Multnomah County				
Program #15202B - Misdemeanor Trial Unit Restoration				
Department:	District Attorney	Program Contact:	Kirsten Snowden	
Program Offer Type:	Existing Operating Program	Program Offer Stage:	As Proposed	
Related Programs:				
Program Characteristic	s:			

Executive Summary

The deputy district attorney (DDA) in this position makes appearances on behalf of the committing jurisdiction, coordinates witnesses and presents evidence and argument to the court in connection with involuntary commitment hearings as outlined in ORS 426.095. The DDA receives, reviews, organizes and presents evidence to the court in connection with the involuntary psychiatric civil commitments of persons who are alleged to be mentally ill and are a danger to self, danger to others, or are unable to provide for basic personal needs as necessary for health or safety as those terms are defined in ORS 426.005-426.390.

Program Summary

This position reviews commitment and pre-commitment reports and investigations compiled by Multnomah County Forensic Investigators as part of the Civil Commitment process outlined in ORS 426.095. Civil Commitment proceedings are noncriminal proceedings required by statute (ORS 426.070) when a Circuit Court or community mental health program director or designee receives notice that a person meets the criteria for involuntary commitment. At these hearings, the allegedly mentally ill person (AMIP) is represented by counsel and has a right to examine evidence and cross-examine all treating physicians, witnesses, and persons conducting evaluations. The DDA in this position represents the "State's interest" and presents all evidence and arguments to the court; to include civilian witness testimony and the testimony of psychiatric experts. These hearings are conducted at various hospitals and psychiatric facilities located throughout the county and, commonly, the DDA in this position will travel to more than one facility per day to participate in these hearings. Due to an increased population with mental health issues, the workload requirements for this position have increased. By law, a civil commitment hearing must be held within five judicial days of a hold initiated under ORS 426.070. Due to the firm statutory time constraints, these hearings also frequently exceed the standard 8-hour working court day.

Diversity, inclusion and equity are considered throughout all phases of the commitment process. The community mental health program director and/or local health officers initiating this process work to ensure treatment facilities are providing culturally specific services where possible. Further, all non-english speaking AMIPs, and non-english speaking providers, witnesses and victims are provided interpretation services for all hearings. Hearings are conducted in a manner designed to promote safety while still remaining as therapeutic as possible for persons suffering from mental illness. MCDA has transitioned from holding these hearings at the courthouse to holding them at local area hospitals and treatment facilities in an effort to reduce stress and trauma for participating AMIPs. This practice has resulted in significant reduction of use if force or restraint for involved AMIPs. AMIPs' race is not given or tracked as the identities of persons involved in these hearings are generally confidential for all purposes other than the commitment process.

Measure Type	Primary Measure	FY20 Actual	FY21 Budgeted	FY21 Estimate	FY22 Offer
Output	Number of Civil Commitment holds reviewed	2,950	2,000	2,004	2,000
Outcome	Number of Civil Commitment proceedings conducted	313	325	350	350

For additional background and historical information, please see last year's FY 2021 Informational Budget Packet: https://www.mcda.us/index.php/documents/multnomah-county-district-attorneys-informational-budget-packet-fy-2021.pdf

Legal / Contractual Obligation

ORS 426.005-426.390 requires by law that after a commitment proceeding is initiated a community mental health program director or designee will initiate an investigation, and that if based on said investigation a hold is placed, within 5 judicial days of said hold a representative of the "state's interest" must present evidence to the court establishing by clear and convincing evidence the criteria set out in 426.005 et al. Under ORS 426.100(4)(b), the responsibility for representing the state's interest in commitment proceedings is the "district attorney if requested to do so by the governing body of the county."

	Adopted General Fund	Adopted Other Funds	Proposed General Fund	Proposed Other Funds		
Program Expenses	2021	2021	2022	2022		
Personnel	\$0	\$0	\$175,108	\$0		
Materials & Supplies	\$0	\$0	\$3,158	\$0		
Total GF/non-GF	\$0	\$0	\$178,266	\$0		
Program Total:	\$0	\$0		\$178,266		
Program FTE	0.00	0.00	1.00	0.00		
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Program Revenues						
Total Revenue	\$0	\$0	\$0	\$(

Significant Program Changes

Last Year this program was: FY 2021: 15202B Civil Commitment - Deputy District Attorney (1.00 FTE)

MCDA is experiencing roughly a 10% increase in overall commitments in FY 2021, likely a result of increasing County population and decreased services through Oregon State Hospital and local area providers. Beginning in March of 2020, these hearings moved to a fully remote platform with AMIPs appearing for hearings from their respective hospital or treatment facilities, and the parties, witnesses and court appearing through WebEx. This process has promoted greater safety for the parties, court and witnesses involved, but requires greater amounts of case preparation to meet with witnesses in advance of remote appearances, and to electronically file copies of all exhibits prior to hearings. Overall, the conversion to remote appearance has increased the DDA workload involved in these hearings but has improved the process.