

## District Attorneys and Their Deputies

	2011-13 Actuals	2013-15 Leg. Approved*	2015-17 CSL LFO	2015-17 Governor's
General Fund	10,565,984	10,849,009	11,644,429	11,642,436
<b>Total Funds</b>	<b>10,565,984</b>	<b>10,849,009</b>	<b>11,644,429</b>	<b>11,642,436</b>
Positions	36	36	36	36
FTE	36.00	36.00	36.00	36.00

\* includes Emergency Board and administrative actions through December 2014

### ***Program Description***

District Attorneys (DAs) and their deputies prosecute state criminal offenses committed by juveniles and adults. In addition to criminal prosecution, district attorney legal duties include enforcement of child support obligations in non-welfare cases, prosecuting civil forfeitures, presenting evidence at mental health hearings, ruling on public records requests, representing interests in child dependency cases, assisting juvenile courts, and advising and representing county officers. DAs and their deputies are also active in local public safety coordinating councils, child abuse prevention teams, and community outreach activities. The budget primarily represents state payment of the salaries for DAs; the DAs are state employees. The Department of Justice provides administrative support for the DAs.

### ***CSL Summary and Issues***

Although there are no significant Current Service Level (CSL) issues, the 2015-17 CSL for the DAs does include two sizable increases over the 2013-15 legislatively approved budget. First, due to the full biennium roll-up of a base salary increase provided by the Legislature for DAs effective July 1, 2014, the agency's base budget is increased by \$413,479 General Fund for 2015-17. Second, due to increased costs for state government service charges (generally centralized services provided by other agencies), the agency's CSL is increased by \$375,065 General Fund for 2015-17. Other CSL changes include standard adjustments for vacancy factors, mass transit taxes, PERS pension obligation bond assessments, inflation on services and supplies, professional services, rent, and Attorney General (AG) charges; the AG budget was inflated by 19.2% to reflect price list costs due to AG rate increases (the initial AG rate in the price list of goods and services for 2015-17). The 2015-17 CSL is an increase of 7.3% from the 2013-15 legislatively approved level.

### ***Policy Issues***

The most significant policy/budget issue facing the 2015-17 budget is the DAs continuing efforts to obtain salary increases. The DAs proposed a \$10,000 compensation increase to the Legislature during the 2014 session comprised of two \$5,000 increments over time. The Legislature approved the first of these increments, approving a \$5,000 increase effective July 1, 2014. In addition to this increase, DAs (as state employees without statutorily set salaries) also received cost-of-living adjustments during the 2013-15 biennium of 1.5% on December 1, 2013 and 2% on September 1, 2014. The salary structure for DAs consists of two tiers – DAs in counties with population over 100,000 (ten counties) now receive an annual salary from the state of \$116,868; DAs in counties with populations under 100,000 currently receive a state salary of \$99,288. Counties are allowed to supplement the state salaries of DAs; currently 26 counties provide supplemental salaries to their DAs, ranging up to \$55,000 per year.

A second policy issue is related to sentencing reform and the passage of HB 3194 (2013) designed to make changes to felony marijuana offenses, felony driving while suspended or revoked, and the Measure 57 crimes of robbery in the third degree and identity theft. Additionally, the measure increased the transitional leave period from 30 days to 90 days prior to inmate discharge and provided for dispositional downward departure for certain other Measure 57 crimes where the inmate is a repeat offender. All of these changes were anticipated to result in a reduction of offenders incarcerated in Department of Corrections' (DOC) facilities and increase the amount distributed to the community corrections departments of counties for probation, post-prison supervision, and local control. DAs were expected to play a key role in applying these changes. Currently, the anticipated avoided costs from the sentencing reform are not materializing and changes in DOC population are not being experienced as quickly as projected.

A third policy issue is related to witness fees. In the past, the state contributed partial reimbursement for witness fees required to be paid for trials and grand jury proceedings in criminal cases. Witness fees were eliminated in the 2003-05 budget in response to state budgetary shortfalls. ORS 44.415(2) requires payment of \$5 per day plus 8 cents per mile for witnesses subpoenaed to attend grand jury proceedings, trials, probation violation hearings, pre-trial hearings, and other court actions. Expert witnesses are also often required to be hired to prepare and testify in certain situations.

As a partial step in addressing these and other issues, the DAs agency request budget includes three policy option packages:

1. Package 100 – District Attorney Salary Increase – \$467,889 General Fund – provides a \$5,000 salary increase for each of the 36 District Attorneys, effective July 1, 2015.
2. Package 101 – Witness Fees - \$930,000 General Fund – provides resources to pay witness fees as an offset to local government payment of these fees; currently, DAs spend over \$1 million in witness fees per two-year budget period; the funds would be distributed on the same basis as in the 2001-03 biennium (the last biennium that the state provided funding

for witness fees) with a \$1,000 per year amount per county with the balance distributed on the basis of the ratio of deputy DAs per county to the total number of deputy DAs.

3. Package 103 – Attorney General Representation for District Attorneys - \$200,000 General Fund – provides resources for state legal representation for DAs for costs not covered by tort claims for work related activities; since the 2007-09 biennium, charges by the Attorney General for these services have ranged from a low of \$20,000 to a high of \$130,000 (through July 2014, the charges for the current biennium have been \$2,600).

### ***Other Significant Issues and Background***

1. Any reductions to the DAs budget would necessarily require a reduction in salary and benefits to DAs; the final budget will include the agency's share of any adjustments made on a statewide basis to state government service charges.
2. In addition to the three packages included in the agency's request budget, the Oregon District Attorneys Association is also requesting the addition of \$8.6 million General Fund as a state payment toward Deputy District Attorney salaries. The last budget including supplemental payments for Deputy District Attorneys was for the 2003-05 biennium. The 2003-05 legislatively adopted budget included approximately \$1.9 million for Deputy District Attorney salaries.
3. There is interest in discussing the role of District Attorneys in implementing the HB 3194 (2013) process and the identification of successful strategies to keep certain offenders in the community setting to receive treatment rather than continuing to prosecute the offenders leading them to state prison instead. The savings to be generated from the sentencing reforms in HB 3194 anticipated a reduction in Department of Corrections' bed costs from the way DAs would adjust prosecution methodologies.

### ***Co-Chairs' Budget Framework Discussion***

The Governor's budget basically funds the DAs at the DAS calculated CSL; no packages were approved. No specific budget details or issues were identified in the Co-Chairs' budget framework for this agency. However, due to the overall funding level provided for the Public Safety/Judicial Branch program area in the Co-Chairs' budget framework, LFO is assuming recommendation of a current service level budget.