

NOV. 4/77
STATE LAW ENFORCEMENT PLANNING AGENCY

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DISTRICT	FUNCTIONAL CATEGORY
PROJECT #	DATE RECEIVED
TRANS. #	DATE APPROVED

APPLICATION FOR LAW ENFORCEMENT
ACTION GRANT
(Under Part C Title I Public Law 90-351)
(As amended by Public Law 91-644)

PART A - PROJECT DATA

- PROJECT TITLE Defense Services Project
- TYPE OF APPLICATION (check one) Initial Revision Contin.
- APPLICANT AGENCY Columbia Region Association of Governments
- ADDRESS 6400 S.W. Canyon Court, Portland, Oregon 97221
- LOCATION OF PROJECT 620 S.W. 5th Avenue, Suite 408, Portland, OR 97204
- PROJECT DURATION From: July 1, 1975 To: June 30, 1976
- PROGRAM AREA (see instructions) P.L. 93-83, Section 301 (b) (1)
- DESCRIPTION OF PROJECT (describe in detail on ATTACHMENT 1)
- BUDGET (see instructions--provide itemization as called for on ATTACHMENT 2)

10. TOTAL ESTIMATED COSTS (Including non-federal share)

SOURCE OF FUNDS	FY75-76		FY		FY	
	\$	Amount	\$	Amount	\$	Amount
FEDERAL	90	43,078				
STATE						
LOCAL GOVERNMENT	10	4,786				
OTHER						
TOTAL		47,864				

11. SPECIFY HOW NON-FEDERAL SHARE WILL BE PROVIDED: Hard cash match funds
to be provided from Multnomah County General Fund.

12. PROJECT DIRECTOR

Name Jon W. Hayner Title Chief Investigator

Address 620 S.W. 5th Avenue Tel. No. (503) 248-3354

Suite 408
Portland, Oregon 97204

ATTACHMENT 1

PART A - ITEM 8. DESCRIPTION OF PROJECT

(a) Problem

The Metropolitan Public Defender has contracted with Multnomah County to provide legal representation to indigent defendants in 1600 felony and 800 misdemeanor cases in FY 1975.¹ Present budgetary allocation is insufficient to afford adequate investigative and other supportive service to indigent defendants in the following specific areas:

- 1) Funds to provide tape recording, photographic, videotape and other investigative equipment of a sufficient quantity, quality, and versatility to permit preservation of evidence under all circumstances.
- 2) Funds for the confidential employment of experts and specialists, such as psychiatrists, criminalistic experts, forensic pathologists and other scientific experts generally in all cases in which the same may be of assistance to the defense.

Absence of funds in the above areas (particularly as applied to the major crime categories of burglary, homicide, robbery, and drug related offenses) adversely affects the criminal justice system as follows:

- 1) Denial of equal protection to indigent defendants through unavailability of adequate investigative and other supportive services on a parity with that available to the prosecution, private bar, and law enforcement.
- 2) Increased elapsed time from arrest to disposition in criminal cases caused by setovers or other postponements. Such costly delays are occasioned when the defense does not have access to equipment or experts necessary for accurate appraisal of evidence as well as the credibility of clients or witnesses.
- 3) Increased costs of correctional services because of extended incarceration occasioned by delays as set forth above.

(b) Goals and Objectives

- 1) To provide adequate investigative and supportive services to indigent defendants on a parity with that available to the prosecution, private bar, and the police through provision of investigative equipment and funds for the confidential retainer of experts and specialists.
- 2) To reduce the elapsed time between arrest and disposition in criminal cases.

1. This grant request is to take effect in Fiscal Year 1976 and the Metropolitan Public Defender expects to similarly contract with Multnomah County at that time.

ATTACHMENT 1 (Continued)

- 3) To study the practicality of an independent source of criminalistic assistance.
- 4) To study the feasibility of expanded use of photographic and demonstrative evidence at trial, and its effect upon the criminal justice system.
- 5) To determine the value of polygraphy on an ex parte basis when used as a functional part of criminal defense services.
- 6) To accelerate pre-trial disposition of cases through accurate appraisal of evidence and the credibility of clients and witnesses.
- 7) To study and promote the use of forensics and demonstrative evidence at trial in criminal cases.

(c) Project Activities

- 1) Implementation of the Defense Services Project will generate funding to provide the defense with equipment of sufficient quality, quantity, and versatility to enable adequate investigation through collection and preservation of evidence, its effective presentation at trial, and retainer of forensic experts to assist the investigation.
- 2) The initial phase of the project will be the acquisition of equipment (see (f) below) and training in its use. Training will be provided at no cost by the seller, and will be perpetuated by the Project Director.
- 3) The second phase of this project will be the location and evaluation of forensic experts, specialists, and laboratory facilities. (This research is already in progress, and will continue throughout the project).
- 4) Utilization of project equipment and funds will be conducted on a case-by-case basis upon recommendation of the Project Director, Public Defender, and the staff attorney assigned to the specific case. The recommendation for application of project material will place emphasis upon cases in the major categories of burglary, homicide, robbery and drug related cases, as well as the demands of the particular case.

(d) Project Management

The Defense Services Project will be administered entirely by the Metropolitan Public Defender. The Project Director will be the chief investigator of this agency, who will report directly to the Public Defender.

ATTACHMENT 1 (Continued)

The Project Director shall be responsible for the preparation of an analytical report concerning each application of project equipment and funds in order to ascertain efficiency and consistency with project goals in each case. These reports shall be submitted monthly to the Public Defender.

(e) Personnel

N/A

(f) Biographies

N/A

(g) Participating Agencies

This project will be administered by the Metropolitan Public Defender, with local matching funds supplied by Multnomah County.

(h) Project Evaluation

The Defense Services Project will be evaluated at the end of FY 1976 by means of written reports submitted by the Project Director, Public Defender, and participating staff attorneys. The reports shall contain analyses of the effectiveness of the project, its impact on the criminal justice system, as well as individual recommendations. Information and opinions will also be solicited from members of the judiciary, as well as forensic experts and specialists who participated in the project. Specific factors to be analyzed will include: need for the services provided by the project; frequency of demand for such services; comparison between project and non-project cases regarding time lapse between arrest and disposition; availability of competent local forensic experts and specialists; time and cost factors relative to cases in the 4 major categories studied; and recommendations for the improvement of forensic and demonstrative evidence in criminal cases. Actual evaluation will be the responsibility of the Oregon Law Enforcement Council.

(i) Alternative Methods

It is not believed possible to secure local budgetary support for this project at this time. Without the resources requested in this grant, the Public Defender will continue to be hampered in his investigative efforts.

(j) Assumption of Costs

Upon favorable evaluation of the Defense Services Project at the end of FY 1976, the Metropolitan Public Defender will incorporate the program into agency operation and assume full financial responsibility for its continuation in FY 1977, including consultant services and equipment maintenance.

ATTACHMENT 2

PART A - ITEM 9. FIRST YEAR BUDGET DETAIL (Estimate)

(If additional space is needed, use BUDGET EXPLANATION page)

COST ELEMENT	FEDERAL SHARE	STATE/LOCAL SHARE	PROJECT TOTAL
a. SALARIES AND WAGES			
<div style="display: flex; justify-content: space-between;"> Position % of time Monthly salary </div>			
N/A			
Sub-Total Salaries	\$	\$	\$
Employee Benefits @ _____ %	\$	\$	\$
Total Salaries	\$	\$	\$
b. CONSULTANTS (List by individual or type)			
1) Polygraphy and Cartography	5,940	660	6,600
2) Laboratory Fees	28,984	3,220	32,204
Total Consultants	\$ 34,924	\$ 3,880	\$ 38,804
c. TRAVEL, TRANSPORTATION, SUBSISTENCE (Itemize)			
N/A			
Total Travel	\$	\$	\$

ATTACHMENT 2 (Continued)

COST ELEMENT	FEDERAL SHARE	STATE/LOCAL SHARE	PROJECT TOTAL
d. OFFICE SUPPLIES, POSTAGE, PRINTING, ETC. (Itemize) N/A			
Total Office Supplies	\$	\$	\$
e. FACILITIES, OFFICE SPACE, UTILITIES, EQUIPMENT RENTAL (Itemize) N/A			
Total Facilities	\$	\$	\$
f. EQUIPMENT (Itemize) 1) Video-tape equipment 2) One Opaque projector and screen 3) One slide projector 4) Three cameras 5) Drafting table and equipment 6) Exhibit construction materials	3,055 522 235 923 174 1,305	445 78 35 127 26 195	3,500 600 270 1,050 200 1,500
Total Equipment	\$ 6,214	\$ 906	\$ 7,120
g. INDIRECT COSTS (5% x \$38,804)	1,940		1,940
Total Indirect	\$ 1,940	\$	\$ 1,940
TOTAL PROJECT COSTS	\$ 43,078	\$ 4,786	\$ 47,864

ATTACHMENT 2 (continued)

BUDGET EXPLANATION (use if additional space needed)

(b) Consultants

1. Polygrapher - Estimated use in three cases per month @ \$100 per examination \$ 3,600
2. Cartographer- Estimated requirement of 200 hrs @ \$15 per hour \$ 3,000
3. Laboratory - (Toxicology, Ballistics, Drug Analysis, Latent print analysis etc.)
 - Homicide - Estimated use in 14 cases per year @ 12 hours per case @ \$48 per hour for technical assistance \$ 8,064
 - Burglary - Estimated use in 60 cases per year @ 4 hours per case @ \$48 per hour for technical assistance. \$11,520
 - Robbery Estimated use in 33 cases per year @ 4 hours per case @ \$35 per hour for technical assistance. \$ 4,620
 - Drug Related- Estimated use in 50 cases per year @ 5 hours per case @ \$32 per hour for technical assistance. \$ 8,000

Rationale for Consultant estimates:

It should be noted that since services listed above are not readily available at the present time, there is no external source of data upon which estimates may be based. The investigative staff at the Metropolitan Public Defender's office began keeping statistics in July of 1973 as to the number and type of cases investigated. Accordingly, internal data is limited to appointed cases in the preceeding 10-month period ending April 30, 1974. To arrive at the estimated number of cases requiring application of Defense Services Project resources, the total number of appointed cases within each of the 4 categories was analyzed with regard to 1) complexity of the crime charged; 2) frequency of trials in the category; 3) number of cases in which project resources were potentially beneficial; and 4) severity of sentence.

Time requirements are equally difficult to estimate since each case is unique in its composition. Internal statistics did not address this area, or the area of costs for technical assistance. In an effort to obtain some raw data to provide a basis for these estimates, MEI - Charlton Laboratories Inc., Optographics Inc., and private polygraphers were contacted. These Portland firms supplied the pertinent information for our estimates.

ATTACHMENT 2 (continued)

BUDGET EXPLANATION (use if additional space needed)

(f) Equipment

1 Portable video-tape camera	\$1,700
1 Portable video-tape TV Tuner	200
1 Portable video-tape converter	100
Miscellaneous video-tape accessories	300
1 TV monitor set	200
100 1/4" half-hour video-tapes	1,000
1 Opaque projector and screen	600
1 Slide projector	270
3 Besseler Topcon 35mm cameras	600
1 Polaroid SX70 camera	200
1 Mamiya 2 1/4 camera	250
1 Drafting table and equipment	200
Materials for construction of demonstrative exhibits	<u>1,500</u>
	\$7,120

(g) Indirect Costs

The Indirect Costs figure for this grant request was calculated pursuant to LEAA's formal approval on April 16, 1974, of an A-87 Plan for Multnomah County. As we understand the concept, there are no "indirect costs" included in this particular request. On the other hand, all "consultants" costs are included as "direct costs," thus forming the basis of the Indirect Cost calculation. However, instead of applying an agreed-upon rate, we have applied a 5% figure to these Direct Costs. These consultants' fees have a "pass-through" character, so we have opted for the lesser rate as more reasonable for all parties.