

Oregon's Prosecutors

Overview of
District Attorney
Offices

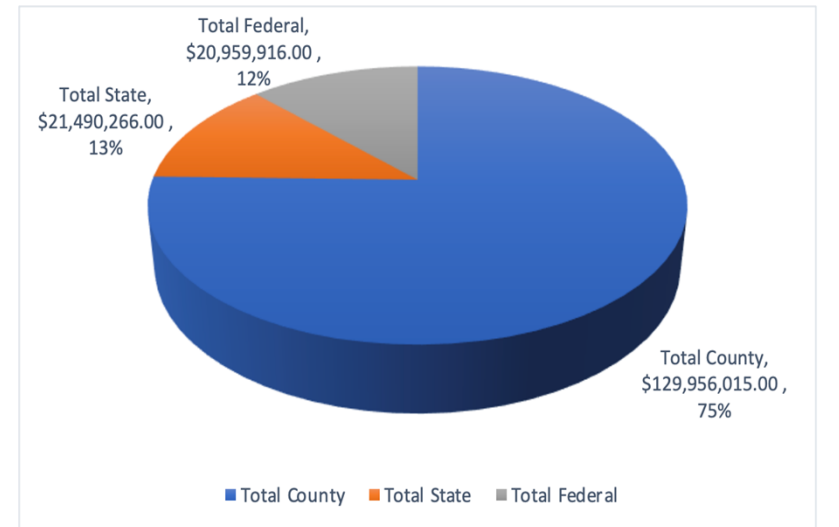


Oregon's Prosecutors

- 430 Deputy DA's across Oregon
 - Compared 526 Criminal + 164 Juvenile PDSC Contracted Attorneys
- 36 Elected District Attorneys
- DA Offices range from 85+ DDAs to the elected as the sole attorney
- DDA Salary Range:
 - Starting Wage/Entry DDA
 - Large-Metro - \$86,054
 - Medium Non-Metro - \$74,214
 - Small - \$57,312
 - Senior/Supervisory DDA
 - Large-Metro - \$176,066
 - Medium Non-Metro - \$109,761
 - Small - \$69,660

How DA Offices Funded

- Since 2011 -Counties have had the sole responsibility of funding 100% of Deputy District Attorney salaries
- Funding for DA's Office:
 - County – 75%
 - Funding DDA and Support Staff
 - State 13%
 - Elected DA Salary
 - CJC Grants – JRI \$\$
 - Victim Advocate Programs – Criminal Fines Account
 - Child Support Divisions – Matching State Funds to Federal Funds
 - Federal 12%
 - Child Support Matching Funds
 - Victim Advocate Programs – VOCA & VOWA Grants
- No Agency Staff – Will hear more from DOJ Support



DA Duties & Responsibilities

Prosecution all
felony cases

Prosecution of
most
misdemeanors

Juvenile
delinquency

Child support
enforcement in
non-public
assistance cases

Crime victims
assistance

Public records
review

Review of
clemency and
pardon petitions

Multi-disciplinary
teams

Diversion,
treatment and
specialty courts

Law Enforcement
Training and
Advice

Local public safety
coordinating
councils (LPSCCs)

County
management
teams

Medical examiner

Civil commitment
hearings

State and
legislative
committees and
task forces

Challenges

- Recruitment & Retention
 - February – 41 DDA Openings
- Access to Public Defense Counsel
- Ramos/Watkins – Retrial
- Legislative Impact
 - SB 48 – Pre-trial release: Victim Role
 - SB 819 – DA Petition
 - Expansion of Expungements
- Relevant Legislation:
 - POP 101 (DA Tiers)
 - HB 2054 (Including DAs and DDAs in Police/Fire PERS)
 - HB 2391/POP 105 (Funds for DA Victim Services)
 - SB 321 (Watkins Policy & DA Funding)

Deputy district attorneys in short supply in Northeastern Oregon

By ALEX WITTWER EO Media Group
Jan 8, 2022



David Weiss, Wasco County deputy district attorney, sits in the Wasco County Courthouse during arrangements on Tuesday, July 20, 2021.
Alex Wittwer/EO Media Group, File

OPB AUG. 1, 2022

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In The News Pumping their own gas Growth series Governor's race debate Working in

Lane County DA's office won't prosecute certain crimes due to staffing shortage



By Chris M Lehman (LCC)
July 31, 2022 9:15 a.m.

The Lane County District Attorney's office says a shortage of prosecutors means some nonviolent offenders won't be charged.

DA Patty Perlow said six prosecutors have left in the past eight months, often seeking higher-paying jobs elsewhere. So for now, her attorneys won't prosecute certain crimes, including disorderly conduct, driving while suspended, and property crimes.

Wasco County District Attorney reviews limitations, challenges

By Renee Luckner, ColumbiaGorge Apr 18, 2021

f t i s

Wasco County District Attorney Matthew Ellis appeared at The Dalles City Council meeting Monday, April 10, where he gave a presentation on the work that has been done by Sheriff and the District Attorney's Office, as well as limitations and challenges faced by the District Attorney's Office.

Ellis has been in office more than two years and, as the district attorney serves terms of four years, he said it was appropriate to give a "mid-term report." He said, "Following his presentation, he mentioned he would be interested in going similar reports annually going forward, which was a sentiment agreed to by the council."



TOP JOBS

FRESHBORN, TEACHER Head Start
FAMILY ADVOCATE Blingual Span
WOOD-BURN COUNTY IS
TEACHERS

REPORTER Reporter position based
Three Head Start Executive Director
FARM BITTER Day visits

COO, Truck Drive, Local
Hazard Company 100% HSEED eliminate the work, prep for
of safe
LIVE & WORK in JAPAN

View all jobs

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District Attorney's Office Describes "Unprecedented" Turnover Amid Rising Gun Violence Cases

"Exhaustion and burnout make it impossible to give our best to vulnerable victims."





Snapshot:

Serious Person Felony &
Deadly Force Investigations

Felony Person Teams

Person Crimes

- Child Abuse and Sexual Assault
 - Includes Physical and Sexual Abuse
 - Some of the most emotionally difficult and complex litigation
 - Some of the most serious potential sentencing ramifications
 - Statutorily mandated MDTs
 - DAs are responsible for developing and training MDTs. ORS 418.747(1)
- Domestic Violence
 - Also robust MDTs for appropriate justice outcomes
 - Includes sexual assault between family and household members
 - Very emotionally difficult and very complex litigation
- Misc Person Crimes
 - Homicide/ Robbery/ Burglary, Assaults, Misc Firearm Offenses

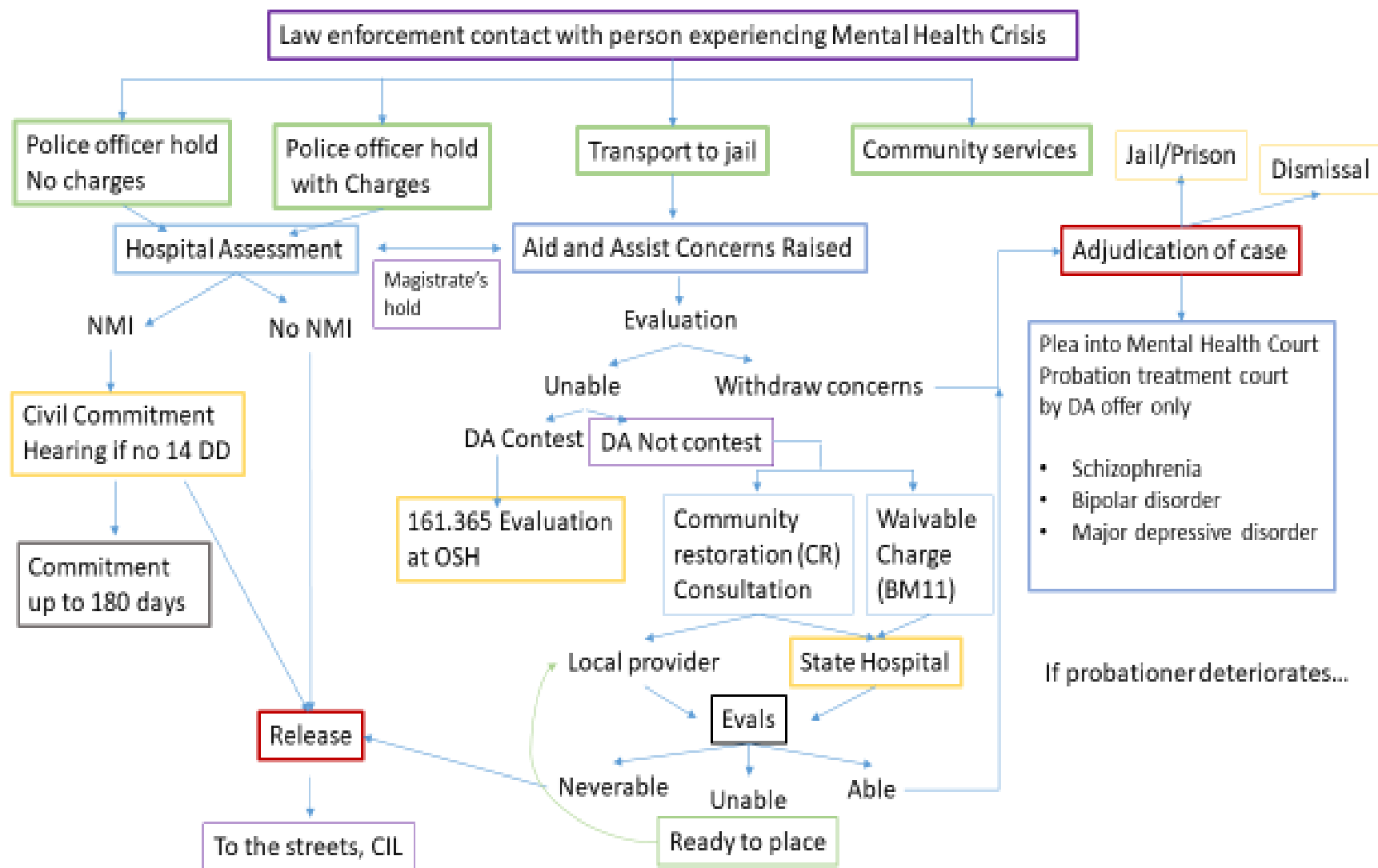
Deadly Force Investigations

- DA Involvement- Different interest around the state
 - SB 111 Plans
 - The Attorney General must approve plans for local investigators of office use of deadly force, which counties are required adopt upon AG approval. ORS 181A.780(10)
 - Investigation
 - Grand Jury
 - Used by many/most counties. Some DAs still make the decision based on the investigation
 - Release of transcripts under Court order ORS 132.270
 - AG Role
- Relevant Legislation in WM: SB 915 – Create Deadly Force Prosecutions Unit in DOJ



Snapshot:

Mental Health Courts &
Aid and Assist



OSH Aid & Assist Census as of 2023-04-24

County	.370 Census	.365 Census	.315 Census	A&A Census	Change from Prev. Week	% of Census	% of State Pop.	Census vs. Pop. Dif.	Fel.	% Fel.	Misd.	% Misd.	None Listed
Lane	71			71	-5	18.0%	8.94%	9.04%	45	63.4%	24	33.8%	2
Multnomah	62			62	2	15.7%	19.44%	-3.74%	54	87.1%	8	12.9%	
Washington	54			54	6	13.7%	14.53%	-0.86%	29	53.7%	25	46.3%	
Marion	41			41	0	10.4%	8.18%	2.20%	37	90.2%	4	9.8%	
Jackson	26			26	-1	6.6%	5.23%	1.35%	23	88.5%	3	11.5%	
Clackamas	22			22	0	5.6%	9.99%	-4.42%	17	77.3%	5	22.7%	
Douglas	19			19	0	4.8%	2.64%	2.17%	17	89.5%	2	10.5%	
Deschutes	12			12	-3	3.0%	4.62%	-1.58%	9	75.0%	3	25.0%	
Linn	12			12	2	3.0%	2.98%	0.05%	10	83.3%	2	16.7%	
Polk	11			11	-1	2.8%	1.96%	0.82%	9	81.8%	2	18.2%	
Benton	7			7	-1	1.8%	2.22%	-0.45%	5	71.4%	2	28.6%	
Umatilla	7			7	0	1.8%	1.91%	-0.14%	5	71.4%	2	28.6%	
Klamath	6			6	0	1.5%	1.59%	-0.08%	5	83.3%	1	16.7%	
Curry	6			6	0	1.5%	0.54%	0.98%	5	83.3%	1	16.7%	
Yamhill	5			5	-1	1.3%	2.54%	-1.28%	4	80.0%	1	20.0%	
Josephine	5			5	1	1.3%	2.03%	-0.76%	3	60.0%	2	40.0%	
Coos	5			5	0	1.3%	1.48%	-0.22%	4	80.0%	1	20.0%	
Columbia	5			5	0	1.3%	1.25%	0.02%	5	100.0%			
Lincoln	4			4	0	1.0%	1.13%	-0.12%	2	50.0%	2	50.0%	
Clatsop	3			3	0	0.8%	0.92%	-0.16%	2	66.7%	1	33.3%	
Morrow	3			3	0	0.8%	0.30%	0.46%	3	100.0%			
Malheur	2			2	0	0.5%	0.75%	-0.25%	1	50.0%	1	50.0%	
Hood River	2			2	1	0.5%	0.60%	-0.09%	1	50.0%	1	50.0%	
Crook	2			2	0	0.5%	0.55%	-0.04%	2	100.0%			
Union	1			1	0	0.3%	0.63%	-0.38%	1	100.0%			
Tillamook	1			1	-1	0.3%	0.62%	-0.37%			1	100.0%	
Baker	1			1	0	0.3%	0.40%	-0.14%	1	100.0%			
Wasco							0.64%	-0.64%					
Jefferson							0.56%	-0.56%					
Lake							0.19%	-0.19%					
Grant							0.17%	-0.17%					
Harney							0.17%	-0.17%					
Wallowa							0.17%	-0.17%					
Gilliam							0.05%	-0.05%					
Sherman							0.04%	-0.04%					
Wheeler							0.03%	-0.03%					
Total	395	0	0	395	-1	100%	100%	0%	299	75.7%	94	23.8%	2

What is the Mink/Bowman litigation and Mosman Order?

- Multnomah County:
 - “End of Jurisdiction” letters under the Mosman order received: 55
 - Those receiving community restoration post discharge: 6
 - Those who ended up in civil commitment post discharge: 3
 - Those who qualify for 426.701 commitment: 2 (pending)

What does the
Mosman
order mean,
practically?

- Mosman means ill people are being returned to jails and then to the street without an infrastructure to receive them.

	Civil Commitment (426.130)	A&A (161.370)	Extremely Dangerous Person Commitment (426.701)
Mental Health Diagnosis	Mental disorder. Does not include IDD, personality disorders, or solely SUD	Qualifying mental disorder. Does include IDD. Does not include personality disorders or solely SUD	Qualifying mental disorder. Does not include personality disorders or solely SUD
Standard	<p>Because of a mental disorder, the person is:</p> <p>A danger to self or others or unable to meet basic needs.</p> <p>Must be an imminent threat at the time of the hearing.</p> <p>Must have serious physical or life threatening consequences.</p>	<p>Because of a qualifying mental disorder, the person is unable to:</p> <p>Understand the nature of the proceedings against them;</p> <p>Assist and cooperate with the counsel of the defendant;</p> <p>Participate in the defense of the defendant.</p>	<p>At least 18 years of age,</p> <p>Is exhibiting symptoms or behaviors of a qualifying mental disorder substantially similar to those that preceded qualifying act;</p> <p>and</p> <p>Because of a qualifying mental disorder:</p> <p>Presents a serious danger to the safety of other persons by reason of an extreme risk that the person will inflict grave or potentially lethal physical injury on other persons; and</p> <p>Unless committed, will continue to represent an extreme risk to the safety of other persons in the foreseeable future.</p>

	Civil Commitment (426.130)	A&A (161.370)	Extremely Dangerous Person Commitment (426.701)
Confinement	Hospital, not OSH	OSH or Community If OSH, need opinion of evaluator that hospital level of care is needed and assessment from local mental health provider that CR isn't available or appropriate. If no evaluation, need to show acuity of symptoms necessitate hospital level of care and/or present public safety concerns.	PSRB/OSH
Charges	Independent of charges	Must have criminal charges	<p>Likely to have criminal charges due to qualifying act. Person must have:</p> <ul style="list-style-type: none"> (i) Caused the death of another person; (ii) Caused serious physical injury to another person by means of a dangerous weapon; (iii) Caused physical injury to another person by means of a firearm as defined in ORS 166.210 or an explosive as defined in ORS 164.055 (Theft in the first degree); (iv) Engaged in oral-genital contact with a child under 14 years of age; (v) Forcibly compelled sexual intercourse, oral-genital contact or the penetration of another person's anus or vagina; or (vi) Caused a fire or explosion that damaged the protected property of another, as those terms are defined in ORS 164.305 (Definitions for ORS 164), or placed another person in danger of physical injury, and the fire or explosion was not the incidental result of normal and usual daily activities.

Next Steps & Solutions

- DAs are engaging in a small work group with Senator Lieber on areas of common ground
- Civil commitment “Commitment to Change” work group
- Participation in Mink/Bowman litigation
- Be a resource



Snapshot:

Juvenile Cases

Juvenile Cases

- Post SB 1008 (2019):
 - Oregon removed the prosecution of 15, 16, and 17-year-olds from automatic waiver to adult court for crimes including murder, aggravated assault, armed robbery, forcible rape and other sex offenses that were previously automatically prosecuted in adult court.
 - These youth were housed at OYA- not prison.
 - Previous to 2019: 30 (2013)-50 (2016) per year.
 - Successful Waivers from 2019 -Date: 2
- Relevant Legislation:
 - HB 2320 - Juvenile Justice Policy Commission
 - SB 517/SB 763 - Considering Juvenile Adjudications

The background consists of several overlapping geometric shapes in shades of blue. A large, light blue circle is positioned on the right side, partially overlapping a darker blue rectangle. The rest of the background is composed of various dark blue rectangular blocks of different sizes and orientations.

Snapshot:

DA Victim Advocate Office

Role of DA Victim Advocate

- Role of DA Victim Advocate
 - Direct Victim Services
 - 24-hour on-call services
 - Crisis Intervention
 - On-going support and advocacy through investigation and prosecution
 - Advocate – Victim Rights
 - Constitutional & Statutory Rights
 - Victim Notification & Input
 - Restitution
 - Victim Impact Statement
- Community-Based Partnerships

Life of a “Typical Case” - Touchpoints

Case example:

- Hospital (SAVA)
- Arrest
- Initial Arraignment call
- Several phone calls in preparation of Grand Jury
- Victim testifies at Grand Jury (Victim Rights and Restitution Forms)
- Help with CVC for lost wages
- Preventative Detention, cancelled last minute
- Judicial Settlement Conferences
- Phone calls with DDA and Victim for plea negotiations
- Plea offer accepted, Victim Impact Statement, judicial intervention
- Restitution hearing

Victim Advocates – New Pressures

Office:

- Hiring/Retention
- Funding

Policy Driven:

- Ramos/Watkins Retrial
- Clemency & Commutation Outreach
- SB 48 – Pretrial Victim Notification & Input

Relevant Legislation: HB 2391/POP 105 (Funds for DA Victim Services); SB 321 (Watkins Policy & DA Funding)