



CRIMINAL JUSTICE AND DATA TRACKING DEFINITIONS

The purpose of this document is to provide a list of term definitions as they pertain to the Multnomah County Criminal Justice system, with particular relevance to the Multnomah County District Attorney's Office. The definitions contained in this document pertain to both system/process terminology as well as database terminology.



CASES RECEIVED

Cases Received: Total number of cases entered into MCDA's case tracking system, regardless of referring agency. A "Received" case will have a "Received Date," which is the date in which the case was entered into case tracking system

Custody: A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority in response to a criminal charge.

Custody Case: A "Custody case" refers to a case where a suspect has been arrested and taken to jail, which requires prosecutorial review prior to an arraignment date set on the next business day following arrest. A Custody Case has an "Initiation" value of "PC" (Probable Cause custody).

Citation Case: A "Citation (Cite) case" refers to a case where a suspect has been cited in lieu of arrest (issued a Citation or Uniform Complaint) and requires the suspect's appearance in court on a date entered on the citation/complaint. A "Citation Case" is one with an "Initiation" value of "CI" (Citation in Lieu of Arrest) or "UC" (Uniform Complaint).

Citation: A written order issued by a law enforcement officer/other authorized official in lieu of arrest, requiring a person to appear in a designated court or other government office at a specified date and time to respond to an offense accusation.

Uniform Criminal Complaint Warrant: A citation served by a peace officer, in lieu of custody arrest, providing notice to the defendant to appear in court to respond to a charge.

Note: An individual may have been arrested/booked at the same time for another matter, and been given a Citation or Complaint for the new matter referred to our office, thus not being recorded as a 'Custody' case.



Direct Present Case (felonies): Refers to a case where a suspect has been identified and which requires prosecutorial review prior to presenting the case to a grand jury for indictment. Direct Present is a case where the "Initiation" value is "DP" (Direct Present).

Note: There are many caveats for 'DP' referrals received. Initially there may have been an 'arrest', but not identified as a custody case or citation case by the initiation value.

Arrest Warrant Case (misdemeanors): Refers to a case where an identified suspect is charged on a Misdemeanor Information and an Arrest Warrant is filed to bring the defendant to court. Arrest Warrant is a case with an "Initiation" value of "AW" (Arrest Warrant).

***Warrant:** A written order based upon a complaint that commands law enforcement to arrest and bring a defendant before a magistrate.*

Felony: A crime greater than a misdemeanor, punishable by a fine and/or imprisonment (penitentiary) for more than one year. A felony "case" has the Court Assignment "CC" (Circuit Court). A felony "charge" has one of the following crime severities: Class A Felony, Class B Felony, Class C Felony or Unclassified Felony.

Misdemeanor: A crime lower than a felony and generally punishable by a fine, penalty and/or incarceration (jail) for one year or less. Oregon misdemeanor charges are divided into four different categories: Class A Misdemeanor, B Misdemeanor, C Misdemeanor, and Unclassified Misdemeanor.

CASES REFERRED

Cases Referred: Cases referred are cases received from external Justice Partners. Not all case referrals are entered into CRIMES. If the case is entered into CRIMES it would also be considered a case "Received."

Cases Re-referred: A "Re-referred" case is one which was originally reviewed, sent back to the referring agency for follow-up, and then re-presented to MCDA for review for a prosecution decision. When a case is re-presented the charge resolution and case status changes to "Pending Re-Review."

CASES REVIEWED

Cases Reviewed: A "Case Reviewed" is a case that was reviewed by a DDA and either "Issued" or "Rejected".

Cases Issued: An "Issued" case is one in which at least one charge was "Issued" and filed with the court for prosecution. For statistical purposes, "Issuing" events are used to capture if a case was issued.

Issuing Event: The system event created by the generation of a Charging Instrument in MCDA's case tracking system.

Cases Rejected: (No complaint or reject): Refers to a "received" case (custody, cite, arrest warrant or direct present case) that has been reviewed for prosecution consideration and that has been declined pending a follow up investigation or on the merits of the case. A "Rejected" case is one in which all referred charges have a charge resolution of "Rejected."



CASE DISPOSITION

Case Disposition: The final conclusion of a legal matter.

Release decision: A determination by a judge, using primary and secondary release criteria, which establishes the form of the release most likely to ensure the safety of the public and the victim, the defendant's court appearance and that the defendant does not engage in domestic violence while on release. See ORS 135.230(10).

Guilty Plea: The admission, by a defendant, to every element of a criminal offense.

Guilty Trial: A conclusion by a fact finder at the end of a trial that the defendant committed every element of an offense beyond a reasonable doubt.

GEI: A defendant is guilty except for insanity if, as a result of a qualifying mental disorder at the time of engaging in criminal conduct, the person lacks substantial capacity either to appreciate the criminality of the conduct or to conform the conduct to the requirements of law. See ORS 161.295.

Not Guilty: 1) A plea of "not guilty" by a defendant is a denial of every material allegation in the accusatory instrument. See ORS 135.370. 2) A finding of "not guilty" by a fact finder is a determination that the state did not prove every element of an offense beyond a reasonable doubt.

Judgment of acquittal: A finding by the judge at the close of the state's case that the evidence introduced against the defendant would not support a verdict of guilt. See ORS 136.445.

No Contest: A "no contest" plea means that the defendant agreed to not contest the evidence the state offered to establish a finding of guilt by a court as to an offense. It has the same legal effect as a guilty plea.

Sentence: Any combination of conditions or punishment placed upon a person after being convicted of an offense.

Plea offer: A proposal to resolve a case without a trial.

Plea negotiation: A discussion between the state and defense counsel for the purpose of reaching a resolution of a case without a trial.

Judicial Settlement Conference: A meeting where a judge directly participates in plea negotiations with the state and the defense. See ORS 135.432(5).

Probation: A sentence where the court places conditions of supervision upon a person after conviction of an offense, rather than sentencing a person to jail or prison.

Local Control/jail: A sentence of incarceration on a felony charge that is 12 months or less. The defendant is committed to the supervisory authority of the county in which the crime of conviction occurred. See ORS 137.124(2).

Prison: A sentence of incarceration, without probation, on a felony charge. The defendant is committed to the custody of the Department of Corrections.



Sentence of discharge: A sentence where the court does not place any conditions upon the defendant, including fines, fee, supervision, or incarceration. See ORS 161.715(1).

Default judgment: A finding of guilt by the court in the absence of the defendant. See ORS 153.102.

Post-Prison Supervision (PPS): A term of conditional release, as set by statute or the court under the supervision of the Department of Corrections or a correctional agency designated by the Department or a local supervisory authority. Applies to crimes committed on or after November 1, 1989. See OAR 255-005-0005(38).

DIVERSION

Diversion: Diversion refers to diverting a defendant out of the presumptive criminal justice path by having them complete a diversion program rather than be incarcerated or serve another alternative sentence.

Pre-Booking diversion: A diversion practice that allows officers to redirect offenders engaged in certain criminal activity to community-based services instead of jail and prosecution. (e.g. LEAD)

Conviction diversion (i.e. Deferred Adjudication): Defendants face specific criminal charges and must plead guilty or no contest to enter a conviction diversion program (e.g. Community Court, DUII diversion). Dismissal of charges occur upon completion of specified conditions, such as treatment or community service. If defendants do not fulfill their obligations, they are convicted and sentenced.

Prison diversion: Certain defendants convicted of felony offenses are presumptively subject to a prison term per the Oregon Sentencing Guideline Grid. Prison diversion programs (e.g. START, MCJRP) allow for a defendant to be placed on probation in lieu of serving a prison sentence, and usually require treatment, counseling, restitution to victims, and other supervision conditions.

DISMISSED CASES

Dismissed Case: A case in which all of the "Issued" charges were dismissed by the court. A conviction does not exist on any charges on the case.

Acquitted Case: A case in which all of the "Issued" charges resulted in a "not guilty" finding by the Court or Jury. A conviction does not exist on any charges on the case.

Dismissal: A case resolution of "Dismissed" or "Judgment of Acquittal." A case dismissal "with prejudice" prevents the State from issuing the same charges again. A case dismissal "without prejudice" allows the State to re-issue charges and commence prosecution at a later date. For cases without a conviction, all charges have a resolution of "Dismissed." Examples include:

- A. *Dismissed Pursuant to Plea Negotiations*
- B. *Dismissed State Unable to Proceed*
- C. *Dismissed Legal Impediment*

SENTENCING

Downward Dispositional Departure: Imposition of a probationary sentence when a judge finds substantial and compelling reasons to lower a sentence that would otherwise presumptively lead to incarceration. See OAR 213-003-0001(6).



Upward Dispositional Departure: Imposition of an incarceration sentence when a judge finds substantial and compelling reasons to increase a sentence that would otherwise presumptively lead to a probationary sentence. See OAR 213-003-0001(6).

Downward Durational Departure: Imposition of jail or incarceration as part of a sentence but the judge finds substantial and compelling reasons to impose less jail or incarceration time than presumptively proscribed. See OAR 213-003-0001(8).

Upward Durational Departure: Imposition of jail or incarceration as part of a sentence but the judge finds substantial and compelling reasons to impose more jail or incarceration time than presumptively proscribed. See OAR 213-003-0001(8).

Presumptive Sentence: The sentence called for by the grid block for an offender or by the requirement to impose a mandatory determinate sentence. See OAR 213-003-0001(16).

Grid block: A box on the Oregon Sentencing Guidelines Grid that describes the intersection of an offender's crime seriousness rating and criminal history classification. See ORS 213-003-0001(10).

Stipulated Grid block: An agreement between the prosecutor and defense attorney and accepted by a judge to select a sentencing grid block other than that which the Oregon administrative rules would presumptively call for in order to achieve a sentence different than the presumptive sentence.

Suspend Imposition of Sentence: A jail or incarceration term whose execution has been suspended provided the defendant complies with the terms and conditions of supervision imposed upon them. Process described in ORS 137.010.

Fine: A financial penalty imposed on a person typically as part of a sentence. Such a fine may not exceed the maximum fine permitted based on the classification of the offense being sentenced which is described in ORS 161.625 and ORS 161.635.

Compensatory Fine: Imposition of a fine by the court with the victim of the crime being a designated recipient of all or a portion of such a fine. Process described in ORS 137.101.

Restitution: Imposition of a financial judgment in favor of a crime victim for the economic damages suffered as a consequence of the defendant's criminal acts. Process described in ORS 137.106.

BM11 (Ballot Measure 11): Voter passed initiative imposing mandatory minimum prison sentencing for most serious violent felonies with certain limited exceptions. Codified into statute under ORS 137.700 – 137.712.

BM57 (Ballot Measure 57): Voter passed initiative imposing mandatory minimum prison sentencing for recidivist property offenders and major narcotics traffickers with certain limited exceptions. Codified into statute under ORS 137.717 and ORS 475.925.

Determinant sentence (e.g. Denny Smith): A portion of a sentence that describes the mandatory minimum length of incarceration due to the nature of the charge, typically imposed by the legislature or by voter initiative. As examples: ORS 137.635 (Determinate sentencing for certain convictions), ORS 137.690 (Major felony sex crimes), ORS 137.700 (Measure 11 – Serious violent felonies), ORS 137.717 (Measure 57 - Repeat property offenders), ORS 475.925 (Measure 57 – Narcotics Traffickers).



SPECIALTY COURTS AND PROGRAMS

Specialty Courts: Specialty Courts are problem-solving court strategies designed to address the root causes of criminal activity by coordinating efforts of various agency partners and treatment providers.

Community Court: Community Court is a pre-sentencing specialty court that focuses on misdemeanor quality of life crimes. *Discontinued in 2020 as a result of pandemic-related court closures and restructuring efforts.*

DUII Intensive Supervision Program (DISP): DISP is intended to serve individuals with two or more Driving Under the Influence of Intoxicants (DUII) convictions. Its purpose is to keep the community safe while helping defendants establish and maintain lives free of alcohol and drug abuse while on probation to the Court and beyond.

Domestic Violence Deferred Sentencing Program (DV DSP): DV DSP is a pre-sentencing diversion program for certain misdemeanor DV offenses. It focuses on the safety of the victims while providing abusers with domestic violence education and treatment counseling programs, drug and alcohol evaluations/ treatment, and intense supervision by specially trained corrections officers.

Mental Health Court (MHC): Mental Health Court is a post-conviction specialty court designed to serve individuals on probation with qualifying mental health conditions. To qualify, an individual must have been diagnosed with one of the following: bi-polar disorder, schizo-affective disorder, schizophrenia, or major depression.

Multnomah County Justice Reinvestment Process (MCJRP): This Justice Reinvestment Program is designed to reduce the use of state prisons for offenders who can safely be supervised in the community. MCJRP holds offenders accountable by providing the structure, supervision and services necessary for success in the community. The program addresses the root causes of crime and increases services to victims.

Sanction Treatment Opportunity Progress (STOP) Court: STOP Court is a pre-sentencing diversion program for high risk/high needs defendants charged with possession of a controlled substance who qualify for the Treatment First Program. Participants are required to be actively engaged in treatment, submit to random urinalysis, and personally appear before the STOP judge at regular intervals. Upon satisfactory completion of STOP, the court will dismiss the charges with prejudice. *Discontinued in 2021 as a result of Oregon Measure 110.*

Strategic Treatment and Engagement Program (STEP): Launched in November 2021, STEP Court is a treatment-based court program that is specifically designated for certain non-domestic violence BM11 crimes (Assault I, Assault II, Robbery I, Robbery II, Kidnap II). The purpose of this program is to divert more BM11 cases away from prison and provide supervised probation that includes court oversight, treatment tailored to the defendant's needs, and additional programming options.

Success Through Accountability Restitution and Treatment (START) Court: START is an adult prison-diversion drug court for offenders who have an addiction to drugs and/or alcohol. Participants attend substance abuse treatment, are supervised by an assigned Probation Officer, attend court regularly, pay restitution and submit to random drug testing.



Veteran's Docket: The Veteran's Docket coordinates efforts within the local criminal justice system, directs veterans to services, and addresses their criminal risk factors and sources of instability. A designated judge oversees the docket, with the help of a specially trained probation officer and an advocate to guide treatment. Veterans on felony probation for other than Measure 11 and domestic violence offenses are eligible for consideration.

Law Enforcement Assisted Diversion (LEAD): A pre-booking diversion program for individuals involved with or contacted by law enforcement for possession of a controlled substance. Instead of booking and prosecution, substance-involved individuals are offered services and resources with the goal of reducing harm to themselves and the community. Abstinence from drugs is not a requirement for LEAD participation. Discontinued in 2021 as a result of Oregon Measure 110.

Treatment First Program (TFP): Qualifying defendants charged with felony Possession of a Controlled Substance automatically have their charge reduced to a misdemeanor and are offered this pre-sentencing diversion program. Risk and needs assessments are used to determine individuals' placement in one of four quadrants. Treatment and services are customized for each of these categories to most accurately facilitate defendant success. Individuals who complete their track will receive a dismissal or reduction of charges. Discontinued in 2021 as a result of Oregon Measure 110.

UNIT BREAKDOWN

Domestic Violence Unit (DV): The DV Unit is responsible for handling domestic violence felony and misdemeanor cases, in addition to screening, issuing, negotiating and prosecuting allegations of contempt of court for violations of a restraining order. The DV Unit also prosecutes cases involving victims who are under the age of 12.

Intake: Intake reviews non-domestic violence misdemeanor offenses to determine whether to initiate prosecution. Intake cover arraignment on all misdemeanor offenses, in addition to Community Court appearances and DUII Diversion hearings. In 2021 the Intake unit was absorbed into the Pre-Trial Unit (see below).

Misdemeanor Trial Unit (Misd): The Misd Unit is responsible for negotiating cases and appearing in court on misdemeanor offenses, traffic crimes and city ordinance violations.

Juvenile Unit (JUV): The Juvenile Unit is responsible for representing the state in cases arising in Juvenile Court, including Delinquency (ORS 419C.001 et. seq.), Dependency (ORS 419B.005 et. seq.) and Termination of Parental Rights cases (ORS 419B.498).

Multnomah County District Attorney's Office Access Attorney Program (MAAP): MAAP attorneys co-locate with trusted community-based organizations. MAAP attorneys attend and host community events, canvass neighbors and businesses, and manage caseloads specific to the discrete area they serve. These attorneys also provide access to expungement, fine, and legal fee reduction to the most impacted communities.

Multi-Disciplinary Child Abuse Team (MDT/CAT): MDT/CAT is responsible for reviewing and coordinating all child abuse and neglect cases in Multnomah County. It is part of a multidisciplinary team made up of representatives from law enforcement, public schools, hospitals, courts, health departments, the Oregon Department of Human Services (DHS), and the Oregon Department of Employment Child Care Division.



Pre-Trial Unit (PT): The Pretrial Unit handles felony arraignments at the Justice Center and is responsible for a wide variety of other functions (e.g. extraditions, expungements, indictment review, grand jury orientation, public records requests, etc.).

Strategic Prosecution and Services Unit (SPSU): The SPSU focuses on crime prevention through prosecution of those who commit crimes as well as other alternative methods designed to reduce criminal activity in the community. Its goal is to improve the "quality of life" within the neighborhood or business district.

Support Enforcement Division (SED): The SED is responsible for representing the State in establishing, modifying and enforcing child and spousal support matters. SED is divided into three areas: Intake, Enforcement and Legal.

Unit A (UA): Unit A, also known as the Property Unit, handles felony prosecution of lower-level property crimes such as Theft I, ID Theft, Unlawful Use of a Motor Vehicle, Forgery I, Burglary II and other similar offenses. It is also responsible for handling white collar prosecutions and traffic offenses such as Felony DUII and Felony Eluding a Police Officer.

Unit B (UB): Unit B, also known as the Drug Unit, has responsibility for the prosecution of drug crimes, human trafficking, gambling and some obscenity related offenses.

Unit A/B: Refers to an office restructure that combined Units A and B into one unit.

Unit C (UC): UC handles major property crimes and violent offenses, including Aggravated Animal Abuse, Arson I, Burglary I, robberies and weapons offenses. Additionally, UC is responsible for prosecution of all felony cases arising from unintentional collisions where fatalities or serious physical injuries occur.

Unit D (UD): UD is responsible for the prosecution of all non-DV related felony crimes involving personal violence, sex crimes, assault, sexual assault against children and other specified felonies.

Unit G (UG): UG is responsible for any adult and juvenile felony committed by designated gang members, or any drug case worked up by the Gang Enforcement Team of the Portland Police Bureau.

Victim Assistance Program (VAP): The VAP acts as an advocate for the victim during the various stages of the criminal justice system, ensures victims are advised of and afforded their rights, and helps them with problems arising from their victimization.

COMMUNITY SUPERVISION

Early termination of probation: A process to terminate probation earlier than the length of probation imposed at the time of sentencing. One such process described in ORS 137.633

Probation expiration: The date on which probation is scheduled to expire and the defendant would no longer be under supervision.

Probation Violation: A process by which a supervising agency alleges that the person under supervision has not complied with the terms and conditions of their probation sentence. If proved, could lead to imposition of sanctions upon the offender. Process described in ORS 137.545



Administrative Sanction: A process by which the Department of Community Justice may impose lesser sanctions upon an offender who is in violation of supervision for a term or condition of their supervision. Process described in ORS 137.595.

Revocation: Termination of an individual's community supervision term with a sentence to incarceration.

Revocation by Case: Termination of an individual's entire community supervision term that was originally imposed on a case with a sentence to incarceration.

Revocation by Charge: The imposition of an incarceration sentence attached to a charge for an individual on probation, without revoking the entire case and terminating the individual's community supervision term.

Earned Discharge: Refers to a defendant's earned reduction of supervision period. Each person convicted of a felony and sentenced to probation or prison is eligible for a reduction in the period of probation or local control post-prison supervision for complying with certain terms of probation or PPS. Process described in ORS 137.633.

TERMS OF ART

Length of stay: "Length of stay" is a term of art describing the length of time a defendant is sentenced to incarceration. "Length of stay" is the total number of days an inmate is incarcerated on the same DOC commitment number within the DOC jurisdiction population; the total number of days may include time from multiple admission and releases on that same commitment number.

Second Sentence: "Second Sentence" is a term of art describing a sentence to incarceration that occurs as a result of a probation revocation.

OTHER TERMS AND MEASUREMENTS

Recidivism [ORS 423.557]: The arrest, conviction or incarceration of a person who has previously been convicted of a crime, if the arrest, conviction or incarceration is for a new crime and occurs: (a) Three years or less after the date the person was convicted of the previous crime; or (b) Three years or less after the date the person was released from custody, if the person was incarcerated as a result of the conviction for the previous crime.

Relative Rate Index: A measurement used to compare the prevalence of something occurring for one group to that prevalence in another group. RRIs are commonly used to compare rates of incidents for racial and ethnic minority populations to rates for whites. An RRI value of 1.0 indicates something is similarly likely to happen for a group compared to whites, while values greater or less than one indicate a higher or lower likelihood, respectively.

Racial and Ethnic Disparities (RED): Differences in the likelihoods of different racial and ethnic groups to experience certain occurrences in the criminal justice system compared to white individuals.