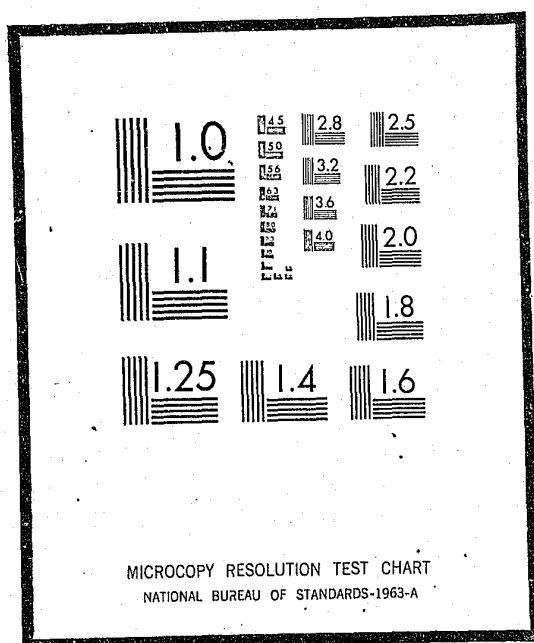


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Multnomah County (OR) -
DISTRICT ATTORNEY'S OFFICE

1974 YEAR END REPORT, 1974

The Multnomah County District Attorney's Office took several steps in 1974 to deal with the heavy work load brought about by an increase in the amount of reported crime and by the new responsibilities placed on the office by changes in Oregon's Procedural Code.

1. Careful monitoring was done of the amount and type of crime being reported, and the office was reorganized into highly crime-specific units at the Circuit Court level.

2. The District Court staff was also reorganized into more specialized teams to handle specific assignments such as arraignments/hearings; pleas/motions; misdemeanor arraignments/trials; jury trials; traffic court; and animal control.

3. A new information and statistics system was developed for management information purposes. This system should go into full operation in 1975, allowing the office to respond more quickly when staffing changes are indicated.

4. Two intern programs -- one a short term summer project, the other a long term continuing program -- were set up to allow third-year court-certified law students to handle some of the more routine, lesser offenses in court under the supervision of experienced department heads. This has allowed us to fill two full-time attorney positions with four interns at a substantial saving to the County.

5. The night deputy district attorney position at the Second and Oak police headquarters was eliminated after careful study of the small number of complaints filed and requests for assistance occurring during week nights and the number of hours the attorney actually worked. That attorney was transferred to help take up the work load in the main office.

6. In place of the paid attorney on week nights, all deputy district attorneys were asked to work on rotating fourth Saturdays from 9 until 2 in the main office to take citizens' complaints of criminal activity. One deputy was assigned to Sunday night intake (when statistics show he is needed) at Police headquarters. The deputies receive no additional compensation for Saturday or for Sunday night work. During the first three months, 342 persons were seen on the Saturday workday and 63 complaints issued. This Saturday work saved approximately one deputy.

In addition to specific steps taken to save money and promote efficiency, the District Attorney's Office has involved itself in new efforts during 1974 to better conditions for the victims of crime. These programs, whether providing direct services to victims or simply bettering the system so citizens can gain renewed faith in it, are detailed below:

1. The High Crime Impact Project, begun in December of 1973, completed a full year of operation. This Program, with Law Enforcement Assistance Administration funding, allowed the office to set up a special unit designed to prosecute vigorously all cases of home

burglary, fencing, or armed robbery. Plea bargaining by charge reduction in these cases is to be kept to a minimum.

2. The Rape Victim Advocate Program began operation in November. This program, also funded through LEAA, will allow us to focus on humane treatment of rape victims, provide them counseling on a 24-hour basis, and thereby increase the number of victims willing to report the crime.

3. The office has applied for federal LEAA funding for a Victim's Assistance Project, which will allow us to give victims of crime in this community the care and consideration they deserve. The project is one of 19 recommended for funding across the nation, and has been ranked second out of the 19. We anticipate funding in the near future, possibly by April of this year.

4. Several steps have been taken to improve conditions for child abuse victims. The office requested and received permission for Juvenile Court counselors to enter the Grand Jury room with the child victims. We also initiated the Child Abuse Forum, designed to allow social service professionals to meet with our staff in regular sessions to pool information and share decisions on the disposition of child abuse cases. While the final decision on how to handle such cases remains with this office, the new Forum allows those decisions to be made on a well informed basis with as much professional input as possible.

5. An affirmative action plan for minority and female hiring was implemented by the District Attorney's Office and is being carefully monitored and followed.

6. Efforts to improve communication and cooperation with police agencies continued. Members of this staff spent almost 500 hours in formal police training sessions with no extra compensation. We estimate that an additional two hours of preparation are necessary for every hour spent in formal training and bring the total number of hours spent to 1,500. The office also sponsored a police/prosecutor/judge seminar in November. The effort was well received, with many recommendations that such seminars be continued on a regular basis.

Statistical reports on specific office activities follow.

CIRCUIT COURT

While our figures show the increase in the Circuit Court work load to be relatively small, it is important to remember three facts: 1. New pretrial discovery provisions of Oregon's Criminal Code mean additional work for our deputies for every case handled; 2. time-consuming cases such as State v Hockings and State v. Allen and Bertolino took up months of deputy time, while the number of fraud and theft cases, both complex and time-consuming, increased greatly; and, 3. the major increase in complaints issued occurred during the last three months of 1974 and will be reflected early this year in our trial units.

Overall, despite our increase in serious cases, we have increased our number of convictions, decreased the number of acquittals, and maintained our percentage of case load tried.

A more meaningful reflection of the performance of this office is shown by comparing the 1972 overall conviction rate - 92.4%, and the 1972 trial conviction rate - 74.92%, to the figures for 1973 and 1974.

CIRCUIT COURT

| | <u>1973</u> | <u>1974</u> |
|---|-------------|-------------|
| DA Informations | 169 | 127 |
| Appeals | 459 | 401 |
| Indictments | 2247 | 2428 |
| Information of DA | | 1 |
| Defendants Indicted | 2280 | 2368 |
| Defendants on Inf. of DA | | 1 |
| Not True Bills | 132 | 163 |
| Defendants Not True | 135 | 163 |
| Defendants convicted by trial or guilty plea | 1765 | 1925 |
| Number of defendants tried | 428 | 485 |
| Defendants Found Guilty after trial | 316 | 378 |
| Defendants Acquitted after trial | 112 | 107 |
| Percentage of successful convictions of all cases including pleas | 94.02% | 94.73% |
| Percentage of successful convictions after trial | 73.33% | 77.94% |
| Percentage of Total case load tried | 22.80% | 23.87% |

DISTRICT COURT

The District Court staff tries misdemeanor cases. Deputies assigned to this unit also present evidence at preliminary hearings on felony cases, appear in court at defendant's arraignments, pleas and sentencings, try appeals of misdemeanor cases in Circuit Court, and appear for the State during pleas and motions.

The fact that District Court is not a Court of Record severely hampers statistic keeping. The following figures, however, are available.

| | <u>1973</u> | <u>1974</u> |
|--|-------------|-------------|
| I. Criminal Cases | | |
| A. Felony hearings | 1954 | 2302 |
| B. Misdemeanors | 5504 | 7054 |
| II. Traffic Violations ¹ | | 12,000 |
| III. Animal Control Citations ² | 250 | 500 |

1. Exclusive of DUIL and .15% Blood Alcohol, which are shown in the DUIL section. Figures represent only those cases in which this office is involved.
2. These figures do not represent the number of citations issued, which are much higher, but show the number of cases in which this office was involved.

INTAKE

As the statistics show, the number of cases inssued at our Second and Oak office jumped approximately 33 percent during 1974, exclusive of the work done at the Impact office. Our 1973 figures show Impact cases, since that project did not begin until December 1973, but the 1974 figures do not.

Additional work responsibilities for this section include the requirement by the court that we provide a second copy of the police report in all misdemeanor cases to the defendant at the time of his arraignment in District Court; determination of the amount of restitution in case the court will order such payment; and a check of the CRISS terminal for the defendant's prior record when issuing a case. These three small steps take only about five minutes per case each, but since deputies issue between 10 and 15 cases a day, this work adds an extra hour to each attorney's workday.

We are attempting to handle this increase in work load with the same number of staff persons we have had in the past.

INTAKE - 1974

| <u>Month</u> | <u>Complaints Issued</u> | <u>No Complaints</u> | <u>Direct Presents</u> | <u>Total</u> |
|----------------|--------------------------|----------------------|------------------------|-----------------|
| Jan. | 506 | 123 | 39 | 668 |
| Feb. | 465 | 110 | 30 | 605 |
| March | 505 | 174 | 76 | 755 |
| April | 540 | 129 | 44 | 713 |
| May | 461 | 178 | 58 | 697 |
| June | 513 | 102 | 56 | 671 |
| July | 771 | 174 | 67 | 1012 |
| August | 700 | 178 | 58 | 936 |
| Sept. | 795 | 150 | 64 | 1009 |
| Oct. | 1009 | 240 | 65 | 1314 |
| Nov. | 911 | 167 | 83 | 1163 |
| Dec. | 817 | 199 | 38 | 1058 |
| Jan.-June 1974 | 2990 (498) | 816 (136) | 303 (50.5) | 4109 (685) |
| July-Dec. 1974 | 5003 (834) | 1108 (185) | 375 (62.5) | 6492 (1082) |
| <u>1973</u> | 5924 (494/mth.) | 1518 (126/mth.) | 732 (61/mth.) | 8174 (681/mth.) |
| <u>1974*</u> | 7993 (666) | 1924 (160) | 678 (56.5) | 10,601 (883) |

*Note - These figures do not include any of the work done by the Impact Project. Thus the percentage increase from 1973 to 1974 is even larger than is indicated by the above figures.

PRE-TRIAL

Our Pre-trial Unit includes the Grand Jury section, the Motions section and the Extraditions and Appeals section.

Exact figures have not been kept in the past in these units, but the following statistics are extremely good estimates.

Grand Jury

1973: 2,100 cases presented
1974: 2,500 - 3,000 cases presented

Motions

1973: 650 - 700
1974: 850

Extraditions and Appeals

Cases on Appeal

1973: 139
1974: 130

Extraditions

1973: 163
1974: 168

The cases on appeal figures refer to those cases which are appealed from Multnomah County Circuit Court and which are then handled by the Attorney General's Office. Since our staff has handled the cases up to that point, coordination is required with the Attorney General's staff.

CONSUMER PROTECTION

In November, 1974, a 2-1/2 day contempt of court hearing against Top value Meat Company, Inc., resulted in the first contempt finding in the State of Oregon since enactment of the Deceptive Trade Practices Act of 1971. The company was fined \$8,000. The increase in complaints to be investigated and the enforcement effort of our office in Conflict and Equity cases will require either an increase in the consumer protection staff or a policy decision to refer some matters for assistance elsewhere.

| | <u>1973</u> | <u>1974</u> |
|------------------------------------|-------------|-------------|
| Calls Received | 1110 | 1323 |
| Written Complaints Handled | 379 | 463 |
| Assurances of Voluntary Compliance | 9 | 10 |
| Suits in Equity | 0 | 1 |
| Contempt Citations | 0 | 2 |

IMPACT

Our Impact Unit, charged with prosecuting cases of home burglary, armed robbery and fencing, and theft by receiving, has now completed a full year of operation. As the figures show, we have maintained a high conviction rate, held plea bargaining by charge reduction to less than 2%, and have not backed up the courts.

This Unit is uniquely organized, in that deputies assigned to the unit handle cases from complaint issuance to disposition. It is important to remember that the figures shown here do not reflect the number of cases no-complained, which would represent a substantial number of deputy work hours, and that for each case shown, an Impact deputy has worked on screening and investigation, issuing, preliminary hearings, Grand Jury presentments, trials and all probation revocation hearings related to the cases. Deputies are also responsible for preparing monthly reports to OLEC, which is the funding agency channeling the Law Enforcement Assistance Administration funds which help support this unit.

MULTNOMAH COUNTY DISTRICT ATTORNEY HIGH IMPACT PROJECT
1974 STATISTICS

| | Cases Tried | | | Pending | Pled to Charge No Reduction | Bargained* to lesser charge | Returned to Police for investigation and preparation | Dismissed | Not by Jur |
|-------|-------------|----|-----|---------|--------------------------------|-----------------------------------|--|-----------|------------------|
| | C | NG | NGI | | | | | | |
| Dec. | 0 | 0 | 0 | 18 | 0 | 0 | 6 | 0 | 0 |
| Jan. | 1 | 0 | 0 | 34 | 4 | 0 | 4 | 4 | 1 |
| Feb. | 3 | 1 | 0 | 38 | 9 | 2 | 11 | 0 | 2 |
| March | 3 | 2 | 1 | 45 | 13 | 0 | 34 | 2 | 0 |
| April | 2 | 1 | 0 | 40 | 13 | 0 | 16 | 4 | 1 |
| May | 4 | 0 | 0 | 45 | 14 | 0 | 6 | 3 | 2 |
| June | 4 | 1 | 1 | 49 | 13 | 1 | 14 | 4 | 0 |
| July | 6 | 1 | 1 | 65 | 13 | 0 | 11 | 5 | 1 |
| Aug. | 3 | 0 | 0 | 63 | 13 | 0 | 11 | 6 | 0 |
| Sept. | 2 | | 1 | 52 | 23 | 0 | 9 | 7 | 0 |
| Oct. | 3 | 2 | 0 | 80 | 13 | 0 | 11 | 1 | 2 |
| Nov. | 2 | 3 | 0 | 70 | 19 | 1 | 11 | 7 | 0 |
| Dec. | 6 | 1 | 1 | 51 | 25 | 0 | 5 | 3 | 5 |
| Total | 39 | 12 | 5 | 172 | 4 | 4 | 149 | 46 | 14 |

* Reduce to lesser includeds 92.24%
12-month defendant conviction rate: 1.74%
Plea negotiation rate:

DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR

While the number of citations issued for DUIL offenses appears to be dropping, the requests for jury trials have continued to rise, thus maintaining a heavy work load for our DUIL staff.

Each attorney assigned to the unit handles an average of 20 to 25 cases a week. Although not all cases set for jury end up in trial, deputies must prepare for all cases. Each case takes approximately half a day to try.

The backlog of cases for this unit continues to be a major problem for the District Attorney's Office.

| | <u>1972</u> | <u>1973</u> | <u>1974</u> |
|----------------------------|-------------|-------------|-------------|
| Citations Disposed of | | 2958 | 4046 |
| Citations Pending | 2032 | 2897 | 2234 |
| Jury Trial Requests | | 2674 | 2971 |
| Cases Pending Jury Trial | 754 | 1105 | 1302 |
| Jury Trial Conviction Rate | 48% | 66% | 67% |
| Overall Conviction Rate | | | 94% |
| Citations | 4352 | 4153 | 3411 |

(This office began its own system of statistics for this unit toward the end of 1973. Our figures from that time on, therefore, are more complete.)

DOMESTIC RELATIONS

The average number of domestic relations cases being added to our system each month continues to rise. During 1973, approximately 261 cases a month entered the system. For 1974, the figure jumped to 286. This has meant an increase from 235 support hearings a month being set to 286.

While the number of hearings heard rose about 150 for 1974, our backlog has also increased from 373 to 519 cases. Dire predictions for the economy during 1975 make further increases in this work load inevitable.

| | <u>1973</u> | <u>1974</u> |
|------------------------------------|---------------|---------------|
| Support Payment Billings | 19,224,041.89 | 21,488,249.71 |
| Support Payments | 12,538,927.72 | 13,630,455.21 |
| Support Payment Fees | 181,765.03 | 195,322.42 |
| Cases in County System | 19,415 | 22,855 |
| New Cases | 3,136 | 3,440 |
| Support Enforcement Hearings Set | 2,849 | 3,440 |
| Support Enforcement Hearings Heard | 1,512 | 1,656 |
| Warrants Issued | | 299 |
| Arrests | | 282 |
| Cases Awaiting Processing | 373 | 519 |

JUVENILE COURT

The Juvenile Court work load is one of the most difficult to measure, since proceedings have been far more informal than in adult court. A trend toward more legally accented work at the Court will tend to increase the work load of the deputies assigned to that unit. Our estimate is that there were approximately 1,000 formal court appearances in Juvenile Court during 1974.

In addition to those appearances, staff provided counsel and advice to the entire juvenile department and to Children's Services Division. Since almost 90% of all juvenile matters are still handled informally, the figure of 1,000 represents only a fragment of deputy time spent at Juvenile Court. A recent order by a Juvenile Court judge is substantially increasing the work load by demanding Deputy District Attorney review of all delinquency petitions.

NEGLIGENT HOMICIDE

Cases assigned to this unit are among the most sensitive the office handles. Every fatality must be investigated by our deputy district attorney assigned this unit. Each investigation takes approximately six hours of work before Grand Jury presentment. Even in cases where the defendant dies as a result of his own conduct, at least three hours of investigation are necessary.

If the cases are indicted by the Grand Jury, an average of 18 more hours of pretrial work are necessary.

Prior to the funding of this project by the Oregon Traffic Safety Commission, there was no investigation or prosecution of this nature.

| | <u>1973</u> | <u>1974</u> | |
|---|-------------|-------------|---|
| Traffic Fatalities | 90 | 101 | (93 accidents) |
| Negligent Homicide Prosecutions or manslaughter | 7 | 15 | |
| Defendants Convicted of Neg. Homicide or manslaughter | 6* | 12 | (2 pending in Juvenile (Court; (1 pending manslaughter (1 pending felony hit (and run |
| Defendants Convicted of lesser charges (not incl. traffic citations in District Court) | 1 | 1 | |
| Conviction Rate | 100% | | |

* 7 convictions, 1 reversed in Court of Appeals

RAPE VICTIM ADVOCATE

Our rape victim advocate project began round-the-clock operation in December of 1974. During that month, 29 victims were referred to the project. In 16 of the cases, referral was made by the police within three hours of the incident.

During December, 11 defendants were indicted, three of whom pled guilty to the charge. No cases were plea bargained, and no defendants were acquitted at trial. Two defendants were found guilty of the charge, and three were sentenced from prior months. Sentences included 31 years in the penitentiary (20 for this crime, 11 to finish a prior sentence), 20 years in the penitentiary, and 20 years (juvenile - MacLaren).

END