

**Department:** District Attorney **Program Contact:** Kirsten Snowden

**Program Offer Type:** Existing Operating Program **Program Offer Stage:** As Proposed

**Related Programs:**
**Program Characteristics:**

### Executive Summary

This program works collaboratively with the State courts and local law enforcement agencies to prosecute all 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, prostitution, stalking, trespass, strangulation and disorderly conduct. Cases handled by the Misdemeanor Trial Unit are either diverted into a specialty court program or they are set for trial.

### Program Summary

Attorneys assigned to the Misdemeanor Trial Unit (MTU) prepare cases for trial and represent the State of Oregon in misdemeanor jury and bench trials. These attorneys also appear in court on other matters including plea entries, sentencing, probation violation hearings, and restitution hearings. MTU attorneys work collaboratively with the Neighborhood and Strategic Prosecution program by prosecuting many of their issued cases. All cases sent to the MTU are presumed to be trials until otherwise stated. For this reason, all files have to be prepared for actual litigation. This includes: verifying that all discovery obligations are met, extending a pretrial plea offer to the defendant, subpoenaing all necessary witnesses for trial, preparing direct and cross examination, assembling all evidence and conferring with victims when applicable. Misdemeanor Trial attorneys must also review, research and respond to all written motions as part of their trial preparation.

Many misdemeanor cases resolve in one of the specialty courts that are staffed by the MTU. Most non-violent offenders qualify for "Community Court" where they can earn a reduction or dismissal of their charges by giving back to local neighborhoods through community service while 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 state courts, prosecution and social service providers. Offenders who decline or are ineligible for Community Court are prosecuted by the attorneys in the MTU. Because of the large volume of cases and the continued expansion of East County, prosecutors present cases to courts located in downtown Portland and also in Gresham.

All misdemeanor Possession of Controlled Substance (PCS) cases are now eligible for the Treatment First Program. This program has drastically reduced the felony-level conviction rate for individuals arrested for drug possession in Multnomah County. As a result of the Treatment First Program, most of the convictions for drug possession in Multnomah County are now occurring at a misdemeanor level.

### Performance Measures

| Measure Type | Primary Measure  | FY18 Actual | FY19 Purchased | FY19 Estimate | FY20 Offer |
|--------------|--|-------------|----------------|---------------|------------|
| Output       | Misdemeanor cases resolved with a trial                          | 699         | na/-           | 600           | 650        |
| Outcome      | Misdemeanor cases offered specialty court diversion              | 4,250       | na/-           | 4,400         | 4,500      |
| Input        | Number of attorneys needed to fulfill program description duties | na/-        | 7              | 22.8          | 7          |

### Performance Measures Descriptions

For additional MCDA Budget Information:

<http://mcda.us/wp-content/uploads/2019/02/MCDA-Budget-Informational-Packet-FY-20.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

|                        | Proposed General Fund | Proposed Other Funds | Proposed General Fund | Proposed Other Funds |
|------------------------|-----------------------|----------------------|-----------------------|----------------------|
| Program Expenses       | 2019                  | 2019                 | 2020                  | 2020                 |
| Personnel              | \$1,533,811           | \$0                  | \$1,784,198           | \$0                  |
| Contractual Services   | \$5,000               | \$0                  | \$3,000               | \$0                  |
| Materials & Supplies   | \$25,300              | \$0                  | \$14,000              | \$0                  |
| Internal Services      | \$111,063             | \$0                  | \$0                   | \$0                  |
| <b>Total GF/non-GF</b> | <b>\$1,675,174</b>    | <b>\$0</b>           | <b>\$1,801,198</b>    | <b>\$0</b>           |
| <b>Program Total:</b>  | <b>\$1,675,174</b>    |                      | <b>\$1,801,198</b>    |                      |
| <b>Program FTE</b>     | 12.00                 | 0.00                 | 13.00                 | 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 2019: 15202-19 Misdemeanor Trial Unit