

Program #15012B - Body Worn Cameras Expansion

Program Contact: John Casalino

Department: District Attorney **Program Offer Type:** Innovative/New Program Program Offer Stage: As Requested

Related Programs:

Program Characteristics: Out of Target

Executive Summary

This program seeks necessary supplemental funding to meet core county, constitutional and ethical prosecution obligations required by the growing practice of law enforcement to use Body Worn Cameras (BWC) while policing. This program request is in response to the substantial increase in capacity required by the use of BWCs by Gresham, OSP and Portland State. This program specifically seeks to increase capacity of the BWC Unit detailed in program15012A but changes the procedure to post-charging, pre-grand jury review. This program can still ensure that victims of crime can be protected and the rights of the accused will be safeguarded.

Program Summary

This program seeks necessary additional funding for the BWC Unit detailed in Program 15012A. That program partially funded the BWC Unit with a 0.75 FTD Deputy District Attorney 2 and a 0.75 FTE Office Assistant 2. This program seeks to abandon pre-charging review. Rather, BWC footage for felonies is reviewed after charging but before grand jury. Misdemeanor cases with BWC are only reviewed after issuing but prior to resolution. Combining programs 15012A and 15012B will enable this unit to review more BWC footage.

An investigator will be necessary to make the appropriate edits to the video for use in court, as only relevant and admissible evidence is allowed during the course of a court hearing. Much of the footage that is captured may not be relevant nor admissible in a court proceeding, but law enforcement is mandated by their policy to capture it and provide it to MCDA. Given funding constraints, MCDA, will review some of the footage to assist in making presentation to the grand jury. MCDA will be required to turn over all footage to defense counsel by way of the Discovery process. Staff and investigators also must review and redact material to insure privacy interests are secured. All of this is time, labor and technically intensive.

Body-worn camera footage will allow prosecutors to view crime scenes and witness/victim/suspect interviews through anunfiltered lens. Transparency and system confidence will increase by virtue of additional objective evidence available forsubsequent review. Prosecutor and law enforcement decisions will improve, leading to better, more just and equitable outcomes.

Performance Measures								
Measure Type	Primary Measure	FY20 Actual	FY21 Budgeted	FY21 Estimate	FY22 Offer			
Output	Hours of body camera footage reviewed	N/A	N/A	N/A	2,500			
Outcome	Hours of body camera footage received	1,246	N/A	3,972	4,200			

Performance Measures Descriptions

In this Program review is post charging.

3/2/202

Legal / Contractual Obligation

Oregon Constitution: Article VII Section 17. Prosecuting Attorneys. There shall be elected by districts comprised of one, or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct. Oregon Revised Statute (ORS): 135.185: The District Attorney shall disclose to a represented defendant the certain material within the possession and control of the district attorney.

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Requested General Fund	Requested Other Funds	
Program Expenses	2021	2021	2022	2022	
Personnel	\$0	\$0	\$456,523	\$0	
Total GF/non-GF	\$0	\$0	\$456,523	\$0	
Program Total:	\$0		\$456,523		
Program FTE	0.00	0.00	3.00	0.00	

Program Revenues						
Total Revenue	\$0	\$0	\$0	\$0		

Explanation of Revenues

Significant Program Changes

Last Year this program was:

This is a new program. While not as comprehensive as fulling funding pre-charging review of BWC, this program strives to review as much footage as possible. With this model, review is not done prior to charging. In felony cases, BWC review is done prior to GJ. This means that Misdemeanor and felonies are not reviewed prior to criminal charges being brought. Misdemeanor cases will be reviewed prior to case resolution by interns. BWC for cases that are rejected will not be reviewed by anyone outside of law enforcement.