

District Attorney

John Foote, District Attorney

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Overview District Attorney

Department Mission/Purpose

The services provided by the District Attorney's Office ("DA's office") are a cornerstone of an effective public safety system. It is our responsibility and duty to fairly and impartially apply the law in pursuing justice and safety for crime victims and our community.

The DA's office operates under these guiding principles:

- To enforce the rule of law by providing fair, equitable and unbiased prosecution services.
- To be responsive to the needs of our community by proactively working to address emerging crime issues through outreach and education.
- To provide effective services to victims of crime by educating them on their constitutional and statutory rights, providing compassionate guidance and support through legal processes, and the timely communication of case outcomes.
- To be responsive to law enforcement partners by being flexible in addressing emerging trends in criminal activity and providing expert legal advice and guidance.
- To find ways at both the adult and juvenile levels to provide education and access to community services and/or programs that are aimed to reduce reentry into the criminal justice system.
- To provide the highest quality, most cost effective child support services.
- · Honor diversity in all its forms.

General Overview of Programs

The DA's office is bound by the State of Oregon Constitution and laws governed at local, state and federal levels to represent the government in its pursuit of justice and safety. It is responsible for carrying out key functions including - prosecuting felony and misdemeanor crimes, conducting grand jury proceedings, as well as establishing court ordered child support, modification, and collecting monies that support our families in Clackamas County.

The elected District Attorney leads 31 deputies and six to seven law clerks who work in trial teams. The trial teams are broken out by crime and/or crime type:

Management Team

The management team is comprised of the elected DA, two chief deputy DA's, the office administrator and the director of victims services. The team sets policy for the office and provides leadership and supervision to the people under their direct responsibilities. In addition to the daily work of the Deputy District Attorneys in their cases, for which the two Chief Deputies are ultimately responsible to manage and lead, the office administrator leads and directs a wide variety of office functions, including information technology, human resources, finance, and records retention and discovery control and compliance, as well as the analysis of crime data. Each crime victim has constitutional rights which are victim advocates ensure are provided and help each victim to understand the legal process and answer any and all questions that might have. The team works together closely to ensure that the work in these various functions is coordinated and integrated to the greatest possible effect.

The office received 8,320 individual criminal cases from law enforcement, of which 6,092 were charged and prosecuted in court. It is the responsibility of this office to review each case for both factual and legal sufficiency. We are charged with proving the cases in court to the highest legal standard of "beyond a reasonable doubt." In many of the cases that standard is simply not met in the investigation and the case is sent back to the agency for further

investigation. In some cases, there are legal barriers to the admission of some evidence (search warrants and statements of defendants) that might make it impossible to prove. And in each case, if it is declined for prosecution, a "decline memo" is written by the DDA to the agency that submitted the case explaining the reasons for the decline. Those decline memos are a public record upon request.

The office handles thousands of child support cases each year and collects millions of dollars in back ordered child support for needy families and children. Unfortunately, our partner in this work, the Oregon Department of Justice, which provides much of the statistical data for our work is, at the present time, unable to provide up-to-date data on our cases. We hope to work with them to resolve that problem as quickly as possible. It is frankly part of a larger challenge in working with DOJ. They have purchased an enormous new case management system which, as most large technology purchases can be, has proved to be very cumbersome and difficult to work with. It is an ongoing challenge for our office as well as the other DA offices around the state. We are pressing DOJ hard to fix all these problems and will continue to do so for the sake of the people we serve.

Over the years, the DA's Office has been called by our partners in the court system to participate in an ever increasing number of alternative court programs which must be handled within the current staffing of our office. Some of these court programs are designed to reduce the legal consequences for the criminal behavior with the expectation that will reduce recidivism and crime.¹ Others are not necessarily designed to reduce crime or recidivism but are intended to address certain populations in our system that need special attention. ² We participate to be a good partner and with the hope that these programs would prove to be effective in reducing crime and recidivism. Unfortunately, the results from these programs in terms of crime and recidivism are mixed at best. Today, Clackamas County has some of the highest recidivism rates as (measured by new arrests, which are the closest measurement to actual reported crime by citizens) in the history of our county and in the state. We hope to work with our partners to take a closer look at that issue and work with them on solutions.

Each DDA carries a substantial caseload of pending cases, depending on the severity and complexity of the particularly caseload. These additional alternative programs are added to our workload with really no additional resources (except the additional DDA to work at the FJC). There is a limit to how much additional work can be added to our everyday and vitally important criminal prosecution, victim's assistance and child responsibilities.

¹ DUII Court, Domestic Violence Deferred Sentencing Program, Drug Court

² Sexual Assault Response Team, Family Justice Center, High Risk Response Team, Strangulation Response Initiative, DV Fatality Review Team, Family Violence Coordinating Counsel, Mental Health Court, Community Court, Human trafficking MDT, Law Enforcement Assisted Diversion (LEAD), Early Resolution Docket (ERD) Neighborhood Livability Project, Community Prosecution, Vehicular Homicide and Assault Team, Interagency Drug Task Force, Child Abuse MDT, Children's Center MDT/Case Review and the Major Crimes Team.

Department:	District Attorney					
Strategic Plan:	Fiscal Year 19-20	Actual 15-16	Actual 16-17	Actual 17-18	Estimated 18-19	Projected 19-20
Countywide Area of	Build Public Trust Through Good Government	13-10	10-17	17-10	10-19	13-20
Focus:						
Department Goal 1:	*Conversion to a "file-less" office:					
	We have dedicated additional resources to increase the effectiveness of our prosecution efforts by developing and implementing a framework that updates current manual process with a "file-less" solution.					
	This framework also builds the internal ability and capacity for the office to fluidly meet changing business need without interruption to services to support a "continuous improvement" business model.					
	Removing the reliance on physical files. DDAs will attend court appearnces with laptops.	N/A	N/A	8,323	7,070	100%
	The number of law enforcement reports transmitted electronically from law enforcement agencies to the DA's Office.	9,309	9,829	8,764	12,081	13,000
	Percentage of law enforcement reports received electronically.	72%	76%	67%	100%	100%
	The number of electronic discovery packets distributed to defense. FY July - June Our internal processes for receiving and producing electronic records (evidence) has been converted from a manual to electronic process. Providing the DDAs with access to the evidence within minutes after it's received.	11,182	12,444	11,943	10,460	11,000
Department Goal 2:	**To ensure families are receiving Court Ordered child support in the month in which it is due.					
	A focus on working with the parties to establish fair and equitable Child Support Orders that are consistent with and represent the parties' circumstances to help encourage regular, timely payments.					
	Proactively pursue judicial and administrative enforcement actions as necessary to further encourage compliance.					
Performance Measure: FFY OCT-SEPT	Collections - Percentage of Current Support Collected.	80.3%	80.5%	80.7%	80.7%	80.3%
	"Current" Collections Total. "Current" and "Arrears" Collection Total.	18.9M 23.1M	19.0M 22.9M	19.1M 23.1M	19.1M 22.4M	19.0M 22.3M
	Federal Performance Incentives - Federal rewards for operating an effecive and efficieent child support program.	\$129,759	\$130,583	\$136,794	\$136,794	\$136,000
	Cost Effectiveness - For every dollar spent in the Family Support Division, the amount of money that is collected for children and families.	\$13.23	\$17.05	\$15.10	\$15.10	\$15.00

Department:	District Attorney	Actual	Actual	Actual	Estimated	Projected
Strategic Plan:	Fiscal Year 19-20	15-16	16-17	17-18	18-19	19-20
Countywide Area of Focus:	Ensure safe, healthy and secure communities					
Department Goal 1:	***Increase efficiency and effectiveness of the criminal justice system:					
•	Continue to allocate staff and resources to case management hearings, early disposition programs, and pre-trial release.					
	Reduce the percentage of all criminal cases scheduled for trial by resolving cases early at the case management hearings. Witnesses, victims, and law enforcement are not subpoenaed until a case is scheduled for trial. Therefore, the low percentage of cases actually set for trial saves the state and county money and resources, eliminating preparation and scheduling costs, including law enforcement overtime, as well as court resources which are stretched	15%	16%	18%	21%	22%
	The number of cases resolved in alternative resolution	428	460	654	892	1105
	programs. Community Court Drug Court Mental Health Court Domestic Violence Deferred Sentencing Program DUII Court Violation Eligible First-Time Offenders Early Resolution Docket (ERD) Number of court appearances where a warrant has	190 60 28 59 28 63 0	183 45 93 76 21 42 0 5,498	212 129 172 82 36 23 0 5,505	170 152 170 68 40 14 278 5,560	175 165 175 75 45 20 450 5,340
	been issued due to defendants failure to appear. Protect the constitutional rights of victims:			·		
Activity to Further Goal: Performance	Continue to provide victim(s) "prompt notice" of their constitutional rights as crime victims, which are enumerated in the Oregon constitution. Failure to honor their Constitutional rights can require a case to be completely re-prosecuted. The percentage of available adult named victim(s) in	100%	100%	100%	100%	100%
Measure:	criminal cases who were provided notice of their constitutional rights.					
Department Goal 3:	****To provide legal protection for children who have been abused or neglected:					
	To continue to provide legal consultation, support, and courtroom advocacy on all juvenile dependency cases in collaboration with the State Department of Human Services & Dept. of Justice.					
Performance Measure:	The number of juvenile dependency cases consulted	217	256	274	221	

^{*}Please note that data entry was corrected at the end of FY 16-17 which has resulted in an increase in specialty court dispositions. While dispositions are generally on the rise, the large jump between FY 16-17 and FY 17-18 can be attributed to this correction.

^{**}DCS upgraded its statewide computer program to ORIGIN. Due to this transition our constituents have been negatively impacted which was outside of our control. This will result in a decrease in collections which DCS anticipated.

^{***}The DA's office has achieved its goal to eliminate physical files. We are pursuing additional initiatives to gain effectiveness and efficiency through streamlining internal processes.

^{****}DHS made a policy change and this has resulted in fewer cases starting in 2015-16. Sate funding eliminated for the Juvenile Dependency Program. DOJ is responsible for these cases as of 7/1/2019. However, we will remain involved at some level to protect the victims.

Clackamas County, OR. Revenue and Expense Report

	2016-17	2017-18	2018-19	2018-19	2019-20	2019-20	Change	Pct. Change
	Actual	Actual	Amended	Projected	Department	Proposed	from Prior	from Prio
District Attorney Department			Budget	Year End	Requested	Budget	Year Budget	Year Budge
DISTATTY District Attorney Department								
220 District Attorney's Fund								
301001 Prior Year Revenue - Federal	0	271,658	304,809	304,809	0	0	(304,809)	(100.00
301002 Prior Year Revenue - State	383	37,109	38,209	38,209	0	0	(38,209)	(100.00
301003 Prior Year Revenue - Other	0	0	0	0	0	0	0	0.00
302001 Fund Bal at End of Prior Year	895,251	823,829	718,956	718,956	604,917	604,917	(114,039)	(15.86
302003 Restricted Fund Bal at End of Prior Y	0	0	0	0	0	0	0	0.00
302004 Committed Fund Bal at End of Prior \	19,000	20,673	0	0	0	0	0	0.00
331001 Federal Revenue	90,448	0	50,000	100,000	0	0	(50,000)	(100.00
331003 Incentives - Federal Non-Match	130,583	136,643	240,157	240,157	237,802	237,802	(2,355)	(0.98
331005 Federal In-Kind Revenue	62,022	31,201	0	2,905	0	0	0	0.00
331067 Dept of Health & Human Svcs	0	22,441	22,441	22,441	22,204	22,204	(237)	(1.06
331193 US - Dept of Justice Grants	227,453	294,741	437,761	430,622	595,861	595,861	158,100	36.12
331200 Federal Operating Grants	612,853	642,981	1,036,812	1,036,812	1,138,481	1,138,481	101,669	9.8
331303 Federal Forfeiture	0	20,853	20,853	0	0	0	(20,853)	(100.00
332001 State Revenue	20,575	97,961	0	0	0	0	0	0.00
332003 State Forfeiture	0	0	19,000	0	0	0	(19,000)	(100.00
332203 OR Dept of Justice	96,864	765,629	611,363	879,260	753,951	753,951	142,588	23.32
332211 District Attorney NonSupport Service	111,323	0	0	0	0	0	0	0.00
332217 Unitary Assessment	184,568	0	184,568	0	0	0	(184,568)	(100.00
332591 HB 5061-Child Abuse MDT	392,859	0	0	0	0	0	0	0.00
341532 Discovery Provided Revenue	249,500	230,462	230,000	230,000	230,000	230,000	0	0.00
341880 Other Internal County Services	0	36,727	25,974	25,974	26,766	26,766	792	3.05
341881 Other Internal County Grants	116,294	37,766	25,000	25,000	25,000	25,000	0	0.00
360001 Miscellaneous Revenue	3,037	20	0	53	0	0	0	0.00
361000 Interest Earned	(280)	2,780	0	1,000	0	0	0	0.00
367000 Contributions & Donations	219	0	0	0	0	0	0	0.00
390100 I/F Transfer From General Fund	9,514,850	9,813,106	10,051,182	10,051,182	11,298,121	11,298,121	1,246,939	12.4
Total Revenue	12,727,801	13,286,579	14,017,085	14,107,380	14,933,103	14,933,103	916,018	6.54
411100 Regular Full Time Employees	5,629,151	5,693,134	6,398,287	6,230,027	0	6,929,517	531,230	8.30
412100 Regular Part Time	143,046	151,339	151,346	151,346	0	54,864	(96,482)	(63.75
413000 Temporary Workers	359,354	327,378	480,691	401,000	404,000	404,000	(76,691)	(15.95
414030 Overtime	30,057	25,405	10,000	38,350	14,000	14,000	4,000	40.00
414040 Holiday Pay	641	1,256	1,000	1,515	1,000	1,000	0	0.00
414050 Vacation Sell-Back	30,159	41,069	50,000	49,600	50,500	50,500	500	1.00
415000 Fringe Benefits	3,238,938	3,663,866	4,065,466	4,018,637	21,400	4,654,576	589,110	14.49

Clackamas County, OR. Revenue and Expense Report

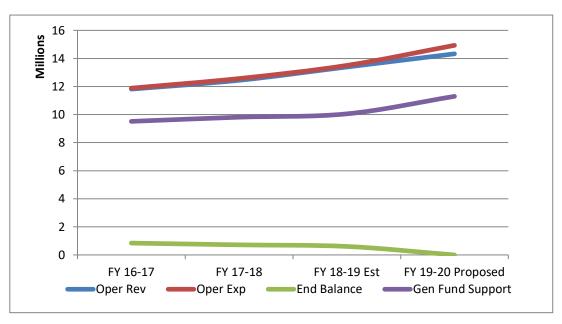
	2016-17	2017-18	2018-19	2018-19	2019-20	2019-20	Change	Pct. Change
	Actual	Actual	Amended	Projected	Department	Proposed	from Prior	from Prio
District Attorney Department			Budget	Year End	Requested	Budget	Year Budget	Year Budge
DISTATTY District Attorney Department								
220 District Attorney's Fund								
415020 Worker Compensation	29,151	8,696	10,017	10,017	0	10,289	272	2.72
415030 Unemployment	6,451	10,865	5,136	5,136	0	3,778	(1,358)	(26.44
421100 General Office Supplies	80,321	86,684	70,847	47,847	59,350	59,350	(11,497)	(16.23
421110 Postage	28,657	30,085	36,250	29,400	33,300	33,300	(2,950)	(8.14
421210 Computer Non-Capital	38,054	86,058	155,758	136,100	240,000	240,000	84,242	54.0
422400 Food	144	163	500	50	500	500	0	0.0
424610 Fuel & Vehicle Rental	19,844	18,209	25,000	20,500	30,000	30,000	5,000	20.0
431000 Professional Services	543,784	375,771	401,567	324,800	107,975	107,975	(293,592)	(73.11
431510 Pre-Employment Tests	2,322	2,183	2,500	1,300	2,500	2,500	0	0.0
431918 Internal County Contracted Svc	10,000	0	0	0	0	0	0	0.0
432100 Telephone	88,489	81,666	90,500	82,500	87,500	87,500	(3,000)	(3.31
432200 Communication Lines	3,207	3,207	3,700	3,207	3,725	3,725	25	0.6
432402 Community Relations	0	0	20,000	0	0	0	(20,000)	(100.00
433100 Travel and Per Diem (no mileage)	20,615	23,610	18,700	17,518	28,500	28,500	9,800	52.4
433110 Mileage Reimbursement	5,890	7,105	9,591	4,928	8,000	8,000	(1,591)	(16.59
433400 Volunteer Travel & Mileage	465	833	1,000	1,000	1,000	1,000	0	0.0
434100 Printing & Duplicating Services	8,339	5,481	11,000	5,840	8,500	8,500	(2,500)	(22.73
435180 Casualty Insurance	114,041	57,342	43,826	43,826	0	47,632	3,806	8.6
437100 Building Repairs & Maintenance	1,091	6,404	13,800	2,575	13,303	13,303	(497)	(3.60
437150 Painting Repair & Maintenance	2,937	0	500	0	1,000	1,000	500	100.0
437210 Office Equipment Repair & Maint	60	0	1,600	0	1,500	1,500	(100)	(6.25
437260 Office Furn & Equip Non-Capital	36,040	3,450	4,000	0	3,000	3,000	(1,000)	(25.00
438110 Office Rental	170,596	177,754	188,000	199,200	199,000	199,000	11,000	5.8
438120 Parking Rental	9,155	11,490	11,550	21,520	23,450	23,450	11,900	103.0
438220 Copier Rental	80,795	91,678	98,500	83,000	84,500	84,500	(14,000)	(14.2
439100 Dues & Memberships	25,384	24,794	27,750	26,750	27,750	27,750	0	0.0
439200 Training & Staff Development	37,163	36,066	63,988	61,996	54,250	54,250	(9,738)	(15.22
439310 Witness Fees	14,203	9,951	16,000	16,000	16,000	16,000	0	0.0
439320 Trial Expenses	94,259	67,141	103,500	61,600	77,500	77,500	(26,000)	(25.12
439321 Grand Jury	12,275	7,636	15,000	7,500	13,000	13,000	(2,000)	(13.33
439323 Paternity Tests	980	2,139	1,500	1,500	1,500	1,500	0	0.0
439340 Investigative Expense	2,980	3,498	7,000	5,000	7,000	7,000	0	0.0
439400 Publications & Subscriptions	41,800	50,869	48,000	39,800	47,500	47,500	(500)	(1.04
450001 Program Expense	0	0	0	0	0	0	0	0.0
450006 Facilitator	26,906	27,409	28,000	28,591	28,000	28,000	0	0.0

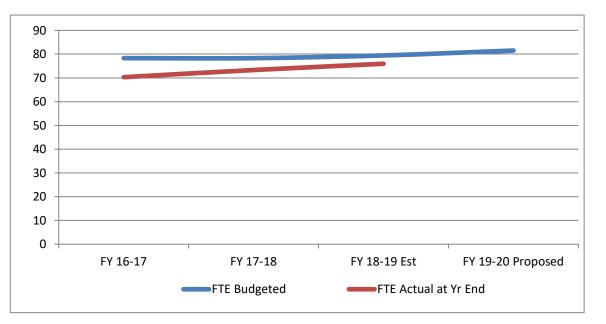
Clackamas County, OR. Revenue and Expense Report

District Attorney Department	2016-17 Actual	2017-18 Actual	2018-19 Amended	2018-19 Projected	2019-20 Department	2019-20 Proposed	Change from Prior	Pct. Change from Prior Year Budget
<u> </u>			Budget	Year End	Requested	Budget	Year Budget	rear budge
DISTATTY District Attorney Department								
220 District Attorney's Fund								
452210 Victim Expense	1,959	1,468	17,500	12,477	38,303	38,303	20,803	118.8
452340 Volunteer In Kind Match	62,022	31,201	0	2,905	0	0	0	0.0
454016 Volunteer Expenses	594	340	1,000	1,000	4,000	4,000	3,000	300.0
454300 Records Destruction	2,472	5,784	6,225	5,615	6,400	6,400	175	2.8
465003 Payments to Subrecipients - Non-Fed	0	360,000	360,000	360,000	360,000	360,000	0	0.0
465009 Other Special Payments	0	80,000	80,000	80,000	80,000	80,000	0	0.0
478101 Finance Alloc Cost	57,197	63,313	68,733	68,733	0	103,676	34,943	50.8
478102 Tech Svc Alloc Cost	279,657	317,662	326,012	326,012	0	361,506	35,494	10.8
478103 Building Maint Alloc Cost	189,996	195,822	200,771	200,771	0	270,585	69,814	34.7
478104 PGA Alloc Cost	48,037	51,623	21,129	21,129	0	49,946	28,817	136.3
478105 Records Mgt Alloc Cost	68,553	21,408	25,004	25,004	0	31,818	6,814	27.2
478106 Purchasing Alloc Cost	6,238	5,401	5,032	5,032	0	8,953	3,921	77.9
478107 Courier Alloc Cost	5,370	9,870	8,077	8,077	0	8,432	355	4.4
478111 Personnel Admin Alloc Cost	93,085	110,808	117,634	117,634	0	138,550	20,916	17.7
478112 County Admin Alloc Cost	36,898	41,103	39,649	39,649	0	39,878	229	0.5
478117 Mailroom Overhead Allocation	9,719	15,899	13,816	13,816	0	14,792	976	7.0
478201 Electric Utility Alloc	26,010	26,687	25,238	25,238	0	27,641	2,403	9.5
478202 Natural Gas Utility Alloc	2,371	1,939	4,374	4,374	0	4,141	(233)	(5.33
478203 Water Utility Alloc	2,409	2,674	2,743	2,743	0	2,145	(598)	(21.80
478204 Trash Removal Alloc	2,968	2,937	2,778	2,778	0	3,078	300	10.8
Total Expense	11,883,299	12,567,623	14,017,085	13,502,463	2,188,706	14,933,103	916,018	6.54
Total District Attorney's Fund	844,503	718,956	0	604,917	12,744,397	0	0	0.0
Total District Attorney Department	844,503	718,956	0	604,917	12,744,397	0	0	0.0
Grand Total	844,503	718,956	0	604,917	12,744,397	0	0	0.0

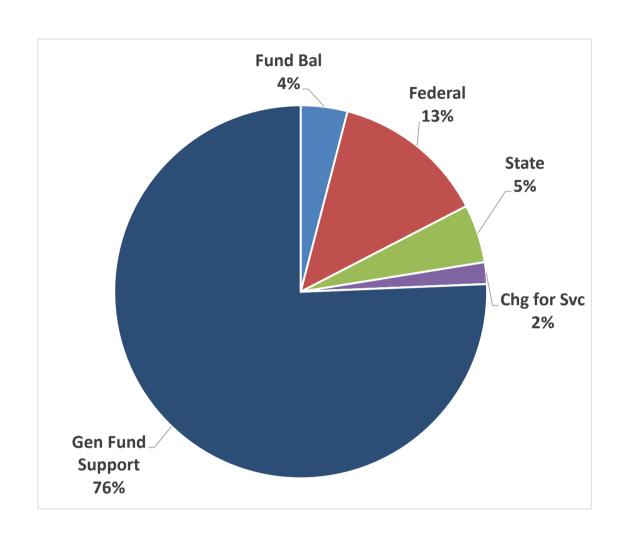
District Attorney Summary of Revenue and Expense

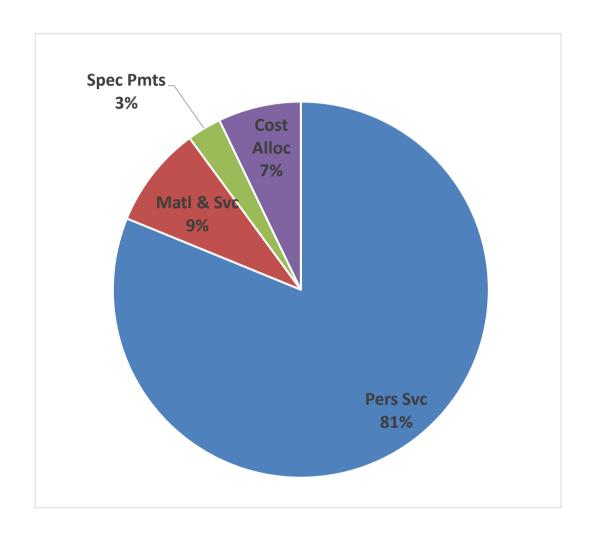
<u>-</u>	FY 16-17	FY 17-18	FY 18-19 Amended F Budged	FY 18-19 Projected F Year End	Y 19-20 Proposed Budget	Chg from Prior Yr Budget	% Chg from Prior Yr Budget
Beginning Balance	914,251	844,503	718,956	718,956	604,917	-114,039	-15.9%
Prior Year Revenue	383	308,767	343,018	343,018	0	-343,018	-100.0%
Taxes	0	0	0	0	0	0	0%
Licenses & Permits	0	0	0	0	0	0	0%
Federal Grants & Revenues	1,123,359	1,148,860	1,808,024	1,832,937	1,994,348	186,324	10.3%
State Grants & Revenues	806,189	863,589	814,931	879,260	753,951	-60,980	-7.5%
Local Grants & Revenues	0	0	0	0	0	0	0%
Charges for Service	365,794	304,954	280,974	280,974	281,766	792	0.3%
Fines & Penalties	0	0	0	0	0	0	0%
Discovery / Incentive / Other Revenue	2,976	2,800	0	1,053	0	0	0%
Interfund Transfers	9,514,850	9,813,106	10,051,182	10,051,182	11,298,121	1,246,939	12.4%
Operating Revenue	11,813,551	12,442,076	13,298,129	13,388,424	14,328,186	1,030,057	7.7%
% Change	NA	5.3%	6.9%	7.6%	7.0%		
Personnel Services	9,466,949	9,923,008	11,171,943	10,905,628	12,122,524	950,581	8.5%
Materials & Services	1,587,842	1,337,469	1,544,152	1,295,845	1,305,438	-238,714	-15.5%
Special Payments	0	440,000	440,000	440,000	440,000	0	0%
Cost Allocation Charges	828,508	867,146	860,990	860,990	1,065,141	204,151	23.7%
Debt Service	0	0	0	0	0	0	0%
Interfund Transfers	0	0	0	0	0	0	0%
Capital Outlay	0	0	0	0	0	0	0%
Operating Expenditure	11,883,299	12,567,623	14,017,085	13,502,463	14,933,103	916,018	6.5%
% Change	NA	5.8%	11.5%	7.4%	10.6%		
Reserve for Future Expenditures	0	0	0	0	0	0	0%
Contingency	0	0	0	0	0	0	0%
Total Expenditure	11,883,299	12,567,623	14,017,085	13,502,463	14,933,103	916,018	6.5%
Ending Balance (if applicable) (includes Reserve & Contingency)	844,503	718,956	0	604,917	0	0	0%
General Fund Support (if applicable)	9,514,850	9,813,106	10,051,182	10,051,182	11,298,121	1,246,939	12.4%
Full Time Equiv Positions (FTE) Budgeted Full Time Equiv Positions (FTE) Filled at Yr End Full Time Equiv Positions (FTE) Vacant at Yr End	78.3 70.3 8.0	78.3 73.3 5.0	79.5	76.0 3.5	81.5	2.1	2.6%





District Attorney FY 19-20 Proposed Budget





Resources Requirements