

**Department:** District Attorney

**Program Contact:** Glen Banfield

**Program Offer Type:** Operating

**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 with thousands of cases processed each year. 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 and 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 alternative disposition that lead to dismissals.

### Performance Measures

Measure Type	Performance Measure	FY23 Actual	FY24 Budgeted	FY24 Estimate	FY25 Target
Output	Misdemeanor cases set for trial resolved	1,054	N/A	1,112	1,100
Outcome	Misdemeanor cases offered specialty court diversion	170	1,038	200	225
Output	Percent of issued misdemeanor cases disposed of within 90 days.	N/A	45%	17%	20%

### Performance Measures Descriptions

Performance Measure 2: During the last couple of years, many diversion programs have been eliminated due to legislative changes and/or court closures.

## 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	2024	2024	2025	2025
Personnel	\$1,898,400	\$0	\$2,018,939	\$0
Contractual Services	\$44,000	\$0	\$44,000	\$0
Materials & Supplies	\$28,000	\$0	\$28,000	\$0
Internal Services	\$232,873	\$0	\$231,594	\$0
<b>Total GF/non-GF</b>	<b>\$2,203,273</b>	<b>\$0</b>	<b>\$2,322,533</b>	<b>\$0</b>
<b>Program Total:</b>	<b>\$2,203,273</b>		<b>\$2,322,533</b>	
<b>Program FTE</b>	11.00	0.00	11.00	0.00

Program Revenues				
<b>Total Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## Explanation of Revenues

## Significant Program Changes

Last Year this program was: FY 2024: 15105A Misdemeanor Trial Unit