



Program #15202B - Civil Commitment - Deputy District Attorney (1.00 FTE) 7/24/2020

Department: District Attorney **Program Contact:** Kirsten Snowden
Program Offer Type: Existing Operating Program **Program Offer Stage:** As Adopted
Related Programs:
Program Characteristics:

Executive Summary

Restores a 1.00 FTE deputy district attorney position previously reduced as part of a 2% budgetary constraint. This position reviews commitment and pre-commitment reports and investigations compiled by Multnomah County Forensic Investigators as part of the Civil Commitment process outlined in ORS 426.095. This position makes appearances on behalf of the committing jurisdiction, coordinates witnesses and presents evidence and argument to the court in connection with involuntary commitment hearings as outlined in ORS 426.095.

Program Summary

Civil commitments: The deputy district attorney (DDA) in this position receives, reviews, organizes and presents evidence to the court in connection with the involuntary psychiatric civil commitments of persons who are alleged to be mentally ill and are a danger to self, danger to others, or are unable to provide for basic personal needs as necessary for health or safety as those terms are defined in ORS 426.005-426.390.

Civil Commitment proceedings are non-criminal proceedings required by statute (ORS 426.070) when a Circuit Court or community mental health program director or designee receives notice that a local health officer believes a person meets the criteria for involuntary commitment. At these Civil Commitment proceedings the allegedly mentally ill person (AMIP) is represented by counsel, and the has a right to examine treating physicians, and cross-examine all witnesses, evidence and persons conducting evaluations. The DDA in this position represents the "State's interest" and presents all evidence and arguments to the court; to include civilian witness testimony and the testimony of psychiatric experts.

By law a civil commitment hearing must be held within five judicial days of a hold initiated under ORS 426.070. These hearings are conducted at various hospitals and psychiatric facilities located throughout the county. They are not conducted in the courthouse where the DA's Office is located. Commonly the DDA in this position will travel to more than one facility per day to participate in these hearings. Due to an increased population with mental health issues, the workload requirements for this position has increased greatly. Due to the firm time constraints on when these hearings must occur, these hearings also commonly last in excess of the standard 8-hour working court day.

These civil obligations can be fulfilled by other county entities. Continued funding/ capacity reductions to MCDA, combined with the priority to pursue primary criminal core obligations that cannot be delegated to another county department, mean that if this 1.00 FTE position hadn't been restored, MCDA would have been unable to continue this civil function.

Performance Measures

Measure Type	Primary Measure	FY19 Actual	FY20 Budgeted	FY20 Estimate	FY21 Offer
Output	Number of ORS 426.070 holds reviewed	2,028	N/A	2,000	2,000
Outcome	Number of Civil Commitment proceedings conducted	315	N/A	325	325

Performance Measures Descriptions

NEW - Number of ORS 426.070 holds reviewed
 NEW - Number of Civil Commitment proceedings conducted - MCDA's current case tracking system does not allow it to track the number of civil commitment hearings conducted. MCDA began hand counting civil commitment hearings in January 2019.

Legal / Contractual Obligation

ORS 426.005-426.390 requires by law that after a commitment proceeding is initiated a community mental health program director or designee will initiate an investigation, and that if based on said investigation a hold is placed, within 5 judicial days of said hold a representative of the "state's interest" must present evidence to the court establishing by clear and convincing evidence the criteria set out in 426.005 et al. These civil obligations can be fulfilled by other county entities.

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Adopted General Fund	Adopted Other Funds
Program Expenses	2020	2020	2021	2021
Personnel	\$0	\$0	\$156,405	\$0
Total GF/non-GF	\$0	\$0	\$156,405	\$0
Program Total:	\$0		\$156,405	
Program FTE	0.00	0.00	1.00	0.00

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

Explanation of Revenues

Significant Program Changes

Last Year this program was:

This is a new program offer submitted to restore a 1.00 FTE DDA previously reduced as part of a 2% budgetary constraint. As stated above, these hearings are non-criminal, but statutes do require a party to represent the "state's interest" and present evidence on behalf of the county at these hearings.