

Multnomah County Veterans Docket Overview—Chuck Sparks, Chief Deputy, Multnomah County District Attorney’s Office

**This is an overview of the docket prepared for internal use by members of the District Attorney’s Office:

We will use information from the Veterans Administration (VA) about treatment services available to Veterans to inform our offers, and we will handle all probation violation hearings (on cases that get probation) before the same two judges with real-time information from the VA about treatment availability and compliance. The idea behind this docket is that certainty of appropriate services may mitigate and, when appropriate, result in some low-end prison cases getting probation, while others may get shorter prison sentences. An important outcome is that, whether on probation or PPS, Vets get the benefits to which they are entitled for their service.

1. Goals

- a. Identify Veterans charged with felony crimes and connect them to VA benefits;
- b. Get releases of information (ROI’s) from the defendant and then get information (eg. service record, drug treatment, mental health) from the Veterans Administration to inform negotiations;
- c. Consider current participation in, and/or certain availability of, needed services in making plea/sentence recommendations, including both probation and PPS services;
- d. Conduct Judicial Settlement Conferences with Veterans Docket judges (Bergstrom, Allen, possibly Frantz)
- e. Enter plea before one of the Vets Docket judges, who will keep the probation case if probation results;
- f. Use ROI to access VA information for DCJ, the DA, Defense and Court in ongoing probation supervision, including violation hearings;
- g. A VA representative will staff the Vets Docket PV hearings, which will occur in a two hour slot on a single, regular day and time each month.

2. Process

- a. Veteran is identified (will happen in a variety of ways);
- b. Veteran signs ROI and defense attorney submits to VA;
- c. VA provides all information to the defense;
- d. Defense forwards ALL VA information (without filtering) to the DA;
- e. Defense consults with VA to determine available services for probation;
- f. Defense submits mitigation packet to DA and Court;
- g. State considers mitigation packet and available services in making offer;
- h. JSC with Judge Bergstrom or Judge Allen;
- i. Plea and sentencing before the JSC judge OR;
- j. Defendant opts-in to Vets Docket after trial, files ROI and the resulting information goes to the parties and sentencing judge. Any probation would be supervised by a Vets Docket judge (Bergstrom, Allen, possibly Frantz) OR;
- k. Defendant is convicted by plea or trial and reports Vet status to DCJ at intake; defendant can then sign ROI and enter Vets Docket for probation supervision by a Vets Docket Judge (Bergstrom, Allen, possibly Frantz);
- l. DDA should select the flag in CRIMES called “Veterans Docket Participant,” located under “Def case flags”, once the defendant enters the Vets Docket program;
- m. DCJ will assign a Veteran-knowledgeable PO;
- n. A representative of the VA, with real-time access to VA records, will attend each Vets Docket PV hearing to report on defendant’s participation in court-ordered services and to inform the court and parties of other available services.

3. Other issues

- a. No specific outcomes or offers are contemplated;
- b. We will use the mitigation information as we would with any other case;
- c. Veteran status may constitute some mitigation; ORS 137.090(2);
- d. Mitigation may cause us to depart to probation in some presumptive prison cases, or it may affect the length of a prison sentence where one is given;
- e. MCJRP (HB 3194) will occur within the Vets Docket (same process, with added info from VA);
- f. Only felony cases are eligible for this program;
- g. Certain felonies are excluded from the Vets Docket (see the MOU, pages 1-2);
- h. The state will not use the VA information against defendant for any purpose except negotiation.

