



Program #15204A - Pretrial **FY 2024 Department Requested**

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

Executive Summary

The Pretrial Unit deputy district attorneys (DDAs) are responsible for reviewing and issuing all misdemeanor cases other than those involving domestic violence. The Pretrial Unit also coordinates all judicial appeal cases, civil litigation, post-conviction cases, felony arraignments, habeas proceedings, fugitive and extradition matters, out of state material witness cases, public records requests, and appeals. Pretrial also oversees the administration of the grand jury process and body-worn camera review.

Program Description

The Pretrial Unit handles the first and last contacts that most individuals accused of a crime have with the judicial system. MCDA is mindful of that role and view these important decisions through an equity lens, cognizant of the disparate impacts on different parts of the community as victims of crime and criminal defendants. Pretrial DDAs review all non-domestic violence misdemeanor charges referred to MCDA and determine whether or not to initiate prosecution. On average this is about 1,000 cases per month (when not artificially suppressed by the pandemic). On all felony matters, a Pretrial DDA appears at arraignment and presents the State’s position as to what level of restraint on a defendant’s liberty, if any, is appropriate prior to trial. MCDA recognizes this as an extraordinary responsibility and often the most critical point of a case in terms of immediate collateral consequences on defendants who may or may not ever be convicted. Pretrial DDAs work to promote consistency in positions on release and ensure just and fair outcomes.

After criminal case convictions, the Pretrial Unit evaluates and, where necessary, litigates post-conviction relief cases involving claims of wrongful conviction or ineffective assistance of counsel. Pretrial also manages the steadily increasing flow of applications to seal criminal records.

The East County Courthouse is staffed daily by an Pretrial DDA who is responsible for all misdemeanor trials at that location as well as staffing Community Court, the Driving Under the Influence of Intoxicants (DUII) Diversion docket, and Expedited DUII resolutions.

Pretrial handles many other duties that do not fit neatly into a trial unit, including fugitive and extradition matters, public records requests and appeals, criminal appellate coordination, administration and training for all three grand jury panels in Multnomah County, and advice and legal consultation with other attorneys on a wide range of topics.

Performance Measures

Measure Type	Primary Measure	FY22 Actual	FY23 Budgeted	FY23 Estimate	FY24 Offer
Output	Misdemeanor cases reviewed for prosecution	4,674	13,000	3,864	5,000
Outcome	Number of applications received to set aside criminal convictions	6,433	2,400	6,500	N/A
Outcome	Number of fugitive cases, extraditions, public records requests and public records appeals.	N/A	N/A	800	874

Performance Measures Descriptions

MCDA is receiving fewer misdemeanor cases from law enforcement. Discussions and analyses are under way to understand if this will continue to be the case or if changes like increased staffing at PPB will impact the number of misdemeanor case referred. MCDA’s expungement function (setting aside criminal convictions) is now assigned to the Justice Integrity Unit. MCDA proposes to replace Performance Measure 2 with Performance Measure 3.

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

	Adopted General Fund	Adopted Other Funds	Department Requested General Fund	Department Requested Other Funds
Program Expenses	2023	2023	2024	2024
Personnel	\$3,011,068	\$0	\$3,063,192	\$0
Contractual Services	\$34,000	\$0	\$34,000	\$0
Materials & Supplies	\$29,000	\$0	\$34,155	\$0
Internal Services	\$474,713	\$0	\$934,048	\$0
Total GF/non-GF	\$3,548,781	\$0	\$4,065,395	\$0
Program Total:	\$3,548,781		\$4,065,395	
Program FTE	21.10	0.00	20.10	0.00

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

Explanation of Revenues

Significant Program Changes

Last Year this program was: FY 2023: 15204 Pretrial

1.0 FTE DDA position has been cut in order to meet FY 2024 General Fund constraint. That position is in an out-of-target restoration program offer, PO 15204B - Pretrial - Restore DDA Position.