



## Mike Schmidt, District Attorney

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### MEMORANDUM

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**TO:** Honorable Rep. Karin Power, Chair

**FROM:** Aaron Knott, MCDA Policy Director

**SUBJECT:** Testimony in opposition to HB 2177

**DATE:** 3/10/21

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#### SUMMARY

The E-Courts system brought Oregon's judicial case management process into the digital age, providing all users with a modern interface for case filing and management which has undoubtedly resulted in a vastly more efficient judicial system. This system requires maintenance, and such maintenance isn't free. However, as written, HB 2177 externalizes these maintenance costs onto our criminal justice system by shifting costs currently borne by the state to the offices of District Attorneys. This cost, which is not accounted for in the budgets of DA offices, will result in the loss of deputy district attorney positions throughout Oregon.

#### BACKGROUND

Multnomah County District Attorney handles roughly 14,000 criminal cases per year. We do this with a staff of 71 deputy district attorneys, which is a generational low and a drastic decrease from our historic peak of roughly 100 attorneys in 2001. Case counts are high during normal times, but the combination of the closure of most jury trial functions during the COVID epidemic with a recent surge of gun violence has created historically high case counts. An internal staffing comparison study of comparable counties demonstrated that Multnomah County employs fewer DDAs per capita than every other county included in the study, often significantly so. We are in a moment of incredible - even unique - stress and demand.

HB 2177 authorizes the Oregon Judicial Department to impose a fee of up to \$102 per criminal case filed, per ORS 46.570. The Chief Justice has represented that she intends

to impose a fee of \$20 per misdemeanor case and \$40 per felony case. While we believe that this representation is accurate, it is also accurate to note that future fee structures could significantly exceed what is currently proposed. Even a conservative estimate of the potential fiscal impact of this proposal on the Multnomah County District Attorney's Office exceeds \$350,000 per year.

This will result in the loss of deputy district attorneys. Each additional deputy lost results in no fewer cases, but instead in the increase in the number of cases assigned to each deputy. As case counts climb, our deputies have less time to spend on each – less time to consult with victims, less time to consider the unique circumstances of each defendant, less deputies available to staff specialty and diversion courts. This is exacerbated because these cuts are not contemplated in our current budget cycle.

We agree that the e-court system is valuable and in need of continuing funding. But this public service, crucial as it is, should not be placed on the shoulders of a system of public safety already strained by the deeply destabilizing pressures of the COVID epidemic. We urge that HB 2177 be tabled, and a more equitable solution be found to maintain the e-court system.

Contact: Aaron Knott – Policy Director ([aaron.knott@mcda.us](mailto:aaron.knott@mcda.us)).