

## **OFFICE OF THE DISTRICT ATTORNEY**

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June, 7, 2019

Representative Gary Leif  
Oregon State Legislature  
900 Court Street NE H-386  
Salem, OR 97301

RE: HB 2241-3 Court Filing Fees for Criminal Cases

Dear Representative Leif:

I write today to describe the practical impact of any plan to pay for the increased Oregon Judicial Budget through fees for the filing of criminal cases in our state courts as found in HB 2241-3. For Douglas County, the estimated fees collected and paid by my office would exceed \$100,000. That is the price of one prosecutor in my office of only ten Deputy District Attorneys.

I have no doubt that the legislature is well aware of the financial strain on counties with timber dependent economies. The financial strain here is not improving as our County Commissioners make every penny count and expect me to do the same. There is no discretionary fund or money available to pay the fees if they are imposed. It will, in fact, result in the loss of a prosecutor. Essentially, in my office, that loss will mean ten (10) percent less prosecution services for the citizens of Douglas County.

Crime will not decrease by ten percent to absorb that loss.

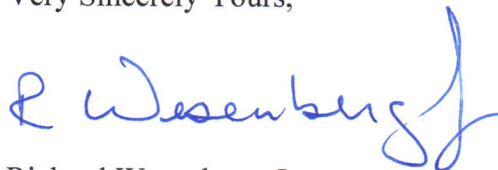
The effect of fewer prosecutors will mean justice is delayed for some, and for others, not available at all. If the fee structure is implemented, I anticipate that I will have to make choices to not file cases on certain crimes as a class. As an example, drug possession crimes such as possession of methamphetamine or heroin. Those individuals who are alleged to commit such crimes are given statutory options to avoid a conviction such as drug court or conditional discharge. The focus is on treating the addiction so that they may lead productive lives and avoid a criminal conviction. I have prosecution resources aimed at that very thing: treatment and restoration of the addicted individuals in our community. If those individuals do not enter the criminal justice system because I cut a prosecutor, their addiction will go untreated. If untreated,

that individual is likely to go on to more serious crimes, typically property crimes, where we will no longer have the opportunity to treat that individual without a criminal conviction. More importantly, we will additionally have victims of crimes who lost property and a sense of safety in our community because that addicted person is stealing to support their addiction. This is but one example of the loss to our county if I cannot provide treatment where it is needed because I don't have the prosecution resources to make it happen.

Our county has a Mental Health Court and a Domestic Violence Court in addition to the Drug Court mentioned above. Those activities are aimed at treating individuals and are prosecution resource intense activities. Drug court meets twice a week in addition to weekly staffing meeting. Domestic Violence Court meets once a month, but hearings on violations are weekly. Mental Health Court meets twice a week, once for staffing and once where the mentally ill person appears. Three of my prosecutors, in addition to their regular duties, devote a substantial part of their time to those treatment courts. I dare say, without the prosecutors' dedicated service to those treatment courts, the courts would not function. Those prosecutors work after hours and on weekends on their own time to assure the work is done and the court runs smoothly. I simply cannot ask them to do more, and I won't.

I hope that you read my letter in the spirit it is intended, that is, my hope that you find another way to fund the increase the Oregon Judicial Budget. Asking counties, such as mine, to absorb this cost will, in fact, harm the very justice system you seek to support.

Very Sincerely Yours,

A handwritten signature in blue ink that reads "Richard Wesenberg, Jr." with a stylized flourish at the end.

Richard Wesenberg, Jr.  
District Attorney Douglas County