

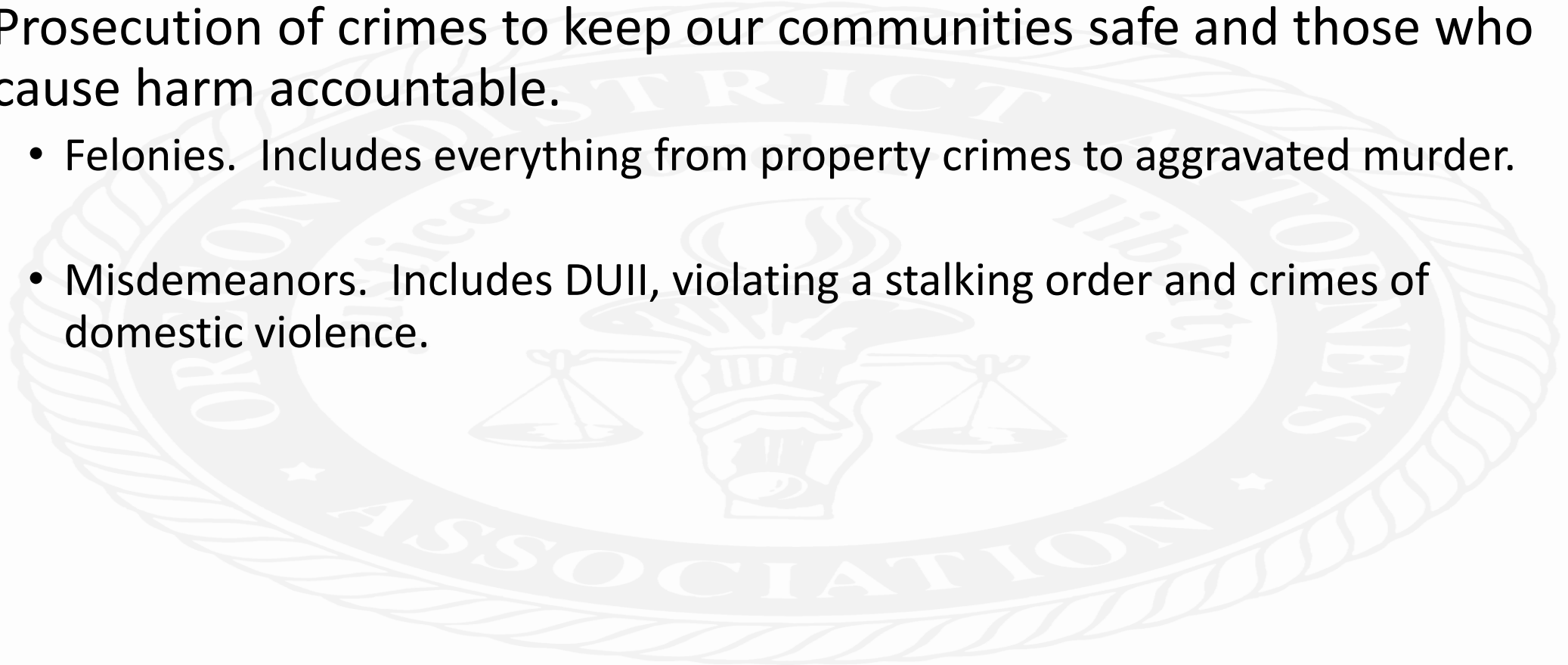
Oregon District Attorneys Association

Presentation to House Judiciary
Committee

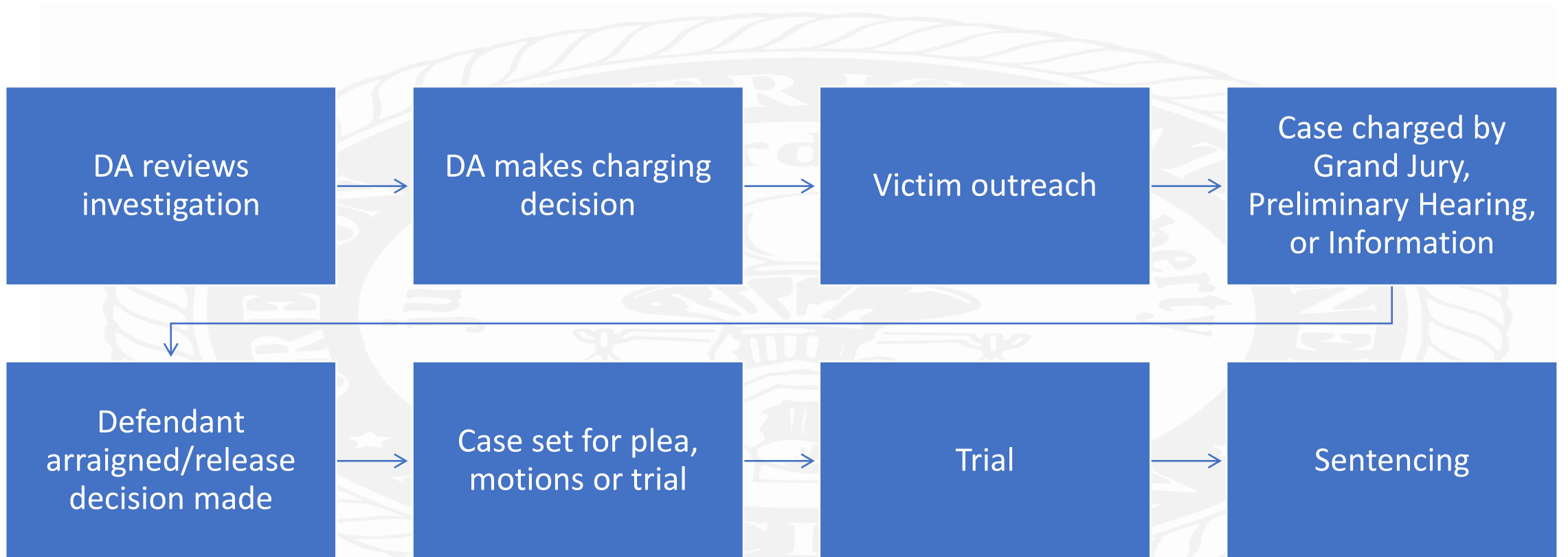


Primary Duty Of District Attorneys

- Prosecution of crimes to keep our communities safe and those who cause harm accountable.
 - Felonies. Includes everything from property crimes to aggravated murder.
 - Misdemeanors. Includes DUII, violating a stalking order and crimes of domestic violence.



DA Criminal Case Process



DA Review of Investigation

- What is a DA looking for during their review of an investigation?
 - Does the investigation provide credible and legally admissible evidence that meets the burden of “proof beyond a reasonable doubt” that a crime has been committed?
- Cases are referred back to the investigating agency to:
 - Gather more evidence.
 - Request forensic testing of evidence.
 - Ensure all relevant reports have been submitted.
 - Interview or re-interview witnesses.

DA Charging Decision

- Decision to Charge takes into account:
 - Credibility of evidence.
 - Admissibility of evidence.
 - Statutory law.
 - Case law.
 - Whether or not there is proof beyond a reasonable doubt that the accused committed the crime.
 - Will charging protect the public and hold individuals who cause harm accountable?

Victim Outreach

- Constitutional and Statutory victim rights in a criminal prosecution.
 - Notice of critical events.
 - Consultation with DA before any plea agreement.
 - Notice of their rights.
 - Right to be heard in court at release hearings and sentencing.
 - Restitution.
- Other ways DA and DA Victim Advocates support victims in the criminal justice process.
 - Safety planning.
 - Crime victims' compensation.
 - Preparation for court.
 - Communication and support from DA victim advocates office.

How is a Defendant Charged with a Crime?

Grand Jury

- Comprised of 7 citizens.
- 5 must concur to indict a defendant for a crime.

DA Information

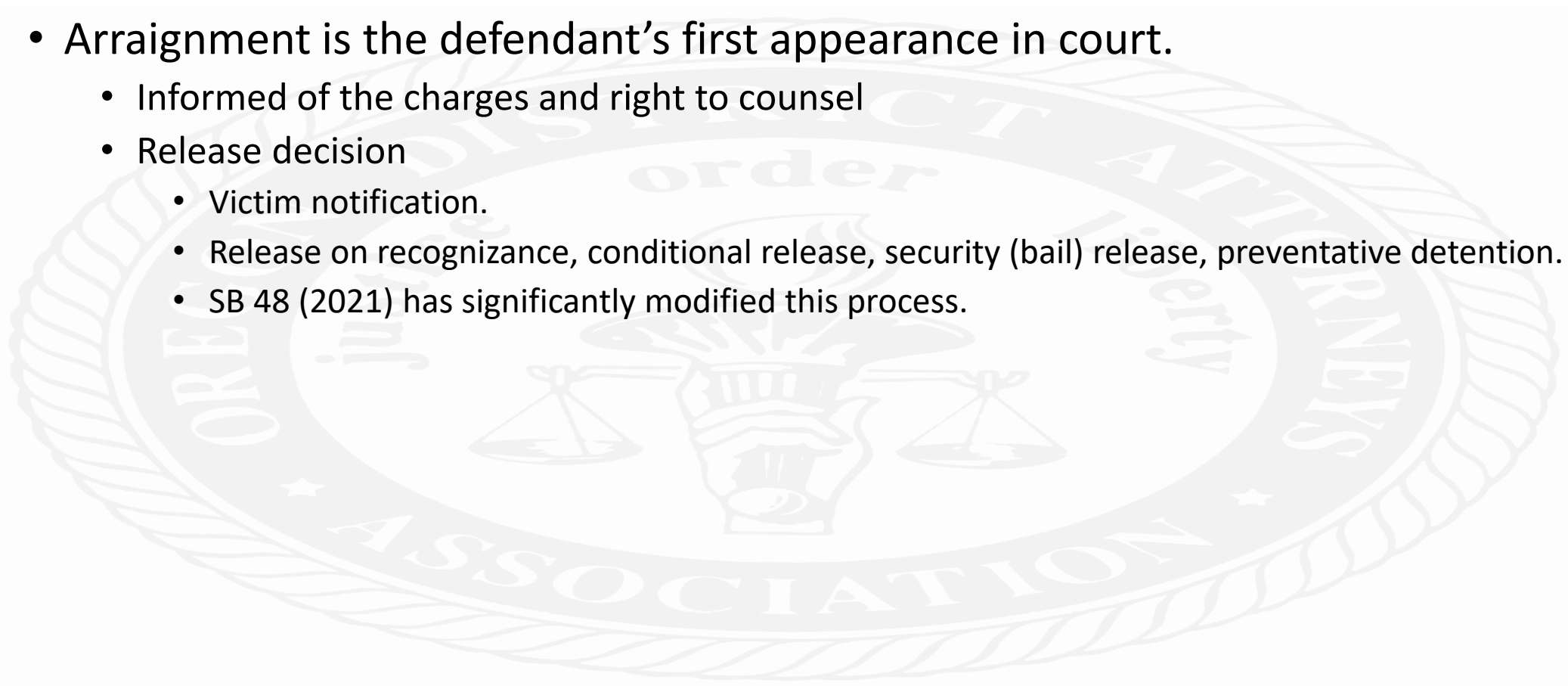
- Used to charge misdemeanors.
- If defendant waives Grand Jury or preliminary hearing it may be used to charge felonies.

Preliminary Hearing

- If a defendant is charged with a felony by information a preliminary hearing before a judge may be held to determine if there is probable cause that a crime punishable as a felony has been committed by the defendant.

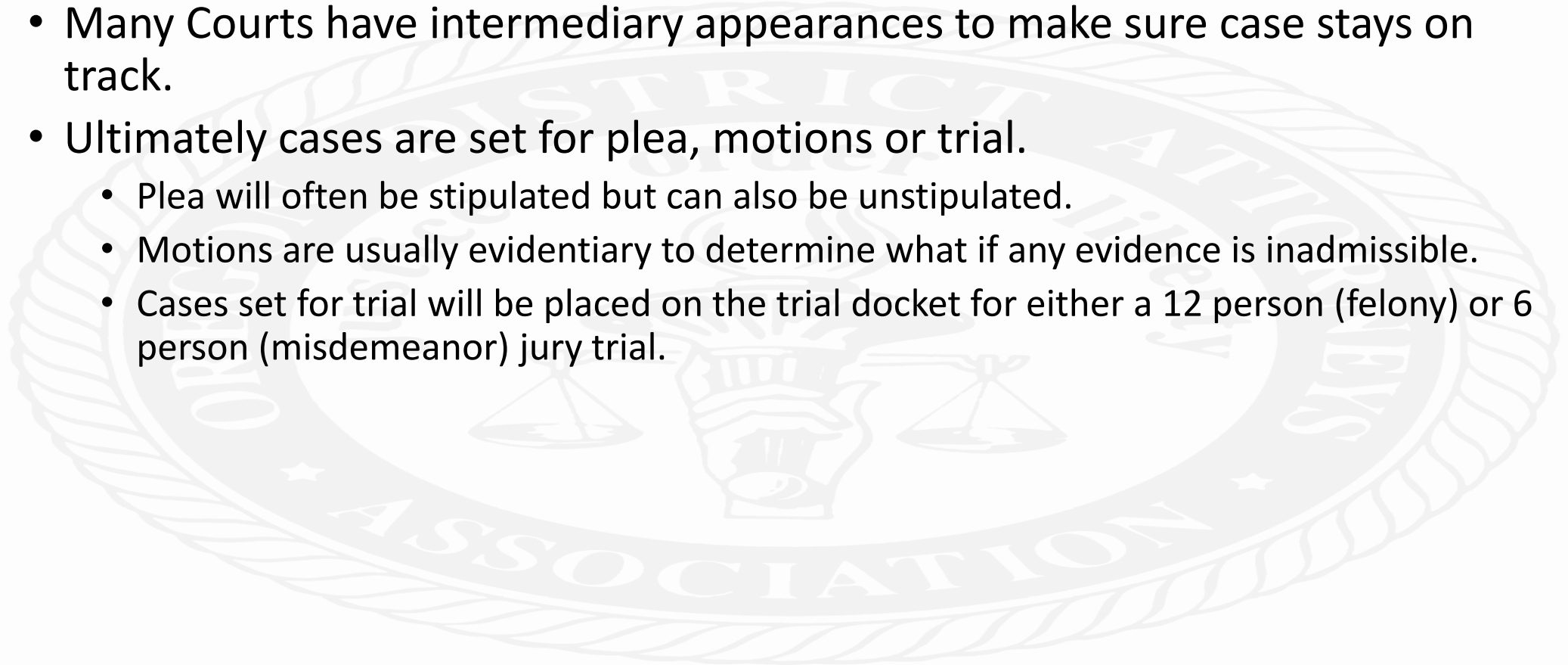
Arraignment/Release Decision

- Arraignment is the defendant's first appearance in court.
 - Informed of the charges and right to counsel
 - Release decision
 - Victim notification.
 - Release on recognizance, conditional release, security (bail) release, preventative detention.
 - SB 48 (2021) has significantly modified this process.



Pretrial Stages

- Many Courts have intermediary appearances to make sure case stays on track.
- Ultimately cases are set for plea, motions or trial.
 - Plea will often be stipulated but can also be unstipulated.
 - Motions are usually evidentiary to determine what if any evidence is inadmissible.
 - Cases set for trial will be placed on the trial docket for either a 12 person (felony) or 6 person (misdemeanor) jury trial.



Possible Results from a Plea

- Possible sentences:
 - Probation with conditions such as jail time, community service, no contact with victim, fines, restitution to victim, treatment, and any other condition reasonably related condition.
 - Jail only sentences with no probation.
 - Prison sentences for felonies. Must be over 12 months. Followed by post-prison supervision.
 - Diversion sentences.
 - Treatment court options.

Felony Sentencing

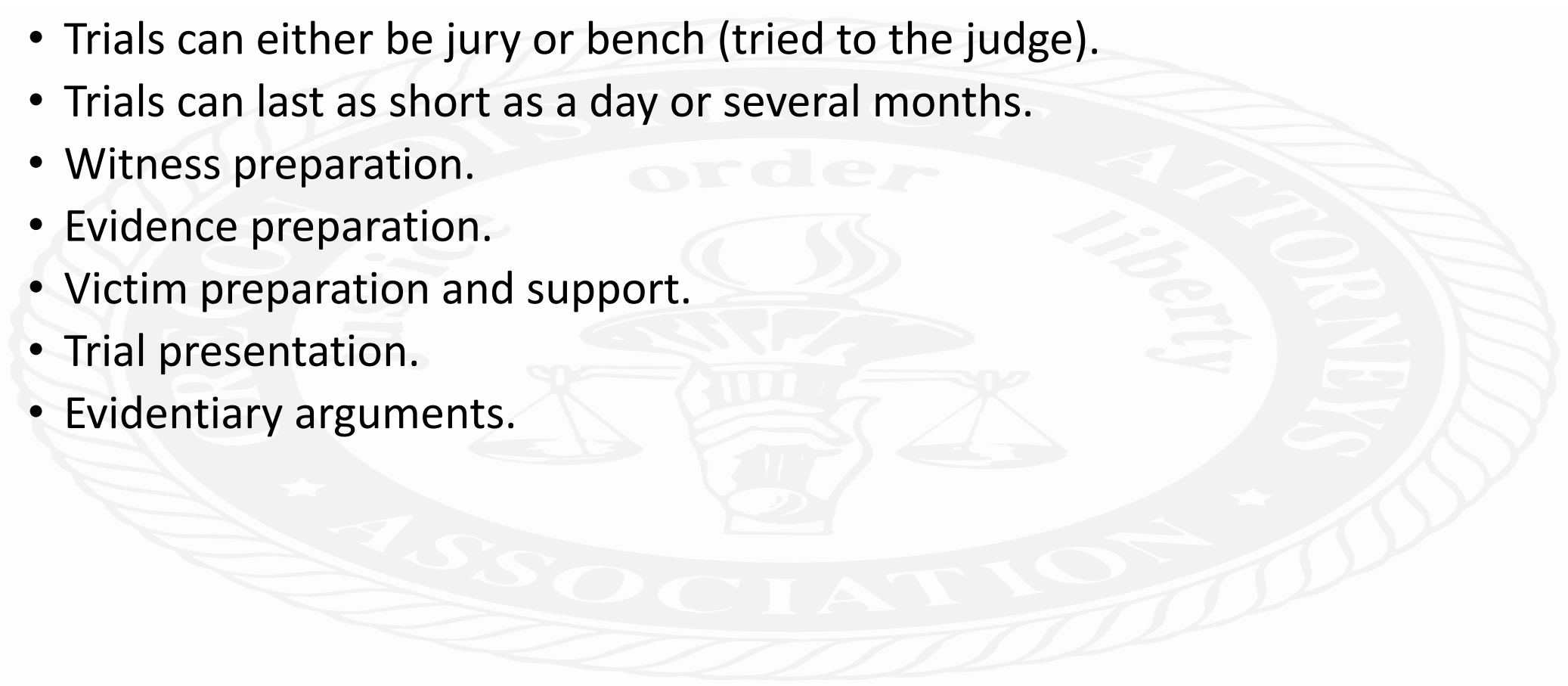
- While Oregon has statutory maximum prison terms of 20, 10 and 5 years for A, B and C class felonies. Oregon statutes limit these maximums based on our **sentencing guidelines** which typically result in either significantly less prison time or in probationary sentences without prison time.
- The key to Oregon's felony sentencing system is the "Sentencing guidelines grid" or "Gridblock"
 - Gridblock establishes "presumptive sentences" of either probation or prison time.
 - Court has authority to "depart" from these sentences if legal criteria are met.
- Generally individuals serving prison sentences are entitled to the following reductions in their sentence.
 - Credit for time served.
 - Credit for good behavior. Up to 20% reduction.
 - Eligibility for alternative incarceration programs. Up to 20% reduction.

Exception to Felony Sentencing Gridblock- Measure 11

- Measure 11 is voter approved minimum sentences for violent felonies and sex crimes.
 - Includes: Murder, Rape I and 2, Sexual Abuse 1, Sodomy 1 and 2, Assault 1 and 2.
 - Overrides the grid block.
 - Measure 11 sentences are not eligible for good behavior or AIP reductions.
 - Certain Measure 11 crimes are eligible for other lesser sentences if Judge finds there are substantial and compelling reasons and other statutory requirements are met (result of legislative modification)
 - Many DA offices have Measure 11 review committees to staff these cases to make sure there is consistency in its application.

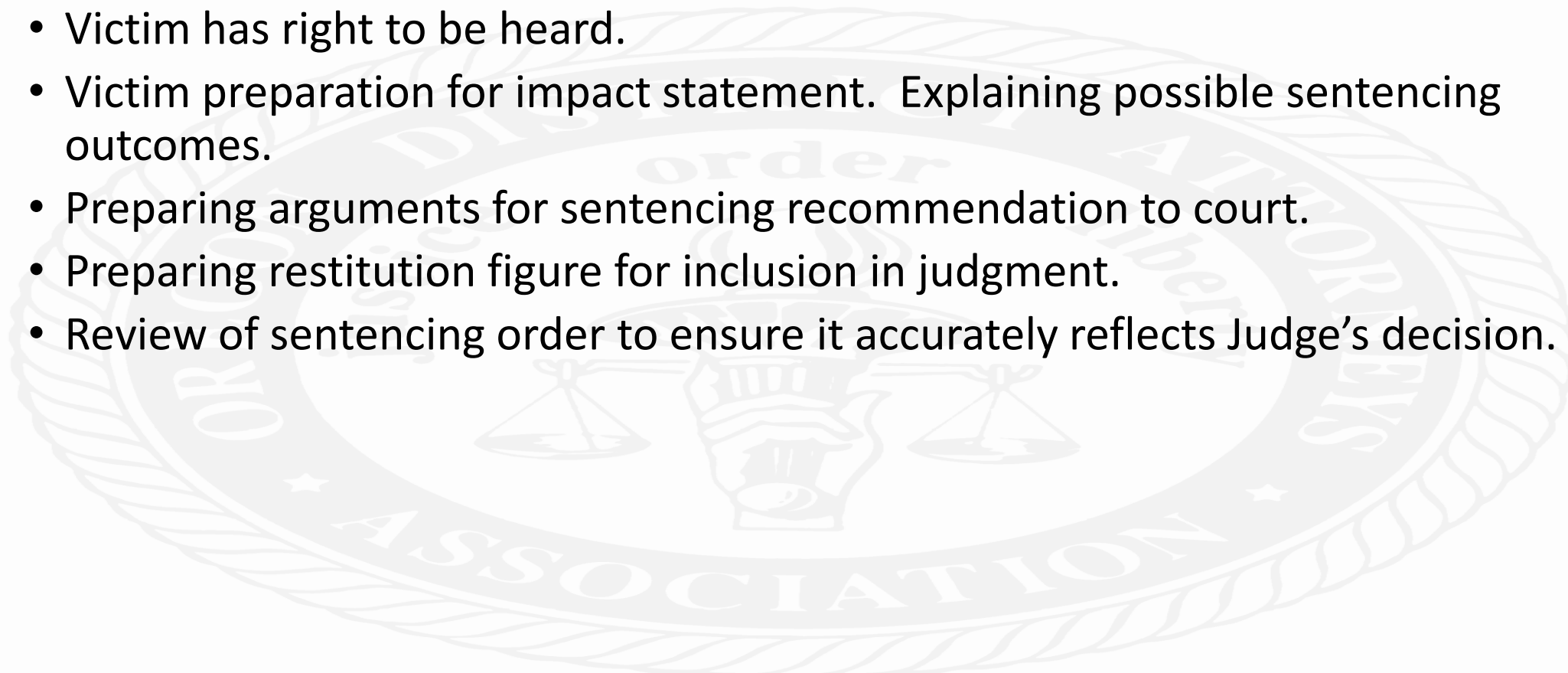
Trial

- Trials can either be jury or bench (tried to the judge).
- Trials can last as short as a day or several months.
- Witness preparation.
- Evidence preparation.
- Victim preparation and support.
- Trial presentation.
- Evidentiary arguments.



Sentencing

- Victim has right to be heard.
- Victim preparation for impact statement. Explaining possible sentencing outcomes.
- Preparing arguments for sentencing recommendation to court.
- Preparing restitution figure for inclusion in judgment.
- Review of sentencing order to ensure it accurately reflects Judge's decision.



Other Duties

- Law enforcement training.
- Responding to assist law enforcement in major cases.
- Participating in Multidisciplinary teams.
- Reviewing clemency and pardon requests.
- Participation in parole hearings.
- Public records appeals.
- Ballot title review.
- Juvenile.
- Civil commitments.
- Child support.
- Participation in workgroups and task forces.
- Probation violation hearings.

