As a district attorney’s office, let us be clear about what we aim for: To protect the public, by delivering justice. Ultimately, that is the overriding principle that governs our decision-making. The legislative branch is responsible for writing law. Ultimately, the laws they write are our primary policy manual. If any specific policy provision below conflicts with our ability to achieve our aim within the parameters of law, then pursuit of our stated aim will take precedence over any specific policy provision below. These policies are to be viewed as principles to follow rather than as strict edicts.

I. Professionalism and Prosecutorial Ethics

All employees of this office hold a public trust and represent the Office of the District Attorney. All employees are expected to exercise good judgment and common sense in their everyday dealings with the public, representatives of other departments, agencies, organizations, and each other.

All staff employed by this office are expected to maintain the highest ethical standards. This means that everyone is expected to be mindful that public service is a public trust and our job as public servants is to serve with integrity.

It is important to remember that, as a professional, your job does not end at the close of the workday. You are responsible for your behavior outside of the organization and need to be aware that public perception can be a powerful influence. We have a responsibility to perform our duties as public servants with integrity and to serve the public trust.

All employees will be familiar with the canons of professional ethics of the Oregon State Bar and perform their duties in a manner consistent with those standards. Rules promulgated by the Oregon Supreme Court and by the Circuit Court of Lake County will be followed.

Pursuing Just Outcomes

Justice Delayed

In order to maintain ordered liberty for a free society, it is essential that society have confidence in its laws to produce justice for aggrieved persons, ie: crime victims. Inefficiency and excessive delay in our system erodes confidence that our system can produce justice. It is a legal maxim that justice delayed is justice denied. District Attorneys have a duty to ensure that society, and specifically victims, receive justice in a timely fashion.

Charging Decisions

All charging decisions are to be made pursuant to the aim of protecting the public by delivering justice. Deciding if criminal charges should be filed and initiating the charging process is the responsibility of the District Attorney. Screening is the process by which a determination is made whether to initiate or pursue criminal charges. The District Attorney uses discretion in screening to eliminate cases in which prosecution is not justified. Charges selected should adequately describe the offense(s) committed and the charges provide for an adequate sentence for the offense(s). The District Attorney is not obligated to file all possible charges that the evidence might support. The prosecutor may properly exercise discretion to present only those charges which are consistent with the evidence and in the best interests of justice.
In making the charging decision only those charges which are reasonably substantiated by admissible evidence at trial will be filed. The District Attorney will not charge an excessive number of counts, indictments, or informations merely to provide sufficient leverage to persuade a defendant to enter a guilty plea to one or several charges.

**Innocence and Evidence**

The District Attorney shall be alert for cases where the accused is innocent or proof falls below the beyond a reasonable doubt standard of the offense(s) charged. If such is discovered the victim contacted and dismissal will be sought.

**Plea Offers**

“Truth in Sentencing” is a fundamental value of this office, which includes attempting to ensure that the sentence ordered by the court is fundamentally served. Ultimately, negotiations should be made with an eye towards what we aim for: protecting the public by delivering justice. Plea offers are not mandatory to make in criminal cases. They are to be provided to defendants pursuant to promoting efficient yet just outcomes. The District Attorney has discretion to negotiate dismissals, nonprosecution, and sentencing recommendations in all cases subject to the general standards for plea agreements.

The Lake County District Attorney’s Office will conduct its plea negotiation efforts in a professional, nondiscriminatory and nonpartisan manner. In all plea negotiations this office shall be guided by the relevant constitutional, ethical and statutory considerations.

The following are some of the factors to take into consideration in deciding whether a plea or sentencing negotiation is warranted: nature of the offense; degree of offense charged; mitigating circumstances; age, background, and criminal record of the accused; age of the victim; undue hardship caused to the victim or the accused; expressed wish of the victim; relationship between the accused and the victim; sufficiency of admissible evidence to support a verdict; deterrent value of prosecution; feasibility of restitution being made; attitude and mental state of the accused at the present time; aid to other prosecution goals through non-prosecution; consequences to a defendant or victim; history of non-enforcement of the statute involved; age of the case; likelihood of prosecution in other jurisdictions.

**Victim Input and Consultation**

Consistent with the Oregon Constitution and the philosophy of the Lake County District Attorney’s office, input from the victim will be sought and consult with the victim during the plea negotiation process where required by law. In the exercise of the discretion to negotiate victim’s wishes will be considered.

**Crime Victim’s Rights**

The Lake County District Attorney’s Office makes every effort to ensure crime victims play a meaningful role in the criminal and juvenile justice system. We treat them with dignity and respect. We make every effort to provide victims with as large a part as possible in each phase of a criminal case based upon the Crime Victims Bill of Rights as well as with Article 1, Section 42 of the Oregon Constitution, the Crime Victim’s Rights Amendment. The interests of the victim should be kept in mind when setting the hearing date and during plea negotiations in any felony involving a person.
**Victim Restitution**

It is our policy to seek restitution equaling the amount of pecuniary loss for victims of all types of crimes. Seeking such restitution in no way supersedes or obviates any civil claims a victim might make against the defendant.

Victim Advocates shall supply victims with financial loss forms to facilitate restitution. Victim Assistance will then take responsibility tracking these forms, communicating with the victim(s) and Crime Victim Compensation. The financial loss documents will include monies paid or pending to be paid by victim insurance companies. After completion, the loss forms shall be put in the case file prior to the appropriate court date of case disposition.

Restitution should be ordered based on the loss to the victim, not the offender’s ability to pay at the time of sentencing. In cases in which more than one defendant is held responsible for a criminal act, causing a pecuniary loss, this office views all defendants as being jointly and severally liable for paying restitution. The District Attorney should request that judges pronounce sentence in such a way that leaves all defendants jointly and severally liable for the victim’s losses and equally responsible for the expenses incurred by all parties as a result of their criminal actions (ORS 147.005 –147.365).

**Fines, Fees and Taxpayer Reimbursement**

In some instances justice is best achieved by recommending that a defendant pay fines or fees. Dignity increases whenever a defendant pays back to society what resources he or she has taken from society.

**Civil Compromise**

Civil compromises are available under Oregon law (ORS 135.703 and ORS 135.705) in instances in which a defendant is charged with a crime punishable as a misdemeanor. The injured party may seek to handle the matter as a civil proceeding. The Court, on payment of costs and expenses incurred, may order the complaint dismissed.

The Oregon State Bar has ruled that it is unethical under certain circumstances for a prosecuting attorney to advise an injured party against opting for a civil compromise of a criminal case.

**Conditional Discharge – First Time Possession Drug Offenses**

For first time user amount drug offenses, defendants are generally offered a conditional discharge opportunity that requires them to complete an appropriate treatment program. However, a conditional discharge offer may not be appropriate in instances where the defendant already has an extensive criminal history. Conditional discharges are strict compliance agreements.

**Treatment (Drug) Court**

The Treatment (Drug) Court is an intensive program designed to assist drug addicted individuals to overcome their addictions. Drug courts require resources from a number of agencies and are expensive to maintain. In accordance with best practice standards of the National Association of Drug Court Professionals, the Drug Court should be reserved for offenders in need of a full range of interventions offered by the Drug Court. It is for medium - high risk, medium - high need offenders.

The District Attorney is part of the Drug Court team and works to ensure that the limited seats in Drug Court are occupied by individuals who are serious about overcoming their addiction. The District
Attorney works to ensure that participants who continue to victimize society are terminated from the program. This clears the way for other offenders, more serious about overcoming their addiction, to participate in this intensive program.

Pre-trial release
The following provisions directly govern Oregon’s scheme for pre-trial release:
- Article I, § 14 of the Oregon Constitution;
- Article I, § 43 of the Oregon Constitution; and

The District Attorney is familiar with these laws and will advocate for implementation of their provisions.

Discovery
The discovery obligations of the Lake County District Attorney’s Office are generally established by ORS 135.805 – 135.825; ORS 135.845 – 135.855; Brady v. Maryland, 373 US 83 (1963); Giglio v. United States, 405 US 150 (1972) and Rule 3.8 of the Oregon Rules of Professional Conduct. In order to meet discovery obligations in a given case, prosecutors must be familiar with these authorities and with the judicial interpretations that discuss or address the application of these authorities to particular facts.

It is the practice of this office to disclose appropriate police reports and other discoverable materials to defense counsel electronically at the earliest opportunity once a case is filed.

Record Retention
All district attorney office records must be maintained in compliance with the Records Retention & Destruction Schedule published by the Secretary of State or by State law.

Transparency and Confidentiality
This office is committed to transparency to the public it serves. Public records requests made to the Lake County D.A.’s office will be processed in a timely and fiscally reasonable manner. If a law or court order requires that information possessed by this office be kept confidential, then the Lake County District Attorney’s Office will ensure that such laws or orders are complied with. (e.g. Juvenile files, victim information, medical files, personnel files or matters.)

The Use of Certified Law Students
Internships in our office can provide educational opportunities for future attorneys and others. Internships also expose interns to the efforts we take to protect the public and deliver justice. In return, the district attorney’s office receives legal assistance at a reduced cost to taxpayers. To ensure proper supervision and successful internships, all legal interns will be supervised by the district attorney. All support staff interns will be overseen by support staff supervisors.