



Supplementary Budget Report FY 19 - 20

Rod Underhill, District Attorney

INTRODUCTION

To help give the Multnomah County Board of Commissioners and the people who live, work and visit Multnomah County a better understanding of our recent performance and our blueprint for the future, I am tendering this supplementary budget report.

This report will give the reader a better understanding of some of the policies, objectives and the accomplishments this office has seen in recent years: addressing youth justice, reducing racial and ethnic disparities and supporting and prioritizing services to crime victims. The report will also give the reader a look at some of the programs developed, supported and widely recognized as successful models at reducing crime recidivism.

We are an office of 74 attorneys and 125 support staff. On paper, we look like a traditional law office. The report, however, will help highlight the talent, diversity, expertise and respect the Multnomah County District Attorney's Office (MCDA) commands through its employment practices. We will also examine our recent successes with post-conviction matters, our cooperating witness protocol, material witnesses, and our requirement to disclose information to defendants during the pendency of their criminal cases.

The Multnomah County District Attorney's Office strives to provide fair, equitable and unbiased services. We are proud of the work we do. I want to highlight the success we see each day, month and year. These achievements include the story of a mother who could have been sentenced to prison for stealing thousands of dollars from a local grocery store as part of an organized retail theft operation. This mother was stealing in the throes of drug addiction. When she was arrested, she accessed treatment and secured a job before her first judicial settlement conference. She worked closely with the Oregon Department of Human Services to re-gain custody of her child. At the time of sentencing, the woman could have faced years in prison following a conviction on multiple counts of theft. Instead, she was selected by my office to participate in the Multnomah County Justice Reinvestment Program, a program that was created to reduce prison usage. She was provided treatment and probation and services instead of a prison term.

The Multnomah County District Attorney's Office is happy to have this deeper discussion as we work collaboratively with our criminal justice system partners to effect positive change by looking at and developing new and innovative programs to be responsive to the needs of our community.

Sincerely,



Rod Underhill
District Attorney, Multnomah County

RACIAL AND ETHNIC DISPARITIES

The Multnomah County District Attorney's Office acknowledges that persons of color are arrested and prosecuted at a significantly disproportionate rate to that of their white counterparts. Our office endeavors to reduce the negative impacts of criminal justice involvement and its associated collateral consequences for racial and ethnic minority groups. These efforts can be measured by analyzing the successes of several new programs and policies enacted by our office within the past four years.

[Resource: Interfering with Public Transportation Tri-County Agreement](#)

[Resource: Interfering with Public Transportation Report – Feb. 2018](#)

[Resource: LEAD® program: A harm-reduction model for individuals struggling with addiction](#)

[Report: LEAD® program: Profile of the PCS Population](#)

[Map: LEAD® program expands geographic boundaries to serve more Multnomah County residents](#)

[Resource: Treatment First Program](#)

[Document: Treatment First Evaluations](#)

[Policy: Controlled Substances](#)

[Policy: Removal of gang member designation exclusion to community court](#)

The Multnomah County Law Enforcement Assisted Diversion program (LEAD®) provides treatment and intensive case management for individuals engaged in low-level drug offenses. This program has the express objective of diverting the disproportionate numbers of persons of color who were previously arrested and prosecuted for these offenses.

The Treatment First Program is dedicated to helping individuals break their drug dependent lifestyle, reuniting families, reducing recidivism and improving public safety by tailoring drug treatment to the needs of the specific individual to avoid prosecution. This program monitors and compares historically disadvantaged groups to the other participants to identify and address areas of inequity in program access, treatment, responses to behavior and dispositions.

In January 2017, the Multnomah County District Attorney's Office implemented a new policy whereby, absent exceptional circumstances or chronic offenders, we will no longer prosecute Tri-Met fare evasions or exclusions for the crime of Interfering with Public Transportation. This policy

change was based on our findings that African Americans are excluded from Tri-Met at a significantly disproportionately higher rate than whites.

Working jointly with our partners that comprise the Local Public Safety Coordinating Council (LPSCC), the Multnomah County District Attorney's Office is part of the Racial and Ethnic Disparities (RED) subcommittee, which is a community response to the ongoing, serious RED issues in criminal justice. All system partners are involved, including the Court, Department of Community Justice, the Multnomah County Office of Equity and Diversity, community activists with an interest in the topic, law enforcement agencies, and others doing justice work. This group helps hold us all accountable on the RED issues in criminal justice.

ASSISTING VICTIMS OF CRIME

Multnomah County District Attorney Rod Underhill is responsible for protecting victims of crime, including the most vulnerable individuals in Multnomah County.

The Victim Assistance Program (VAP) is led by our Victim Services Manager, Paul Weatheroy, and is supervised by Annie Wynne. Our program unit is comprised of 17 victim advocates and approximately 60 trained Sexual Assault Volunteer Advocates (SAVAs).

This office has developed and maintained lasting partnerships with local, state, federal law enforcement and other government and community organizations throughout Multnomah County to focus on assisting victims of crime.

Witness Intimidation Support Program

The Witness Intimidation Support Program (WISP) was developed by the Oregon District Attorney's Association in response to the growing threat to victims and witnesses in criminal cases. The mission of WISP is to provide financial assistance to victims and witnesses and their families, who are endangered due to ongoing or anticipated testimony, whether or not formal legal proceedings have been filed. By accessing WISP funds, MCDA has successfully relocated 17 victims and/or witnesses of gang violence, domestic violence, human sex trafficking, sexual assault and burglary crimes. Through WISP, MCDA has been able to provide support involving transition, relocation, anonymity, and livability for the witness/victim in the determined locale. This program helps mitigate the trauma and fear that these victims and witnesses experience by increasing their safety and providing them the opportunity to stay involved in the case without further threat of harm or violence.

[Resource: U VISA certification protocol](#)

[Resource: Policy Manual: Witness Intimidation Support Program](#)

[Resource: Untested Sexual Assault Kit Post-Conviction Policy](#)

[Resource: Untested Sexual Assault Kit Project | DANY Grant Handbook](#)

Case Companion

The Multnomah County District Attorney's Office is a close partner of the Multnomah County Department of Community Justice, the Oregon Department of Corrections, the National Crime Victims Law Institute, and the Oregon Board of Parole and Post-Prison Supervision as the agencies work with Code for America to develop a program called Case Companion, an online-based resource that provides important, timely and easily accessible information for victims of crime. The goal of Case Companion is to keep crime victims connected and informed from the moment an offender makes contact with the district attorney's office through the end of their involvement with the criminal justice system. Case Companion provides better and timelier access to case information, support, and ensures victims' rights are being honored throughout the entire process. This website is designed to answer frequently asked questions, provide easy access to victim service providers for each stage of the process, and links to available resources.

ASSISTING VICTIMS OF CRIME (Cont.)

SART (Sexual Assault Response Team)

The purpose of Multnomah County's Sexual Assault Response Team (SART) is to ensure an effective, consistent, comprehensive and collaborative response to sexual assault that prioritizes the needs of sexual assault survivors and brings responsible persons to justice. The SART membership includes law enforcement, medical personnel, system and community based advocates. All members have some involvement in the medical response to sexual assault evidence kit collection process in Multnomah

County. MCDA is responsible for facilitating the SART meetings which take place bi-monthly. Meetings are a time to discuss trends in the field, debrief cases and address gaps in services.

[Resource: MCDA Victim Notification](#)

[Resource: SAVA Program](#)

[Resource: Gateway Center](#)

SAFE (Sexual Assault Forensic Evidence) KIT Project

A victim advocate is assigned to the Multnomah County District Attorney's Office SAFE Kit Project Team. The advocate attends weekly case staffing meetings along with the designated SAFE KIT prosecutor and local law enforcement. The advocate is tasked with outreach and notifications for sexual assault survivors impacted by the SAFE Kit Project. Additionally the advocate provides case information, orientation to the criminal justice system, emotional support, assistance with the crime victims' compensation application and referrals to local resources.

DANY USAK Summary - Updated May 8, 2018		
<u>SUMMARY:</u>		
# of kits sent to Sorenson	2969	
# of kit analyzed by Sorenson	2867	
# of kits with no DNA or insufficient DNA for CODIS Entry	1730	
# of kit pending OSP Evaluation	229	
# of kits with profiles entered into CODIS	736	
# of kits evaluated by OSP and not entered due to eligibility issues	219	
# CODIS Hits	394	

ASSISTING VICTIMS OF CRIME (Cont.)

Victim Notification

All victims of crimes with defendants being prosecuted by the Multnomah County District Attorney's Office receive, information about their rights as victims, the opportunity to submit information about their losses for restitution, and notification letters on the case status and disposition. The victim advocate along with the assigned deputy district attorney (DDA), are responsible for ensuring that the victim has been advised of his or her rights and that when the victim requests, those rights are afforded to the victim. Advocates also provide notification of critical stage hearings and court accompaniment, offer referral information to appropriate community services, and guide victims through the prosecution process. MCDA provides an average of 30,000 victims' rights notifications a year.

SAVA Program

The Sexual Assault Victim Advocate (SAVA) program provides 24-hour on-call response to victims of sexual assault in Multnomah County. Volunteers and staff respond to all local area hospitals to provide accompaniment for forensic rape exams, crisis intervention, resource referrals and emotional support. This immediate crisis intervention service is then followed by ongoing support and advocacy throughout the investigation and prosecution of the case. MCDA responds to approximately 250 sexual assault call outs each year.

Gateway Center

At the Gateway Center, the Multnomah County District Attorney's Office is located on-site to provide consultation and help so that participants understand the court processes. Victim advocates also help provide options if a participant chooses to prosecute their abuser. The advocate located on site is a subject matter expert in domestic violence and is able to assist with reporting, safety planning and appropriate resources. Any cases originated out of Gateway are assigned to the Gateway DV advocate to ensure continuity of care.

Multnomah County Victim Assistance Mass Casualty

MCDA Victim Assistance Program facilitates the Multnomah County Victim Assistance Mass Casualty Committee, which is made up of federal, state and local system-based advocates, local non-profits and law enforcement. The committee is tasked with creating a victim assistance response plan should a criminal critical incident occur. The efforts made with the Multnomah County Victim Assistance Mass Casualty Committee have created new relationships and renewed the commitment to preparing for a mass casualty not only within the Multnomah County, the City of Portland and is also prepared to provide support throughout the state of Oregon.

Survey material regarding advocacy

Although the survey is available to any victim to complete at any time, we actively seek feedback from victims whose case has resolved the previous quarter. Surveys are made available in hard copy and online. Our front desk staff also does outreach phone calls to victims to complete the survey over the phone. Our grant requires a 10% return rate and most quarters we reach that threshold.

The survey language is provided by Crime Victims Services Division. The survey asks victims to rate their experience on the following three issues:

1. Did the services provided by the Victim's Assistance Program help you make informed choices about your situation?
2. As a result of the information you received from the Victim's Assistance Program, you better understood your rights as a victim of crime.

ASSISTING VICTIMS OF CRIME (Cont.)

3. The information given to you by the victim assistance program helped you better understand the criminal justice system process as it relates to your case.

Victims can respond with the following options for each issue: strongly agree, agree, neutral, disagree, and strongly disagree.

Our average score is a 90% approval rating wherein victims respond they strongly agree or agree.

U visa petitions

The timely and accurate review and certification of U visa petitions by the Multnomah County District Attorney's Office is a high priority. Victim Advocate Libby Villa and Multnomah County Chief Deputy District Attorney Chuck Sparks focus on quickly reviewing the requests and getting these important documents into the hands of qualifying crime victims who are undocumented and request U visa certification.

As defined by the [Department of Homeland Security](#), the U visa is an immigration benefit for victims of certain crimes who meet eligibility requirements. The U visa allows eligible victims to temporarily remain and work in the United States, generally for four years. While in U visa nonimmigrant status, the victim has an ongoing duty to cooperate with law enforcement and cannot unreasonably refuse to assist with the investigation or prosecution of the criminal activity. If certain conditions are met, an individual with a U visa may apply for adjustment to lawful permanent residency status (i.e., seek a green card in the United States) after three years.

Immigrant Crime Victims' Rights Committee

Immigrant people who are victimized by crime face unique challenges in accessing—or even trusting—our criminal justice system. This collaborative local committee includes immigration law attorneys, immigrant peoples' advocacy groups like Immigrant and Refugee Community Organization (IRCO), local law enforcement agencies, the Oregon Attorney General's Office, and two MCDA representatives. The members meet regularly to solve problems of access to the criminal justice system for immigrant people, both documented and not. This outreach and inclusion is critically important in the present time, and this group is highly effective at solving problems of trust, access, and accountability for system partners.



Committees and Taskforces

Members of the **Victim Assistance Program** participate in a number of local and state committees and taskforces including: Multnomah County Sexual Assault Advisory Committee, Crime Victims Services Division Best Practices Sub-committee, Victims Services Partnership, Community Peace Collaborative, Domestic Violence Enhanced Response Team, Multnomah County Threat Assessment Team, and Multnomah County CSEC Collaborative Network.

ADDRESSING YOUTH JUSTICE

Multnomah County District Attorney Rod Underhill has consciously focused on youth justice issues, a leading example of which are Tier 2 Measure 11 cases. These include serious felony crimes of Assault in the Second Degree, Kidnap in the Second Degree and Robbery in the Second Degree. The Measure 11 sentence for these crimes is custody in an Oregon Youth Authority (OYA) facility and an adult felony conviction.

[Resource: Juvenile Justice Reinvestment Program](#)

[Resource: Second Look](#)

Multnomah County District Attorney Rod Underhill, however, put in place a program that allows certain of these youth to **avoid** both a custody sentence and adult felony conviction. This option allows a youth to enter a plea in Juvenile Court, not adult court, and to receive a probation sentence. This is done in consultation with the court and the involved victim.

[Resource: Tier II Juvenile Measure 11 Referral to Juvenile Court Protocol](#)

Youth in this program benefit tremendously from this vastly different program of rehabilitation and appropriate accountability to the victim. The results show that the Tier 2 program has substantially increased the percentage of youth sentenced to probation and substantially decreased the percentage sentenced to OYA custody.

Another step taken by the Multnomah County District Attorney's Office is reintroduction of the Second Look program for more serious, violent offenders who are sentenced to OYA custody. For appropriate youth who have rehabilitated successfully, there is an option of asking for judicial relief from the remainder of their sentence once they have served half of it. Multnomah County District Attorney Rod Underhill revived this option for youth offenders in 2014.

Clemency

Beyond Second Look, there are instances where a juvenile sentence on a serious case with significant victim impacts nonetheless merits clemency review and recommendation to the Governor for sentence commutation. This has occurred where, despite very serious crimes, after victim consultation, District Attorney Rod Underhill supported a grant of clemency for the [Sang Dao](#). In another instance, District Attorney Rod Underhill recently supported the clemency petition of then 19 year old [Deondrae Fair](#) for conduct that occurred in 1992. Governor Kate Brown recently granted Mr. Fair's clemency petition.

MCDA OFFICE DIVERSITY

The Multnomah County District Attorney's Office honors and respects diversity in all of its forms. In order to best serve a diverse community, the Multnomah County District Attorney's Office proactively seeks diversity and cultural awareness in its staff.

As of January 2018, our Equal Employment Opportunity (EEO) information shows that 49% of deputy district attorneys are female, 26% of the deputy district attorneys are minorities, up from 18% minority in March 2016. Over the same period, the percentage of minority non-attorney staff increased from 26% to 34%. Additionally, most recent employee data show 6 out of 14 MCDA victim advocates speak a second language with 43% identifying as being from a minority group. Forty-percent (40%) of district attorney investigators identify as being from a minority group with 20% speaking a foreign language.

The Multnomah County District Attorney's Office provides an inclusive workplace environment that promotes equity, values integrity, and strives to establish a workplace where the rights, values and dignity of its employees and community members are upheld and respected to assist them in reaching their full potential. To accomplish this, the Multnomah County District Attorney's Office empanels its Equity, Dignity and Opportunity Council (EDOC). This group of 12 MCDA staff includes administrative personnel, victim advocates, support staff and attorneys. The EDOC meets weekly to discuss a broad spectrum of equity issues, help guide the MCDA's equity work, organize trainings on current equity issues, and weigh-in on equity matters for the district attorney's consideration.

ONGOING TRAINING, EDUCATION

The attorneys and non-lawyer staff of the Multnomah County District Attorney's Office are among the best trained criminal justice advocates in Oregon. This office takes great care and expends appropriate resources to ensure that the members of the office are fluent in legal concepts, advanced advocacy and trial techniques, emerging legal trends, compassionate and victim-centric responses, trauma-informed approaches, and best practices in criminal justice.

The MCDA produces in-house Continuing Legal Education (CLE) programs that exceed the annual license requirements of the Oregon State Bar. The MCDA Equity, Dignity, and Opportunity Council takes an active role in planning CLE programs that train and educate attorneys and non-lawyer staff in areas such as trauma-informed approaches, implicit bias, and harm-reduction prosecution techniques. Attendance at most EDOC sponsored trainings is mandatory.

EDOC-sponsored training	<i>Trauma Informed Practices in the Criminal Justice System</i>	July 24 & July 25, 2014
EDOC-sponsored training	<i>Equity, Diversity, and Trauma Informed Practice</i>	October 17, 2016
EDOC-sponsored training	<i>The Science of Bias</i>	April 28, 2017
EDOC-sponsored training	<i>The Privilege Walk</i>	November 17, 2017
EDOC-sponsored event	<i>Portland Pride Festival</i>	June 16 & June 17, 2018

District Attorney Rod Underhill and his team are highly sought after speakers nationally and internationally. Recent appearances by members of the MCDA staff include [The MacArthur Foundation Safety and Justice Challenge Convention](#), the [Association of Prosecuting Attorneys Leadership Institute](#), [Prosecutors Against Gun Violence](#), [The National Advisory Committee on the Sex Trafficking of Children & Youth in the United States through the Department of Health and Human Services](#), and [Child First Japan](#).

The Multnomah County District Attorney's Office typically produces and sponsors between 14 and 18 Continuing Legal Education programs per year.

Below are links to in-house CLE programs produced or sponsored by MCDA or the MCDA EDOC for the past three years.

[2015 CLEs](#) | [2016 CLEs](#) | [2017 CLEs](#) | [2018 CLEs](#)

COMMUNITY LEADERSHIP, OUTREACH AND WORK

Members of the Multnomah County District Attorney's Office pride themselves on their leadership, outreach, participation and work in numerous groups and organizations in our local community, in Oregon and nationally. We know that by actively participating in our local community and beyond we can help shape policy, develop good ideas, learn from members of the groups we are working with, educate our colleagues and citizens regarding the work and priorities that we have and establish lasting and valuable relationships. Below is a list of committees, boards, organizations or workgroups in which District Attorney Rod Underhill or one or more of his staff of deputy district attorneys, victim advocates, investigators or support staff participate.

Adult Protective Services MDT	LEAD Operations Team
Alternative Placement Committee	Oregon Corrections Population Forecast Committee
APA Leadership Institute	Child Welfare Council
Association of Prosecuting Attorneys	Regional Human Trafficking Law Enforcement Workgroup
Bar Press Broadcasters Council	Oregon Sexual Assault Task Force Legislative and Policy Committee
Criminal Justice Advisory Committee	LPSCC Racial and Ethnic Disparities (RED) Workgroup
Downtown Neighborhood Association	Service Coordination Team
Downtown Safety Network	Downtown Public Safety Action Committee
Family Violence Coordinating Council	Immigrant Crime Victims' Rights Work Group
Governor's Re-Entry Council	Oregon Attorney General's Sexual Assault Task Force
Holladay Park Partnership	DV Fatality Review
Joint Interim Task Force on Testing of Sexual Assault Forensic Evidence Kits	CARES NW Board
Justice Reinvestment Steering Committee	Justice Reinvestment Operations Team
Juvenile Court Improvement Program Advisory Committee	Adult Disability and Mental Health Quarterly Meeting
Juvenile Justice Council and Child Welfare Council LGBTQ Workgroup	Alliance for Safer Communities
Juvenile Justice Reinvestment Program	METRO Regional Implementation Counsel
LEAD Executive Committee	LPSCC Executive Committee
LPSCC Mentoring Subcommittee	LPSCC Youth Violence Steering Committee
Gang Impacted Family Team (GIFT)	Safe Streets
Multnomah Bar Association	All Hands Raised
National Conference of Bar Examiners Policy Committee	Juvenile Justice Council
Northwest Public Safety Action Committee	Southwest Public Safety Action Committee
Oregon Attorney General's Task Force on Victim's Rights Enforcement	Juvenile Justice Committee, Executive Committee
Oregon Board of Bar Examiners	Executive Committee, Child Welfare Council
Oregon Criminal Justice Commission	Multnomah County CSEC Executive Board
Oregon District Attorney's Association	Oregon Department of Justice Trafficking Intervention Advisory Committee
Oregon Governor's Re-Entry Council, Sex Offender Level Classification System	Juvenile Detention Alternative Initiative Workgroup
Oregon Task Force on Public Safety	Victim Services Network
Prosecutors Against Gun Violence	The National Advisory Committee on the Sex Trafficking of Children & Youth in the United States Department of Health and Human Services
Restorative Dialogue Committee	Juvenile Restitution Workgroup

LEGISLATIVE ACCOMPLISHMENTS

In 2013, District Attorney Rod Underhill was instrumental in the drafting and passage of HB3194 – a lengthy bill that produced many innovative programs and reformed many existing criminal justice policies and practices. Among the highlights of HB 3194 was the funding of the Multnomah County Justice Reinvestment Program, changes to the way marijuana and driving while suspended cases are handled, and the dedicating of financial resources to community-based victim services programs.

Also in 2013, First Assistant to the District Attorney Jeff Howes was instrumental in the drafting and passage of HB 2549 – the first major overhaul of the state’s overburdened Sex Offender Registration system. The changes allow for many current and future registrants to become eligible for relief from the duty to register as a sex offender after undergoing a standardized risk assessment.

In 2015, the Multnomah County District Attorney’s Office helped draft SB 825 that codified a criminal defendant’s right to testify in front of a grand jury considering charges against the defendant. The official position of the Oregon District Attorney’s Association on the bill was “neutral.” However, that position had changed from one of opposition after the amendments (drafted by MCDA and OCDLA) were added to the bill. The Oregon Criminal Defense Lawyers Association and the ACLU of Oregon were supportive of the bill and of the amendments.

Also in 2015, District Attorney Rod Underhill testified in favor of SB 839 – known as the “Good Samaritan” bill. SB 839 immunizes persons from arrest or prosecution when the evidence is obtained as a result of a request for medical assistance due to a drug related overdose.

Finally, in 2015, the Multnomah County District Attorney’s Office collaborated with the Oregon Criminal Defense Lawyers Association to draft Senate Bill 908. Both groups testified in support of the bill as a united panel. This statute provides relief to persons convicted or arrested for certain crimes by allowing a court to set aside the record of conviction or arrest, based upon requirements set out in the statute. ORS 137.225 had been amended many times since its inception in the 1970s and our task was to make the statute more user-friendly and accessible to those for whom it benefits.

In 2016, the Multnomah County District Attorney’s Office worked on, and supported SB1571 that requires the Oregon State Police to adopt rules for the handling and testing of approximately 5,652 untested Sexual Assault Forensic Evidence Kits that were backlogged within the system. The Multnomah County District Attorney’s Office has taken a strong leadership position within the state and region in working with law enforcement partners to eliminate this backlog.

Also in 2016, we worked with sexual assault survivors to expand or eliminate the statute of limitations on sexual assault cases to ensure that victims of sexual assaults would have access to justice when they are ready and will not be limited by arbitrary statutes of limitation. The passage of SB 1600 was the culmination of years of collaboration with victims, advocates, law enforcement agencies, and prosecutors.

In 2017, the Multnomah County District Attorney’s Office was instrumental in the passage of SB 719, that created the Extreme Risk Protective Order (ERPO). SB 719 creates a process for an individual to petition the court for an ERPO, prohibiting an individual from possessing a firearm. This legislation was a huge step forward for the protection of vulnerable victims.

In 2018, District Attorney Rod Underhill stridently supported legislation to close the “Boyfriend Loophole” in HB 4145. District Attorney Underhill, a long time domestic violence prosecutor worked to ensure that non-cohabitating intimate partners, if the subject of a restraining order, were dispossessed of firearms.

CURBING RECIDIVISM

The Multnomah County Justice Reinvestment Program (MCJRP) was launched in July 2014 with the intent to expand community-based supervision services, hold offenders accountable, and reduce the use of prison without compromising public safety. The MCJRP transformed the way prison-bound defendants move through the criminal justice system by establishing a process to assess offenders while providing a continuum of community-based sanctions, services and programs to those who receive probation supervision.

The Assessment Report—created through offender interviews, the use of a validated risk/needs assessment tool and historical information on each offender—improves the criminal justice process by having the best information available at important decision points throughout the public safety continuum. Informed decision making, in addition to determining program suitability and availability in the community, are utilized collaboratively in judicial settlement conferences or through other collaborative case management processes.

[Resource: Examining the Implementation of Justice Reinvestment in Multnomah County](#)

[Assessment: Quarterly Reports MCJRP](#)

[Resource: MCJRP Policy Manual](#)

The program also focuses on helping offenders become contributing members of society rather than increasing expenditures by spending time in prison. To accomplish this, services and treatment provided by Justice Reinvestment funding use evidence based interventions to target risk factors that are most likely to result in recidivism as well as lower barriers to rehabilitation. Seventy-two percent (72%) of MCJRP participants are high/very high risk offenders¹, many with unmanaged mental health and/or substance

abuse issues. Crucial services developed to assist this population include intensive supervision of probationers, alcohol and drug evaluations, in-patient and outpatient treatment services, mental health treatment, sober housing, employment development, parenting classes, and peer mentorship.

Multnomah County has led the state in non-prison sentences, and this significant contribution has helped the state avoid the need to construct a new prison. Despite a 42% reduction in the rate of imprisonment, MCJRP offenders pose no greater risk to the community than offenders who were sentenced to the community prior to MCJRP implementation. In fact, defendants on MCJRP supervision had similar or better recidivism rates than offenders in the comparison group who were supervised on traditional probation or who were released from prison and supervised on post-prison supervision.²

^{1,2} Source: Bernard, K., Lamb, A., and Schwager, D. (2016). "Examining the Implementation of Justice Reinvestment in Multnomah County: Measurement, Preliminary Analysis, and Future Evaluations."

PROJECT: GUN DISPOSSESSION

Too often firearms are used illegally to perpetrate violence against others. In the area of intimate partner violence, guns and domestic violence are unfortunately commonly found as a lethal combination. We know that when an abusive partner has access to a firearm, the risk that the other person will be killed, typically a woman, increases by more than five times.

Further, we know that here in Oregon the vast majority of gun deaths are from suicide. When a family member sees a loved one in suicidal crisis and that person has access to a firearm -- we need to act. When domestic violence, stalking or other forms of violence are occurring in our community – we

need to act. The best way to address gun violence is not in response to a shooting, but in preventing the violent use of a gun at all.

[Resources: Domestic Violence Gun Dispossession](#)

[Resources: Senate Bill 525](#)

[Resource: Senate Bill 941](#)

[Resource: House Bill 4145](#)

[Resource: Senate Bill 719](#)

That is why District Attorney Rod Underhill and his staff at the Multnomah County District Attorney's Office are proactive in responsibly restricting access to firearms for certain community members who may otherwise use a gun for illegal violent purposes.

The Multnomah County District Attorney's Office helped draft, support and implement Senate Bill 719, Oregon's new Extreme Risk Protection Order. This bill empowers families and law enforcement to prevent tragedies in our communities.

Fortunately, because of work done years ago by the Multnomah County District Attorney's Office, we already have in place a gun dispossession protocol. This protocol, involving commitments by not just the Multnomah County District Attorney's Office, but members of local law enforcement, parole and probation and the Court is one of too few such protocols to exist in the country.

With the assistance of our early work and then the passage in 2015 of Senate Bill 525, **we have dispossessed over 100 guns from the hands of individuals subject to a Court ordered Family Abuse Prevention Act Restraining Order** or otherwise disposed of their right to possess a firearm.

In 2018, this office further assisted in closing "the boyfriend loophole" by working on and supporting House Bill 4145. Further, this office in 2015 supported the passage of Senate Bill 941 allowing for universal background checks to further keep guns out of the hands of those who would illegally possess them. While it is impossible to know how many tragic events have been avoided by this work, we are proud to have been at the forefront of protecting members of our community.

MCDA Leadership, Innovations to assure fairness

Multnomah County District Attorney Rod Underhill actively seeks opportunities to improve criminal justice practice in Multnomah County and across our state. This includes work on domestic violence gun dispossession, progressive sentencing reform at both juvenile and adult levels—often adopted by other counties, collaborative, harm reducing efforts in areas like child abuse, domestic violence and gang violence, continual self-assessment to assure that MCDA is both ethically and professionally sound, and an openness to new learning that will inform and improve MCDA’s work.

District Attorney Underhill and his staff helped author a statewide “best-practice” Eyewitness Identification Protocol that was adopted by all law enforcement agencies in Multnomah County, as well as many other agencies statewide, to assure eyewitness identifications are fair and scientifically sound.

Multnomah County District Attorney Rod Underhill and his staff are experts in fair discovery practices, and have established a formal Brady-compliant Potential Impeachment Index (PID Index) program to assure that defendants receive accurate information on all potential state witnesses. In MCDA’s Material Witness Protocol, such persons receive counsel quickly and are treated with respect and fairness, with a focus on minimal, and preferably no, custody if at all possible. DA Underhill established clear policy guidelines for use of cooperating witnesses and testifying informants to be certain such individuals are properly evaluated and, when appropriate, called as witnesses in court.

Finally, District Attorney Underhill established a “Post-Conviction” Deputy District Attorney position within MCDA, staffed by an experienced lawyer, to review such claims of procedural unfairness or actual innocence, and all other challenges, such as federal habeas corpus claims. This deputy district attorney carefully reviews all such claims, briefs the District Attorney when appropriate, and works to assure their prompt resolution.

[Resources: Eyewitness ID best practices protocol](#)

[Resource: Disclosure to defendant policy](#)

[Resource: Material Witness Warrant - MCDA best practices protocol](#)

[Link: Good Samaritan law \(ORS 475.989\)](#)

[Policy: Cooperating Witness Protocol](#)

[Post-Conviction Deputy District Attorney](#)

[Policy: Testifying Informant](#)
