

Lane County - Service Option Sheet - FY 09-10 Proposed Budget

Service: **Prosecution of Adult Defendants**
Dept: District Attorney
Contact and number: Alex Gardner 682-4093; Rebecca Messenger 682-4508

General Fund Priority: 7 of 47
Dept. Org ID: Multiple
Mandate: **SHALL** **Leverage:** **HIGH**

Executive Summary

The District Attorney is responsible for the prosecution of all felony offenses and most misdemeanor offenses committed in Lane County. In round figures this is 6,300 cases a year. Essential Medical Examiner and Victim Services components are included in this service, as they are mandated by law and/or essential to this function. Due to a shortage of prosecutors and investigators, we have severely compromised the effective prosecution of thousands of cases. The caseloads of the attorneys are so large we are triaging the cases and resolving many of them too lightly. We must "move" the cases. Trials take too much time and require too much investigation.

State/Federal Mandate

ORS 8.660; ORS 8.670; ORS 146.095; ORS 137.106; ORS 135.139; Oregon Constitution Art 7, Section 17; ORS 8.660 states "The district attorney shall attend the terms of all courts having jurisdiction of public offenses within the district attorney's county, and except as otherwise provided in this section, conduct, on behalf of the state, all prosecution for such offenses therein."

Outcome Measures

Successfully prosecute approximately 3,500 Felony cases, and approximately 2,800 Misdemeanor cases. Unless our Additional Service Level Request is funded, we expect to be unable to prosecute as many as 1,500 non-violent felony cases. The number will depend on whether the sharp increases in armed robbery and other violence continue at the present rate or increase further.

Service Level Descriptions (Read from bottom up. Level 1 = minimum viable service level.)

	Other Funds	Expense Total	General Fund	FTE
TOTAL DEPT REQUEST	\$468,535	\$6,725,742	\$6,257,207	54.00
Add Request Total	\$0	\$0	\$0	0.00
Additional Service Request	\$0	\$0	\$0	0.00
No additional requested Adds.				
Proposed Budget Total	\$468,535	\$6,725,742	\$6,257,207	54.00

Added in FY 09-10 Proposed Budget

	Other Funds	Expense Total	General Fund	FTE
	\$0	\$446,438	\$446,438	5.00

This addition recovers one of the ten DA investigator positions we've lost over the years, two lawyer positions, one secretary and one victim advocate. These staff would increase domestic violence prosecution and success, improve victim service, and ensure the prosecution of felony property cases otherwise left undone as other prosecutors are transferred to manage recent increases in felony violence.

	Other Funds	Expense Total	General Fund	FTE
FY 08-09 Service Level 3	\$121,288	\$1,108,154	\$986,866	10.00

Felony Non-Person Crime Prosecution, and Related Services: Felony Non-Person Crimes include Burglary; Manufacture, Delivery, and Possession of Illegal Drugs; Theft; Forgery; Car Theft; Property damage/destruction greater than \$750.00; Arson; Identity Theft; and Computer Crimes.

	Other Funds	Expense Total	General Fund	FTE
FY 08-09 Service Level 2	\$125,808	\$994,458	\$868,650	9.00

Misdemeanor Person Crime Prosecution, and Related Services: Misdemeanor Person Crimes include Assault-4th Degree (most "domestic" assaults), Sexual Abuse-3rd Degree, DUII (included here due to the substantial risk of death or injury involved), Contributing to the Sexual Delinquency of a Minor, and others.

	Other Funds	Expense Total	General Fund	FTE
Level 1: THRESHOLD - below this level, service can not be provided	\$221,439	\$4,176,692	\$3,955,253	30.00

Felony Person Crime Investigation, Prosecution, and Related Services: In the case of death/homicide investigation, the District Attorney also shares the responsibility for investigation with the Medical Examiner and police agencies. Felony Person Crimes include Aggravated Murder (with potential for the death penalty), Murder, Rape, Sodomy, Robbery, Arson, Assault, Kidnapping, and more.

Ver: 4/28/09ji

Please explain how the current (Mar 09) service level differs from the prior year. Include funding, FTE, change in leveraging, and impact on services.

Over the years, we've lost 90% of our criminal investigator staff, and approximately 30% of the attorney/support staff. An independent study in 2004 said we need 32 prosecutors and 9 investigators in this division. We currently have only 23 and 1, respectively. In FY 08-09, we lost funding for a clerical position and all extra help funding for the Medical Examiner's office. Another prosecutor position would have been cut if not for use of one-time money this year, and through grant funding for the next two fiscal years. A temporary morgue agreement with Sacred Heart is partially funding some extra help for the Medical Examiner program, as our two full-time employees cannot respond to over 700 deaths per year on a 24/7 schedule without help. We currently file approximately 60% of the Domestic Violence cases. As much as half of the remaining 40% are not filed due to the loss of the investigation, prosecution, and victim services staff to support these especially vulnerable victims and properly work these cases. The inability to properly process these cases results in approximately 300 assaults being "no-filed" annually.