

Hugo Neighborhood Association & Historical Society

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PSS Archives Index #56

November 4, 2017 Letter/Email

They Report to You
ACLU of Oregon
P.O. Box 40585
Portland, OR, 97240
Email: TheyReportToYou@ACLU-OR.org



Dear They Report to You:

I share an experience with “They Report to You” (TRTY: <https://theyreporttoyou.org/>) about our local district attorney (DA) because I’m a voter in Josephine County (JO CO), and I support your campaign to increase statewide voter engagement with Oregon county DAs. Locally, my purpose is to engage voters in JO CO’s “Justice System & Public Safety Services” (JS&PSS) issue through a transparent local budget process with effective citizen education and citizen involvement (CI) opportunities, including engagement with all elected and appointed officials responsible for public safety services (PSS).

The “Introducing They Report To You” article was of value to me (ACLU of Oregon’s Fall 2017 Newsletter). Of its four focus elements, I was particularly interested in Focus 1, transparency, and Focus 4, creating accountability standards (i.e., impact and/or outcome standards).

- TRTY Focus 1. The lack of transparency in the internal practices and procedures of district attorney offices.
- TRTY Focus 2. The need to change charging practices to appropriate balance prosecutorial discretion and reduce racial disparity.
- TRTY Focus 3. The need to create measure that can prevent misconduct, and increase oversight and accountability for improper prosecutorial practices.
- TRTY Focus 4. They need to create standards, so that the public and community leaders can measure the quality of a district attorney’s performance and hold them accountable for their conduct.

My specific purpose of this communication is to share the Hugo JS&PSS Exploratory Committee’s (*Committee*) experience with the values Ryan Mulkins, JO CO DA, represented in the JO CO FY 2015-16 budget process as expressed by the DA’s final budget. This communication is not specifically about DA Mulkins and Focuses 2 - 3, as I have no information about the present balance of prosecutorial discretion, let-alone what is appropriate, and/or improper prosecutorial practices. My instinct is that the DA Mulkins is a fair man. I do support the identification of appropriate prosecutorial discretion, the reduction of any racial disparity, and Focus 3 measures. The *Committee’s* experience is summarized in Attachments 1 - 3 which also describes JO CO’s JS&PSS issue (Web Resources).

The *Committee* knows that information/accountability standards can be developed for all PSS identified in the annual county budget for the purpose of public and community leaders being able to understand and measure the quality of all PSS’ performances. Oregon Local Budget Law

(LBL) standards are the ‘standards and budget parameters’ required by counties in the budget (*Local Budgeting in Oregon*; Attachment 3, Appx. A). An example “Minimally Acceptable Level Of Pubic Safety Services” analysis model for the JO CO DA’s Office, that can be used by all departments with PSS responsibilities, is provided in Attachment 3 (Web Resources, JS&PSS Study Design: 2015).

The *Committee* appreciated DA Mulkins’ willingness to meet, and share information about his office as expressed in JO CO’s FY 2015-16 budget. What was especially refreshing at its June 8, 2016 meeting with him was his almost overpowering posture of listening and trying to understand the *Committee*’s concerns. We complimented this to him at the meeting, and he shared a story about himself and his previous supervisor and mentor, DA Stephen Campbell. In carrying out the DA’s responsibilities, Campbell had told him to always be transparent and true, and you would not get in trouble. We believed him.

However, the *Committee* found that significant aspects of the JO CO FY 2015-16 budget, including the DA’s budget, were not transparent from the perspective of understanding the procedures for its preparation and presentation, and of the goals and directives for each budget program (i.e., LBL including ORS 294.321 Purposes, and ORS 294.403 Budget Message). A “JO CO Budget Manual” would be invaluable in understanding the local budget’s LBL preparation process standards. Further, after extensively studying the DA’s FY 2015-16 budget (Web Resources), the *Committee* members were not confident in explaining the DA’s programs to their neighbors, including implementing the budget’s goals and directives; differences between mandated, essential, necessary, and elective programs; levels of service; and outcomes.

The *Committee* assumes the JO CO Board of County Commissioners’ (BCC) three goals and three directives in its FY 2015-16 budget message are the ‘standards and budget parameters’ required by the governing body in its budget message (Attachment 3). They were financial policies, but evidently without the force of local JO CO law (i.e. ordinances and resolutions) as they mostly do not track from the budget message into the actual budget in a transparent and understandable format, and perhaps not at all for every department.

A major JO CO budget process deficiency is the lack of a formal program for educating and involving the public in the budget process (Attachment 3, Appx. A, Section D Discussion #4, Citizen’s Guide to the Budget; Web Resources: *Citizen Participation In The Josephine County Budget Process*). The JO CO BCC has an informal unwritten minimalist budget CI LBL program based on a one-way flow of information in public hearings on proposed policies. This ‘review and comment’ methodology – decide on the policy, then introduce it to the public in a public hearing – is a poor educational vehicle for complex topics, not to mention grossly inadequate as a persuasion tool. An example of the one-way flow of information follows. The *Committee* has been seeking a meeting with Arthur O’Hare, Budget Officer, JO CO Budget Committee (O’Hare is also the Finance Director, JO CO Finance Department) since January 20, 2016 without success - for almost two years (Attach. 4). Informal is used because JO CO did/does not have any CI plan by resolution or ordinance explaining CI opportunities in its budget process. For example, JO CO does not have any of the following budget CI process guidance programs for voters.

1. County Budget Manual (i.e., interprets Oregon LBL for JO CO’s operational budget preparation).

2. Citizen Involvement in Budgeting Plan (i.e., local government provides guidance and opportunities for how citizens can become involved in the budget process per the County Budget Manual; Web Resources - Citizen Involvement in Josephine County Budget Process).
3. County Citizen's Guide to the Budget (i.e., local government explains its budget proposals and its public finances in a simple plain language; see examples in Attachment 3, Appx. A).

A *Citizen's Guide To The Budget* would be very helpful in government accomplishing its budget goals, including more support from its citizens (Web Resources - Budgets: Josephine County, Oregon, May 26, 2016 Letter to JO CO BCC). Beyond budget educational opportunities for citizens, this recommendation attempts to address JO CO government's issue of being plagued by a lack of trust by a majority of county voters, and by ineffective voter outreach, especially educational PSS program descriptions and their value. One of the biggest issues in voter participation is information, who controls it and whether it is trustworthy. The *Committee* believes that being an informed voter is difficult. To put it bluntly, most voters are already busy, and they are assisted in being better informed when as many as possible low-growing fruits of information formats are available. A *Citizen's Guide To The Budget* can help citizens become informed voters, "For in the end, a budget is more than simply numbers on a page. It is a measure of how well we are living up to our obligations to ourselves and one another." Some examples of a guide's purpose follow.

- A guide provides a single place where the public can learn about the main features of the budget and gain access to more detailed reference sources. It also helps citizens to assess the impact on their own circumstances and on specific groups in society, including the effects on the burden of taxation, service provision and employment prospects.
- Broadening understanding of the country's public finances can help to frame more realistic citizen expectations, and to build support for difficult policy choices. It can also help to offset the influence of narrow special interest groups and to avoid public debates being conducted in jargon by those "in the know."

The *Committee's* position is that there is a significant problem in the budget message from the JO CO BCC when it required departments to address all county goals and clearly define program purpose and expected outcomes ('standards and budget parameters'), but did/does not explicitly define program purpose, a impact methodology to determine outcomes, nor department heads' accountability standards (Attachment 3, Appx. A). The "*government must want to seek participation as much as the participants want to give it, and citizens are less likely to participate if the political environment is not positive and accepting of input.*"

Regardless, the *Committee* finds that a local county's budget process is an important CI mechanism presently available for voters to engage with DAs, and gather information about the values of DA offices for all 36 Oregon counties. Especially significant is the overlap between the four focus priorities of the "They Report To You" campaign, and the annual Oregon LBL "standards and budget parameters" required by a county government for inclusion in its budget.

If there are questions, I am available as a volunteer to further discuss what the *Committee* learned about the values of the JO CO DA's office as expressed in JO CO's FY 2015-16 budget.

Sincerely,

Mike Walser

Mike Walker, Chair
JS&PSS Exploratory Committee

Attachments:

Josephine County District Attorney's Office

Justice System & Public Safety Services Exploratory Committee

Hugo Neighborhood Association & Historical Society

Web Page: <http://www.hugoneighborhood.org/da.htm>

- Attach 1. September 30, 2015 Letter/Email to Ryan Mulkins, JO CO District Attorney, From Committee. Subject: Share Information About JO CO's JS&PSS Problem/Issue
- Attach 2. March 28, 2016 Letter/Email to Ryan Mulkins, JO CO District Attorney, From Committee. Subject: Learn About JO CO District Attorney's Office's Budget Program
- Attach 3. June 14, 2016 Letter/Email to Ryan Mulkins, JO CO District Attorney, From Committee. Subject: June 8, 2016 Meeting Minutes Between Committee and JO CO District Attorney
- Attach 4. September 23, 2016 Letter/Email to Arthur O'Hare, Budget Officer, JO CO Budget Committee. O'Hare is also the Finance Director, JO CO Finance Department. From Committee. Subject: Share Information About JO CO's Budget Process & JS&PSS Problem/Issue

Web Resources:

- Justice System & Public Safety Services Study Design: 2015
- Public Safety Services
- Budgets: Josephine County, Oregon
- Other Resources (OR)
- Citizen Involvement in Josephine County Budget Process
- Chapter II. Oregon Budget Law Excerpts

Email copies:

- Jon Whalen, Member, JS&PSS Exploratory Committee, Hugo Neighborhood Association & Historical Society
- Ryan Mulkins, District Attorney Josephine County (JO CO)
- Dave Daniel, Sheriff JO CO Sheriff's Office
- Nate Gairan, Community Corrections Director JO CO Community Corrections Dept.
- Jim Goodwin, Director JO CO Juvenile Justice
- Josephine County Board of County Commissioners: Simon Hare, Lilly Morgan, DeYoung Dan
- Arthur O'Hare, Budget Officer Josephine County Budget Committee
- JO CO Management Team, c/o Rob Brandes, Director, JO CO Public Works Department
- Nia Ray, Director Oregon Department of Revenue
- Danette Benjamin, Finance, Taxation & Exemptions Analyst, Oregon Dept of Revenue, Property Tax Division
- Kate Brown, Oregon Governor
- Jay Meredith, President, Securing Our Safety, Inc.
- Scott Stoddard, Editor, The Grants Pass Daily Courier
- Dennis Richardson, Oregon Secretary of State, Public Records Administrator
- Ellen F. Rosenblum, Oregon Attorney General, Oregon Department of Justice
- Senate Richard Devlin, Chair, Joint Transparency Oregon Advisory Commission

Web Resources

Justice System & Public Safety Services Study Design: 2015

Justice System & Public Safety Services Exploratory Committee

Hugo Neighborhood Association & Historical Society

Web Page: <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

Justice System & Public Safety Services Study Design: 2015

Appendices to Study Design

Letters-To-The-Editor

Media Articles

Studies & Information

Public Safety Services (PSS)

City of Grants Pass Public Safety Project Reports

Citizen Participation in Local Budget Process

Public Outreach

Press Releases

Guest Opinions

Voters Pamphlets

Minimally Acceptable Level Of Public Safety Services

Public Meeting Presentations

Josephine County Budgets

Courts

Public Safety Services

Justice System & Public Safety Services Exploratory Committee

Hugo Neighborhood Association & Historical Society

Web Page: <http://www.hugoneighborhood.org/pss.htm>

1. Adult Jail.
2. Juvenile Justice Program.
3. District Attorney's Office.
4. Sheriff Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services. Includes all 10 budgeted programs of the Josephine County Sheriff's Office.
6. Animal Control/Protection.
7. Adult Corrections

Budgets: Josephine County, Oregon

Justice System & Public Safety Services Exploratory Committee

Hugo Neighborhood Association & Historical Society

Web Page: <http://www.hugoneighborhood.org/budgets.htm>

IV. Citizen's Guide to the Budget

V. Budget Process

November 2016. Citizen Participation in the Josephine County Budget Process

Other Resources (OR)

OR1. The Local Budgeting Manual, 150-504-420.

OR2 . Local Budgeting in Oregon, 150-504-400

OR3. Administrative rules, see chapters 294 and 310.

- Oregon Administrative Rules (OAR): Division 294, Local Budget

(http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_150/150_294.html).

- Oregon Administrative Rules (OAR): Division 310, Levy of Property Tax; Tax Reduction Programs

(http://arcweb.sos.state.or.us/pages/rules/oars_100/oar_150/150_310.html).

- Oregon Revised Statutes (ORS) 294, Chapter 294. County and Municipal Financial Administration

(<http://www.oregonlaws.org/ors/chapter/294>).

- Oregon Revised Statutes (ORS) 310, Chapter 310. Property Tax Rates and Amounts; Tax Limitations; Tax Reduction Programs (<http://www.oregonlaws.org/ors/chapter/310>).

Citizen Involvement in Josephine County Budget Process

Justice System & Public Safety Services Exploratory Committee

Hugo Neighborhood Association & Historical Society

Web Page: <http://www.hugoneighborhood.org/ci.htm>

Chapter II. Oregon Budget Law Excerpts

Citizen Participation In The Josephine County Budget Process

Justice System & Public Safety Services Exploratory Committee

Hugo Neighborhood Association & Historical Society

Web Page: http://www.hugoneighborhood.org/JSPSS_JO%20CO%20BUDGET%20ANALYSIS%20PROJECT_101116.pdf

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