

YOUR

Multhoman County (OR)

DISTRICT ATTORNEY'S

OFFICE



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Dear Friend:

This booklet introduces you to your Multnomah County District Attorney's Office. It is designed to answer the many questions we receive in our office each week. It describes, chapter by chapter, the various functions carried on by the office in discharging its responsibility of prosecuting crime within Multnomah County on behalf of the people of the State of Oregon.

It is our belief that the better the understanding private citizens have of a public office, the better that office functions. The following pages describe in a basic manner the District Attorney's functions within a complex and intricate criminal justice system. If, after reading through the material, you have further questions about the office, please feel free to call or write us.

Our office is open to serve you.

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Harl Haas

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Multnomah County, Oregon



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INTRODUCTION

The primary responsibility of the Multnomah County District Attorney is to prosecute, as efficiently and effectively as possible, all persons charged with misdemeanors or felony crimes within the county. These crimes range from transgressions arising out of neighborhood disputes and biting dogs to murder and armed robbery. Felony crimes are the most serious, with sentences ranging from automatic life imprisonment to maximum five-year terms. Misdemeanors rank below felonies in severity, with sentences ranging from one year down.

The Multnomah County District Attorney supervises a criminal case load which includes 45 percent of the entire state's criminal offenses. His duties in the most densely populated county in the state also include prosecution of roughly 77 percent of the state's most violent crimes: murder, manslaughter and rape. Approximately 2,250 felonies, 6,500 misdemeanors and 7,000 driving while under the influence of an intoxicating liquor offenses a year keep a staff of 48 attorneys, four interns and 75 support personnel in the District Attorney's Office working almost round the clock.

Handling a criminal case load of such magnitude requires careful organization. Units within the Multnomah County District Attorney's Office must be highly specialized, yet must mesh and interlock at many points to meet the responsibility of the office. The Administrative Section, headed by the District Attorney, supervises operations, makes policy, develops new programs, handles education and public contact, and handles personnel matters.

The Pretrial Unit includes a Grand Jury Unit which presents evidence to the Grand Jury for indictment, a Motions Section which argues any demurrers or motions arising before a criminal case is tried, and an Extradition and Appeals Section which handles all requests for extradition and prepares files to send to the Attorney General's Office on cases appealed from Circuit Court.

Trial units include a circuit court staff in which 16 attorneys handle all felony crimes, and a district court staff of seven attorneys who argue all misdemeanor cases with the exception of driving while under the influence of intoxicating liquor cases, which are handled by a separate unit. The Intake Section, which issues complaints from its office in the Central Police Station, is also under the supervision of the district court unit head.

Special functions within the District Attorney's Office include the Domestic Relations Section with responsibility for enforcing delinquent child support orders and trying paternity suits; Juvenile Court staff which tries cases against offenders less than 18 years

of age, but which also acts as advocates of children in child abuse and termination of parental rights cases; a Consumer Protection Unit which handles complaints pertaining to Oregon's consumer protection laws; a special no plea bargaining unit funded partly by Portland's Impact Program with Law Enforcement Administration funds, which has responsibility for trying all cases of home burglary, armed robbery or "fencing" with plea bargaining by charge reduction held to less than five percent; a special DUIL Unit which tries all drunk driving cases; a Negligent Homicide Unit with responsibility for trying negligent homicide cases and (with the use of funds provided by the Department of Transportation through the Oregon Traffic Safety Commission) with educating prosecutors around the state in the scientific techniques of proving negligent homicide cases; and a Rape Victim Assistance Program which provides counseling and support to victims of rape as they move through the criminal justice system.

A large support staff is necessary to back up so much activity. Within the Multnomah County District Attorney's Office, a Word Processing Unit equipped with special IBM equipment pours out the voluminous correspondence and orders necessary to make the criminal cases move forward. A Subpoena Section sends out notices to witnesses in every criminal case within the county and takes responsibility for their knowing when and where to appear in court. A Control and Files Section maintains past criminal records and current files on every case moving through the system; and an Investigation Unit of four persons, three of whom are assigned from the Portland Police Bureau and the Multnomah County Sheriff's Office, is assigned the special background work which helps prosecutors strengthen their criminal cases.

All these units work together to assure the citizens of Multnomah County the most effective, discriminating and humane prosecution possible. The philosophy within the Multnomah County District Attorney's Office emphasizes maximum service to victims of crime combined with the most efficient use of the taxpayers' dollars. This philosophy takes as a model the private law firm rather than the public bureaucracy. Every attempt is made to consider the victim of crime with the same regard and concern which would be shown a client of a private law firm.

Innovative programs which move some of the resources of the criminal justice system away from systems operation and from services to convicted offenders and focuses those resources on innocent victims have been initiated in 1974. These steps will be reinforced in the future.

The following pages describe briefly each of the functions of the District Attorney's Office. Any further questions can be answered by calling the office at 248-3162.

The Administrative Section of the District Attorney's Office determines the manner in which the responsibilities of the office will be carried out. Staff of this section hire and review all personnel, both professional and clerical, working with the Civil Service Commission in the hiring of clerical staff, and with colleges and universities around the country in recruiting lawyers. The staff it recruits must be capable of analyzing and making decisions on the handling of such widely varied problems as the woman who refuses to return 400 books she has "borrowed" from the public library to the man charged with brutally slaying a family of four.

The administrative staff decides who will be assigned to what units, and how many staff persons are required in each section — with assignments sometimes changing as numbers and types of criminal charges brought in the county change. The Administrative Section, and the District Attorney specifically, face policy decisions about such discretionary matters as the amount of plea bargaining done by the office, the time periods in which such bargaining can take place, the amount of attention taken from routine systems work and given to victims of crime, and priorities within the office for the prosecution of specific crimes.

Administrative staff also analyze office needs and develop new programs to meet those needs, often with federal or state special funds. Programs developed within the past year include a High Crime Impact Unit, set up to prosecute home burgiary, armed robbery and "fencing" cases with a goal of reducing charges in return for guilty pleas in less than five percent of all cases; a Rape Victim Advocate Program (also with the help of the Law Enforcement Assistance Administration's Impact funds), designed to reduce rape, increase rape convictions, and ease strain and trauma on victims of that crime; and a general victim's assistance unit which enables the office to turn some of its attention to making prosecution as convenient and comfortable for victims of crime as is possible under difficult circumstances.

Administrative staff also handle contact with the public, answer questions of the media and publish public information and leaflets such as the "Consumer Protection Handbook" and "Crime and the Businessman."

The District Attorney's Office often deals with the citizen in his most sensitive and traumatic moments — when he has been victimized, robbed, assaulted, and at times suffered immense personal tragedy. The men and women employed in the office work under heavy pressure and constant deadlines. They cannot let up in their day-to-day routine work, but they remain constantly aware that intense human problems are at the heart of their work.

INTAKE

Although the Intake Unit is supervised by the district court unit head, its work will be described here, since it is the first contact the District Attorney's Office has with the victim of crime.

Three deputy district attorneys and an intern, backed up by five clerical staff, have responsibility for issuing all criminal complaints in Multnomah County. The Intake Unit is located at Second Avenue and Oak Street, headquarters for both the Portland Police Bureau and the Multnomah County Sheriff's Office.

Deputies assigned to this unit work with police officers and with citizens to determine when criminal complaints should be initiated. They must consider the heavy burden of proof placed on a prosecutor in court and must balance carefully the need of the public to be assured thorough enforcement of its laws against the chances of bringing criminal complaints against innocent persons. Every effort is made in the Intake Unit to check the information supplied the District Attorney and to clear up doubts or uncertainties about criminal cases.

Attorneys in this unit, in addition to drawing up complaints, issue all arrest warrants, review search warrants, prepare evidence for direct presentation to the Grand Jury in non-custody felony cases, advise the police on points of law and take telephone and personal inquiries from the general public.

In addition to this regular Intake Unit, the rising number of criminal complaints has necessitated opening the District Attorney's Office in the County Courthouse on Saturdays to receive complaints of criminal activity from private citizens. Attorneys receive no additional pay for this Saturday work.

GRAND JURY

Thirteen Grand Juries are impaneled each year in Multnomah County. Members of the Grand Juries serve for four weeks. They must determine whether evidence gathered on criminal complaints is sufficient to merit indictment of the defendant. Jurors usually hear between 175 and 200 cases a term, although at times the number rises to almost 250.

Two deputy district attorneys are assigned the full-time job of presenting evidence to the Grand Juries. In addition, one deputy from the Juvenile Court Unit routinely presents evidence on child abuse cases. Members of the Impact Unit, which tries home burglaries, armed robberies and fencing (theft by receiving) cases, operates under a unique system for a large metropolitan office. Deputy prosecutors follow their own cases all the way through from issuing to disposition, and, therefore, present their own cases to the Grand Jury. A specific period of time is reserved each day for presentation of Impact cases.

Grand Jury deputies, in addition to presenting evidence, offer a second screening protection in the criminal justice process. Cases which appear to be incomplete, or which present witness problems, can be withdrawn temporarily while additional evidence is gathered. Decisions may also be made at this stage that cases should be dropped.

Grand Jury rooms are private. No one is allowed inside except the jurors, witnesses and the deputy who is presenting evidence and questioning witnesses. In the past year, at the request of the District Attorney, this policy has been slightly altered for juvenile victims. In child abuse or sexual molestation cases, juvenile court counselors who have established prior relationships with the children may now sit in the room with victims to help ease strain and emotional crisis.

MOTIONS

The Motions Unit is the second arm of the Pretrial Unit. When a defendant is indicted on a felony charge, his defense attorney may make any number of legal motions to stop the case from proceeding. These include search and seizure motions to suppress evidence, motions to dismiss on any grounds (speedy trial, former jeopardy, etc.) and demurrers.

One attorney in the District Attorney's Office is assigned the job of arguing these motions and explaining why the case should indeed proceed. During 1973, roughly 700 motions were filed in various cases. Arguing these demands special research skill and, in some cases, many hours of preparation, multiple hearings, and testimony from many witnesses. Since intricate points of law are sometimes involved, it is vital that the state be thorough and complete in its preparation.

The attorney assigned to the Motions Section also prosecutes car forfeiture proceedings in illegal drug cases, prosecutes extradition proceedings pending in court from other states, and conducts special proceedings involving writs of mandamus, habeas corpus and review.

EXTRADITION AND APPEALS

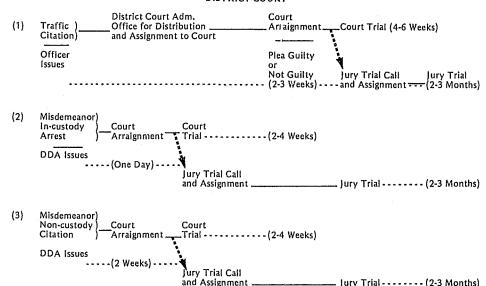
The third section in the Pretrial Unit is Extradition and Appeals. The deputy assigned this responsibility reviews and processes extradition requests, assuring supervision of public expenditures for such expenses; handles all requests for expungement of criminal records, seeing that only those in the interests of justice are permitted; coordinates matters pertaining to criminal appeals with the State Attorney General's Office; reviews and passes upon requests for official records; provides classroom instruction for the Multnomah County Sheriff's Office and Portland Police Bureau Recruit Academy (an overtime function performed without compensation); and handles "overflow" felony trials on certain time-consuming cases.

During 1974, the deputy in charge of extradition and appeals prepared material on 130 cases for the Attorney General and handled 168 extradition requests in addition to his general supervisory functions.

DISTRICT COURT

All misdemeanor cases are tried in District Court. The chart below traces traffic citations, misdemeanor in-custody arrests and misdemeanor non-custody citations through their routine steps.

DISTRICT COURT

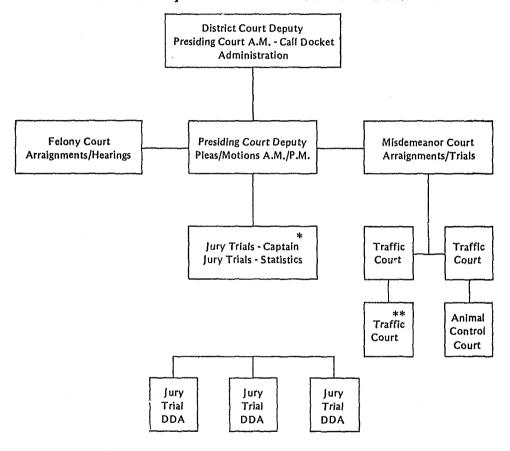


A staff of eight attorneys and two court-certified interns handle these cases. Each attorney works on an average of four cases a day. Misdemeanor charges can range from drunk driving to shoplifting or carrying a concealed weapon.

District court deputies also present evidence at preliminary felony hearings; appear in court at defendants' arraignments, pleas and sentencing; try appeals in Circuit Court (Oregon has a trial de novo system which means any misdemeanor case appealed by a defendant is entitled to a new trial in Circuit Court); and appear for the State during pleas and motions. Courtrooms in the District Court Section which must be covered include Presiding Court, misdemeanor court, felony court, two traffic courts, animal court, four jury courts and one court operating one day a week in Gresham.

The diagram below represents the organization and daily assignments of the District Court jury and court trial unit.

COURT - JURY SECTION DISTRICT COURT



* Jury trial captain covers fourth jury trial court.

** Third traffic court is in session Mondays and Wednesdays only.

CIRCUIT COURT

All felony cases are tried in Circuit Court. The District Attorney's Office now has three alternative courses of action in moving these cases to trial. The office may present evidence at preliminary hearings held in adversary situations in court; and, if the judge determines evidence indicates the likelihood a crime has been committed, take the same evidence to the Grand Jury to reexamine. It may also go directly to court trial from the preliminary hearing — a step currently used only in the most routine cases. The third possibility is to skip the preliminary hearing and present evidence directly to the Grand Jury for indictment. This method is usually used in more sensitive cases, such as rape or child abuse, since it spares the victim the tension and trauma of the initial adversary process.

All indictments are sent to the Chief Criminal Court. In that court, defendants are then arraigned, make their pleas, and if convicted, are sentenced. Pretrial conferences are also held in the Chief Criminal Court, at which time the plea bargaining process may take place. Deputy district attorneys must be involved in each of these steps in the criminal justice system.

At the pretrial conference, defense attorneys and deputy district attorneys engage in discussions with the defendants, often arriving at a plea of guilty through a process known as plea bargaining. In plea negotiations, charges may be reduced to lesser included offenses; additional, identical, or lesser charges may be dropped; or deputy district attorneys may agree to recommend certain sentences in return for pleas of guilty.

In a unique experiment, the Multnomah County District Attorney's Office has one trial unit which has attempted to limit plea bargaining by charge reduction to less than five percent of its cases. This unit is discussed in the Impact Section.

Sixteen attorneys in the circuit court trial unit each carry roughly eight cases a week. This varies from week to week, since murder cases can take up to two weeks to try, while more routine charges such as criminal activity in drugs run through the system rather quickly.

Approximately 200 cases a month are set for trial in the circuit court system of Multnomah County. Attorneys within the unit are divided into sections according to crime classification. This specialization allows close-working relationships with police officers assigned to crime-specific duties.

IMPACT

The Multnomah County District Attorney's Impact Unit is a special trial unit funded partially through the Law Enforcement Assistance Administration as part of Portland's High Impact Anti-Crime program. This unit has responsibility for prosecution of home burglaries, armed robberies and "fencing" cases. As part of the program, the unit has been instructed to eliminate, as much as possible, plea bargaining by charge reduction.

The Impact Unit came into being in October, 1973, with three broad operating goals: to improve the quality of cases coming to trial by providing legal advice and casework assistance to police investigators; to provide swift and appropriate prosecution of target crimes; and to reduce negotiated pleas.

Six deputies and five support persons are assigned to this unit, which is housed in the World Trade Building, adjacent to the Portiand Police and Multnomah County Sheriff headquarters. Deputies work with detectives on a day-to-day basis, assisting with case preparation whenever requested. In a departure from the usual procedure, in which a case moves from deputy to deputy, attorneys who receive Impact cases follow them through from issuance to final disposition.

In addition to providing thorough preparation and tough prosecution for these crimes, this project is providing a much needed examination into the place plea bargaining holds within the criminal justice system and into the question of whether the practice should be abolished nationwide.

DOMESTIC RELATIONS

The Domestic Relations Unit is the arm of the District Attorney's Office charged with deterring delinquent child support and alimony payments, bringing new petitions for support and trying paternity suits in the county.

To carry out its goals, staff assigned to the unit locate and try in Circuit Court those persons against whom complaints are filed for failure to comply with court-ordered payments and against whom new complaints are filed. Efficient enforcement of support laws saves the county money both in welfare payments and in the long range social costs of dealing with neglected children.

In more human terms, loss of support payments means intermittent hunger, inadequate medical attention and poor housing conditions for many children in Multnomah County. Such conditions often lead to delinquency, crime, or at best, lack of motivation resulting in poor work patterns and eventual dependence on the public welfare system. Lack of support also sends some families directly to the public welfare rolls.

The number of families involved with the court in serious domestic relations problems grows each year. Three attorneys assigned to the unit carry a case load of about 50 cases a week, not including paternity suits, which number about 10 a month. Under the Uniform Reciprocal Support laws, this office not only tries cases in which both participants reside in the county, but also initiates proceedings in other states, and enforces support payments ordered from residents of Multnomah County to dependents living outside the county or in other states.

The Domestic Relations Unit is a vital factor in the network of Welfare Recovery Division, Multnomah County Sheriff's Office, County Department of Justice Services, the courts, and the Data Processing Department, all of which mesh together to insure an efficient support system for the county. The unit has a well-founded reputation for being one of the toughest and most effective in the country.

JUVENILE COURT

Three deputy district attorneys are assigned to the Juvenile Court Unit housed at the Donald E. Long Juvenile Court and Home. These attorneys handle neglect and deprivation cases, delinquency cases, terminations of parental rights, crimes committed by juveniles, status offenses (acts which would not be considered crimes if committed by adults — i.e. runaway or minor in possession of alcohol) and support cases. They also initiate charges in, and handle prosecution of, all child abuse cases. In addition, the attorneys spend many hours in consultation with Children's Services Division and Juvenile Court counselors determining the most effective methods for handling problems besetting children in Multnomah County.

A new emphasis has been placed on termination of parental rights within the past year. In attempting to determine the best interests of a child who suffers abuse, neglect or parental incapacity or desertion, many professionals espouse the philosophy that outright termination of the rights of abusing parents is a far better course of action than placing the child in a continuing stream of foster homes. As a result, more and more cases in Multnomah County are being handled in such a manner.

Another innovation in Juvenile Court procedures is establishment of the Child Abuse Forum, a weekly meeting of Juvenile Court attorneys, Circuit Court attorneys, representatives of the medical profession, the police and sheriff's office, Children's Services Division and other social or medical agencies working with children or families suffering severe problems resulting in child abuse.

In another new development, the District Attorney's Office has asked for, and obtained, permission for Juvenile Court counselors to appear at Grand Jury hearings with children who are called to testify in traumatic child abuse cases. This change means that the child now has the support of an adult with whom he has developed a good relationship as he undergoes his courtroom experience. He no longer has to suffer alone through the difficult process of testifying about extremely trying circumstances before a room full of strangers.

The Multnomah County District Attorney's Consumer Protection Unit is the office's only unit which shares responsibility with another agency. Both the District Attorney and the Attorney General of the State of Oregon have responsibility within Multnomah County for enforcing the Unlawful Trade Practices Act passed in 1971. Under that law, 18 general categories of trade practices are designated as unlawful activities.

The normal procedure for dealing with consumer law violations is to inform the offender of the charge against him and, if the practice appears routine, to request his signature on an assurance of voluntary compliance which pledges him to refrain from engaging in such activities in the future. Should the offender refuse to sign the agreement, the attorney assigned to this unit files a suit in equity to enjoin the alleged illegal practices. Violations of assurances of voluntary compliance are punishable by fines up to \$25,000.

DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR

The DUILL Section of the District Attorney's Office has been in operation since May, 1971, when it was instituted as part of ASAP (Alcohol Safety Action Program). This program, sponsored by the U. S. Department of Transportation through the Oregon Traffic Safety Commission, was originally a joint effort of city, county and state law enforcement officers, the Office of the District Attorney and administrators and judges of the Multnomah County District Court. Its purpose was to remove drinking drivers from roads and highways before they could cause accidents. In 1973, the program was split into separate components, operated independently by the Police, the Probation and Parole Department and the District Attorney.

Under the program, six deputy district attorneys, including a program supervisor and an administrative assistant who tries some cases, are assigned to specific courtrooms, usually assigned to about seven drunk driving cases a day. Since the program's inception, the conviction rate in DUILL cases which go to juries has risen from 48 to 67 percent, and an overall conviction rate of 94 percent has been reached.

NEGLIGENT HOMICIDE

A special program within the District Attorney's Office, also funded through the Oregon Traffic Safety Commission with matching city and county money, provides for aggressive investigation of negligent homicide cases in Multnomah County. Under this program, one deputy has specialized in investigative procedures. This deputy is on 24-hour-a-day call and travels to the scene of all automobile accident fatalities in the county.

In addition to handling prosecution of such cases, the deputy assigned this unit is involved in training of police investigators and deputy prosecutors throughout the state. Under Multnomah County's program, indictments for the crime have increased by 50 percent, and convictions have reached 90 percent.

Negligent homicide is one of the most sensitive crimes the office handles. In addition to the human tragedy, cases are difficult to investigate, evidence is transitory and trials are often long and complicated. A specialized unit to handle these crimes insures the highly skilled investigation and attention they deserve.

RAPE VICTIM ADVOCATE

Multnomah County is the first county in the country to have a rape victim advocate program operating out of the District Attorney's Office. Begun in November, 1974, with funds from the Law Enforcement Assistance Administration, the program allows a staff of three women to be on call round the clock to counsel and give aid to victims of these brutal attacks. The rape victim advocate or one of her two assistants meet police and victims at Holladay Park Hospital, where physical examinations are provided for victims.

Rape has been proved to be one of the crimes where prosecution may be as emotionally difficult on the victim as the crime itself. This program is designed to ease the trauma women feel as they go through this courtroom experience. It guarantees to them a sympathetic and compassionate woman who will support them and offer counseling if and when needed. All staff involved in the program have past counseling experience, and all have undergone thorough and extensive orientation to the Multnomah County court system.

In addition to providing aid and counseling to victims, the program is aimed at reducing the number of rapes committed in the county, improving attitudes of the community toward the victim, and increasing understanding of the victims by law enforcement officials.

VICTIMS ASSISTANCE

A second innovative attempt in the Multnomah County District Attorney's Office to move some resources of the system to the use of victims is the proposed Victims Assistance Unit. The District Attorney has applied to the National District Attorneys Association for special Law Enforcement Assistance Administration funding for a six-person staff which will make the system more responsive to individual citizens, particularly to the victims of crime. The program seeks to involve the citizen to a greater extent in decision-making processes related to plea bargaining and sentencing and to provide aid and counseling to victims of crime.

The proposal is one of 19 recommended for funding throughout the country, and has been ranked second of all submitted.

Staff of the unit, when it is in full operation, will inform witnesses and victims of events, court hearings and community resources helpful to them. They will also explain the criminal justice system to victims as their cases progress through court, and will answer all questions victims may have. In addition, staff will assist victims with retrieval of property and in scheduling court appearances. A deputy district attorney in charge will, on a trial basis, seek victim input into the plea bargaining and sentencing processes. Other staff involved will be a community resources coordinator who will seek public and private agency funding for short-term medical and financial aid to victims of crime; a victim advocate; an investigator; a legal assistant and a legal clerk.

A second benefit of the program is expected to be a renewal of faith of the average citizen in the criminal justice process. In the view of the District Attorney's Office, the criminal justice system operates principally for victims of crime. A program such as this will be the beginning of an attempt to restore attention and concern to the most forgotten citizen in our society today — the innocent victim of crime.

INTERNS

In the past year, the Multnomah County District Attorney began a special summer intern program, employing four senior year law students full time. These students, all court certified, were allowed to handle minor traffic cases under direct supervision of practicing deputy district attorneys. In addition, four interns are employed throughout the year who are night school law students. These interns are also court certified and work both in intake and on minor cases under the same arrangement. This program allows the District Attorney's Office to provide maximum service to the public at a substantial cost savings in tax dollars.

SUPPORT STAFF

Backing up the deputy prosecutors and the professional staff in the District Attorney's Office are 20 clerical and paralegal support persons. These men and women make the office function. They prepare the voluminous amounts of paper work necessary to keep criminal records, allow attorneys to review cases, inform witnesses of their necessary appearances in court and prepare all court documents.

Four staff persons prepare all the subpoenas which go out from the District Attorney's Office, directing witnesses of the time and place of their court appearances, prepare daily dockets and make final callbacks to insure that all witnesses learn of any courtroom or time changes.

Five staff persons working in criminal records maintain all past and present criminal files. These persons maintain constant watch on cases coming up, seeing that attorneys who will try cases have all pertinent information. They also maintain statistics for the office on numbers of cases tried, conviction rates and other information needed for management decisions.

In the Word Processing Unit in the District Attorney's Office, 11 secretaries work with the fastest IBM equipment to produce court documents for all district and circuit court trial units.

In addition to these support personnel, the Domestic Relations Unit requires its own clerical personnel to maintain its own vast filing system, notifications and record keeping, as does the DUIL Unit. Consumer Protection also has a separate record-keeping and secretarial person.

CONCLUSION

As the incidents of reported crime increase, the importance of the District Attorney's Office grows. Humane law enforcement and protection of balanced and fair criminal justice is a heavy responsibility. It cannot be carried by one man or even by one office.

To be effective, law enforcement within any community or county must be predicated on fair and decent laws which are supported by the citizens of that community. The Multnomah County District Attorney's Office can function well only with the help and support of the community. We ask for that support, and we pledge in return an even and unbiased enforcement of the laws of the State of Oregon.

END