

# PROSECUTORIAL REFORM

## POLICY BRIEF FOR THE 2019 LEGISLATURE

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## District Attorney Accountability

The need for meaningful checks and balances for a critical part of the criminal justice system

Community members, policy makers, and advocates interested in improving our criminal justice system recognize that prosecutors have an incredible amount of power, but also the least amount of oversight and transparency among justice system actors. While there has been meaningful progress and important developments in the past decade around data

reporting, oversight, and policy reform for police and other law enforcement, the same cannot be said for prosecutors.

Prosecutors have the biggest influence over how people move through the justice system. We must ensure that there are meaningful checks and balances in place for such powerful public actors.



### BILLS TO SUPPORT

#### HB 3419

Chief sponsor: Rep. Williamson, Sen. Prozenski, Sen. Winters

#### HB 3224

Chief sponsors: Rep. Williamson, Rep. Piluso

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### ABOUT

The American Civil Liberties Union of Oregon is a non-profit and nonpartisan organization with more than 50,000 members and supporters throughout the state.

We defend and advance the civil liberties and civil rights of all people through work in the courts, in the legislature, and in communities.

## PLEA AGREEMENTS • SUPPORT HB 3419



**The Problem:**  
**People are forced to waive their core rights.**

Well over 90 percent of all cases in Oregon's criminal justice system get resolved through plea agreements. Until very recently, this process has received almost no attention from policy-makers.

Due to prosecutorial charging discretion, high mandatory

minimum sentences, and intense systematic pressures, defendants often forgo their constitutional right to a trial. Instead, they engage in a plea bargain process that functions almost completely through prosecutorial discretion without oversight or accountability mechanisms.

**The Solution: HB 3419**

This legislation establishes some basic checks and balances in the process by:

- Protecting fundamental rights and due process
- Protecting access to legislatively created rehabilitation programs designed to reduce recidivism

Whether people are scared, confused, or feeling pressured by the system, plea negotiations should not include offers to waive core rights.

*Note: This bill was previously known as HB 3148*

## TRANSPARENCY & ACCOUNTABILITY • SUPPORT HB 3224



**The Problem:**  
**Prosecutors have very little oversight.**

Policies that guide the work in district attorneys' (DA) offices matter. The choices that individual DAs make about how their offices are run and how their prosecutors operate profoundly impact the lives of Oregonians.

The policies and practices of DAs can be the difference between whether or not crime victims get access to critical services that help them rebuild their lives, whether or not young people are

held accountable in a way that protects future life-possibilities, whether people of color are treated fairly, or whether children keep contact and connection with their parents.

There is currently no requirement in Oregon that DA offices have publicly available policies that create reasonable transparency about the core functions of their office. Without meaningful and public policies and guidelines, unchecked prosecutorial discretion can lead to unequal treatment, rogue prosecutors, confusion for victims and defendants, and the inability of Oregonians to understand

and effectively question what's happening in our justice system.

**The Solution: HB 3224**

The formal or informal policies that guide prosecutorial practices of DA offices shouldn't be a mystery.

This legislation requires every district attorney to create policies for the core functions of their office and make them available to the public. Oregonians deserves greater transparency from the most powerful actors in our criminal justice system.