



Program #15105A - Misdemeanor Trial Unit FY 2024 Proposed

Department: District Attorney **Program Contact:** Glen Banfield
Program Offer Type: Existing **Program Offer Stage:** Proposed
Related Programs:
Program Characteristics:

Executive Summary

The Misdemeanor Trial Unit (MTU) consists of 7 deputy district attorneys (DDAs), 9 interns, and 5 staff members. The MTU works collaboratively with the state courts and local law enforcement agencies to prosecute misdemeanor crimes except those involving domestic violence. These misdemeanor crimes include offenses such as driving under the influence of intoxicants (DUII), resisting arrest, assault, sex abuse, theft, commercial sexual solicitation, stalking, trespass, strangulation and disorderly conduct. Cases handled by the MTU are either diverted to a specialty court program or they are set for trial. This unit also handles misdemeanor arraignments, specialty and diversion court dockets, and civil commitments.

Program Description

Attorneys assigned to the Misdemeanor Trial Unit (MTU) prepare cases for trial and represent the State in misdemeanor jury and bench trials. Deputy district attorneys (DDAs) also appear in court on plea entries, sentencing, probation violation hearings, daily arraignments, release hearings, and restitution hearings. All cases sent to the MTU are presumed to be trials, and for this reason, DDAs have to verify all discovery obligations are met, extend pretrial plea offers to the defense, subpoena all necessary witnesses, prepare direct and cross-examination, assemble all evidence and confer with victims on all cases. MTU DDAs must review, research, and respond to all written motions as part of trial preparation. All cases involving officer-initiated contact or use of force are also double screened to promote greater equity in these areas of policing and prosecution. MTU DDAs also prepare and litigate the civil commitment of allegedly mentally ill persons.

Many misdemeanor cases resolve in one of the specialty courts staffed by the MTU. Most non-violent offenders qualify for Community Court where they can earn a reduction or dismissal of their charges through community service or by accessing social services such as alcohol treatment, drug treatment, and mental health services. With thousands of cases processed each year, Community Court offers a cost-effective collaboration between the courts, prosecution, and social service providers. A large number of misdemeanor cases involve allegations of DUII, and specialty DUII Diversion and Expedited DUII dockets are staffed by MTU DDAs each week. Post BM 110, MTU DDA's handle the alternative disposition of misdemeanor drug cases as violations in Community Court to provide the option of drug evaluations and dismissal of drug offenses. Data shows Black, Indigenous, and Persons of Color (BIPOC) are traditionally overrepresented within the criminal justice system in the arrest and prosecution of low-level drug, transportation, property, and public order offenses. MCDA's MTU works to achieve greater equity through an ongoing commitment to alternative disposition for these types of offenses. Drug offenses, as well as most all misdemeanor property, public order, and transportation offenses are eligible for diversion and/or dismissal through Community Court.

Performance Measures

Measure Type	Primary Measure	FY22 Actual	FY23 Budgeted	FY23 Estimate	FY24 Offer
Output	Misdemeanor cases set for trial resolved	458	1,700	394	N/A
Outcome	Misdemeanor cases offered specialty court diversion	367	3,000	196	1,038
Output	Percent of issued misdemeanor cases disposed of within 90 days.	N/A	N/A	N/A	45%

Performance Measures Descriptions

MCDA proposes to substitute Measure 1 with a new measure captured in Measure 3. This measure is publicly available on the Prosecutorial Performance Indicators dashboard on the MCDA website and reflects Department of Justice standards for case disposition.

Legal / Contractual Obligation

ORS 8.665 Prosecuting violations. Upon the issuance of a citation by any person authorized to issue citations for violations, a district attorney shall prosecute the case if it appears that a violation has occurred.

ORS 8.660 Attending court and prosecuting offenses. (1) The district attorney shall attend the terms of all courts having jurisdiction of public offenses within the district attorney's county, and, except as otherwise provided in this section, conduct, on behalf of the state, all prosecutions for such offenses therein.

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Proposed General Fund	Proposed Other Funds
Program Expenses	2023	2023	2024	2024
Personnel	\$1,982,972	\$0	\$1,898,400	\$0
Contractual Services	\$14,000	\$0	\$44,000	\$0
Materials & Supplies	\$28,000	\$0	\$28,000	\$0
Internal Services	\$269,980	\$0	\$232,873	\$0
Total GF/non-GF	\$2,294,952	\$0	\$2,203,273	\$0
Program Total:	\$2,294,952		\$2,203,273	
Program FTE	12.00	0.00	11.00	0.00

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

Explanation of Revenues

Significant Program Changes

Last Year this program was: FY 2023: 15105 Misdemeanor Trial Unit

1.0 FTE DDA position has been cut in order to meet FY 2024 General Fund constraint. That position is in an out-of-target restoration program offer, PO 15105B - Misdemeanor Trial Unit - Restore DDA Position.