

Multnomah County Justice Reinvestment Program (MCJRP)

Case Process

- I. MCJRP eligibility and charging instruments:
 - A. Cases are designated MCJRP eligible by the Multnomah County District Attorney's Office. All MCJRP cases carry a presumptive prison sentence greater than 12 months. Eligibility factors:
 - i. Charge type (see list of cases carrying a presumptive prison sentence which are **excluded** from MCJRP, [Addendum 1](#)); and
 - ii. The defendant's criminal history.
 - iii. Defendants are excluded from participation in the MCJRP process, for any case, if there is a concurrent presumptive prison case under prosecution for charges excluded from MCJRP Eligibility.
 - B. Charging instrument: The DA's office will present "MCJRP Eligible" cases by one of two methods:
 - i. Through an Information listing the charges, followed by an indictment; or
 - ii. Directly from a Grand Jury determination.
 - C. Arraignment on Indictment begins the MCJRP process (Day 1 of the MCJRP process).
 - i. At arraignment, defendants are informed if their cases are MCJRP eligible. A one-page information page is handed to defendants at arraignment.
 - ii. At arraignment, an order to appear is generated. Future hearing dates at which the defendant must appear are also indicated:
 1. Case Assignment (or "Call") date, which is usually set around 42 days from arraignment; and
 2. A Wednesday short matter hearing on the 9:15 Presiding Call docket, between 42-49 days from arraignment on indictment. The case will be sent out for JSC the next day.
 - D. Defense attorneys should discuss MCJRP eligibility with the deputy district attorney (DDA) assigned to the case.
 - i. The DDA might not have had a complete criminal history at the time the case was charged;
 - ii. The information might have inadvertently not been stamped "MCJRP Eligible".
- II. Timeline for the MCJRP process:
 - A. Day 1: Arraignment on Indictment
 - B. Day 15: MCDA provides Criminal History Report to Defense and DCJ
 - C. Day 20-30: Risk Assessment Interview
 - D. Day 40: Deadline for assessment report to be made available to parties.

- E. Day 42: First Case Assignment date. At the first Case Assignment date, the judge will inquire if a risk assessment interview was conducted.
 - F. Day 42-49: Short matters hearing on a Wednesday Presiding Court's call docket. At the hearing the case will be assigned to a judge the following day (Thursday)
 - i. Prior to the hearing, the parties should discuss readiness and availability for a JSC, with an agreement on what to report at the hearing (e.g., Is a risk assessment report prepared? Can both the case DDA and the defense attorney attend?).
 - ii. The parties may request a short setover if a later date will lead to a more effective JSC. Setovers will be granted at the Presiding Judge's discretion.
 - G. Day 110: Deadline for JSC to be held.
- III. Process between Arraignment and the Pre-adjudication Risk Assessment
- A. After arraignment on indictment:
 - i. Court staff sends a list of new MCJRP eligible defendants to DCJ.
 - ii. DCJ assigns a Probation Officer (PO) to each case. The PO will administer a risk assessment interview, write an assessment report and attend the JSC.
 - iii. At the same time as PO assignment, DCJ support staff will send information to the parties advising them who the PO is and how to contact the PO to schedule a risk assessment interview.
 - B. Scheduling risk assessment interviews:
 - i. As soon as possible after reviewing the case and learning future dates, defense attorneys must schedule a risk assessment interview with the assigned PO. Risk Assessment interviews must take place within 21 days from arraignment on indictment to allow time to prepare the report before the Call for JSC hearing.
 - ii. Risk assessment interviews may be conducted in-person or telephonically; in-person interviews are a better practice.
 - iii. Defense attorneys are encouraged to attend the risk assessment interview, but interviews may be conducted in their absence.
- IV. Risk Assessment process
- A. The Risk Assessment interview:
 - i. Risk Assessment interviews take place approximately two to three weeks after arrest.
 - ii. POs may conduct interviews with or without defense attorneys' presence.
 - iii. POs will not inquire about the facts in the underlying case, and MCDA will not use information gathered from the interview to prosecute the underlying case.
 - B. Assessment Report:
 - i. POs write a Defendant Assessment Report (the MCJRP report) from the information collected during the Risk Assessment interview.

1. The report includes the defendant's criminal history and supervision history.
 2. The interview/assessment assists the PO to craft a case plan designed to address the defendant's risks/needs. Conditions are suggested based on the defendant's risk/needs and the instant offense.
 3. The report will be written within two weeks from the interview.
- ii. MCDA will not file a notice of the intent to seek an upward departure based on aggravating factors from information gathered during the Risk Assessment interview.
 - iii. The MCJRP coordinator distributes the MCJRP Report to the parties and to the JSC judge as soon as the report is prepared.
- V. Judicial Settlement Conference (JSC)
- A. Participants
 - i. Main participants: defendant, judge, defense attorney prosecutor, probation officer and victim (at victim's request).
 - ii. Participation of defendants' supporters, defendants' social worker and supporters of the victim of the crime should be considered.
 - B. An MCJRP committee comprised of defense attorneys, prosecutors, probation officers and judges developed [JSC Best Practices](#) (also on the court's website).
 - C. After the JSC, the prosecutor will review the case with senior MCDA deputies and a Chief Deputy (the committee) when formulating a pre-trial offer (PTO) on cases requiring a presumptive mandatory minimum prison sentence.
 - i. The attorneys should be in communication not only with each other, but also with the assigned PO, especially when an agreement is reached. If a PTO is issued electronically, the PO should be included in the email.
 - ii. A second JSC or further proceeding may be necessary to resolve the case, and such hearings should be scheduled directly with the judge who held the initial JSC.
 1. Second JSCs may be scheduled on any day of the week.
 2. The assigned PO is not required to appear, but the parties may request PO participation either in person or telephonically.
- VI. Case resolution: scheduling Change of Plea and Sentencing hearings:
- A. Ideally, the parties should schedule change of plea hearings with the judge who held the JSC.
 - i. The parties should contact the judge's staff directly
 - ii. The parties should apprise the assigned PO when the hearing is scheduled.
 1. If the case resolves with a probationary sentence, POs should be present for out of custody sentencings in order to assist with a smooth transition to probation.

2. POs do not need to be present for in-custody sentencings, but the sentencing order should indicate “release to PO or mentor.”
 - B. Less ideally, if the parties reach an agreement and the judge who held the JSC is not available for an extended period:
 - i. The parties may contact another judge to accept the change of plea. The PO should be notified of the hearing; or
 - ii. If the parties are unable to schedule the change of plea hearing with another judge, the parties may schedule the case to be called on the short matters docket to be sent out to an available judge.
 - C. Based on negotiations, cases may resolve either with prison sentences or community supervision sentences.
- VII. Considerations regarding community supervision:
- A. Placement should be based on the assessed risk/need of defendants in coordination with eligibility for specialty courts or other Department of Community Justice (DCJ) supervision units:
 - i. In the course of the risk assessment interview and during preparation of the Defendant Assessment Report, POs review eligibility and suitability for a variety of types of supervision.
 - ii. MCJRP supervision summary ([Addendum 2](#)).
 - iii. Reference chart for specialty courts ([Addendum 3](#)).
 - iv. The judges’ temporary sentencing orders will use specific language regarding the kind and conditions of community supervision imposed.
 - v. The Addendum to Plea Petition should be completed at the change of plea hearing ([Addendum 4](#))
 - B. The residency of defendants is a factor determining under which jurisdiction individuals will be supervised:
 - i. Residency is based on self-reporting and collateral information. If an individual reports residence in another jurisdiction, supervision will be transferred to the self-reported jurisdiction.
 - ii. If defendants are currently under supervision in another jurisdiction for another matter, the supervision will be transferred to that jurisdiction.
 - C. Options for community supervision:
 - i. MCJRP Intensive supervision. The list of Special Conditions of MCJRP Probation can be found in [Addendum 5](#).
 - ii. Specialty Court supervision:
 1. START Court
<https://www.courts.oregon.gov/courts/multnomah/programs-services/Pages/treatment-courts.aspx>
 2. STEP Court

3. Mental Health Court <http://mcda.us/index.php/community-initiatives-special-programs/mental-health-court/>
 4. DISP <https://www.courts.oregon.gov/courts/multnomah/programs-services/Pages/treatment-courts.aspx>
 5. Veterans Court
- iii. Supervised probation – MCJRP eligible cases can be supervised by other DCJ field offices:
1. Gang Unit
 2. Sex offender unit
 3. Domestic Violence (DV)
 4. Mental Health unit
 5. Family Sentencing Alternative Program (FSAP)
 6. SMART Grant

- VIII. Allegations of failure to comply with conditions of community supervision:
- A. At the time of case resolution, defendants agree to the conditions outlined in an Addendum to Plea Petition ([Addendum 4](#)) regarding future allegations of failure to comply with the conditions of probation.
 - B. Currently, PV allegation are heard at the Justice Center.