Program #15105 - Misdemeanor Trial Unit   3/7/2022

Department:	District Attorney	**Program Contact:**	Glen Banfield
Program Offer Type:	Existing Operating Program	**Program Offer Stage:**	As Requested
Related Programs:			
Program Characteristics:	In Target		

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 Summary

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, sentencings, 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	FY21 Actual	FY22 Budgeted	FY22 Estimate	FY23 Offer
Output	Misdemeanor cases set for trial resolved	125	1,700	382	837
Outcome	Misdemeanor cases offered specialty court diversion	367	3,000	196	1,038

Performance Measures Descriptions

MCDA has omitted the Output measurement of "Misdemeanor cases resolved with a trial." The Output metric has been modified in this offer to more accurately reflect the work being done by the MTU as generally the same processes and case preparation occurs regardless of whether cases resolve via pre-trial plea or through full trial litigation.
For additional background and historical information, please see last FY 2022 Informational Budget Packet:
https://www.mcda.us/index.php/documents/multnomah-county-district-attorneys-informational-budget-packet-fy-2022.pdf

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	Requested General Fund	Requested Other Funds
Program Expenses	**2022**	**2022**	**2023**	**2023**
Personnel	$1,971,898	$0	$1,981,862	$0
Contractual Services	$14,000	$0	$14,000	$0
Materials & Supplies	$21,658	$0	$28,000	$0
Internal Services	$227,647	$0	$269,980	$0
Total GF/non-GF	**$2,235,203**	**$0**	**$2,293,842**	**$0**
Program Total:	**$2,235,203**		**$2,293,842**	
Program FTE	12.00	0.00	12.00	0.00

Program Revenues				
Total Revenue	**$0**	**$0**	**$0**	**$0**

Explanation of Revenues

Significant Program Changes

Last Year this program was: FY 2022: 15202A Misdemeanor Trial Unit

As a result of COVID-19 and the Oregon State Chief Justice Order halting the litigation of out-of-custody misdemeanor criminal trials, the ability to litigate misdemeanor trials, traditional plea and/or alternative disposition courts sharply declined, resulting in significant caseload increases for all attorneys in the MTU. A large number of open and pending cases that still need to be resolved will need to be resolved by MTU in FY 2023 when court functions resume. Many alternative resolution courts have also been administratively setting over cases due to COVID-19, which has resulted in heavier than usual dockets and greater numbers of cases flowing through these courts in FY 2022.

The program offer moved from Division 2 to Division 1