TECHNICAL ASSISTANCE PROVIDED
TO THE LANE COUNTY, OREGON
DISTRICT ATTORNEY'S OFFICE
IN THE
DESIGN AND IMPLEMENTATION
OF A
CAREER CRIMINAL UNIT

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and
American University School of Public Affairs
ADJUDICATION TECHNICAL ASSISTANCE PROJECT
The EMT Group, Inc.

Technical Assistance Report No. 40

TECHNICAL ASSISTANCE PROVIDED
TO THE LANE COUNTY, OREGON
DISTRICT ATTORNEY'S OFFICE
IN THE
DESIGN AND IMPLEMENTATION
OF A
CAREER CRIMINAL UNIT

Consultants:
Peter Giordano
James Dimm

Site Work: February, 1987

BJA COOPERATIVE AGREEMENT NO. 86-SA-CX-K010
Republished Under BJA Grant No. 89-DD-CX-K013
Adjudication Technical Assistance Project
The American University
This report was prepared in conjunction with the EMT Adjudication Technical Assistance Project, under a Cooperative Agreement with the Bureau of Justice Assistance of the U.S. Department of Justice.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. EMT is solely responsible for the factual accuracy of all material presented in this publication.
I. INTRODUCTION

A. Statement of Problem

This report describes the technical assistance provided to the Lane County Oregon District Attorney's office by EMT staff member James Dimm and EMT consultant Peter Giordano, technical assistant in the Monroe County, Indiana Prosecuting Attorney's Office. The assistance was provided in connection with Lane County's desire to design and implement a specialized prosecution unit to coordinate with local police agencies to impact on the jurisdiction's extensive problem with the illicit manufacture and distribution of methamphetamine. Mr. Dimm and Mr. Giordano were on site in Eugene, Oregon on February 17-18, 1987. Primary contracts for the technical assistance were Darryl Larson and David Nissman, who are both Deputy District Attorneys in the Lane County office.

The initial focus of the technical assistance effort, as outlined in the District Attorney's Office's technical assistance request, centered on (1) the organization and implementation of a career criminal program with selection criteria that would permit the office to focus on recidivist drug offenders involved in the manufacture and sale of methamphetamine; and (2) the development of coordinated procedures for program operation among the District Attorney's Office, the Eugene Police Department, and the Springfield Police Department. Representatives of these agencies had attended a BJA-sponsored Career Criminal Program Workshop conducted by the National District Attorneys Association (NDAA) in Kansas City, Missouri, in October, 1986, and had come to the conclusion that a coordinated career criminal effort could potentially be the solution to the local recidivist drug offender problem.

Through their on-site discussions and observations, the consultants were able to identify three major issues that are of primary importance to the local officials. These three concerns, listed below, emerged as the primary focus of the on-site technical assistance effort.

- the need for a specialized prosecution to focus on the methamphetamine manufacture and distribution problem
- the desire on the part of the District Attorney's personnel to institute a career criminal program or at least to have the capability to target repeat offenders for priority prosecution
o the need for computer support in the District Attorney's office in the
areas of case tracking and case management and also the need for the
ability cross reference cases and defendants in narcotic investigations.

B. Background: Lane County, Oregon

Lane County, Oregon, has a population of nearly 300,000. The geographical
boundaries span a width of 120 miles from the Pacific Ocean to the Cascade Mountains
and 50 miles north to south. The major metropolitan area consists of two cities.
Eugene and Springfield, co-located in the middle of the county.

The felony division of the District Attorney's office is organized into four three-
person trial teams. Cases are assigned sequentially to the trial teams within crime types,
and cases are screened by the individual attorneys in each team. The office and the law
enforcement agencies are quite satisfied with the team concept and expressed the feeling
that whatever new unit is implemented should not disrupt the current team organizational
structure.

In 1979 the Lane County District Attorney's Office and the Eugene Police
Department were given federal funds to implement a career criminal program. All six of
the deputy district attorneys who were assigned to the career criminal unit (CCU) remain
with the Lane County District Attorney's Office.

The District Attorney's Office has continued to be a strong supporter of the career
criminal concept even though local funding for the program was discontinued in 1981.
There were two reasons for discontinuing the program at that time. The first was a
serious local economic downturn that necessitated scaling back every law enforcement
program. The second was the decision by the District Attorney (Pat Horton) to not seek
re-election in 1982. The economic problem and the political reorganization resulted in
the reluctant discontinuance of the Career Criminal unit.

The District Attorney's Office is composed of career prosecutors. For example, the
twelve deputy district attorneys assigned to the felony division have an average of
thirteen years of prosecution experience. All of these attorneys regularly prosecute
career criminals.

In addition to the professionalism of the prosecutor's office, Lane County is
fortunate to have extremely strong support from local law enforcement agencies. The
Eugene Police Department (EPD) has been very active in investigating significant drug
cases. The Springfield Police Department (SPD) was extremely successful in presenting
the bulk of the career criminal cases for prosecution when the CCU was previously in
force. (Because of the demographics of the region a large number of the area's career criminals reside in Springfield.) Both departments work well in cooperation with each other and the District Attorney's Office.

According to local officials, there is a major problem in Oregon with illicit methamphetamine laboratories. Lane County's surrounding wilderness, understaffed law enforcement entities, and insufficient jail/prison space has made methamphetamine manufacturing an almost uncontrollable problem. Methamphetamine is the drug of choice for many elements of society, given its relatively cheap price, its availability, and the desirous physical effects it users claim to experience. The problem is further exacerbated by the influx of loosely organized armed groups into the methamphetamine trade due to the high degree of profitability. In addition, the police are discovering that a number of deaths originally attributed to narcotics overdoses appear, in fact, to be homicides committed by intentionally giving the victims "hotshots" in response to a variety of drug related disputes.

In the last five years, Oregon's criminal problem has grown as (1) the criminal population cannot be contained due to the lack of jail/prison space, (2) the law enforcement community has faced severe cutbacks, and (3) the national criminal population has become aware of the Oregon situation, with the beginnings of a migratory pattern now becoming evident.

II. ANALYSIS AND RECOMMENDATIONS

While on site, the consultants met with a wide variety of local criminal justice personnel representing virtually the entire spectrum of agencies that would be involved in or affected by the implementation of a special prosecution unit aimed at the methamphetamine problem. Those personnel include:

David Harcloop David Lissman John Rutledge Tom Coffin Gary Weaver Rick Siel Steve Egecr Byron Vanderpool Sandra Henry

Lane County DA Lane County Deputy DA Lane County Deputy DA Eugene Police Department U.S. Attorney's Office Probation Department Eugene Police Dept. & Director of Metro Drug Unit Springfield PD Springfield PD Eugene PD

- 3 -
Through these meetings, a picture emerged of a well coordinated, cooperative criminal justice system which already had made strides toward combatting the methamphetamine problem. Several indications of the cooperative efforts at the local level (e.g., creation of the Metro Drug Unit, the cross-deputization of a deputy DA as a U.S. Attorney for an important methamphetamine case) were clear to the consultants.

Due to this high level of cooperation, it would seem that any new prosecution unit or new computer system implementation should build on the strong coordinated effort which currently exists in Lane County. To that end, the technical assistance recommendations in this report are directed toward the District Attorney's office and how that might be implemented.

Further, the consultant's recommendations specify interim measures that can be taken to begin to address the methamphetamine problem prior to the receipt of outside funding (and expedite the implementation of the unit once funding is obtained) as well as offer suggestions as to how the problem of computer support for the District Attorney's office and the Metro Drug Unit might best be obtained.

A. Special Prosecution Unit

Given the limited resources currently available to the District Attorney and the prospect that local funding for a separate unit within the office to focus on the problem is unlikely, it seems appropriate for local officials to explore the availability of outside funding for the proposed unit. Three major sources of outside funding were discussed on site:

- State block grants
- Omnibus Drug Bill grants
- BJA discretionary funds for demonstration projects

Specific application procedures for each funding source were described to Messrs. Harcleroad and Larson, as were the potential advantages and disadvantages of each type of funding. The consultants recommended that office staff continue to develop a grant application while making a determination as to the funding source to which they want to apply. It was explained to Mr. Harcleroad and Mr. Larson that while the technical assistance consultants could advise their office on grant application procedures, we were precluded from actually writing the grant.

The consultants suggested that the proposed unit should be composed of two additional deputy district attorneys, one investigator, one clerical/data entry person, and
one data analyst. Additionally, provision should be made within the grant application to cover necessary travel, operating expenses, and necessary equipment (police personnel cited the need for additional surveillance equipment - wires, etc.). Some discussion centered on the inclusion in the grant application for computer hardware and software to support both the operation of the office and the efforts of the Metro Drug Unit. The consultants advised that this may be problematic, but that it could be included as part of the application if the need for the computer equipment could be documented as being essential to the successful operation of the unit.

Various options concerning obtaining the computer support needed for the unit were discussed and were basically the same options outlined to the District Attorney in an "Automation Strategy" Report that was prepared for the office. While the choice of these options is dependent on factors which go beyond the scope of the technical assistance recommendations contained in this report, the consultants recommend that the District Attorney's office strongly consider participation in the AIRS system to the extent of entering case dispositions into that system. Participation in the AIRS system to this extent would not preclude the office from developing its own stand-alone system and would provide the dual benefits of beginning to document conviction records needed to designate defendants as career criminals and assisting in the implementation of the office's own system, if that option is pursued.

The selection criteria for the proposed unit need to be specified. The consultants left Darryl Larson some instructions on how to collect some data on office caseload and criminal histories which will help in the definition of appropriate selection criteria. While a specific delineation of projected caseloads under various selection criteria must await that data, from a policy perspective, it is the consultants' recommendation that as many of the methamphetamine-related cases be shifted into the unit as possible without overburdening the unit with too many cases. Thus, defendants might be handled by the new unit who did not have extensive criminal histories, but the benefits of having all the methamphetamine cases handled by the same attorneys, and having all the information related to the local methamphetamine problems consolidated within the unit, might weigh in favor of including those methamphetamine related cases in the unit.

B. General Career Criminal Unit

While recognizing the need for targeting repeat offenders for priority prosecution, the consultants would not recommend the creation of a special unit within the District Attorney's office to handle such cases. This would potentially disrupt the trial team
structure (which is currently in place and well thought of by the office staff) and also create additional organizational problems if two new units were to be implemented at the same time. Perhaps a better approach would be to use the case screening procedures and the criminal history searches which will be a part of the new drug prosecution unit (that office officials indicate will be implemented in some form with or without outside funding) to identify career criminal-type defendants and then proceed with priority prosecution of those cases within the existing team structure. The consultants believe this arrangement would be just as successful in addressing the need for more vigorous prosecution of recidivists without presenting the implementation or organizational problems associated with putting in a new unit.

C. Interim Measures

Until some determination is made as to how and when the proposed new drug unit may be funded and implemented, some interim measures which would both begin to address the current methamphetamine problem and also ease the later implementation of a funded unit should be undertaken. Primary among these would be trying to get the methamphetamine-related cases brought under the caseload of one or two of the deputies currently in the office rather than distributed throughout the office caseload as is now the case. This would permit a consolidation of the prosecutorial effort and foster and promote more efficient working relationships with the police officers who handle the majority of the methamphetamine-related cases. Police personnel indicated this would be helpful to them.

Second, as mentioned above, the need for cases disposition information to document conviction history would suggest that participation of the office in entering dispositions into AIRS would benefit the entire criminal justice system, not only the efforts of the Metro Drug Unit. Local officials might even consider trying to locate and enter the case dispositions going back a few years to build a criminal history file to support career criminal prosecution. Given the problems associated with assuring substantial jail time served due to parole board release decisions, this may be a prudent suggestion.

Third, considering the widespread nature of the methamphetamine problem in Lane County, it would seem that narcotics investigations in this area would certainly be aided by the support of a cross-referencing file, (an "intelligence file") by which names, locations, addresses, etc. might be linked together in a computer file. This type of file could be developed on a personal computer without a particularly elaborate programming
effort. The staff of the District Attorney's office is extremely sophisticated in the applications of PC's and would be more than capable of developing such a system.

In conclusion, the consultants were impressed with the strong inter-agency support and cooperation that currently exists in the county. Federal agencies (U.S. Attorney, D.E.A., F.B.I., and the I.R.S.) have been supportive of local efforts to address a growing drug problem. The consultants believe that Lane County may present an opportunity to test the assumptions contained in the Anti-Drug Abuse Act of 1986. Due to its manageable size and focused drug problems, the consultants encouraged local officials to pursue federal assistance through an inter-agency administration project. The consultants agreed to meet with BJA officials to explore programmatic priorities as they may relate to Lane County's problems.