



Program #15204 - Pretrial 2/20/2019

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

Executive Summary

The Pretrial Unit is responsible for reviewing and issuing all misdemeanor cases other than those involving domestic violence. Pretrial attorneys also handle all judicial appeal cases, civil litigation, post-conviction cases, felony arraignments, habeas proceedings, fugitive and extradition matters, out of state material witness cases and public records requests. The unit also oversees the administration of the grand jury process.

Program Summary

The Pretrial Unit recently merged with the Misdemeanor Intake Unit to increase supervision efficiencies and to improve misdemeanor case issuing quality by eliminating case review by legal interns.

Pretrial attorneys and staff receive daily case packets, which include police reports documenting misdemeanor crimes as well as other supporting documents, from law enforcement agencies throughout Multnomah County. These case packets are delivered to Pretrial twice each morning for attorneys to review. Pretrial receives approximately 1000 cases a month for review. All in-custody misdemeanor cases must be reviewed and a charging decision made by 12 p.m. each business day so the court can process the cases for arraignment. The number of custody cases received averages 20 to 40 on week days, with the exception of Monday when the number of cases can reach upwards of 80 cases received due to police activity over the weekend. After a holiday weekend, the custody reports to review can approach 70 to 100 cases.

Other than misdemeanor case issuing, Pretrial provides a variety of important functions within the District Attorney's office including felony arraignments, civil litigation, post-conviction relief and appeals. The Pretrial Unit also works with the Governor's office in fugitive and extradition matters. All public records requests are handled by Pretrial, which includes preparing public records orders that resolve disputes between members of the public and local governmental agencies relating to access to the agency's records. The number of public records appeals has increased by 40% since 2016.

Pretrial also provides administration for all three grand jury panels in Multnomah County by working with the Chief Criminal Presiding Judge to ensure all grand jurors are provided the support necessary for their four-week term.

Pretrial handles all applications for expungement of records. Applicants who qualify to have their arrest and/or conviction set aside may overcome obstacles that have previously prevented them from obtaining employment and/or housing. In addition, the stigma of having a conviction is erased as soon as the court formally orders the conviction or arrest erased.

Performance Measures

| Measure Type | Primary Measure | FY18 Actual | FY19 Purchased | FY19 Estimate | FY20 Offer |
|--------------|---|-------------|----------------|---------------|------------|
| Output | Misdemeanor cases reviewed for prosecution | 11861 | 7707 | 12144 | 12500 |
| Outcome | Number of applications received to set aside criminal convictions | 1806 | NA | 1830 | 1900 |
| Input | Number of attorneys needed to fulfill program description duties | N/A | 6 | 8.28 | 7.6 |

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 138.081 - Appeals; ORS Chapter 34 - Writs of Habeas Corpus; ORS Chapters 132 and 135 - Grand Jury and pre-trial and felony arraignments.

ORS 8.670 - Proceedings before magistrates and grand jury. The district attorney shall institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when the district attorney has information that any such offense has been committed, and attend upon and advise the grand jury when required.

Revenue/Expense Detail

| | Proposed General Fund | Proposed Other Funds | Proposed General Fund | Proposed Other Funds |
|------------------------|-----------------------|----------------------|-----------------------|----------------------|
| Program Expenses | 2019 | 2019 | 2020 | 2020 |
| Personnel | \$2,377,742 | \$0 | \$2,938,823 | \$0 |
| Contractual Services | \$27,295 | \$0 | \$52,000 | \$0 |
| Materials & Supplies | \$35,400 | \$0 | \$31,000 | \$0 |
| Internal Services | \$99,969 | \$0 | \$0 | \$0 |
| Total GF/non-GF | \$2,540,406 | \$0 | \$3,021,823 | \$0 |
| Program Total: | \$2,540,406 | | \$3,021,823 | |
| Program FTE | 20.00 | 0.00 | 23.10 | 0.00 |

| Program Revenues | | | | |
|----------------------|------------|------------|------------|------------|
| Total Revenue | \$0 | \$0 | \$0 | \$0 |

Explanation of Revenues

Significant Program Changes

Last Year this program was: FY 2019: 15305-19 Pre-Trial Unit

The Pretrial program merged with the Misdemeanor Intake program during FY 2019.