

District Attorneys					
	2019-21 Actual	2021-23 Legislatively Adopted	2021-23 Legislatively Approved *	2023-25 Current Service Level	2023-25 Governor's Budget
General Fund	13,843,569	14,783,245	15,155,109	15,565,287	16,012,033
Total Funds	13,843,569	14,783,245	15,155,109	15,565,287	16,012,033
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 2022.					

Program Description

A District Attorney (“prosecuting attorneys” or DA) is the county chief law enforcement officer. There are 36 DAs, one for each county, who are independently elected to four-year terms. DAs and their deputies prosecute state criminal offenses committed by juveniles and adults at the trial-level.

The DA agency budget funds the compensation of the 36 DA positions, tort liability, other standard agency costs, and any policy measure with a state funding mandate on district attorneys. The funding of DA positions is a state General Fund obligation, as DAs are classified as state management service employees and, by statute, the state is responsible for providing their salaries and other payroll expenses.

The Department of Administrative Services (DAS) has established administratively a two tier, annual compensation plan for DAs comprised of a single step pay range for each tier. DAs in counties with populations exceeding 100,000, of which there are ten, are in Tier 1 and receive higher compensation. Tier 2 is comprised of all remaining counties. DAs are eligible for cost-of-living allowances and selective salary increases granted other state agency management service employees, as determinate by DAS. The following table summarizes *state-only* DA compensation under the current compensation plan:

Compensation Tier	Population Basis	Salary and Wages	Other Payroll Expenses	Annual Compensation
Tier-1	>100,000	\$146,172	\$62,619	\$208,791
Tier-2	<100,000	\$124,188	\$56,530	\$180,718

**excludes select county-funded supplementary compensation.*

The Oregon District Attorneys Association, a 501c(6) non-profit Oregon corporation, pays for an executive director who effectively serves as the administrator of the agency with the support of the Department of Justice (DOJ) that provides budgetary and accounting assistance to the agency.

Funding for DA offices is hybrid. In addition to the state's compensation plan, some 24 counties supplement the state salary their DA salaries. Counties are also responsible for funding deputy district attorney positions (DDA), investigators, and all other staff, as well as office space, and related services and supplies. In addition, counties fund prosecutorial expenses related to grand jury proceedings such as: expert and other witness fees. The state funds grand jury recordation. The state budget has not contributed to the cost of the DDAs since 2007-09, nor to witness fees for trials nor grand jury hearings in criminal proceedings since 1999-2001, except for grand jury recordation. A statewide case management system does not exist for the DAs.

Apart from the DA budget, the state, primarily through DOJ, provides in-direct funding in support of the local prosecutorial function, including: (1) trial-level prosecutorial training and support; (b) temporary support to fill vacated DA positions; (c) victim advocate offices and victim assistance; (d) defense of criminal convictions at both the trial and appellate-level; (e) Justice Reinvestment Initiatives; (f) reimbursement of discovery costs for indigent defendants; (g) child abuse investigations, medical assessments, and training; (h) competitive and non-competitive state and federal grants for crime victim assistance.

Other in-direct state support from DOJ includes child support enforcement. While DOJ is responsible for managing a statewide child support program, the program enters in a cooperative agreement with 19 DA offices to deliver services for some of the county's caseload, namely for participants who are not currently receiving public assistance or who formerly received assistance. Of note, is that even in cooperative agreement counties, DOJ manages the caseloads related to public assistance. For the remaining 17 counties, DOJ provides all child support services. By statute, DOJ also provides funding for a DA liaison position for the Oregon Child Support Program.

CSL Summary

The 2021-23 current service level budget for the agency is \$15.6 million General Fund. The CSL is \$401,178 (or 2.7%), more than the 2021-23 legislatively approved budget of \$15.2 million. The budget includes 36 positions (36.00 FTE). The budget is comprised of \$14.5 million (or 93.1%) personal services and \$1.1 million (or 6.9%) for services and supplies (State Government Services Charges), which of this amount \$835,309 is for liability insurance. The budget phases-out one-time funding of \$540,471 for grand jury recordation. Since the 2017 Legislative Session, funding for grand jury recordation has been one-time until such costs stabilized.

Policy Issues

The Legislature in 2023 may be considering public safety system legislation including the codification of Ballot Measure 114 (2022). While any number of substantive policy measures may impact the prosecutorial function, few, if any, may directly impact the state-funded budget of DAs. DA offices will be impacted by the recent Oregon Supreme Court ruling in *Watkins v. Ackley* that held that the requirement of unanimous jury verdicts in serious criminal cases applies to older criminal cases as well as those still on appeal. The ruling applies to cases where a criminal conviction was final and the appeals, if any, were over before the U.S. Supreme Court ruling decision that was issued in April 2020. At least hundreds of convictions are involved and may end up going back to circuit courts for new trials, at the prosecutorial discretion of the DA. This ruling will have an ancillary impact on the support DAs received from DOJ (e.g., defense of criminal convictions).

Actions related to addressing the public defense crisis will need to be monitored for any impact to the prosecutorial function and resourcing. DAs and counties remain concerned about the continued reimbursement of county costs related to discovery for indigent defendants by the Public Defense Services Commission. DAs have proposed substantive legislation related to pay equity for DAs as well as expanding Public Employees Retirement System Police and Fire benefits to DAs and DAAs.

Governor's Budget Summary

The 2023-25 Governor's budget totals \$16 million General Fund and is \$446,746 (or 2.9%), more than the 2023-25 current service budget of \$15.6 million. The budget includes 36 positions (36.00 FTE). The budget includes the following policy package except for a statewide adjustment to Department of Administrative Service's assessments (\$62,746 General Fund):

- Package 107 Grand Jury Recordation (\$384,000 General Fund)(Agency Priority #7) - continuation of funding for grand jury recordation costs. This includes: statewide transcription service for district attorney offices (\$191,091 - private vendor); storage and archiving of grand jury recordings (\$172,909 - DOJ); technical assistance support, if contract vendor support is unavailable, on grand jury recording equipment (\$15,000 - Judicial Department); and annual training on grand jury recording equipment (\$5,000 - Judicial Department).

Other Significant Issues and Background

The DA budget may require supplemental funding to complete the current 2021-23 biennium. This is a routine request that is needed to reconcile actual Other Payroll Expenses (i.e., flexible health benefits) of each district attorney with the approved budget. Such an adjustment has been required in at least three of the past biennia. The adjustment has been part of an early session omnibus measure occurred at the beginning of each long session. The 2021-23 biennium request is estimated to be for \$417,976 with similar requests in prior biennia being \$350,000 (2019), \$170,000 (2017), and \$92,000 (2015).

During the 2022 Legislative session, the DAs, in response to a budget note, submitted a comprehensive funding report of DA offices. The report updated a survey last completed in 2000. Statewide, the estimated resources necessary to fund and operate DA offices, on a fiscal year basis, totals an estimated \$184.8 million in state, local, and federal funding. Of this amount, the counties' contribution is estimated to be \$140 million (or 75.8%), the state contribution is estimated to be \$23.4 million (or 12.7%), and the federal government contribution, both direct and indirect, is estimated to be \$21.4 million (11.6%). The state contribution amount is materially understated by the indirect support provided DA offices by the state (e.g., DOJ).

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_DATD_2022-09-02.pdf

During the 2022 Legislative session, the DAs, in response to a budget note, submitted a report on Key Performance Measures. DAs are proposing a new KPM that “measures how many prosecutors in a fiscal year are receiving “101” level implicit bias training.” The proposed target would be 80%.