



**DISTRICT ATTORNEY'S  
DUTIES, RESPONSIBILITIES, &  
STRATEGIES FOR CENSUS EXPANSION  
IN TREATMENT COURTS**

# OREGON DISTRICT ATTORNEYS

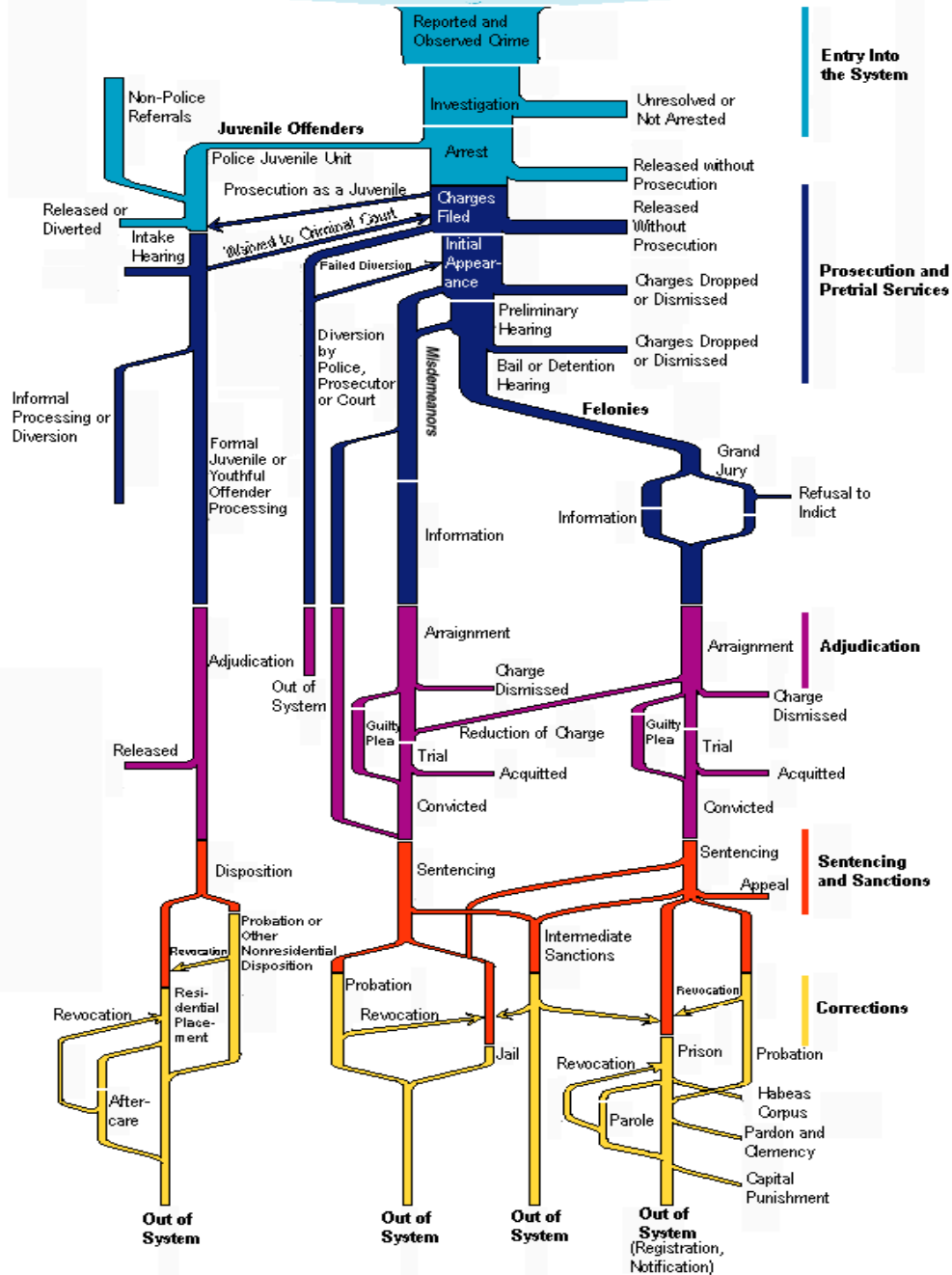
*There shall be elected by districts comprised of one or more counties a sufficient number of prosecuting Attorneys, who shall be the law officers of the State, and the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct. Article VII § 17 of the Oregon Constitution.*

# Functions of the District Attorney

1. Office Administration
2. Budget
- 3. Adult Criminal Prosecution**
- 4. Juvenile Delinquency**
- 5. Juvenile Dependency**
6. Post-Conviction Relief
7. Grand Jury
8. Death Investigations
9. Civil Commitments
10. Public Records Requests
11. Public Records Appeals
12. WCJC
13. Victim Services
14. Child Support Enforcement
15. Child Fatality Review
16. CART MDT
17. SART MDT
18. VART MDT
19. Major Crimes Team
20. Firearm Petitions
21. Relief from SOR
22. Violation proceedings
23. BOC Meetings
24. Management Team
25. Medical Examiner
26. PSRB/Parole Board
27. Special Prosecution
28. Legislative Process
- 29. Treatment Courts**
30. U-Visa Applications

# What is the Sequence of Events in the Criminal Justice System?

## CRIME



# MYTHS

- Prosecutors WANT to send people to jail.
- Prosecutors are filling prisons with non-violent offenders.
- Measure 11 applies to minor crimes.
- Prosecutors can indict a ham sandwich.
- Prosecutors charge crimes without evidence.
- Prosecutors charge high to pressure plea deals.
- Prosecutors are just trying to make a name for themselves.

# PROSECUTOR'S RESPONSIBILITY

In the purest sense, the prosecuting attorney is unique from all other attorneys in that she/he is the only one with the legal and ethical responsibility to affirmatively seek justice through the truth.

# JUSTICE

Declaration of Independence

United States Constitution

Georgia State Constitution

Justice System

# JUSTICE FOR ALL:

## Aspirational or Achievable?

Declaration of Independence: “All (people) are created equal, endowed with certain inalienable rights: Life, Liberty, and the Pursuit of Happiness...”

US Constitution: “...in Order to form a more perfect Union, **establish Justice** (emphasis added), insure domestic Tranquility, provide for the common defence and secure the Blessings of Liberty...”

Pledge of Allegiance to the Flag: “...liberty and justice of all.”

Georgia Constitution: “To perpetuate the principles of free government, **insure justice to all** (emphasis added), preserve peace...”



# THE EVOLUTION OF JUSTICE

- Reactionary Thinking
- Critical Thinking
- Evolution of Laws
- Understanding the “What”
- Understanding the “Why”
- Understanding the “How”

# **TREATMENT COURT: NOT AN ISLAND UNTO ITSELF**

The Criminal Justice System is in a perpetual state of evolution. The scope of relevant information considered at each decision point will continue to increase as knowledge grows.

# COMPETING INTERESTS

POLITICAL SURVIVAL

(High Risk/High Need)

VS.

PURSUIT OF JUSTICE

(High Risk/High Need)

# KNOWING vs. SENSE OF KNOWING

10 Key Components & Best Practice  
Standards

vs.

Hybrids

# ETHICAL & LEGAL RESPONSIBILITY

State v. Florida, Fl Dist Ct App 4<sup>th</sup> District (2003)

It is essential that lawyers educate themselves as to the availability, requirements, and appropriateness of drug court programs... It is equally important for the institutions that educate future lawyers, as well as those that educate the other disciplines that play vital roles in the drug court process to incorporate drug courts into their curricula.

For lawyers to do otherwise is for them to become legal dinosaurs. **To ignore the need to learn about the drug court process is to ignore the evolution of the justice system (emphasis added).** The sooner the Bar educates itself, the sooner the issue raised in this case will become extinct.

# PROSECUTOR'S ROLE IN CENSUS EXPANSION

## Prosecutor as Gatekeeper

Why: The Prosecuting Attorney is responsible and accountable to the community for public safety and justice.

How: Through informed decisions relying upon evidence-based best practice standards.

# TRENDS & CHALLENGES

1. Decriminalization of Drug Crimes
2. Reduction of Felony Drug Crimes to Misdemeanors
3. Medical Marijuana
4. Recreational Marijuana
5. Reduction of Felony Property Crimes to Misdemeanors
6. Limited Resources (legal & treatment)

# CENSUS EXPANSION STRATEGIES

1. What is the participant capacity for your program?
2. What additional resources would be necessary to increase capacity?
3. What strategies could be employed to increase capacity?
  - a. Resources?
  - b. Participants



# CENSUS EXPANSION STRATEGIES

## Aligned with Best Practice Standards

INTERNAL STRATEGIES

VS.

EXTERNAL STRATEGIES

# INTERNAL STRATEGIES

1. Assess eligibility criteria for HR/HN participants.
2. Assess eligibility criteria for “Drug Driven Crime.”
3. Assess eligibility criteria for person crimes.
4. Assess eligibility criteria for DCS by drug users.
5. Conduct a comprehensive assessment of DTC process for demographic disparities.
6. If disparities exist, execute strategic adjustments in process to improve inclusivity.
7. Assess eligibility criteria for misdemeanors.

# Alternative Incarceration Programs & Practices

- Violation Treatment (ORS §161.566)
- Civil Compromise (ORS § 135.703)
- DUII Diversion (ORS § 813.215)
- DA Misdemeanor Diversion (ORS § 135.881 et seq.)
- DA Felony Diversion (ORS § 135.881 et seq.)
- Conditional Discharge (ORS § 475.245)
- Drug Treatment Court (ORS § 3.450; ORS § 137.680)
- Felony Reduction to Misdemeanor (ORS § 131.705)
- Felony Durational Departures (OAR 213-008-0001; 213-008-0002)
- Felony Dispositional Departures (OAR 213-008-0001; 213-008-0002).

# EXTERNAL STRATEGIES

1. Build trust-based relationships with underrepresented communities.
2. Promote collaborative relationships with the defense bar, and support defense funding.
3. Advocate for legislative support of treatment funding.
4. Advocate for funding support for infrastructure.
5. Promote community awareness.
6. Strategize based on demographic data study.

# QUESTIONS



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