

District Attorney

Table of Contents

Department Services.....	1
How the Department Delivers Its Services	2
Organization Chart	3
Budget Issues and Highlights	4
Budget for FY 2005.....	5
Office Administration.....	7
Administrative Services	8
Management	8
Information Technology Services	8
Medical Examiner	8
Felony Court Division.....	9
Division of Family and Community Justice.....	10
Juvenile Court Trial Unit.....	11
Domestic Violence Unit	11
Victims' Assistance Program	11
Child Abuse Team (MDT)	11
Child Support Enforcement.....	11
Misdemeanor Intake and Trial Unit	12
Community DA Programs.....	12

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District Attorney

Department Services

- *Prosecution of criminal cases*
- *Crime reduction strategies*
- *Protection of children*
- *Enforcement of child support*
- *Victims' assistance*

The District Attorney's Office is required by Oregon State Statute to prosecute crimes that occur within Multnomah County. There are numerous laws and local ordinances that define what constitutes a crime and what the sentences attached to those crimes are. In 2003, the Office reviewed 10,308 felony cases and 22,281 misdemeanor cases, including 3,118 DUI cases.

The DA's Office reviews and prosecutes criminal cases presented by seven police agencies within the County; represents the State in cases of dependency and delinquency; enforces child support orders; and provides services to victims. In addition, the Office works in partnership with other organizations to prevent and intervene in domestic violence and child abuse, and to eliminate chronic sources of crime.

Services to maintain effective and community-oriented public safety practices include:

- The Domestic Violence Program
- The Child Abuse Multidisciplinary Team
- Neighborhood Prosecution and the Community Courts
- The White Collar Crime Team
- The Auto Theft Task Force
- The Youth Gun Anti-Violence Task Force
- The Regional Organized Crime and Narcotics Task Force

Specialized Services

Trial units that focus on specific crimes and support services for victims increase the Office's ability to respond effectively to community safety issues and victims of crime. These include (with statistical information for 2002):

- The Victim's Advocate Program – \$1,701,666.72 awarded in restitution
- The Domestic Violence Unit – 4,032 cases reviewed
- The Property Crime Unit – 2,854 cases reviewed
- The Drug Crime Unit – 3,186 cases reviewed
- Child Support Enforcement – 8,138 cases reviewed and over \$29.4 million collected
- Juvenile Delinquency – 1,704 cases reviewed
- Juvenile Dependency – 639 children requiring the protection of the State
- Termination of Parental Rights – 173 children freed for adoption
- The Person Crimes Unit – 762 cases reviewed
- The Multidisciplinary Child Abuse Team – 4,255 cases reviewed
- DUI Enforcement – 2,950 cases opened

District Attorney

How the Department Delivers Its Services

Misdemeanor cases are reviewed and, if issued, forwarded for prosecution either to Community Court or to the Misdemeanor Trial Unit (depending on the type of crime or violation). Felony cases are reviewed by a Grand Jury, divided among specialized units, and assigned to attorneys with expertise pertinent to the crime. Homicide cases are assigned to experienced attorneys in several different trial units. Juvenile dependency and delinquency cases are reviewed at the juvenile court and handled by attorneys experienced in juvenile matters.

Victim advocates provide victims' services at the main courthouse and the juvenile court. In sexual assault cases, advocates are available around the clock through a cadre of 68 trained volunteers.

The District Attorney's Office provides child support enforcement services for county residents not receiving welfare (the State provides enforcement for families who receive welfare). Statistical information related to services provided is highlighted in the Department Services section of this document.

Neighborhood prosecutors are strategically located in Gresham, Northeast, Southeast, and downtown Portland. They review and issue misdemeanor cases and also help police officers, community members, and businesses to identify public safety and quality of life problems and then develop and implement strategies to mitigate these problems. The Neighborhood DA Unit has been cited by the US Department of Justice as a national model, and its staff members collaborate with the DOJ and other national organizations on training and technical assistance to jurisdictions engaged in similar activities.

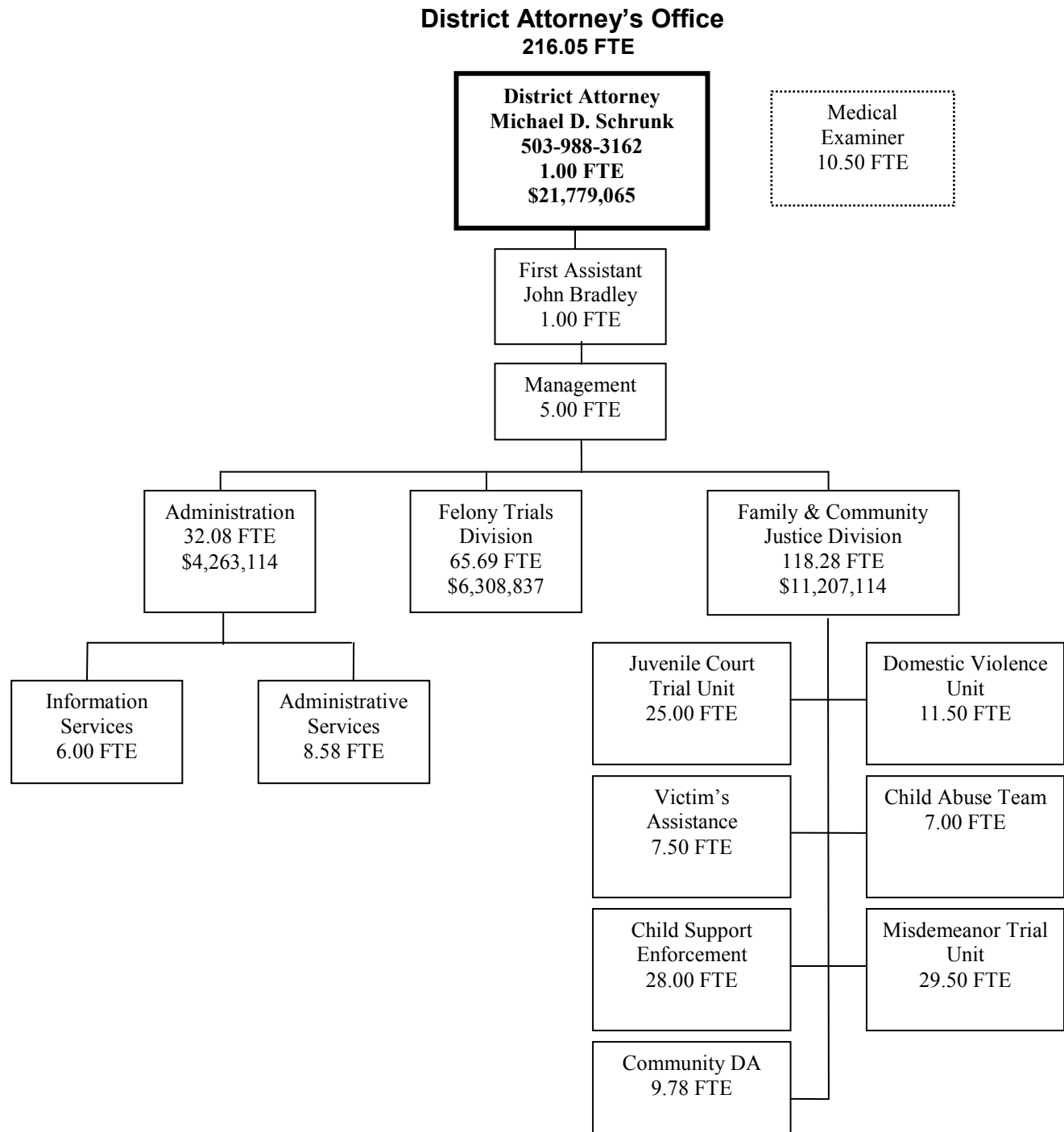
In addition, staff members collaborate with other County departments, law enforcement agencies (local, state, and federal), Courts, local organizations, community groups, and businesses in several areas, including the Regional Organized Crime/Narcotics Task Force, the Child Abuse Multidisciplinary Team, the Family Violence Steering Committee, and the Community Court. They also are called upon by the National Advocacy Center and the National District Attorney's Association to provide training to prosecutors in other jurisdictions.

Community members are a resource for the District Attorney. The Office has a Citizen Budget Advisory Committee, and its membership has provided valuable ideas over the years. There are also three Community Court Advisory Boards that monitor each of the three Community Courts and advise on policy and operations.

District Attorney

Organization Chart

The District Attorney's Office is divided into three divisions: Administration, Felony Court, and Family & Community Justice. The Medical Examiner's Office is also in the District Attorney's Office.



District Attorney

Budget Issues and Highlights

The DA's Office investigates and prosecutes a wide variety of crimes and violations. Employees (who account for 79% of the overall budget) focus on case review, preparation, and disposition. The Office continues to respond to increasing demands, especially in the areas of support staff and administrative services, without a corresponding increase in funding. The DA's Office serves as the gatekeeper for the County's criminal justice system. Any changes in policy will affect the other components of the system—the victims of crime and the community.

General Fund

Budget reductions in FY 2002, FY 2003, and midyear required the elimination of Deputy DA positions, and collapsed three trial divisions into two to gain administrative efficiencies.

Executive Restorations

The FY 2005 initial budget request included a 5.8% across the board reduction for all County Departments. These cuts would have resulted in a General Fund reduction of \$775,000 and the loss of 7.25 FTE.

Board of County Commissioner Restorations

After reviewing the impact of the reductions to the DA's Office, Chair Linn decided that while not all reductions could be avoided, she would commit an additional \$100,000 in resources to fund prosecution. These restorations allow the DA to restore prosecution in the Family and Community Justice Division by funding a Deputy District Attorney (DDA2).

Temporary Personal Income Tax

In addition to the Executive Restoration, the Board of County Commissioners placed a high priority on Public Safety and restored \$98,000 to the District Attorney's Office to fund the Gresham Neighborhood DA.

In May 2003, County voters approved a retroactive Temporary County Personal Income Tax to benefit Public Schools, Public Safety, and Human Services. The DA's office receives approximately \$2.1 million from this to fund prosecution of the most serious and violent crimes. ITAX funding supports 23.08 positions, 17.04 of which were Deputy DA positions. This funding has helped the Office maintain its prosecution services along the continuum from misdemeanors to serious felonies.

Grants

The Office actively pursues grants and agency partnerships for innovative new programs. This has enabled the DA's Office to meet diverse community needs without tapping into the General Fund. Due to a new focus on anti-terrorism activities, however, federal funds have been redirected, and resources from the Office of Justice Programs and the Bureau of Justice Assistance will not be available for the foreseeable future. Some grants (VAWA, JABG, LLEBG, the Byrne Elder Abuse Prevention Project, and Project Safe Neighborhoods) are expected to continue, but the Office has no official verification. Funds from Operation Weed and Seed may be available to support one legal assistant. However, 6.5 positions are scheduled to expire in FY 2004 or early in FY 2005. The DA is dedicated to bringing in outside funding whenever possible, and continues to cultivate partnerships for innovative and effective strategies.

District Attorney

Budget for FY 2005

The budget for FY 2005 is approximately \$21.8 million and includes 216.05 FTE. The portion of the budget supported by the General Fund is \$16.2 million, including \$2.1 million in Temporary Personal Income Tax funding.

Grants and other dedicated revenues account for slightly more than \$5.5 million. The budget has increased by 3.0% and the number of positions has decreased from 216.63 to 216.05 FTE, a 0.3% reduction. The DA's FY 2005 budget supports 82.08 attorney positions; this is a reduction of 3.17 from the FY 2004 Adopted budget of 85.25 FTE.

Budget Trends	2002-03	2003-04	2003-04	2004-05	
	<u>Actual</u>	<u>Current Estimate</u>	<u>Adopted Budget</u>	<u>Adopted Budget</u>	<u>Difference</u>
Staffing FTE	212.90	221.63	216.63	216.05	(0.58)
Personal Services	\$15,050,043	\$16,551,182	\$16,958,178	\$17,184,366	226,188
Contractual Services	863,173	\$2,128,200	2,180,533	2,205,699	25,166
Materials & Supplies	2,552,146	\$1,840,476	1,885,734	2,350,000	464,266
Capital Outlay	<u>10,893</u>	<u>\$19,520</u>	<u>20,000</u>	<u>39,000</u>	<u>19,000</u>
Total Costs	\$18,476,256	\$20,539,378	\$21,044,446	\$21,779,065	\$734,620

Costs by Division	2002-03	2003-04	2003-04	2004-05	
	<u>Actual</u>	<u>Current Estimate</u>	<u>Adopted Budget</u>	<u>Adopted Budget</u>	<u>Difference</u>
Administration	\$3,387,516	\$3,873,842	\$3,969,101	\$4,263,114	\$294,014
Felony Court	5,679,918	6,517,316	6,677,578	6,308,837	(368,741)
Family Justice	<u>9,408,822</u>	<u>10,148,221</u>	<u>10,397,767</u>	<u>11,207,114</u>	<u>809,347</u>
Total Costs	\$18,476,256	\$20,539,378	\$21,044,446	\$21,779,065	\$734,620

Staffing by Division	2002-03	2003-04	2003-04	2004-05	
	<u>Actual</u>	<u>Current Estimate</u>	<u>Adopted Budget</u>	<u>Adopted Budget</u>	<u>Difference</u>
Administration	29.52	33.50	31.25	32.08	0.83
Felony Court	68.25	72.00	71.00	65.69	(5.31)
Family Justice	<u>115.13</u>	<u>117.00</u>	<u>114.38</u>	<u>118.28</u>	<u>3.90</u>
Total Staffing FTE's	212.90	222.50	216.63	216.05	(0.58)

District Attorney

Resources by Division

	<u>General Fund</u>	<u>Fees, Permits & Charges</u>	<u>Federal</u>	<u>State & Local</u>	<u>Other/ Miscellaneous</u>
Administration	\$4,230,108	\$33,006	\$0	\$0	\$0
Felony Court	5,886,135	286,949	85,019	50,734	0
Family Justice	<u>6,114,289</u>	<u>115,760</u>	<u>3,279,098</u>	<u>1,697,967</u>	<u>0</u>
Total Resources	\$16,230,532	\$435,715	\$3,364,117	\$1,748,701	\$0

Office Administration

The Office of the District Attorney sets policy and provides leadership, coordination, resource allocation, and direction for the Office's divisions, other law enforcement agencies, and private organizations. Programs include Administrative Services, Human Resources, Information Technology, Finance, and the Medical Examiner's Office.

Action Plans:

- Complete migration from the mainframe and replacement of the adult case tracking system (DACTS).
- Serve as fiscal agent for Project Safe Neighborhood from July 2004 to June 2005.
- Maintain IT resources to support continued program development.
- Move Medical Examiners Office to new State-owned Clackamas County location in October 2004.
- Continue to seek outside funding opportunities from Federal, State, and local sources.

Significant Budget Changes:

- DACTS replacement project: loss of (1.00) FTE.
- Central Data Processing costs increased by \$105,504.
- Federal/State revenue decreased by (\$68,044), supporting a 1.00 Finance Specialist 2, moved to Family Justice Division.
- Increase of \$68,700 in professional services for IT unit for "CRIMES" hardware and software maintenance contracts.
- Increase of 1.25 FTE and \$145,222 in personnel costs in IT unit.
- Elimination of Beginning Working Capital (\$138,750) in liquor control funding.

Dept Administration					
Budget Trends					
	2002-03	2003-04	2003-04	2004-05	
	<u>Actual</u>	<u>Current Estimate</u>	<u>Adopted Budget</u>	<u>Adopted Budget</u>	<u>Difference</u>
Staffing FTE	29.52	33.50	31.25	32.08	0.83
Personal Services	\$1,843,777	\$2,130,909	\$2,183,308	\$2,501,506	\$318,198
Contractual Services	111,119	1,021,953	1,047,083	960,563	(86,520)
Materials & Supplies	1,426,902	701,460	718,709	762,045	43,336
Capital Outlay	<u>5,718</u>	<u>19,520</u>	<u>20,000</u>	<u>39,000</u>	<u>19,000</u>
Total Costs	\$3,387,516	\$3,873,842	\$3,969,101	\$4,263,114	\$294,014

Administrative Services

This unit provides office, finance, information, and human resources management and ensures that functions are performed within the parameters of all applicable policies and laws. Functions include witness travel billings and arrangements; main office reception services; information systems; labor contracts, personnel administration; secretarial services; accounts payable, purchasing, budget preparation and financial and grant administration.

FY 2004: 9.00 FTE FY 2005: 8.58 FTE

Management

Management provides leadership, policy direction, operations oversight, long-range planning, and internal labor relations. Managers work with other departments and state and federal agencies on committees and initiatives relating to the criminal justice system and other governmental endeavors. This unit includes the District Attorney and the First Assistant. *In FY 2004 management was separated from administrative services in order to highlight its functions.*

FY 2004: 7.00 FTE FY 2005: 7.00 FTE

Information Technology Services

It purchases, installs, and maintains all hardware and software and supports all servers, desktop and laptop computers. IT maintains a help line for all DA users and is responsible for the collection and preparation of statistical data.

FY 2004: 4.75 FTE FY 2005: 6.00 FTE

Medical Examiner

The ME's Office determines cause and manner of death for residents who die in special circumstances, such as accidents, violence, drug involvement, and employment. Approximately 3,800 of the County's 7,000 yearly deaths fall into one of these categories. The office notifies next-of-kin, and protects the property of the deceased until a personal representative takes charge. Local discretion is limited by mandates (ORS 146) and State Medical Examiner supervision authority. The DA's Office provides assistance when necessary. During FY 2005, the ME's Office will move to a new State-owned facility in Clackamas County. The facility will house deputy ME's for Clackamas, Multnomah, and Washington Counties as well as State ME staff and the Oregon State Crime lab.

FY 2004: 10.50 FTE FY 2005: 10.50 FTE

Costs by Program	2002-03	2003-04	2004-05	Difference
	<u>Actual</u>	<u>Adopted Budget</u>	<u>Adopted Budget</u>	
Administrative Services	\$1,008,597	\$1,492,164	\$1,434,687	(\$57,477)
Management	568,293	631,408	635,560	4,152
Information Technology	985,046	927,159	1,304,311	377,152
Medical Examiner	<u>825,581</u>	<u>918,369</u>	<u>888,556</u>	<u>(29,813)</u>
Total Costs	\$3,387,516	\$3,969,101	\$4,263,114	\$294,014

Felony Court Division

The Felony Court Division consists of Felony Trial Units and Investigations.

Felony Trial Units: Felony trial units review, issue, and prosecute felony charges involving property offenses, drug and vice cases, burglary and robbery, negligent homicides, rape and sexual assault, homicides, crimes involving gang members, and cases involving the death penalty. A separate division, the Family Justice Division, handles felonies that deal with domestic violence and child abuse cases.

The Division reviews, investigates, and tries felony cases brought to the DA by local law enforcement agencies and the public.

Investigations: In partnership with the County Sheriff's Office and the Portland Police, the DA's Office pursues investigations of felony juvenile and family crimes.

Action Plans:

- Monitor revenue and prosecution of criminal forfeiture cases monthly.
- Implement policy changes that anticipate as yet undefined State reductions.
- Adjust to potential reduction of State court operations resulting from a projected shortfall of Indigent Defense funding.

Significant Budget Changes:

- Decrease in Federal/State Local Law Enforcement Block Grant (LLEBG) funding (\$203,000).
- Decrease in Fines and Forfeitures revenue: (\$77,097), (0.75) FTE
- Increase of \$50,734 in FED Local funding and 1.00 FTE in the Investigations unit.
- Felony Division total staffing and other changes, resulting in loss of (5.31) FTE and (\$368,741) from the Federal/State fund, General Fund, and other funds.

Felony Court Budget Trends					
	2002-03 Actual	2003-04 Current Estimate	2003-04 Adopted Budget	2004-05 Adopted Budget	Difference
Staffing FTE	68.25	72.00	71.00	65.69	(5.31)
Personal Services	\$5,406,649	\$6,209,612	\$6,362,307	\$5,898,316	(\$463,991)
Contractual Services	118,350	144,422	147,973	116,355	(31,618)
Materials & Supplies	154,919	163,283	167,298	294,166	126,868
Capital Outlay	0	0	0	0	0
Total Costs	\$5,679,918	\$6,517,316	\$6,677,578	\$6,308,837	(\$368,741)

Division of Family and Community Justice

The Division provides misdemeanor and community-based prosecution along with services for domestic violence, child abuse, and child support enforcement. Programs include Community Courts, the Juvenile Trial unit, Domestic Violence, Victims' Assistance, Child Abuse Teams, Child Support Enforcement, the Misdemeanor Trial Unit, and Community DA Programs.

Action Plans:

- Reassess Community Court services in light of the reduction of the Gresham Neighborhood DA.
- Restructure misdemeanor processing due to State and County cuts.
- Reassess structure of Victims' Assistance unit as a result of loss of 2 Victim Advocate positions due to the loss of State funding.

Significant Budget Changes:

- Decrease in Federal/State Prosecutor-Based Victims' Assistance Grant. (\$215,000) and loss of (4.00 FTE), 2.00FTE were absorbed by the General Fund.
- Increase in Federal/State BJA Project Safe Neighborhoods revenue \$332,472, and transfer of \$68,044 and 1.00 FTE from DA Administration.
- Move of Local Funding \$190,760 for Lloyd Business District and Tri-Met Neighborhood DA positions from the General Fund to the Federal State Fund.
- Increase in CAMI revenue \$44,336.
- Increase in Federal/State contribution to Child Support of \$610,000 primarily from \$352,000 in retroactive payments on a new incentive contract.
- Reduction in County General Fund contribution to Child Support (\$189,651).
- Increase of \$40,000 for a Bureau of Justice Administration 1.00 FTE gun grant position and new BJA gun grant funding of \$40,000 for Domestic Violence Unit.

The Division provides misdemeanor and community-based prosecution, along with services for domestic violence, child abuse, and child support enforcement.

Family Justice					
Budget Trends	2002-03	2003-04	2003-04	2004-05	Difference
	Actual	Current Estimate	Adopted Budget	Adopted Budget	
Staffing FTE	115.13	117.00	114.38	118.28	3.90
Personal Services	\$7,799,617	\$8,210,661	\$8,412,563	\$8,784,544	\$371,981
Contractual Services	633,704	961,826	985,477	1,128,781	143,304
Materials & Supplies	970,325	975,734	999,727	1,293,789	294,062
Capital Outlay	5,175	0	0	0	0
Total Costs	\$9,408,822	\$10,148,221	\$10,397,767	\$11,207,114	\$809,347

Juvenile Court Trial Unit	<p>JCTU prosecutes juvenile crimes ranging from misdemeanors to homicides. It has three primary functions: the delinquency section, which prosecutes juveniles who have committed criminal offenses (non-Ballot Measure 11); the dependency area, which works closely with the State to intervene on a child's behalf in cases of abuse or neglect; and Termination of Parental Rights, which works to free children for adoption. Services provided to law enforcement and juvenile courts include petitioning for a criminal complaint to be filed, meeting with victims and witnesses, and coordinating with juvenile court counselors.</p> <p>FY 2004: 22.00 FTE FY 2005: 25.00 FTE</p>
Domestic Violence Unit	<p>Screens and aggressively prosecutes domestic violence cases including misdemeanors, felonies, homicides, and restraining order violations. It provides outreach and access to support services to under-served populations. The unit includes a six month deferred prosecution program with individual treatment plans closely monitored by probation officers. Support includes specialized services; personal contact by a victim advocate; information resources and referrals for social services.</p> <p>FY 2004: 10.50 FTE FY 2005: 11.50 FTE</p>
Victims' Assistance Program	<p>Victims' Assistance offers crisis intervention, counseling, advocacy representation, and referral; helps victims obtain restitution; and keeps them advised of the case progress through disposition. It provides legal information and support for victims and is responsible for ensuring that victims are provided a notice of the rights and remedies available (like restitution). Victim advocates and support staff provide short-term crisis-management.</p> <p>FY 2004: 9.88 FTE FY 2005: 7.50 FTE</p>
Child Abuse Team (MDT)	<p>Also referred to as the Multi-Disciplinary Team, this unit reviews and processes criminal cases involving child abuse. Using an integrated team of prosecutors, child specialists, and police investigators, the team reviews, coordinates and investigates cases, then decides how to proceed.</p> <p>FY 2004: 8.00 FTE FY 2005: 7.00 FTE</p>
Child Support Enforcement	<p>This unit aids families needing legal assistance in order to receive child support from a non-custodial parent. Using both administrative and judicial processes, it enforces child support court orders for individuals not receiving Aid to Families with Dependent Children. Activities include intake, arrearage calculation, wage assignment, determination of delinquency amounts, out-of-state order enforcement, and processing of contempt proceedings</p> <p>FY 2004: 29.00 FTE FY 2005: 28.00 FTE</p>

Misdemeanor Intake and Trial Unit

This unit reviews cases and prosecutes offenders who have been arrested by local law enforcement agencies on city ordinance violations and misdemeanor charges such as prostitution; misdemeanor thefts; misdemeanor assaults; Animal Control cases; driving under the influence of intoxicants; criminal trespass; and hit and run and other traffic crimes. It provides the following services to law enforcement agencies and the public:

- Review of police reports to determine appropriateness for issuance.
- Meetings with the victims and witnesses involved in misdemeanor crimes.
- Appearances in court for arraignments, pretrial motions, and trials.

FY 2004: 28.50 FTE

FY 2005: 29.50 FTE

Community DA Programs

These programs use the rule of law to solve local crime problems. Studies have shown that the collaboration of justice system and community partners can reduce crime. This program has two components:

The **Neighborhood DA Unit** is a nationally recognized program that places prosecutors in neighborhoods to work with community groups, business associations, and local law enforcement officers to combat quality of life crimes at their source. DAs are located in the Lloyd District; North and Northeast Portland; the Central Portland Business District; the West Side; Tri Met; and the East Side (inner and outer SE Portland), as well as Gresham. Services include the elimination of illegal camping, neighborhood cleanups for public areas and sites where illegal activities are occurring, coordination between private security and police to reduce car prowls, agreements to pool resources and identify long-term solutions to crime, and the closing of drug houses.

The **Community Court Project** was developed to prosecute non-violent and quality of life crimes. The Courts are composed of the NE, SE, Westside and Gresham Community Courts. This is a joint project of the DA, Public Defender, County Sheriff's Office, Office of Public Defense Services, Citizen Advisory Committees, Adult Community Justice, and the Multnomah County Courts.

FY 2004: 6.50 FTE

FY 2005: 9.78 FTE

Costs by Program	2002-03	2003-04	2004-05	Difference
	<u>Actual</u>	<u>Adopted Budget</u>	<u>Adopted Budget</u>	
Juvenile Court Trial Unit	\$1,947,081	\$2,171,779	\$2,619,634	\$447,855
Domestic Violence Unit	796,982	892,846	1,026,472	133,626
Victim's Assistance Program	745,833	739,865	550,943	(188,922)
Child Abuse Team	1,256,425	1,534,110	1,545,829	11,719
Child Support Enforcement	2,104,267	2,346,400	2,726,478	380,078
Misdemeanor Trial Unit	1,738,846	1,882,155	1,854,317	(27,838)
Community DA Programs	<u>819,388</u>	<u>830,612</u>	<u>883,441</u>	<u>52,829</u>
Total Costs	\$9,408,822	\$10,397,767	\$11,207,114	\$809,347