

<b>District Attorneys and Their Deputies</b>					
	<b>2015-17 Actual</b>	<b>2017-19 Legislatively Adopted</b>	<b>2017-19 Legislatively Approved *</b>	<b>2019-21 Current Service Level</b>	<b>2019-21 Governor's Budget</b>
General Fund	11,995,440	12,478,724	12,978,561	12,945,651	12,884,488
<b>Total Funds</b>	<b>11,995,440</b>	<b>12,478,724</b>	<b>12,978,561</b>	<b>12,945,651</b>	<b>12,884,488</b>
Positions	36	36	36	36	36
FTE	36.00	36.00	36.00	36.00	36.00

\* Includes Emergency Board and administrative actions through December 2018.

### 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, other payroll expenses, and charges that primarily cover tort liability and other insurance; however, overall state support extends well beyond these direct payments. 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 Oregon District Attorneys Association (ODAA), a 501c(6) non-profit Oregon corporation, employs a lobbyist and pays for a part-time executive director, who effectively serve as administrators of the agency. The state Department of Justice provides support for: legal advice at the trial and appellate levels, investigations, child support, and limited administrative support. The Department of Human Services also provides federal grant funding for juvenile dependency representation for some counties.

### CSL Summary and Issues

The 2017-19 current service level budget for the agency totals \$13 million General Fund (36 positions/36.00 FTE). The CSL is \$32,910, or 0.3%, less than the \$12.6 million 2017-19 legislatively approved budget. The 2019-21 CSL budget includes the full biennium roll-up of a base salary increases as well as the cost for tort liability and other insurance, but excludes one-time startup costs associated with grand jury recordation (Emergency Board - December 2018). There is one unaddressed CSL issue albeit not requested by the agency. Each biennium,

district attorneys return to the Legislature for supplemental funding to true-up a difference between budgeted and actual personal service expenses for Other Payroll Costs (e.g., PERS and flexible benefit line-items), which is net of vacancy savings. An estimated \$250,000 to \$350,000 General Fund is needed each biennium to address this issue. Given the variability of the deficit, a permanent funding solution would be difficult to achieve without overbudgeting.

### Policy Issues

There are a few preliminary budget issues that the Co-Chairs budget will need to consider beyond which the agency may have additional requests.

**Grand Jury Recordation (\$5 million General Fund):** Funding is needed for the grand jury recordation. Ongoing funding will be needed for the three early implementing counties and start-up costs and ongoing funding will be needed for the remaining 33 counties, which are required to begin the recordation process July 1, 2019. **No funding was provided in the Governor's budget for this request.**

**Policy Packages:** The above budget issues are not entirely inclusive of the DAs agency request budget includes four policy packages totaling \$7.5 million General Fund, including, for example, a request for a DA salary increase of \$5,000 due to "compression" where salaries are falling behind those of Chief Deputy District Attorneys (\$232,270) and to partially compensate the counties for witness fees due to trials and grand jury proceedings in criminal cases (\$789,972). The state budget has not contributed to such cost since the 1999-2001 biennium. **No funding was provided in the Governor's budget for these requests.**

### Governor's Budget

The Governor's budget funds DAs at \$12.9 million General Fund, which is the Governor's current service level. **No funding was provided for grand jury recordation leaving the agency (i.e., District Attorney Office/counties) underfunded.**

### Other Significant Issues and Background

There are a few policy-type issues for the Co-Chairs to consider.

**Shift of Child Support Responsibility:** In 2016, [2015-17 biennium] District Attorneys in Wasco, Josephine, Klamath, and Benton counties opted to discontinue operating child support programs for non-welfare cases and the caseload has been reassigned to DOJ's Division of Child Support. This resulted in an increase in caseload and cost for DOJ.

**Juvenile Dependency Representation:** Implementation for the remaining six counties in Phase III (Clackamas, Clatsop, Marion, Multnomah, Union, and Washington) was delayed six months to July 1, 2019; however, DOJ will begin expending funds for this phase in the Spring of 2019 or during the 2017-19 biennium. The Phase III expansion is contingency upon the Legislature approving funding for the 2019-21 biennium. The law authorizing DHS to appear as a party in a juvenile court proceeding without appearance of an AG will sunset on June 30, 2020.

***Policy Measures with a Budgetary Impact:*** The enactment of SB 505 for grand jury recordation has surfaced the complex issue of potential state funding of policy measures that have a fiscal impact on local governments. This has unique implications that merits review.

***Study Update:*** A county DA office survey compiled in 2000 (which appears to be the most recent) showed the amount of state DA funding versus each county's DA funding. An independent update of this study may be important as DAs attempt to seek additional state funding.