with their parents.

County Commissioners should work with community advocates and the District Attorney to restructure the budget framework. We must improve the performance measurements so the DA budget better reflects values like community safety, equity and inclusion, fairness, and harm reduction and becomes a better tool for evaluating the use of millions of public dollars.

The Problem with Focusing Mostly on Outputs, and the Need for Better Measurements:

There are two primary performance measurements embedded in county agency budgets: *outputs* and *outcomes*. An *output* is focused on whether an activity occurred and how much of it happened. An *outcome* is more likely to tell you whether an activity has had a positive impact on the community or an individual.

A focus on outcomes is much more useful for assessing the value and impact of the district attorney's office, but outcomes are hard to find in the current County DA budget. The FY18 DA budget has more outputs than outcomes. Most often, the performance measures presented are counts of activities, cases issued, interviewed, reviewed, or assigned. Even among the outcomes reported by the DA's budget, about one third are "cases resolved" which doesn't tell us much about the quality of the resolutions.

How We Can Infuse Our Values into Budget Frameworks – Comparing the Department of Community Justice Budget to the District Attorney Budget:

Caveat: This is not a perfect apples-to-apples comparison of two agencies, and we are not suggesting they should be measuring the same things. But given that both agencies are rooted in the criminal justice system, have specific roles around accountability, and have a major mission focused on public safety, there is value in making comparisons.

Budget Comparison

Dept of Community Justice (DCJ)	Multnomah County DA's Office
<p>Performance Measures:</p> <ul style="list-style-type: none"> • DCJ focuses much more on outcomes than outputs. • Roughly a third of DCJ's outcomes are about reducing recidivism which has an undeniable public safety benefit. 	<p>Performance Measures:</p> <ul style="list-style-type: none"> • DA Budget focuses more on outputs than outcomes. • Roughly a third of the outputs are "cases resolved". • Many of the "outcomes" look like outputs. • There are no outcomes directly connected to recidivism.
<p>Equity and Inclusion:</p> <ul style="list-style-type: none"> • DCJ's Human Resources budget section includes an intentional outcome to diversify its workforce: <i>percentage of people of color applying for open positions.</i> • DCJ includes at least a half a dozen program-offers that explicitly mention that a goal of the work is to provide culturally-competent services, the work explicitly is designed to meet the needs of communities of color, or is designed to reduce racial disparities. 	<p>Equity and Inclusion:</p> <ul style="list-style-type: none"> • The DA budget's Finance/Human Resources section has only one outcome: "Percent of payments to vendors paid within 30 days." This section also heralds 100% use of recycled paper products, which is admirable but the DA's office should be much more interested in diversifying its staff to better represent the community they serve. • We couldn't find a single output, outcome, or performance measurement explicitly focused on increasing equity or inclusion or reducing racial or ethnic disparities.

Here is a Sampling of Some Places the District Attorney's Budget Could Make Improvements on Performance Measures:

Program offer or topic	Examples
Victim Assistance Program (Program Offer 15401)	<p>Establish measurements and reporting on:</p> <ul style="list-style-type: none"> • The demographics of who is getting assistance. This would help ensure resources are focused on most impacted communities and those historically denied access. • Service quality. Current measurements focus entirely on numbers served but provide little information on whether services are meeting victims' needs.
Youth Justice and the DA Juvenile Court Trial Unit (Program Offer 15101)	<p>Establish measurements of:</p> <ul style="list-style-type: none"> • Percent of youth charged as adults. Research shows that young people transferred to the adult system are more likely to recidivate. The goal should be to minimize this number. • Percent of youth diverted from pretrial detention or post-dispositional confinement. Research shows the further that youth penetrate the justice system, the more likely they are to return to it. Increasing diversion efforts and moving them to scale would be an important outcome for improving our community and community safety. <p>Note: There is no way of knowing from examining the DA Budget whether the county is investing in effective youth accountability efforts informed by current research and best practices.</p> <p>By contrast, DCJ explicitly references "the growing body of research that addresses adolescent brain development" and expresses a clear commitment to be responsive to this information.</p>
Training and Workforce Development	<p>Prosecutors may be the only law enforcement public employees in Oregon who have no state-mandated training that is specific to their role in the justice system. It is more than reasonable for community members to want to ensure we are investing in well-trained staff. Poorly trained or untrained staff can actually do very serious harm to the people moving through the system.</p> <p>Potential benchmarks:</p> <ul style="list-style-type: none"> • Percent of DA staff trained in trauma-informed care. At the very minimum, all staff in contact with victims should receive this kind of training. • Percent of DA staff trained on implicit bias. Prosecutors, investigators and victim advocates should all receive this kind of training. • Percent of DA staff trained on harm reduction. Staff who work with people suffering from mental health issues and addiction should receive this kind of training.

Overarching Budget Themes that Are Missing from the DA Budget and the Impact of these Gaps

Tracking Recidivism: One of the sharp contrasts between the DA budget and the DCJ budget is that about a third of the outcomes reported by DCJ focus on reducing recidivism. The DA office would seriously benefit from also adopting recidivism as a core outcome in a range of areas.

Prosecutors shouldn't be evaluated on the number of cases processed but on the quality of the outcome. A measure of recidivism begins to focus on the right public safety outcomes.

Recidivism reduction as a goal would help prosecutors ask key questions when they see what actual recidivism rates occur as a result of a specific practice: questions like, '*why is the particular way we handle a case resulting in these outcomes*'. Measuring recidivism could lead prosecutors to have a different kind of stake in the success of the people they prosecute, and serve as a catalyst for program improvements and better public safety outcomes.

Tracking Efforts to Reduce Racial and Ethnic Disparities: The very first "guiding principle" offered on the first page of the DA budget is:

*To enforce the Rule of Law by providing **fair, equitable, and unbiased** prosecution services.* (We bolded for emphasis)

Nonetheless, there are no explicit performance measures in the DA budget to assess the work or potential progress toward reducing disturbing racial disparities.

This is unquestionably an area that needs concrete, thoughtful, and explicit performance measures added throughout much of the budget. Given the important work Multnomah County has done to be able to provide racial and ethnic disparity analysis across the county's justice system and broken down by offense type, there is really no reason we can't develop concrete performance measures built into the DA budget. If there was ever a place where we want the budget to truly be a reflection of our values, this is it.

Cost Benefit Analysis: There should be ways to incorporate performance measures that show how the DA practices and strategies are providing public safety benefit in a cost effective way.

The most expensive public safety strategy is incarceration, but it is often the least effective. Regardless of whether someone is incarcerated in the county jail or state prison or whether the county or state pays, there are still taxpayers footing the bill.

A long term goal of the county should be to develop the capacity to integrate cost-benefit performance measures into the DA's budget. Doing so helps ensure that we are not only being good stewards of public resources, but that we are targeting the most effective strategies.



Marina BAKER <marina.baker@multco.us>

District Attorney Budget Comments

Samantha Gladu <samantha@busproject.org>

Wed, May 16, 2018 at 4:14 PM

To: boardclerk@multco.us



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Sincerely,

--

Samantha Gladu

Executive Director, The Bus Project

pronouns: she/hers

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a: 333 SE 2nd Ave, Portland, OR 97214

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3 attachments



Marina BAKER <marina.baker@multco.us>

Peer breastfeeding/LC experience

Megan Bergstrom <megcberg27@gmail.com>
To: boardclerk@multco.us

Wed, May 16, 2018 at 6:05 PM

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To whom it may concern,

7 years ago I was expecting my first baby. I was newly 23 and came from a family where breastfeeding had not happened for generations and was also very shamed. I really wanted to breastfeed. It was very important to me and as a young, scared mom I was so worried I might fail. I began receiving WIC and learned of a pilot project for breastfeeding education and support. I joined and met Lea and the other facilitators. I attended the educational classes and soon after my son was born.

He was a little guy (still is) at 5lbs 11 ounces. I knew, because of the educational classes, he should weigh his birth weight by 2 weeks. He would cry and fuss at times and I couldn't figure out why. I'd sing and rock him and offer him the breast often. I received a call from the WIC peer support counselor to check up on how things were going. They reminded me of love and weigh. My baby was around 2 weeks and I decided to go. He did not weigh his birth weight. I felt immediately terrible. My fears confirmed. My baby had been hungry. He wasn't getting enough. He wasn't transferring the milk. Lea sat with me as huge tears ran down my face. They immediately made an action plan. I was rented a hospital grade pump and shown how to cup and syringe feed him. The next week there were so many tears and milk everywhere. But he gained. And they continued to check in. And he gained and gained a pound a week for quite sometime. I felt immense pride in myself and such gratitude.

Without WIC I would NOT have had access to these services. Without WIC I wouldn't of been given any formal education on breastfeeding. Without WIC I wouldn't of addressed his needs so soon. I have said many times over the years, as I've told this story, this program SAVED my breastfeeding relationship. I run into to Lea from time to time and I introduce her to my son as the woman who helped him be able to have my milk. This program is invaluable, innovative, and desperately needed for mamas who do not have the means to hire an L/C, take a breastfeeding class, or pay for a hospital grade pump.

I went on to breastfeed through my second pregnancy, tandem breastfed, and collectively breastfed my two children for almost 5 years straight. None of this would of been possible without Lea and the peer support program. I later joined a peer breastfeeding support organization to give back because I felt so grateful for the support I received. With this organization I tabled WIC events. And saw Lea offering that same loving, open hearted, non-judgmental support to mamas. Without this program and access to L/C's it is my opinion we will take leaps and bounds backwards in supporting mamas in low socio-economic statuses reaching their breastfeeding goals. This is wanted. This is needed for our community.

Thank you for taking the time to read my experience and story.

- Megan Bergstrom

Sent from my iPhone



Marina BAKER <marina.baker@multco.us>

The importance of Peer counseling at WIC support for Lea Lipscomb

Jessica McCaul <jfmccaul3@gmail.com>

Wed, May 16, 2018 at 6:22 PM

To: boardclerk@multco.us

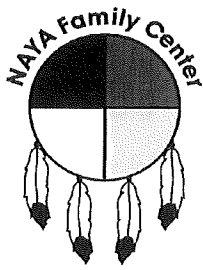


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Hello,

My name is Jessica McCaul. I am the Mother of six amazing children. Lea was my support counselor for the last two kids, Emme now 5 years old and Rose now 3 years old. She saved my nursing relationship with my last two kids. I had a stroke and pulmonary embolism seven years ago after giving birth to my now 7 year old. I was hospitalized for nearly three months without my newborn daughter. I was unable to nurse because I contracted bacterial Meningitis while hospitalized and I was quarantined in the ICU. I had no support people to fight for my breastfeeding relationship. My daughter ended up on specialized formula due to a lactose allergy. Each can of formula costing upwards of \$40 only lasted about 4 days. This was paid for by WIC for the first year of her life. When I became pregnant with Emma two years later I was unsure if I would be able to successfully breastfeed. I have several auto immune disorders and had lost trust in my bodies ability to provide what was needed for my babies. Lea believed in me and was kind and caring every step of the way. Lea is non judgmental and is nothing but supportive. I know personally so many woman who breastfed their babies simply because of her support that otherwise would have given up or not even tried. Peer counseling is so important from a medical stand point because it allows for a personal relationship with a woman who faces the same challenges in life that they do. Breastfeeding is not equal opportunity, breastfeeding is for the wealthy who have the financial ability to buy the best pumps and supplies without the stresses of having enough to eat and a safe place to sleep and can afford a doula, nanny and lactation counselor. WIC got it right when they implemented the Peer support counselor breastfeeding program they where creating a bridge over the gap of disparity in the racism and classism our society has created. By stoping this program you will be forcing these women back into the shadows with no where to turn. And WIC will be paying for the formula to feed these babies who could otherwise be breastfed if their Moms had the proper support. WIC needs to fund this program further not cut it back it.

Thank you Jessica McCaul
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Native American Youth and Family Center

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May 16, 2018

To: Deborah Kafoury, Multnomah County Chair
County Commissioners Meieran, Smith, Vega Pederson, Stagmann

Re: Future Generations Collaborative – Program #40057

Hello Chair Kafoury and Commissioners. For the record, my name is William Miller and I serve as the Future Generations Collaborative Policy Coordinator at the Native American Youth and Family Center. The FGC works to heal the health of our future generations. To this, many of our community members are at NAYA's last culture night preparing the salmon feed, but echo the sentiments that I will share tonight.

The FGC combines the assets of its members' various perspectives: Native community-based organizations, Native community, and government agencies. The FGC is committed to improving the health of urban Native communities by identifying and addressing the causes of substance-exposed pregnancies through our Trauma Informed Care approach. We seek to lift up and support our community through a multi-modal process of Education, Engagement, Policy, and Evaluation.

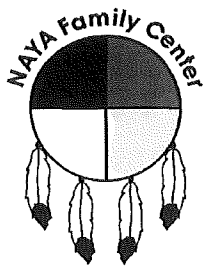
The FGC empowers our Elders and Natural Helpers to steer the work, ensuring ongoing trust and interaction between the Collaborative and community at large. Our Elders and Natural Helpers are an invaluable asset to the FGC.

On behalf of the Future Generations Collaborative, we ask that the County maintains the current service level of funding so we are able to continue healing our community and future generations through an indigenized approach.

Our community can't wait for tomorrow, our community is today. We need to invest in the future of today.

Thank you for your continued support in the healing of our community,

William Miller
FGC Policy Coordinator



Native American Youth and Family Center

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