

District Attorneys and their Deputies				
	2013-15 Actual	2015-17 Legislatively Approved*	2017-19 Current Service Level	2017-19 Governor's Budget
General Fund	10,916,597	11,868,624	12,502,083	12,483,927
Total Funds	\$10,916,597	\$11,868,624	\$12,502,083	\$12,483,927
Positions	36	36	36	36
FTE	36.00	36.00	36.00	36.00

*Includes Emergency Board and administrative actions through December 2016.

Program Description

District Attorneys (“prosecuting attorneys” or DAs) are directed by section 17 of the Oregon Constitution. There are 36 DAs, one for each county, that are independently elected to four-year terms. 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 as county counsel in civil matters. DAs and their deputies are also active in local public safety coordinating councils, child abuse prevention teams, and community outreach activities. In cities of a population of more than 300,000 the district attorney is responsible for the prosecution of all city ordinance violations. Upon request of a county officer, the district attorney provides legal advice to the county court and other county officers.

The state’s 36 DAs are considered state (management service) employees and, by statute, the state is responsible for providing their salaries. Some 26 counties supplement their DA salaries and there are also approximately 350 deputy district attorney positions located throughout the state funded by counties. Counties are also responsible for providing office space, facilities, supplies and stenographic assistance. The state Department of Justice (DOJ) provides support for: legal advice, investigations, child support, and administrative support. The Oregon District Attorneys Association (ODAA), a 501c(6) non-profit Oregon corporation, employs a lobbyist and pays for a part-time executive director.

Key linkages, in addition to the DAs role in the public safety system, includes the DAs work with DOJ on child support and the Department of Human Services (DHS) for juvenile dependency representation.

CSL Summary and Issues

The 2017-19 current service level budget for the agency totals \$12.5 million General Fund (36 positions/36.00 FTE). The CSL is \$633,459, or 5.3%, more than the \$11.9 million 2015-17 legislatively approved budget. There are no significant CSL issues identified. The 2017-19 CSL budget includes the full biennium roll-up of a base salary increases as well as increased costs for state government service charges (generally

centralized services provided by other agencies). 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 charges.

Policy Issues

There are a few new and recurring policy issues identified by the agency: (a) juvenile dependency representation; (b) Grand Jury recordation; (d) DA compensation; and (c) agency staffing. What no longer appears to be budget issues from prior biennia are the payment of witness fees and state legal representation for DAs (i.e., legal costs not covered by tort claims for work related activities).

Other Significant Issues and Current Discussions

In 2013, sentencing reform was enacted by the Legislature (HB 3194). The reforms made changes to the criminal justice system in Oregon to reduce the General Fund cost of incarceration. The measure reduced penalties for some marijuana crimes, driving while suspended or revoked, Identity Theft, and Robbery III; expanded maximum transitional leave from 30 to 90 days; limited prison sanction durations for violating post-prison supervision conditions; and reduced supervision terms in jail or on probation for certain offenders. The averted costs were granted to counties by the Criminal Justice Commission to fund efforts and treatment to reduce recidivism and crime commission. DAs play a key role in applying these changes and whether anticipated avoided costs from the sentencing reform materialize.

Another issue to monitor is that coordination between the DAs and the DOJ in the development of the Child Support Enforcement Automated System (CSEAS) information technology project. District Attorneys recently objected to the CSEAS methodology for the assignment of cases after tacitly approving the original methodology in the Business Process Re-engineering that developed requirements for the new system. The national best practice supports coordination of cases and direct work with the party paying child support, according to DOJ. Assignment of cases by county of the party paying support facilitates that best practice. District Attorneys preferred the assignment of cases based on where the custodial party resides. After considerable discussion with representatives of the District Attorneys, and a meeting that included the Attorney General, DOJ offered a compromise of a bifurcated process. This compromise occurred outside the project's steering committee. Cases for District Attorneys (20% of the caseload) will be assigned by the receiving parent. DOJ will assign its cases based on the locale of the paying parent. This change is outside the scope of the original project and the cost of the change is unknown at this time. In approximately 75% of cases, the paying parent and the receiving parent reside in the same county, according to DOJ.

The Co-Chair's Existing Resources Budget Framework maintains the DAs' budget at CSL as does the Governor's budget.