

District Attorneys and Their Deputies

	2017-19 Actual	2019-21 Legislatively Adopted	2019-21 Legislatively Approved *	2021-23 Current Service Level	2021-23 Governor's Budget
General Fund	13,238,151	12,839,916	13,757,414	14,485,997	14,423,425
Total Funds	13,238,151	12,839,916	13,757,414	14,485,997	14,423,425
Positions	36	36	36	36	36
FTE	36.00	36.00	36.00	36.00	36.00

* Includes Emergency Board and administrative actions through January 2021

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. There is a two tier, annual compensation plan for DAs. Ten DAs in counties with populations exceeding 100,000 receive approximately \$191,000 in annual state compensation; all others receive approximately \$165,000. In addition, the state funds other payroll expenses and charges that primarily cover tort liability and other insurance.

Apart from state funding, some 26 counties have elected to provide supplemental compensation for their elected DA. DAs have offices ranging from only the elected official to offices with nearly 100 Deputy District Attorneys. Counties are responsible for providing funding for approximately 350 deputy district attorney positions; administrative support; facility space; and services and supplies. Counties also fund expert and other witness fees for grand jury proceedings; trials; probation violation hearings; pre-trial hearings; and other court actions; as well as stenographic assistance. The state budget has not contributed to the cost of the deputy district attorneys since 2007-09, nor to witness fees for trials and grand jury hearings in criminal proceedings since 1999-2001, with the exception of grand jury recordation

The state provides indirect supplemental support to the DAs through the Department of Justice (DOJ), which includes: prosecutorial support; investigations; information technology support; and administrative support to facilitate budget development and coordinate the non-profit association. The Oregon District Attorneys Association (ODAA), a 501c(6) non-profit Oregon corporation, employs a lobbyist and pays for a full-time executive director, who effectively serve as the administrator of the agency, but which again is not a budgeted state position.

CSL Summary and Issues

The 2021-23 current service level budget for the agency is \$14.5 million General Fund. The CSL is \$728,583 (or 5.3%), more than the 2019-21 legislatively approved budget of \$13.8 million. The budget includes 36 positions (36.00 FTE). The CSL does not include funding for grand jury recordation (see following discussion). The CSL budget includes Department of Administrative Services risk (liability) charge totaling \$622,819, which is \$287,644 (or 92%) more than the 2019-21 Legislatively approved budget.

Policy Issues

The Legislature in 2021 will likely continue discussions around public safety system reforms as well as the implementation of Ballot Measure 110 (2020) and the decriminalization of certain drug offenses.

Pandemic

Circuit courts are providing essential services such as hearings in emergency and routine protective orders and restraining orders; however, while bench and jury trials are taking place, courts are operating at approximately half their pre-pandemic capacity. There is presumed to be a growing backlog of existing cases due to the pandemic and there are also new cases arising from the pandemic (e.g., evictions, domestic relations, Habeas Corpus), which when combined may impact future prosecutorial activities.

Other Significant Issues and Background

The DA's have a request for supplemental funding of \$600,000 General Fund for the 2019-21 legislatively approved budget. This is somewhat of a routine request that occurs at the beginning of each long session to reconcile the Other Payroll Expenses of each district attorney. The amount of the request requires further analysis.

The 2021-23 Governor's budget totals \$14.4 million General Fund and is \$666,011 (or 4.8%), more than the 2019-21 legislatively approved budget of \$13.8 million. The budget includes 36 positions (36.00 FTE). The Second Special Legislative Session approved an ongoing \$500,000 General Fund appropriation for grand jury recordation and the DOJ is coordinating the implementation, including procuring statewide transcription services and secure electronic storage. The Governor's budget, however, includes only \$220,000 General Fund for the DOJ information technology support and excludes an estimated \$310,000 for statewide transcription services.

A budget note from the Legislative Session in 2019 directs that the Oregon District Attorneys Association, the Association of Oregon Counties, and the Oregon Department of Justice to report to the Legislature in 2021 with updated information on how District Attorney Offices are funded.

Reduction Options

Reduction options for state-funded district attorneys are limited as district attorneys are constitutional officers. Of additional note is that General Fund reductions to DOJ could adversely impact DA offices by reducing state prosecutorial support, investigations, and child support funding, among other activities.

Key Performance Measures

A copy of the DA Annual Performance Progress Report can be found on the LFO website.

https://www.oregonlegislature.gov/lfo/APPR/APPR_District%20Attorney_2020-09-29.pdf