



**DEPARTMENT OF JUSTICE**  
OFFICE OF THE ATTORNEY GENERAL

DATE: March 29, 2023

TO: Chair Prozanski, Vice-Chair Thatcher, and  
Members of the Senate Judiciary Committee

FROM: Kimberly McCullough, Legislative Director  
Oregon Department of Justice

SUBJECT: Support for SB 915 – Deadly Force Prosecution Unit

The Oregon Department of Justice’s Criminal Justice Division is responsible for performing the law enforcement and prosecutorial functions of DOJ. The Division is staffed with prosecutors, sworn law enforcement officers, and criminal analysts.

Assisting district attorneys with criminal prosecutions is one of the most crucial services that the division provides. The types of cases the division handles are typically the most serious or complicated cases. Although medium and small size counties request prosecution assistance more often than larger counties, the division tends to get requests for assistance with police use of force cases equally from all counties. That is particularly so with cases that involve the use of force that results in death. The division has had five such cases this last biennium.

The division is currently staffed with 14 assistant attorneys general who provide that assistance in these cases. However, half of those positions are part of our resource prosecutor program and focus on a particular subject matter area, like elder abuse or domestic violence. That means the division is staffed with only seven prosecutors to provide prosecutorial assistance for all 36 district attorneys on all types of cases, including cases involving the use of force by police.

Because of the importance of use of force cases, we give them high priority. But the division faces a pressing need for assistance with other important cases as well, such as child abuse cases. Given those competing priorities, our ability to timely resolve cases, like an office involved shooting, is often compromised. For example, we have had to delay a grand jury presentation involving a deadly force case, because the assigned prosecutor was in a weeks-long child abuse trial in another county. We had assigned two prosecutors to that case initially, but the other prosecutor was re-assigned to perform the duties of the Klamath County District Attorney when that office became vacant.

Most often our prosecutors work with local major crimes teams who have taken the lead on investigating the use of force case. We assign one of our law enforcement officers to assist in the

review of that investigation and to assist with any additional investigation that is necessary. We also rely heavily on our support staff to help process the voluminous amounts of information involved in these cases and to assist with responding with public records requests.

SB 915 would help to address our workload issues in this area, making it possible for us to take more of these cases and to provide swifter prosecution assistance when we do.

We are deeply appreciative of the advocates who brought this bill forward and for all of the stakeholders who engaged in conversations about this topic before and during session.

**Contact:**

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