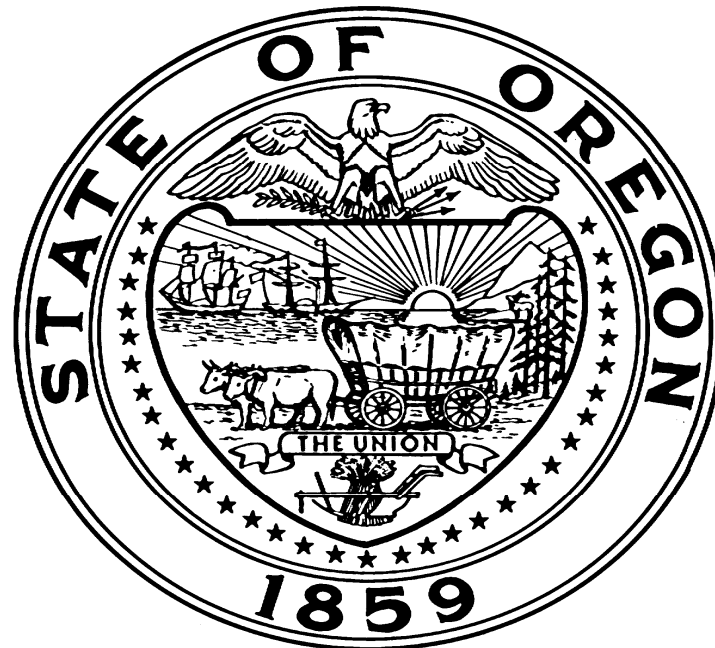


DISTRICT ATTORNEYS AND THEIR DEPUTIES

**2013-2015
Public Safety Subcommittee
Ways and Means**





District Attorneys and their Deputies 2013-15 Budget Presentation

The Mission of the Oregon District Attorney is to uphold the United States Constitution and the Constitution and laws of the State of Oregon, to preserve the safety of the public, to protect the rights of crime victims, and to pursue justice for all citizens with skill, honor and integrity.



District Attorneys and their Deputies 2013-15 Budget Presentation

CONSTITUTIONAL AUTHORITY

Article VII, Section 17:

There shall be elected by districts...a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct.



District Attorneys and their Deputies 2013-15 Budget Presentation

Values Statement

Justice, Public Safety and Public Confidence in the Criminal Justice System require...

Holding offenders accountable through truth and transparency in sentencing and appropriate sanctions.

The protection of and advocacy for crime victims.

A balanced approach to criminal justice, including adequate incarceration, proven treatment programs, and crime reduction strategies.

Collaboration with community and public safety partners for a system-wide approach to public safety, and strong support for public safety infrastructure.



District Attorneys and their Deputies

2013-15 Budget Presentation

Additional Duties

- Multi-Disciplinary Task Forces
- Child Abuse Response Teams
- Local Public Safety Coordinating Councils
- Re-Entry Program Management Teams
- Juvenile Crime Prevention Councils
- County Management Teams
- Alcohol and Drug Councils
- Various Governor's Task Forces
- Community: Senior Centers, Rotary, Chambers of Commerce, Bar Association committees



District Attorneys and their Deputies 2013-15 Budget Presentation

Key Performance Measures

- Child Support Collections
- Services to Victims
- Customer Service
- Early Resolution and Specialty Courts



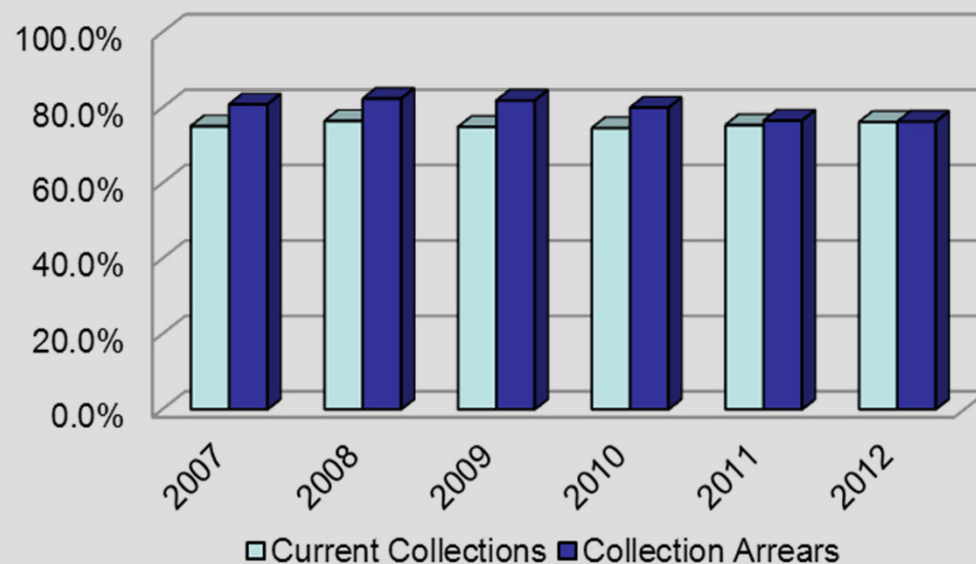
District Attorneys and their Deputies

2013-15 Budget Presentation

Key Performance Measures

- 30 out of 36 (83%) counties administer early and special resolution programs, which create efficiencies and reduce costs. The remaining 6 counties maintain smaller dockets and have less need for such programs.
- Child Support Collections means help for children – clothing, food, and shelter.
- System savings through plea negotiations: approximately 96% of cases do not go to trial; over 70% of all convicted felons do not go to prison.
- District Attorneys proposed no new substantive legislation in 2013.

Child Support Collections by Fiscal Year





District Attorneys and their Deputies

2013-15 Budget Presentation

County Responsibilities

- Administering Medical Examiner programs
- Child Support Enforcement
- Civil commitment hearings
- County Counsel
- County Ordinance Violations
- Habeas Petitions
- Juvenile dependency and delinquency hearings
- Post-conviction relief hearings
- Public Records Inquiries
- Serving as Juvenile Director



District Attorneys and their Deputies 2013-15 Budget Presentation

County Supplements

- Over 1/3 of District Attorneys do not receive a county supplement.
- About 1/3 have civil duties in addition to criminal duties.
- District Attorneys in the 5 largest counties manage offices the size of large law firms: from over 75 to over 200 staff members.



District Attorneys and their Deputies 2013-15 Budget Presentation

Program Priorities

- Compensation
- State Government Service Charges
- Prosecutorial Assistance
and Publications

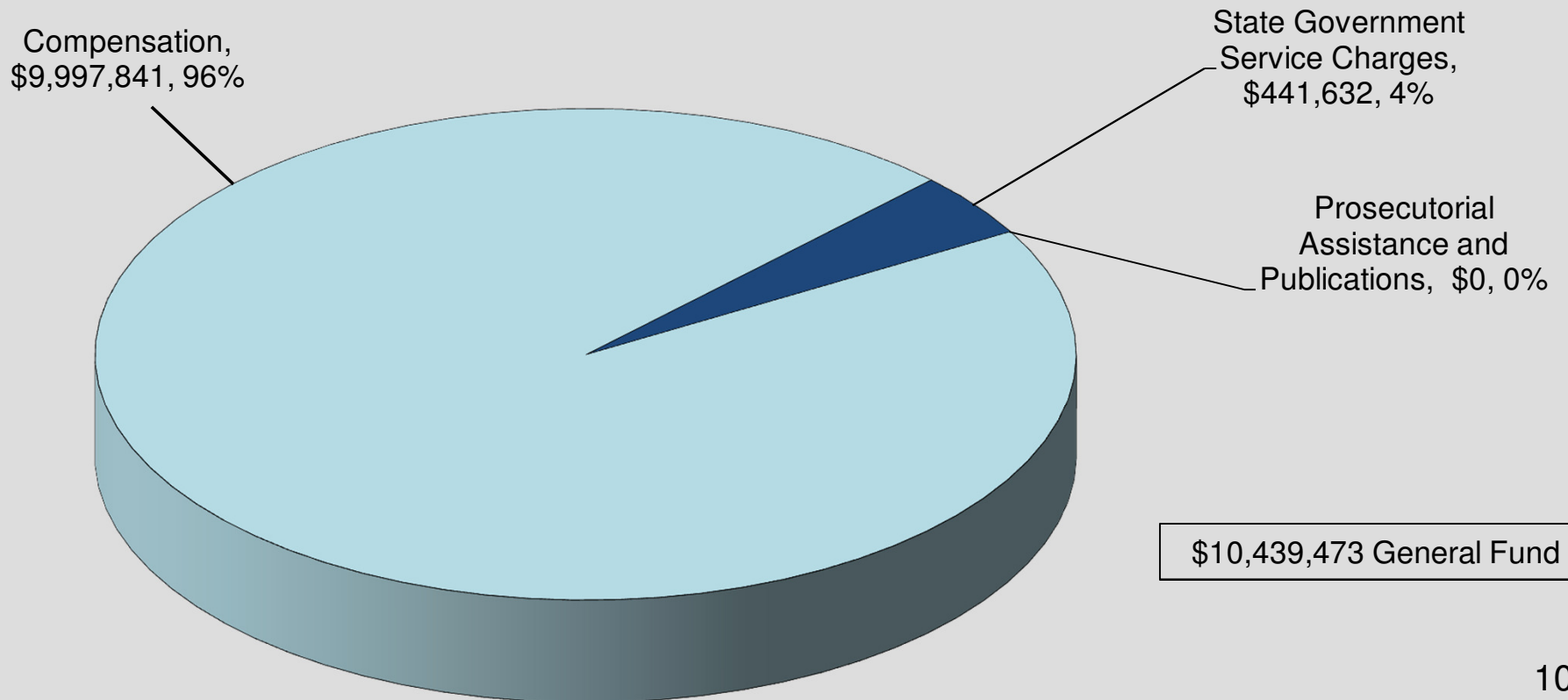


District Attorneys and their Deputies

2013-15 Budget Presentation

Program Priorities

2013-15 Governor's Balanced Budget

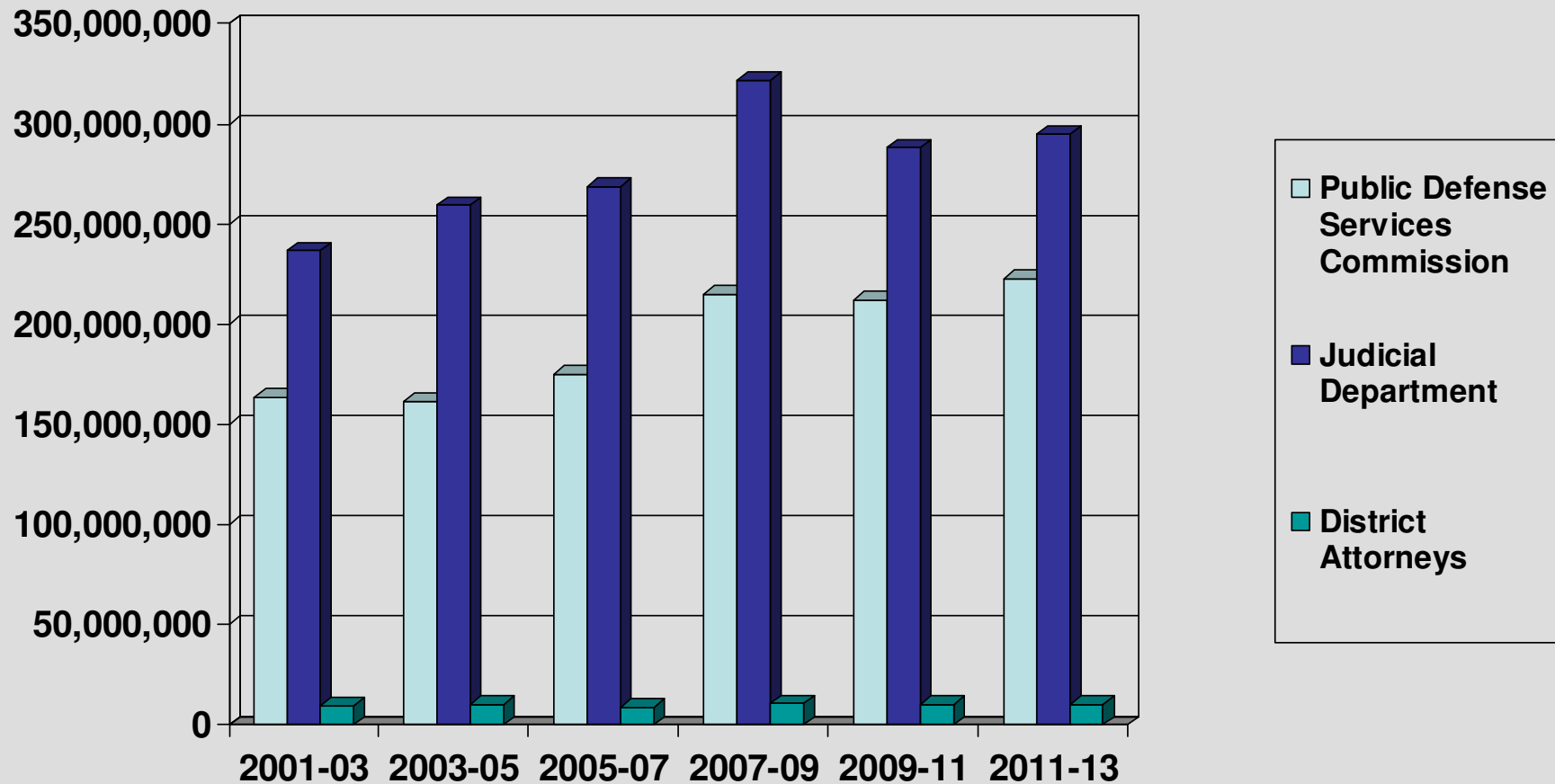




District Attorneys and their Deputies

2013-15 Budget Presentation

Justice System Budgets





District Attorneys and their Deputies 2013-15 Budget Presentation

Reduction Options

- The 2013-15 Governor's Balanced Budget for the District Attorneys and their Deputies contains Personal Services costs for District Attorneys and State Government Service Charges, both of which are regulated by statute.
- Any reduction in the budget would have to be taken out of the salaries and benefits of the District Attorneys. Each 5% reduction represents approximately \$534,742 in General Funds or 27 working days.



District Attorneys and their Deputies

2013-15 Budget Presentation

Conclusion

The District Attorneys are:

- Unique members of the Executive branch, state officials elected locally.
- Committed to public safety and the administration of justice.
- An integral part of the criminal justice system; the strength and quality of the prosecutorial function are vital to a strong public safety infrastructure.

Agency Management Report

KPMs For Reporting Year 2012

Finalize Date: 12/7/2012

Agency: DISTRICT ATTORNEYS AND THEIR DEPUTIES

	Green = Target to -5%	Yellow = Target -6% to -15%	Red = Target > -15%	Pending	Exception Can not calculate status (zero entered for either Actual or Target)
Summary Stats:	40.00%	0.00%	20.00%	20.00%	20.00%

Detailed Report:

KPMs	Actual	Target	Status	Most Recent Year	Management Comments
1 - Child Support Collections - Percentage of current child support collected relative to total child support owed.	76	80	Green	2012	
2 - Services to Victims - Percentage of adult criminal cases where the named victim(s) are provided "prompt notice" of their rights as crime victims.	95	90	Green	2012	
3 - Customer Service – Percent of customers rating their satisfaction with the agency’s customer service as “good” or “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	0		Pending	2008	
4 - Early and Special Resolution Programs - Percentage of District Attorney offices resolving cases through early and special resolution, number of cases resolved.	83	100	Red	2012	

Agency Management Report

KPMs For Reporting Year 2012

Finalize Date: 12/7/2012

This report provides high-level performance information which may not be sufficient to fully explain the complexities associated with some of the reported measurement results. Please reference the agency's most recent Annual Performance Progress Report to better understand a measure's intent, performance history, factors impacting performance and data gather and calculation methodology.

DISTRICT ATTORNEYS AND THEIR DEPUTIES

Annual Performance Progress Report (APPR) for Fiscal Year 2012

Original Submission Date: 2012

Finalize Date: 12/7/2012

2011-2012 KPM #	2011-2012 Approved Key Performance Measures (KPMs)
1	Child Support Collections - Percentage of current child support collected relative to total child support owed.
2	Services to Victims - Percentage of adult criminal cases where the named victim(s) are provided “prompt notice” of their rights as crime victims.
3	Customer Service – Percent of customers rating their satisfaction with the agency’s customer service as “good” or “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.
4	Early and Special Resolution Programs - Percentage of District Attorney offices resolving cases through early and special resolution, number of cases resolved.

New Delete	Proposed Key Performance Measures (KPM's) for Biennium 2013-2015
	Title: Rationale:

DISTRICT ATTORNEYS AND THEIR DEPUTIES**I. EXECUTIVE SUMMARY**

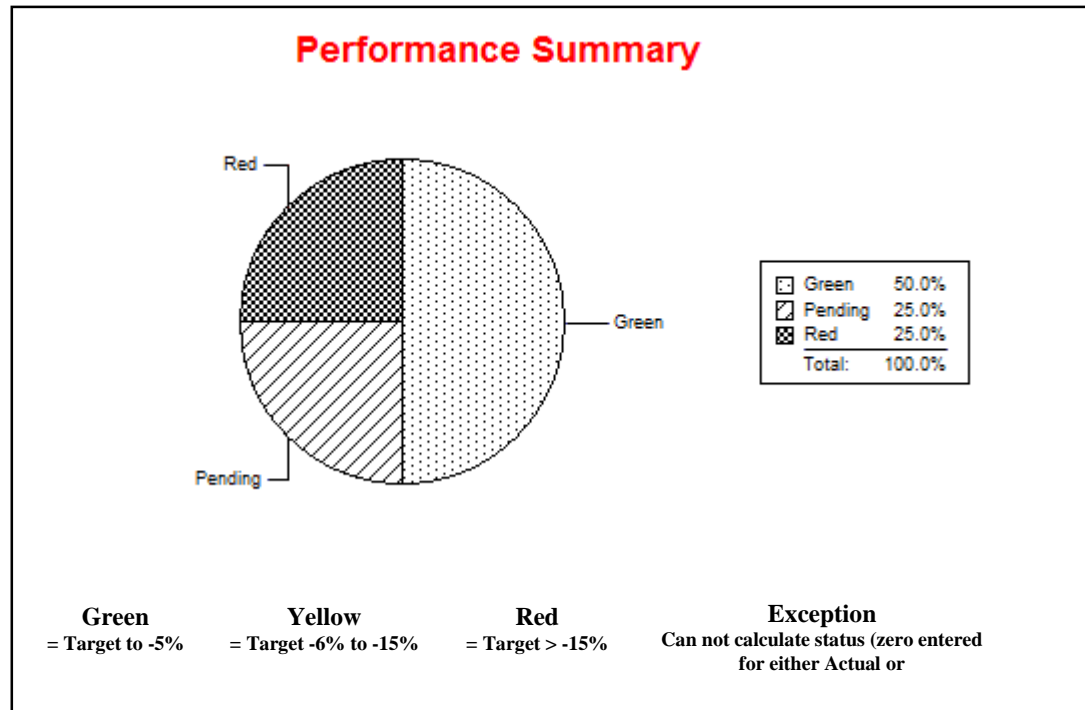
Agency Mission: The Mission of the Oregon District Attorney is to uphold the United States Constitution and the Constitution and laws of the State of Oregon, to preserve the safety of the public, to protect the rights of crime victims and to pursue justice for all citizens with skill, honor and integrity.

Contact: Eric Nisley, President, ODAA

Contact Phone: 541-206-2680

Alternate: Tim Colahan, First Vice President, ODAA

Alternate Phone: 541-573-8300

**1. SCOPE OF REPORT**

The report consists of four measures established by the Legislature. The first measure has to do with Child Support Collections, the second Services to Victims, the third Customer Service, and the fourth Early and Special Resolution Programs.

2. THE OREGON CONTEXT

3. PERFORMANCE SUMMARY

Results for two of the measures came in above the target or within 5 % of the target. These two measures were the Services to Victims (Prompt Notice of Rights) and Child Support Collections. The results for the Early and Special Resolution Programs were below target but they are nonetheless adequate. No results are once again available for the Customer Service measure. Overall, the District Attorneys have shown a solid increase in performance when compared with previous budget reports. Some of the data is difficult to compare and contrast due to logistical and budgetary issues that vary from county to county. That is further explained in each KPM discussion.

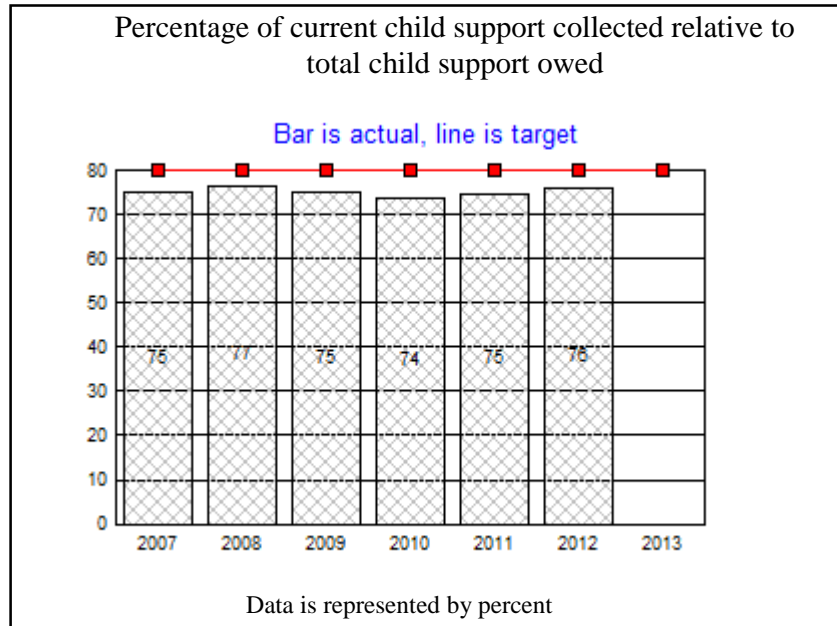
4. CHALLENGES

The biggest challenge to uniform and more easily-collected data remains a lack of modern, linked technology that allows for standardized forms and methods for data collection. This varies from county to county based upon county investment ability. Because the State does not provide any additional resources to the 36 offices, each office must rely on balancing of its budget to obtain the best technology available. For example, we have seen some counties face devastating budget reductions due to the fund reductions proposed by the federal government.

5. RESOURCES AND EFFICIENCY

Consistent use and application of specialty and early disposition courts keeps these numbers very high. It may be appropriate in the future to expand from the existence of these courts to include the numbers and types in each county. While the data collection presents difficulties, the information may be helpful given the fact that these courts themselves provide great efficiencies to the justice system, shortening duration of cases, reducing failures to appear and overtime for police, and increasing speed of restitution to victims, while providing needed treatment services to prevent crime and victimization down the road. It is important to remember that the State provides funding only for the compensation of the 36 elected district attorneys and for the mandatory risk assessment.

KPM #1	Child Support Collections - Percentage of current child support collected relative to total child support owed.	2007
Goal	Improve effectiveness of efforts to increase child support distributed to households with children	
Oregon Context	Progress Board Benchmark #57 (Child Support Payments)	
Data Source	Child support collection data from each DA office involved in collecting child support	
Owner	Eric Nisley, President, ODAA, (541) 506-2680; Tim Colahan, First Vice President, ODAA, 541-573-8300	



1. OUR STRATEGY

26 of 36 District Attorneys’ offices provide child collection services to their non-welfare customers. The remaining 10 counties* use the services of the Oregon

Department of Justice, Division of Child Support (DCS). Oregon's families depend upon this important court-ordered source of income to provide for their children. It is vital that these court orders be upheld to both ensure the accountability of the financially-responsible parent and to protect their children and those who provide them with direct care. Because the District Attorneys are responsible for the non-welfare collections, their percentages will appear to be more effective than those of DCS, whose clients have more financial difficulties. Additionally, about 95 % of the average DA caseload are cases with orders already established. Conversely only 74 % of the DCS caseload has orders already established. On the other hand, because deputy District Attorneys and collection specialists in their offices have strong local connections, they can often react more nimbly to support situations in a personal manner that increases both collections and customer satisfaction.

*Curry, Deschutes, Douglas, Gilliam, Hood River, Jefferson, Lake, Linn, Sherman, Wheeler

2. ABOUT THE TARGETS

The measurement was new in 2007-09 and the target was established at 80 % and has remained at that level.

3. HOW WE ARE DOING

Our performance of 76.2 % for the federal fiscal year ending September 30, 2012 was below the target but slightly up from the previous federal fiscal year. Child support enforcement efforts are often tied to economic forces. In more dire financial times, collections may become more difficult. It is at these times, however, that financial pressures on the custodial parent for childcare are also at their highest. The current collection results achieved by the 26 District Attorneys' offices of cases with orders have been consistent and static over time, despite an increase in cases with orders. For fiscal years 2010-2012, the total current collections averaged 75.4 %. The percentage of cases with support orders, which had been increasing slightly each year since 2008, stayed at 97.1 %, the same result as fiscal year 2011. Lastly, collections on arrears decreased ever so slightly from 76.6 % in fiscal year 2011 to 76.3 % in fiscal year 2012.

4. HOW WE COMPARE

Given that the only other entity doing this work in Oregon, the Oregon Department of Justice Division of Child Support (DCS), has a different clientele, and because child support enforcement scenarios vary from county to county based on size and income levels, it is a difficult comparison to attempt. The District Attorneys offices collect 75 % of ongoing child support that is owed within the month it becomes due. This could be compared to the collection of current support rate experienced by the DCS offices which averages at 60 %. However, the types of cases handled by the District Attorney offices are comprised of families that have not had to rely on state assistance (TANF) while the DCS offices handle cases that currently rely or formerly relied on state

assistance. DCS collections have held steady since FY 2006 and new management structures at DCS are bearing fruitful results for their clients. This success has manifested itself in impressive federal incentive dollars being driven to Oregon.

5. FACTORS AFFECTING RESULTS

The state of the economy has made increasing collection rates more difficult, although it also makes those monies collected more necessary for the custodial parent. Oregon has had one of the highest unemployment rates in the nation and while we have the ability to attach unemployment compensation benefits it does not mean that we will receive the whole amount of child support in the month that it comes due. At the local level the increase in cases with orders does not carry a corresponding increase in staff to accommodate the increase. The static collection rate despite an increase in orders does reflect efficiency on the part of the support specialists, but that is not sustainable.

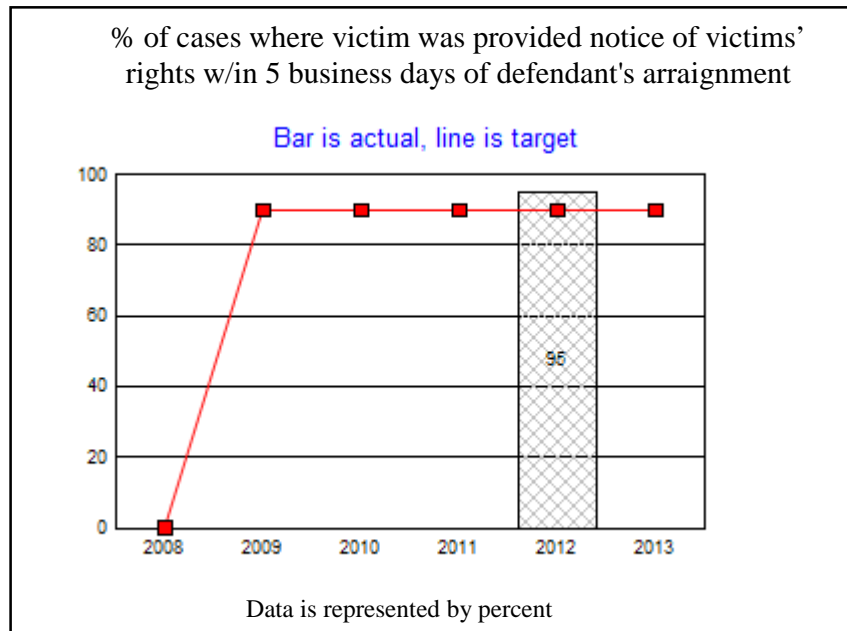
6. WHAT NEEDS TO BE DONE

Greater coordination, both in staff support and training and in technology, between DCS and the District Attorneys child support specialists is vital to the system to function at its highest level. This coordination is critical to best leverage for federal incentive match dollars and to reach the optimal court-ordered results for Oregon's families. The first steps have been taken in early 2011 to improve communication, coordination and structure. Initial results appear promising, at no additional cost to either the State or the counties. A centralized technology system for the 36 counties would assist in easing the ability to collect and maintain the data, however the District Attorneys are committed to continuing to provide this information to the Legislature and these services to Oregon's families. A restoration of prosecutorial assistance would ease the burden on the offices that are on the front line of these issues.

7. ABOUT THE DATA

The data is straightforward, using Current Collections. Collections must be received in the month they come due to have a positive result in this performance measure. The reporting cycle is the federal fiscal year (October 1 - September 30).

KPM #2	Services to Victims - Percentage of adult criminal cases where the named victim(s) are provided “prompt notice” of their rights as crime victims.	2007
Goal	Prompt notice of statutory and constitutional rights to victims	
Oregon Context	ODAA Mission Statement	
Data Source	Local District Attorney Offices	
Owner	Eric Nisley, President, ODAA, (541) 506-2680; Tim Colahan, First Vice President, ODAA, (541) 573-8300	



1. OUR STRATEGY

Take the actions necessary to ensure that victims are provided notice of their rights within five business days of the defendant's first arraignment.

2. ABOUT THE TARGETS

This performance measure quantifies the percentage of adult criminal cases where the named victim(s) are provided with “prompt notice” (meaning notice is provided within five business days of the defendant’s first arraignment) of their rights as crime victims, as codified in statute and as prescribed in the State Constitution. The target is 90 %.

3. HOW WE ARE DOING

Our performance for fiscal year 2012 was 95 % and exceeded the target level. Since the addition of the victims’ rights enforcement provisions in the Oregon Constitution in 2008, the District Attorneys have been changing their practices to ensure a better response rate for this measure. Of all the groups providing services to victims, only District Attorneys are responsible for the Constitutional rights of victims. District Attorneys’ offices have varying practices of delivering prompt notice, due to size and county resource capabilities. D.A. offices are experimenting with different ways and times to provide this notice. Many District Attorneys’ offices give victims of felonies the required information on Grand Jury day. Most counties rely on mailing notices to victims of misdemeanors within five days of arraignment, which aligns with the time period required by Grand Jury. Other smaller counties rely on phoning each victim or notifying the victims in person.

4. HOW WE COMPARE

Approximately 2/3 of states have Constitutionally-guaranteed rights for crime victims, although not all have the enforcement provisions that Oregon has, and therefore quantifying differences from state to state is not possible. The District Attorneys are committed to protecting the rights of crime victims. To that end, in 2011, the Oregon District Attorneys Association has adopted a four-point values statement which includes the tenet, “Justice and public safety require the protection of and advocacy for the Constitutional and statutory rights of victims.”

5. FACTORS AFFECTING RESULTS

While the compliance rate for this measure is high, the number of victims notified is affected by factors that are common to all programs that provide services to a diverse population. First, victims may be difficult to locate because: 1. They don’t want law enforcement contact because they are aligned with the suspect or are wanted themselves; 2. They are afraid for their safety; 3. There is incomplete contact information for the victims; and 4. Logistic and budgetary restrictions. Multnomah and Marion counties, for example, have automated systems which send rights letters out in the appropriate time period and those systems make tracking this measure much easier. Wasco County (and others) still call or write each victim individually. Depending on the size and available

technology of each county office, the ability to track this information can either be simple or onerous. This lack of uniformity impacts the net results.

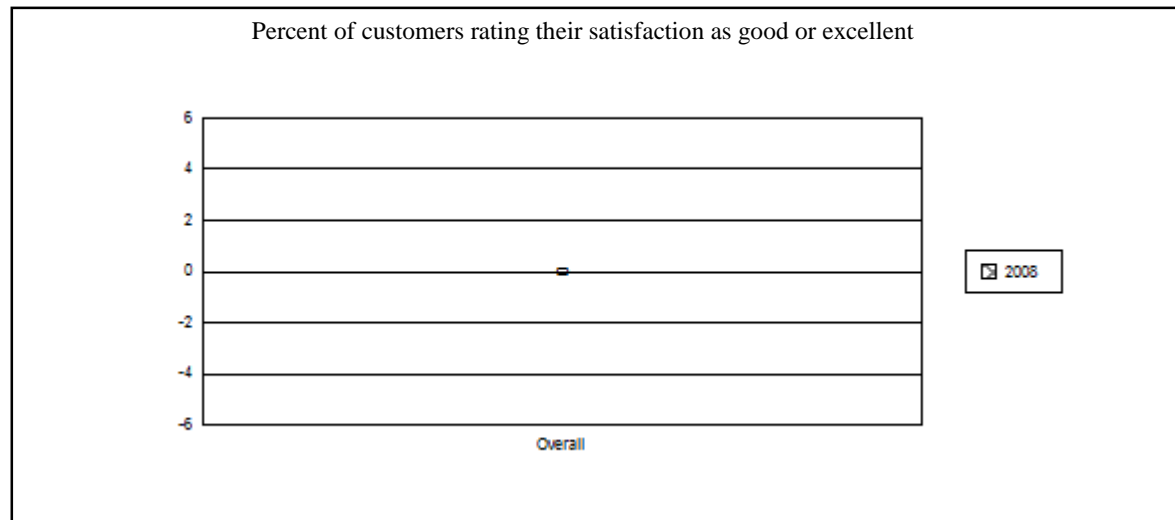
6. WHAT NEEDS TO BE DONE

The District Attorneys and their victim assistance programs need to find a standardized method of notifying victims and for collecting the information required by this performance measure, including the total number of victims and whether or how they were contacted within the specified five days of arraignment. There are a number of software systems available but at this time, the expense of these programs is prohibitive for many counties. However, with the advent of the Oregon Judicial Department's ecourt system, there may be more affordable practical solutions available which will allow for much more complete and uniform data collection for this KPM.

7. ABOUT THE DATA

The information provided was collected verbally and through e-mail to the D.A. Victim Assistance programs and, as such, is neither complete nor scientific. All 36 counties responded with rates between 74.5 % and 100 % compliance. Because the method of victim notification varies by county, the data has some variability even though it is measuring the same thing. For example, in some counties, victims such as Safeway, Fred Meyer and other large Corporate entities are not notified for each shoplifting case. The composite percentage of 95 % as illustrated in the bar chart for fiscal year 2012 is the average percentage for the 36 counties that responded with a percentage. Each county and their percentage is given equal weight.

KPM #3	Customer Service – Percent of customers rating their satisfaction with the agency’s customer service as “good” or “excellent”: overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	2007
Goal		
Oregon Context	ODAA Mission	
Data Source		
Owner	Eric Nisley, President, ODAA, (541) 506-2680; Tim Colahan, First Vice President, ODAA, (541) 573-8300	



1. OUR STRATEGY

The District Attorneys have chosen the term “customer service” over “customer satisfaction” because those we serve are victims, defendants, witnesses and our partners in the judicial and public safety systems. Rarely are victims or defendants “satisfied”. District Attorneys strive to ensure defendants receive fair administration of justice and sentences or sanctions that fit the crimes they commit, in accordance with the policies set by the Legislature, appropriate treatment for those with addiction, and diversion or alternative programs for those offenders who can most benefit from them. District Attorneys work to ensure victims

receive their statutory and Constitutional rights and appropriate restitution. They care for children in dependency cases and through child support enforcement. They work with their criminal justice partners to keep the court system moving efficiently. They work in partnership with their public safety partners to support public safety infrastructure and support policies that create safer communities. Quantifying these results is not easily achieved.

2. ABOUT THE TARGETS

New to all agencies in the 2009-11 biennium, the District Attorneys believe that their service levels have been high historically, but that progress has been made in this area. Again, determining a method to quantify service is difficult. In this case, it is more effective to provide evidence, rather than data, to support these assertions. In addition, as elected officials, the services provided to their communities have a very tangible performance measurement in the election cycle, every four years.

3. HOW WE ARE DOING

District Attorneys work constantly to improve service to the criminal justice system by working with the defense bar, judges, treatment providers and the business community in specialty courts and diversion programs. For more detailed information, please see KPM # 4. District Attorneys provide services to a wide variety of citizens. More specifically, the district attorneys provide services to: the Oregon State Police, every county sheriff, all the City Police Agencies, Federal Law Enforcement, tribal law enforcement, and many campus security forces. The services range from providing trainings, legal and technical advice, to prosecution services. The District Attorneys also provide services to the judicial branch, the defense bar, victims and a wide variety of other legal entities. The best method of collecting and assessing the customer satisfaction would be a survey of all the consumers of our services. The primary issue preventing this from occurring is funding, more specifically, a lack of funding to provide this service to the 36 elected District Attorneys.

4. HOW WE COMPARE

There is no other agency that provides the same services that the 36 independently elected District Attorneys provide.

5. FACTORS AFFECTING RESULTS

Factors effecting customer service results are as varied as the cases that are prosecuted. Some domestic violence victims, for example, do not want their batterers to be prosecuted, as they are either fearful or have been led to believe that they somehow deserve the treatment they receive. Often, they are dissatisfied with prosecutors who choose to proceed over their objections, for their own safety and that of their children. In other cases, victims are not pleased with plea decisions. In those cases, results would appear unacceptably low. Conversely, defendants receiving diversion for first time DUII or domestic

violence arrests are often very satisfied with the service provided by District Attorneys. Additionally, different law enforcement agencies work together with different District Attorneys. Some of the large police agencies work closely with their District Attorney while some seek advice from other local counsel such as City Attorneys.

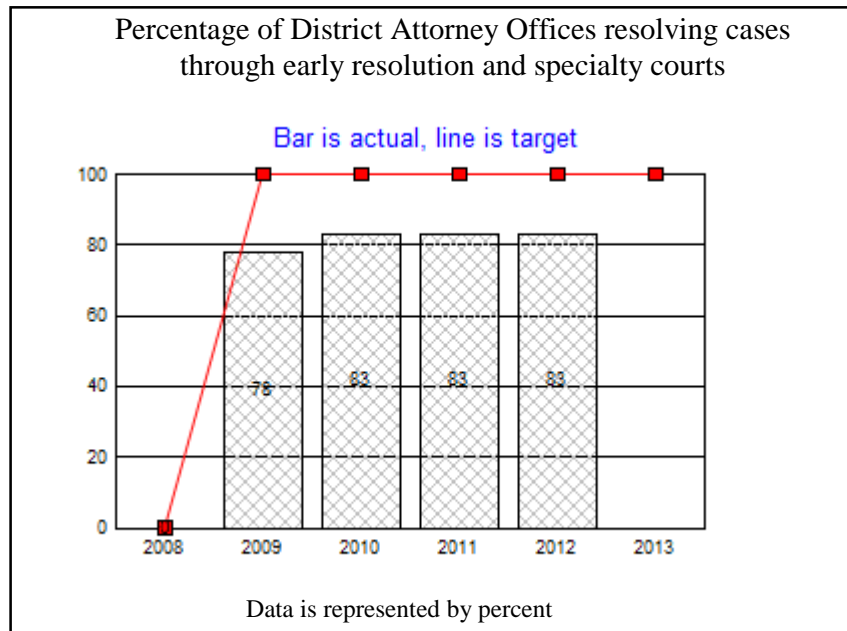
6. WHAT NEEDS TO BE DONE

District Attorneys will continue to seek to improve service to their constituents, their judicial system and public safety partners, defendants and victims through innovative programs, multidisciplinary task forces, and an increased ability to plan strategically. Should it become a priority for the legislature to obtain specific customer service information through funding of staff and materials to obtain such information, the District Attorneys would not oppose such a direction.

7. ABOUT THE DATA

Again, anecdotal evidence, rather than hard data, is the measurement for this KPM. As noted above, there is no source of funding available to gather customer service information from those who utilize the services of the 36 District Attorneys.

KPM #4	Early and Special Resolution Programs - Percentage of District Attorney offices resolving cases through early and special resolution, number of cases resolved.	2007
Goal	Ensure prompt resolution of cases, protect public safety and increase efficiency of Criminal Justice System	
Oregon Context	Progress Board Benchmarks #62, #65, #66	
Data Source	Local District Attorney Offices	
Owner	Eric Nisley, President, ODAA (541) 506-2680; Tim Colahan, First Vice President, ODAA (541) 573-8300	



1. OUR STRATEGY

Oregon’s court system, hampered by budgetary and space constraints, has been well-served by the partnership of District Attorneys, judges, the criminal defense bar, treatment providers and others through the advent and administration of early resolution and specialty courts. These courts create efficiencies by

reducing costs, increasing treatment services, and preventing downstream costs by helping to keep families together. In every county where adequate support services are available, so are specialty courts and early disposition programs. Our strategy was to enumerate both the number of cases resolved in these courts and the percentage of offices using early and special resolution courts.

2. ABOUT THE TARGETS

Prior to the 2009-11 biennium, there were 68 early or special resolution programs/courts in 28 counties. That number has grown to 30 counties and many counties have multiple Early and Special Disposition programs. For example, Wasco County has an Early Disposition Program and three Special Disposition Courts. The target of 100 % corresponds to all 36 Oregon Counties having an Early and/or Special Disposition program.

3. HOW WE ARE DOING

The results of this measurement are exceptional. A review of thirty evaluations involving twenty-four drug courts, conducted by the National Drug Court Institute, found that these facilities keep felony offenders in treatment or other structured services at roughly double the retention rate of community drug programs. Drug courts provide closer supervision than other treatment programs and substantially reduce drug use and criminal behavior among participants. Incarceration of drug-using offenders costs county taxpayers appropriately \$ 21,000 per person per year, according to figures from Douglas County Corrections. In contrast the Drug Court treatment program costs approximately \$ 2,500 per offender. Recidivism rates are dramatically reduced through the Drug Court treatment program, thus resulting in lowering crime and building safer communities while saving tax dollars.

4. HOW WE COMPARE

State to state comparisons in alternative courts and early resolution programs is difficult, given the vast differences in appropriations, populations and available treatment programming.

5. FACTORS AFFECTING RESULTS

The two main factors that affect a greater result in this performance measure are the lack of participation by one or more of the necessary justice system participants and the lack of financial and/or staff support to expand these courts. These are explained in greater detail below in the “What Needs to be Done” section.

6. WHAT NEEDS TO BE DONE

There needs to be continued support for the implementation of early resolution programs and alternative courts in counties that currently do not provide them. This can be accomplished by training and by financial support of existing and new programs. It would be a mistake to conclude no additional funding is needed for existing programs - often these programs are forced to limit participation due to modest funding levels. The fact that six counties do not have an Early or Special Disposition program should not be viewed as an indication that the District Attorneys are not meeting their goals. These counties maintain dockets that are not as overloaded as other counties and are not in as much need for such programs to gain efficiencies.

7. ABOUT THE DATA

Oregon fiscal year

DISTRICT ATTORNEYS AND THEIR DEPUTIES	III. USING PERFORMANCE DATA
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Agency Mission: The Mission of the Oregon District Attorney is to uphold the United States Constitution and the Constitution and laws of the State of Oregon, to preserve the safety of the public, to protect the rights of crime victims and to pursue justice for all citizens with skill, honor and integrity.

Contact: Eric Nisley, President, ODAA	Contact Phone: 541-206-2680
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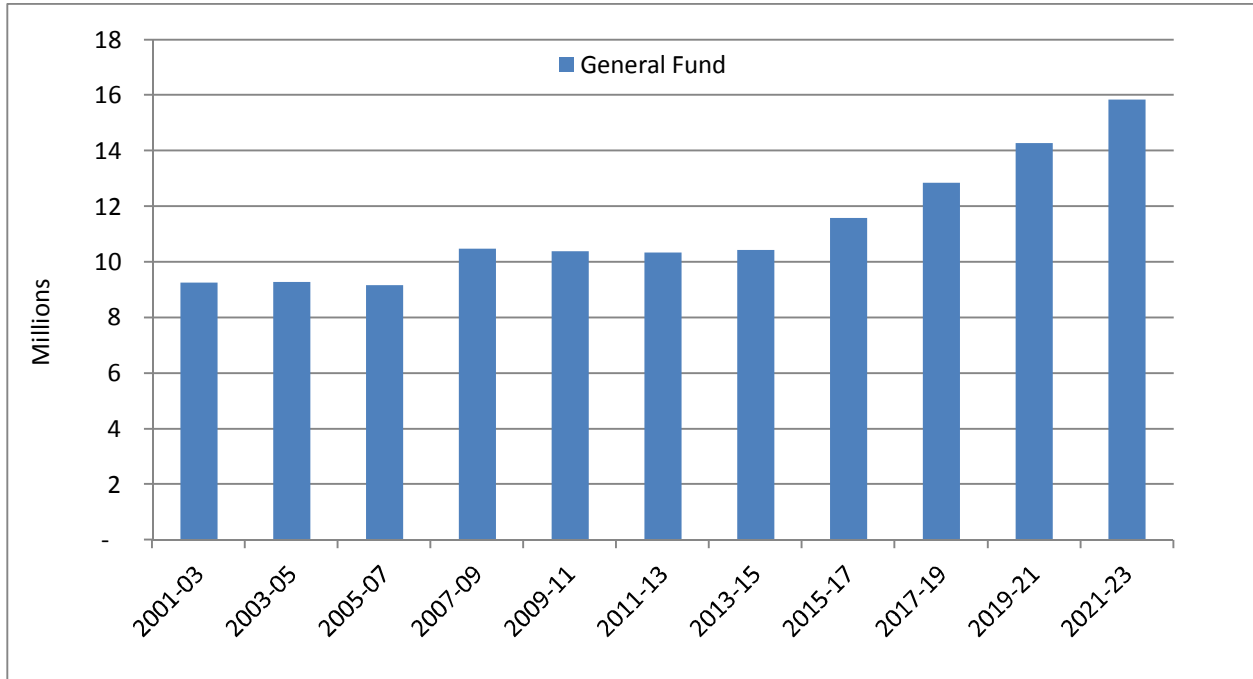
Alternate: Tim Colahan, First Vice President, ODAA	Alternate Phone: 541-573-8300
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The following questions indicate how performance measures and data are used for management and accountability purposes.

1. INCLUSIVITY	<ul style="list-style-type: none"> * Staff : * Elected Officials: * Stakeholders: * Citizens:
2 MANAGING FOR RESULTS	
3 STAFF TRAINING	
4 COMMUNICATING RESULTS	<ul style="list-style-type: none"> * Staff : * Elected Officials: * Stakeholders: * Citizens:

Agency Name: DAs and Their Deputies (196-DAs)

Primary Outcome Area: Safety
Secondary Outcome Area: Healthy People
Program Contact: Timothy J. Colahan, Harney County DA
541/573-8300



Executive Summary

The DAs' agency consists solely of 36 independently elected DAs (DAs) who are executive branch officers. The primary responsibility of the DAs is to seek justice; they prosecute virtually all criminal conduct that occurs in Oregon. DAs are also responsible for over 300 statutes that either mandate or authorize additional duties, including juvenile dependency and child support enforcement, as well as being the only Constitutionally-mandated providers of services to crime victims.

Program Description

The Mission of the Oregon DA is to uphold the laws and Constitution of the State of Oregon and the United States Constitution, to preserve the safety of the public, to protect the rights of crime victims, and to pursue justice for all with skill, honor and integrity.

The DAs' mission describes in general terms only some of the daily duties of the attorneys who represent the State. In addition to the Oregon Criminal Code, more than 300 statutes either mandate or authorize additional duties. While the primary responsibility of the DA is to seek justice and prosecute state criminal offenses committed by adults and juveniles, the duties of the

DA extend well beyond the prosecution function. They seek to reform and improve the administration of the criminal justice system; they serve as a key resource to legislators, local governments and the public on public safety issues.

There are 36 elected DAs and over 360 deputies who, in addition to criminal prosecutions, enforce child support obligations in non-welfare cases, prosecute civil forfeiture, rule on public records requests, present evidence at mental health hearings, assist in juvenile courts, and advise and represent county officers. Other responsibilities include serving on or heading Multi-Disciplinary Task Forces (MDT examples include: child abuse, sexual abuse, elder and vulnerable adult abuse task forces), child abuse response teams, Local Public Safety Coordinating Councils (LPSCC), Re-Entry Program Management Teams, Juvenile Crime Prevention Councils, County Management Teams, Drug & Alcohol Councils, various Governor's Task Forces and a myriad of community organizations. Some DAs also serve as County Counsels, Medical Examiners, and petition for juvenile dependency and delinquency. DAs are also the only agency Constitutionally-obligated to provide services to crime victims.

Program Justification and Link to 10-Year Outcome

The performance of DAs is directly linked to the 10-year plan's primary outcome: that Oregonians will be safe where they live, work and play. While our performance is most obviously connected to Safety by criminal justice, it also supports the Healthy People sector, especially through child support enforcement, as well as helping to enhance local economies and livable communities.

DAs most often encounter individuals who have already committed a crime. That said, the State's prosecutors are actively involved in prevention activities in their communities by using alternative and specialty courts to provide services and avoid prison, by enforcing child support obligations to keep families economically sound, and by basing their decisions on the Oregon Constitution's principles for the punishment of crime: "protection of society, personal responsibility, accountability for one's actions and reformation."

Strategy 1: DAs believe that maintaining non-violent offenders in the community, as is proposed in the 10-year plan, can be the best option. In 2011, for example, only 23.7% of convicted felons went to prison, which means that 76.3% of *convicted* felons remained in the community. Judicious decisions made at the charging and trial levels by prosecutors continue to make best use of precious state resources while balancing the safety of the public. But a note of caution: in 1997, the State passed SB 1145, which was intended to provide the "**swiftness and certainty of punishment in county jails and local supervision of offenders**"¹. By providing supervision, sanctions, and services, 1145 was to have reduced recidivism and help to reform these non-violent offenders. Unfortunately, the state funding distribution was never adequate and recidivism rates remain unreasonably high at 30%.²

¹ 10-Year Plan for Oregon Project, p. 5.

² Oregon Department of Corrections "Quick Facts", October, 2009

Strategy 2: It is difficult to segregate the strategy components, as they are integrated in practice. One way that DAs “**implement social and justice reinvestment practices**”³ is through the specialty and alternative courts they advocate for and participate in, especially drug courts. These courts create efficiencies by reducing costs, increasing treatment services, and preventing downstream costs by helping to keep families together. In addition to maintaining strict services and supervision for offenders, drug court programs help to find participants employment and help to keep their children out of the foster care system. At the annual cost/child of \$26,605/year⁴, Harney County is currently saving the system \$186,235.00 per year. 118 children have been positively impacted by Washington County’s Drug Court (2005-2010), for significant savings to the State and, most importantly, to the families. Multnomah County’s Mental Health Court is responsible for a 50% reduction of arrests and jail bed usage. The recidivism rate for Union County’s Drug Court is 12%. 68 drug-free babies have been delivered to participants in the Lane County Drug Court. Check Bounceback programs have helped to make merchants whole, when offenders purposefully pass bad checks. These programs, delivered through the leadership of DAs, circuit court judges, defense attorneys and service providers, show the success of today’s public safety system.

Strategy 3: There are many ways that DAs **ensure the safety of people in the community**⁵. Through their advocacy for strong public safety policies and their prudent charging practices, DAs have helped the state to achieve an over-50% decrease in the rate of violent crime. Since 1995, only one other state has had a steeper reduction. The Oregon Progress Board named Public Safety as one of only two sectors meeting state benchmarks in 2009. Part of that success is attributable to mandatory minimum sentencing laws such as Measure 11, approved by Oregonians twice by wide margins. These laws have provided greater uniformity of sanctions regardless of where you are in the state because they are violent-crime based—there are only 16 M11 crimes⁶. Laws to regulate pseudoephedrine, championed by DAs, have led to a steep reduction in methamphetamine labs and addiction. The epidemic of repeat property offenses was addressed when the Legislature asked the DAs to help craft legislation (M 57) to get these offenders to prison for a long enough time that they could receive services for the addictions that led to their behavior. **Developing and coordinating shared public safety data**⁷ is a priority for DAs, who do not possess uniform technology systems. Ideally, with a single system at use in every county, the DAs could work much more effectively with the Criminal Justice Commission in providing current, local data upon which sensible public safety policies could be determined, as opposed to the current system of educated guesses based upon Washington State’s data. Oregon deserves its own evidence upon which to base policy.

Strategy 4: Prosecutors strive to “**improve citizen access to justice**” in their daily work through collaboration with community partners, by holding offenders accountable, by protecting of crime victims’ rights, and in seeking a balanced approach to criminal justice. DAs advocate strongly for the entire public safety infrastructure; the need to keep courts open and accessible, for stable, permanent funding for the Oregon State Police and the services it provides, for

³ 10-Year Plan for Oregon Project, p.11

⁴ Department of Human Services, 2011 annual cost per child per year

⁵ 10-Year Plan for Oregon Project, p. 14

⁶ Arson 1, Assault 1,2, Attempted Aggravated Murder, Aggravated Murder, Compelling Prostitution, Kidnapping 1,2, Manslaughter 1,2, Murder, Rape 1,2, Robbery 1,2, Sexual Abuse 1, Sodomy 1,2, Unlawful Sexual Penetration, Using a Child in a Display of Sexually Explicit Conduct

⁷ 10-Year Plan for Oregon Project, p.15

salaries commensurate with the work done by public defenders and their own deputies, by enforcing laws for justice, and by identifying issues unique to their counties and crafting community-based ways to solve them. In addition, DAs have developed a more structured relationship with the Oregon State Sheriffs Association and Oregon Association Chiefs of Police to identify collaborative ways to improve public safety. In these ways, DAs model the 10-Year Plan’s initial statement: **Every citizen, regardless of social status or economic condition, deserves the security of knowing that their personal and financial safety and that of their family is protected by sustainable public safety services.**⁸

Program Performance

Achieving justice—making the difficult decision of whether or not to charge a case based on the evidence, enforcing the laws of the State, considering how to expend physical and support resources and to what extent, and ensuring the rights of victims—is impossible to quantify. That said, determining the “performance” of the prosecution function of State government can be looked at in many ways, but here are three.

Early Resolution and Specialty Courts: Oregon has seen a 39% increase in these courts since 2007-09, adding 23 new courts, including Veteran’s courts, HOPE courts, Juvenile courts and Domestic Violence courts to name a few. In fact, the State of Washington, with twice the population of Oregon, has the same number of Drug courts. These courts do not exist without the system-wide partnership of DAs, defense attorneys and judges.

Child Support Enforcement: DAs enforce and collect child support in non-welfare cases. These collections are integral to providing an important economic safety net for Oregon’s families. In more dire financial times, collections may become more difficult. It is at these times, however, that financial pressures on the custodial parent for childcare are also at their highest. Cases with orders for DA offices have increased .5% in the last biennium, but collections have remained fairly consistent in that time period. The chart, below, indicates collection rates for DA offices.

District Attorney Child Support Collections		
Federal Fiscal year	Current Collections	Collection Arrears
2007	75.1%	80.9%
2008	76.5%	82.4%
2009	74.9%	81.9%
2010	74.6%	80.0%
2011	75.4%	76.6%
2012	76.2%	76.3%

⁸ 10-Year Plan for Oregon Project, p.1

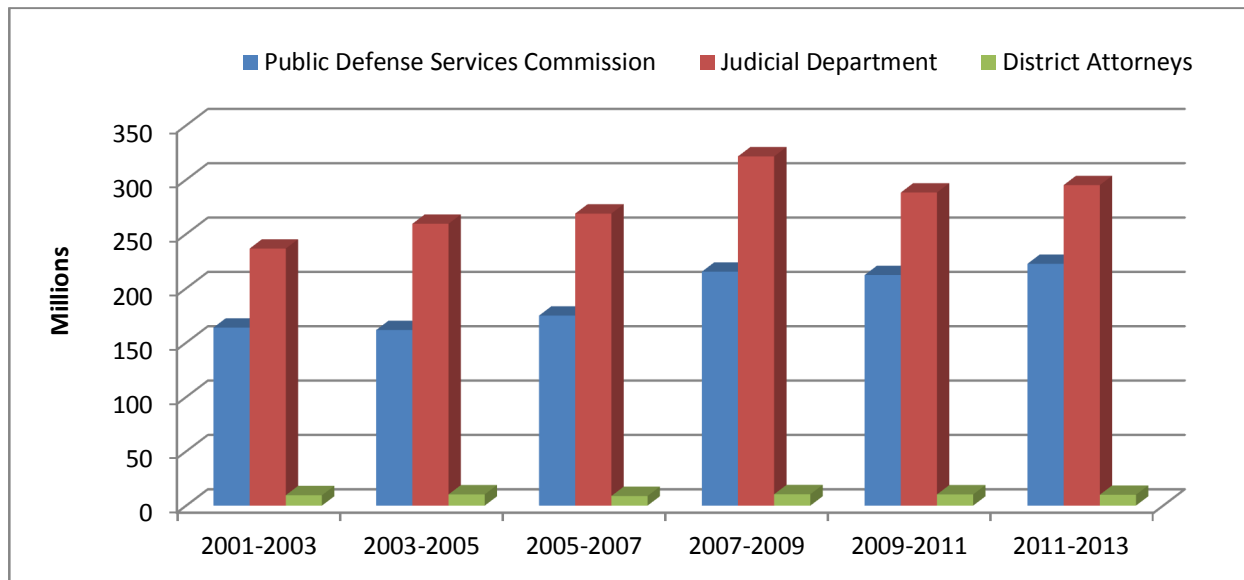
Discretion and Case Resolution: Through Early Disposition Programs and plea negotiations, DAs create system-wide savings. Over 96% of all cases do not go to trial. (Mandatory minimum sentences do not change this; roughly the same percentage of cases goes to trial as did prior to M11.) These cases are settled through plea negotiations, in which defendants represented by defense attorneys plead guilty to charges lesser than those for which they could have been convicted, saving court and corrections resources.

Enabling Legislation/Program Authorization

Article VII, Section 17 of the original Oregon Constitution states, “There shall be elected by districts comprised of one, or more counties, a sufficient number of prosecuting Attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct.” The office of the DA is governed by ORS 8.610-8.852.

Funding Streams

The 36 elected DAs’ salaries and the state-mandated assessments are funded with General Fund dollars. In 1971, the State and the counties agreed to share responsibility for the costs of prosecution. The over-360 deputy DAs representing the State are now funded entirely by the counties, as the State eliminated shared support for those deputies who represent it in 2005. State funding of DA salaries was intended to eliminate potential conflicts with county officials (functioning in the same manner as judges’ salaries), and to introduce a level of professionalism through stable salaries that would attract and retain highly-qualified attorneys for the State.



Significant Proposed Program Changes from 2011-13

None.