

The background features a large, faint watermark of the seal of the Oregon District Attorneys Association. The seal is circular with a rope-like border. Inside the border, the words "OREGON DISTRICT ATTORNEYS ASSOCIATION" are written in a circular path. In the center of the seal is a scale of justice, with the word "order" written above it and "justice" written below it. The main title of the slide is overlaid on this seal.

# District Attorneys and Their Deputies

2021-23 Budget Presentation

March 15, 2021

# Mission of the Oregon District Attorney

*The Mission of the Oregon District Attorney is to uphold the United States Constitution and the Constitution and laws of the State of Oregon, to preserve the safety of the public, to protect the rights of crime victims, and to pursue justice for all citizens with skill, honor and integrity.*

# Constitutional Authority

## Article VII, Section 17:

“There shall be elected by districts...a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct.”

- District Attorneys were included as state officers in the original 1857 Constitution.
- 1857 Constitution was based on 1851 Indiana Constitution which made District Attorneys state officers empowered to enforce state law.
- Both Indiana and Oregon Constitutions reflected the trend away from Governor appointed District Attorneys because of the potential for the misuse of the appointment for patronage or political retribution tainting an office that enforces state law.

# District Attorneys and Their Deputies Organization Overview

- District Attorneys and Their Deputies is composed solely of the 36 independently elected District Attorneys (DAs) for each of Oregon's Counties.
- District Attorneys and Their Deputies has no agency staff or centralized staff.
- Traditional State Agency functions, such as budget preparation and fiscal impact statements, falls to the Oregon District Attorneys Association (ODAA), a non-profit association comprised of the 36 elected DAs.
- ODAA has one full time contract employee, an Executive Director, and a contract lobbyist.

# District Attorneys and the Oregon Department of Justice

- District Attorneys (DAs) receive ancillary support from the Oregon Department of Justice (DOJ). DOJ provides payroll and budget services and support for training and conference planning.
- DOJ also supports DAs through their Criminal Justice Division, Appellate Division, Crime Victim and Survivor Services Division, and Elected DAs, like all State Office holders, are represented in civil actions by the Trial Division.

# Change Among Elected DAs

- Since 2019, there have been 10 new DAs elected or appointed to office. Baker, Clackamas, Curry, Harney, Hood River, Josephine, Lake, Lincoln, Multnomah and Wasco.
- 29 of the 36 elected DAs have been elected or appointed since 2010.

# DA Traditional Duties

- Prosecution of all Felonies. Includes everything from aggravated murder to car theft.
- Prosecution of most misdemeanors. Misdemeanors include DUI, violating a stalking order and many domestic violence crimes.
- Juvenile Delinquency. DAs work in partnership with county Juvenile departments in providing accountability and reformation opportunities to juveniles.
- Participation in pardon and commutation requests.
- Crime Victim Assistance.
  - DA victim advocates provide direct support both in and out of the courtroom to crime victims.
  - Safety planning.
  - Restitution and crime victims' compensation claims.
  - Obtaining restraining and protective orders.
  - Connecting crime victims with other community support programs and services.

# DAs Supporting Innovation in Criminal Justice

- DAs are a key partner in treatment, specialty and diversion courts and programs.
  - Oregon has long been a leader and innovator in these courts which unite stakeholders in finding alternatives to custody and DAs have been involved since their inception.
  - DAs participate in 78 such courts across Oregon.
  - The courts include Drug, Mental Health, DUII, Veterans, Domestic Violence and Community Courts.
  - DAs also participate in Diversion programs such as Law Enforcement Assisted Diversion.
  - In 2020 10 counties reported either adding a new court or starting their first court.



# DAs Partners with Other Stakeholders in Criminal Justice

- DAs play a key role in the criminal justice system and are committed to working in partnership with other Stakeholders to promote better criminal justice outcomes.
  - Multi-Disciplinary Teams.
  - Local Public Safety Coordinating Councils.
  - Training for stakeholders.
  - Participation in state and legislative committees and task forces.

# DAs Duties Extend Beyond Criminal Justice

- Public records appeals.
- Medical Examiner.
- Civil commitment hearings.
- County Counsel.
- Child Support
  - DAs work in partnership with DOJ Division of Child Support and the Child Support Liaison to collect child support.
  - 22 of 36 DAs Offices provide child support services.
  - From October 1, 2019 through September 30, 2020, DAs collected \$175,458,791.
  - This represents 43.86% of the total child support program collections in the Oregon program.

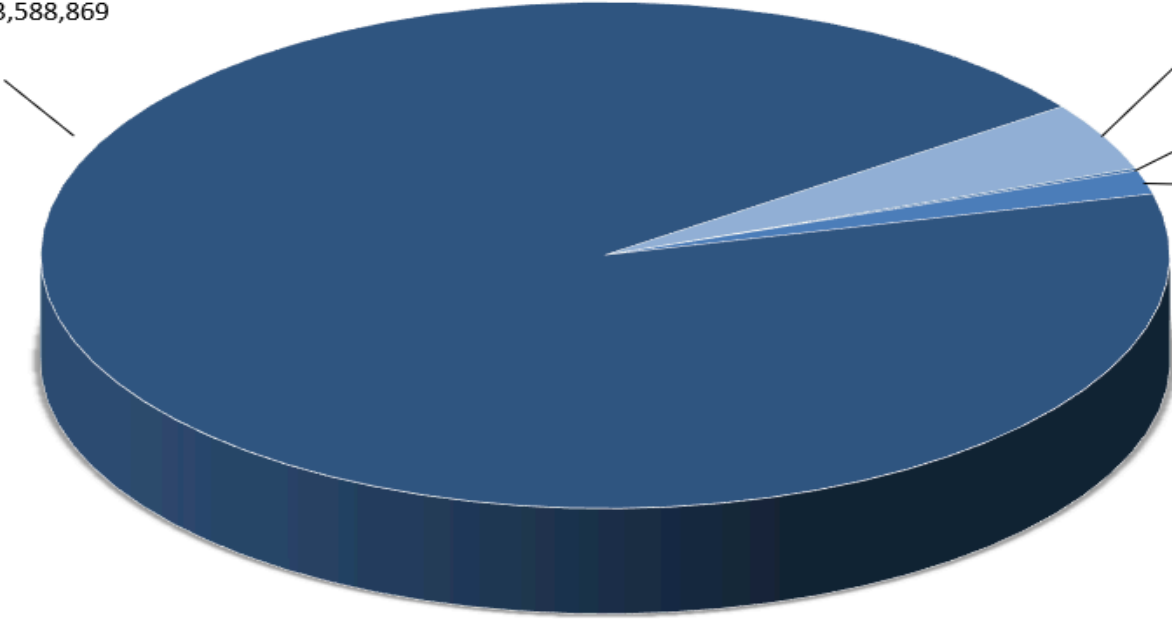
# District Attorneys and Their Deputies budget

1. Elected District Attorney compensation.
2. Risk assessment and other DAS charges.
3. Costs associated with implementation of SB 505 (2017), Grand Jury Recordation.

# District Attorneys 2021-23 Governor's Recommended Budget

## 2021-23 District Attorneys and Their Deputies Governor's Budget

36 District Attorneys  
Compensation, \$13,588,869



State Government Service  
Charges, \$637,935

Other Services & Supplies,  
\$(23,379)

Other Special Payments,  
\$220,000

Total: \$14,423,425

# DA Compensation

- Like State Court Judges, the parameters for Elected DA compensation are set by statute. “The district attorneys of the various counties shall be paid monthly salaries as adopted in the salary plan provided for in ORS 240.240(2), to include salary adjustments awarded management service employees.” (ORS 8.852)
- The Elected DAs fall under a single step compensation plan and incorporate any salary adjustments that are awarded to management service employees.
- While the plan is a single step there are two tiers of compensation. The ten Elected DAs who hold office in counties with a population over 100,000 receive more compensation.
- 26 counties have elected to provide supplemental compensation to their Elected DA.

# Implementation of Grand Jury Recording

- In 2017 SB 505 was passed and required that all grand jury proceedings be audio recorded.
- Compliance and implementation of SB 505 required DA offices to be trained on the recording equipment and plans needed to be developed for the long-term secured storage of the audio files and for the cost of transcription of the audio files if requested.

# Grand Jury Recordation Costs

- Second Special Session of 2020 authorized ongoing \$500,000 General Fund appropriation for costs associated with Grand Jury Recordation.

Expense Category	Service Provider	Service Agreement	General Fund
Statewide transcription service for district attorney offices	Private vendor(s)	Department of Justice to procure and administer statewide contract(s)	\$310,000
Storage and archiving of grand jury recordings	Department of Justice	Department of Justice to provide segregated hosting, security, backup, maintenance, and customer support	\$125,000
Technical assistance support, if contract vendor support is unavailable, on grand jury recording equipment	Judicial Department	Judicial Department to bill the District Attorney and Their Deputies on a quarterly basis and for a flat hourly rate for each technical support service call	\$50,000
Annual training on grand jury recording equipment	Judicial Department	Judicial Department to bill the District Attorney and Their Deputies on a fiscal year basis for annual training(s) on the recording equipment	\$15,000
<b>Total</b>			<b>\$500,000</b>

# Grand Jury Recordation Cost “Reshoot”

- There is placeholder amount in the Governor’s 21-23 budget for Grand Jury Recordation.
- We are working with LFO to “reshoot” this amount based on the data we are developing as we address the issues of ongoing training, long-term secured storage and transcription costs.
- Oregon Judicial Department and ODAA have held 1 of 2 scheduled trainings and are working on an MOU for the establishment of the Help Desk.
- DOJ and ODAA are starting the design and testing phase with Microsoft for long-term secured storage of the audio files.
- DOJ and ODAA have almost completed the RFP process for a statewide vendor for transcription services.



# Reduction Options/Adjustments

1. 5% reduction. \$724,300 GF. Taken out of salaries and benefits of the DAs. Represents approximately 28 working days.
2. 2<sup>nd</sup> 5% reduction. Additional \$724,300 GF. Taken out of salaries and benefits of the DAs. Represents approximately 28 working days.
3. DAs and their Deputies budget contains Personal Services costs for DAs, and State Government Service Charges. The salaries of the elected DAs are mandated by statute.
4. Each long session the DAs budget requires a reconciliation adjustment to reconcile the Other Payroll Expenses of each district attorney.

# 2019-21 Budget Note Report

- Report requested the biennial revenues and expenditures supporting all 36 DA offices for 2017-19 and 2019-21 fiscal years.
- Report has been submitted to Joint Ways and Means Committee and remains a work in progress.

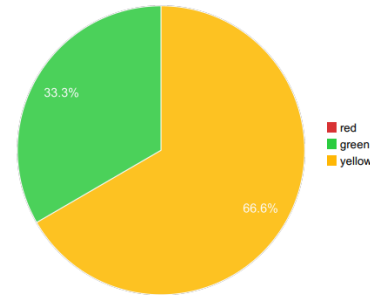
# Program Priorities

- Maintaining adequate funding for Grand Jury Recordation costs including training, technology help desk, secure long-term storage for files and transcription costs.
- COVID response. Pandemic has created case backlogs. DAs have been meeting this challenge by working in partnership with Court, Defense Bar and other stakeholders to find innovative ways to address pandemic backlog.
- Ballot Measure 110 and its effects on Drug Courts. DAs are committed to Drug Courts, but Measure 110 implementation may cause challenges for those courts.

# Key Performance Measures

- Child Support Collections.
- Services to Victims.
- Early and Special Resolution Programs.

KPM #	Approved Key Performance Measures (KPMs)
1	Child Support Collections - Percentage of current child support collected relative to total child support owed.
2	Services to Victims - Percentage of adult criminal cases where the named victim(s) are provided "prompt notice" of their rights as crime victims.
3	Early and Special Resolution Programs - Percentage of District Attorney offices resolving cases through early and special resolution, number of cases resolved.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	33.33%	66.67%	0%

# District Attorneys 2021-23 Budget

**Thank you for your time.**

**Questions?**

