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to House Judiciary Committee

Chair Williamson, Vice chairs, Sprenger and Gorsek and members of the House Judiciary Committee

My name is Barbara Ross and today I am testifying as an individual and not representing any organization.

I strongly support HB 3224 which will require District Attorneys to develop and make public the policies that guide their operation.

In general the public knows little about how prosecutors operate in their counties. They may hear the DA speak at a public event and think "He sound like a good guy" or they may hear about a case where a young person got a long sentence that seems excessively harsh and think "those guys are not being fair." But these isolated incidents don't give citizens the full picture of how the plea bargaining process goes. Most people don't realize that 95% of cases don't go to trial. We are only vaguely aware that most youth are afraid of long Measure Eleven sentences and so agree to what ever the prosecutors offer them.

Having written policies would reduce the secrecy and mystery that surrounds the district attorney's operations. It would give parents a place to start when trying to assist their children in managing the situation when they have been charged with a criminal act. It would give some guidance to friends and relatives who feel helpless when they are trying to assist a friend accused of a serious offence. Defense attorneys could use written policies to hold rogue prosecutors accountable to their own office's guidelines.

Police departments have detailed procedures for filing complaints against officers who do not follow department policies. DA offices do not have any similar paths for advocates to complain about plea bargaining deals that they see as completely unfair. Often they do not know exactly what the terms of an agreement are until after the accused has agreed to what the DA's staff have put forward. Then it is too late.

I believe that most DA's and their deputies are honest persons trying to do a good job. Having clear policies and more transparency will help build trust between the public and the DA staff. it will help reduce the suspicion and resentment that build when advocates and family members have no way of knowing what is going on.

Measure 11 shifted the power from judges to District attorneys in the majority of cases. HB 3224 will help shine a light on the policies and procedures developed by the leadership in the DA offices. This legislation will lead to more consistent and predictable outcomes. It will provide an opportunity for greater understanding on the part of the public of the different components of the process..

I urge you to support HB 3224
Thank you for this opportunity to provide testimony.

