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Wasco County District Attorney Policies and Prosecution Standards 2023

Introduction

These standards are intended solely for the guidance of prosecutors in the Wasco County District Attorney's Office (hereinafter "DA's Office" or WCDA) and are not intended to create substantive or procedural rights or benefits for any person. These standards are intended to supplement the existing rules of ethical conduct and should be construed in such a way that they are consistent with existing law and applicable rules of ethical conduct. Standards, policies and procedures may change by directive of the Wasco County's District Attorney or a member of the District Attorney's staff at the direction of the District Attorney; any change will supersede this written document.

Incorporation of the Wasco County Values: WCDA incorporates and recognizes the Wasco County values of:

100% Love

Integrity, Accountability and Respect

Professionalism in Public Service

Effective and Efficient Use of Resources

Safe and Enjoyable Workspace

The Spirit of the Law

How We Treat One Another

Wasco County, Office of the District Attorney employees are honest, fair, and respectful of others. Staff members acknowledge and respect the fundamental rights, dignity, and worth of all people. They respect the rights of individuals to privacy, confidentiality, self-determination and autonomy, mindful that legal and other obligations may lead to operational challenges with the exercise of these rights. We honor and make room for everyone's ideas and opinions and believe every person is equally capable of contributing.

When conflicts occur, we attempt to resolve these conflicts and to perform our roles in a responsible, professional manner avoiding or minimizes harm at the most appropriate level first. We are sensitive to the real and ascribed differences in authority between ourselves and others.

How We Treat Customers

For the Wasco County District Attorney's Office, a customer can be considered a defendant, victim, witness, attorney or any other person who contacts the office. We treat customers with kindness and dignity. We recognize and acknowledge that we must provide a positive experience for the customer, when at all possible. When contacting customers, we will be clear and honest in our communication and follow through on expectations set with the customer. In our work, there are frequent changes. All changes should be communicated with as much notice as possible to respect everyone's schedule.

Diversity, Equity, and Inclusion

The Wasco County District Attorney's Office is committed to diversity, equity, and providing a healthy, productive, safe and inclusive environment for staff and customers alike. The Wasco County District Attorney's Office shall function with cultural and linguistic competency that responds effectively to the needs and differences of all individuals, based on their race, sex, age, physical or mental status, sexual orientation, gender identity, abilities, immigration status, and ethnic or cultural heritage. We recognize a shared responsibility to create and maintain a respectful environment for the benefit of all customers and staff. We commit to working across differences, dedicate ourselves to continual learning, strive to remove barriers to collaboration and agree to evaluate our progress towards a safe, healthy, and inclusive environment.

Standards for a Prosecutor

Professionalism: A prosecutor should conduct himself or herself with a high level of professionalism and integrity in all professional relationships, both in and out of court. Appropriate behavior includes, but is not limited to, the following:

Candor: A prosecutor should act with candor, good faith, and courtesy in all professional relations.

Integrity: A prosecutor should act with integrity in all communications, interactions, and agreements with opposing counsel, the court and law enforcement.

Discretion: A prosecutor should not publically express personal animosity toward opposing counsel, the court, or law enforcement regardless of personal opinion.

Respect: A prosecutor should at all times display proper respect and consideration for the judiciary, the defense bar and law enforcement.

Punctuality: A prosecutor should be punctual for all court appearances. When absence or tardiness is unavoidable, prompt notice should be given to the court and opposing counsel. Punctual means arriving at least 5 minutes before the start of the court appearance.

Dignity: A prosecutor should conduct himself or herself with proper restraint and dignity throughout the course of all proceedings and contacts related to those proceedings. Disruptive conduct, excessive or unnecessary argument is always improper. Disruptive conduct includes name calling, threats, yelling and/or any conduct unbecoming of a prosecutor.

Consideration: A prosecutor should treat witnesses fairly and professionally and with due consideration. In questioning the testimony of a witness, a prosecutor should not engage in a line of questioning intended solely to abuse, insult or degrade the witness. Examination of a witness's credibility should be limited to legally permitted impeachment techniques.

Fairness: A prosecutor should avoid obstructive and improper tactics. Examples of such tactics include, but are not limited to, knowingly: Making frivolous objections, or making objections for the sole purpose of disrupting opposing counsel; Attempting to proceed in a manner that is obviously inconsistent with a prior ruling by the court; Attempting to ask clearly improper questions or to introduce clearly inadmissible evidence; Engaging in delay tactics; and Creating or taking unlawful advantage of prejudicial or inflammatory arguments or publicity.

Respect for the sanctity of the Courtroom: A prosecutor should appear in court in appropriate attire. Flip flops, jeans, sneakers or tennis shoes, "causal" clothing is not permitted for court appearances. A tie is required for men with a blazer or suit jacket. Women may not appear in sleeveless attire. Unless permission is granted by the Presiding Judge, hats shall not be worn in court.

Office Attire: When meeting with witnesses or victims, prosecutors should appear in business casual clothing. Within the confines of their own offices, however, to promote mental well-being in the office, more casual attire is permitted.

Spirit of the Law: The Wasco County District Attorney's Office will strive to pursue the spirit of the law when utilizing prosecutorial discretion.

Prosecutor's Responsibilities

The prosecutor is an independent administrator of justice. The primary responsibility of a prosecutor is to seek justice. A prosecutor shall abide by all applicable provisions of the rules of ethical conduct in Oregon. A prosecutor is obligated to respond to professional misconduct that has, will, or has the potential to interfere with the proper administration of justice.

Conflicts of Interest: A prosecutor should not hold an interest in or engage in activities, financial or otherwise, that conflict, have a significant potential to conflict, or are likely to create a reasonable appearance of conflict with the duties and responsibilities of the District Attorney's office.

Former Client Lists: Prosecutors (including the District Attorney and Chief Deputy District Attorney) with former clients shall provide a list of former clients to the District Attorney and Chief Deputy District Attorney to assist in the identification of conflicts. The list should be fluid and the identification of conflicts should comply with the Oregon Bar Ethical Rules.

Prosecutor Responsibility: Prosecutors will be responsible for constant review of conflicts, despite other measure taken to identify client conflicts, both legal and personal.

Non-Involvement in Conflict Cases: The prosecutor with a former client conflict shall not be involved in the investigation or prosecution of any matter.

Non-Disclosure of Information: The prosecutor with a former client conflict shall not discuss the client or the prior representation with the assigned attorney and shall not access any information in the prosecution file.

Conflict Assignment: The District Attorney, with the assistance of the Chief Deputy (CDDA), will make the decision how to handle actual or potential conflicts and when special prosecutors will be appointed.

Prosecutorial Misconduct: When a prosecutor has knowledge of misconduct or incompetence by another prosecutor in the Wasco County District Attorney's Office, he or she shall report that information to the District Attorney. When the misconduct or incompetence involves the conduct of a prosecutor from another prosecutorial entity and it has the potential to interfere with the proper administration of justice, he or she shall report that information to the District Attorney or Chief Deputy.

Self-Reporting: If a DDA or CDDA becomes part of a criminal investigation, is arrested or cited for any crime, the prosecutor shall immediately report to the DA or CDDA.

Special Prosecutors

Special Prosecutors: Where an actual, potential or perceived conflict of interest exists that would prevent the WCDA from investigating or prosecuting a criminal matter, the prosecutor's office should appoint, or seek the appointment of a "special prosecutor" or refer the matter to the appropriate governmental authority as required by law.

WCDA will utilize other DAs and DDAs in the 7th Judicial District when that particular prosecutor's expertise is best for a particular matter.

Appointment Qualifications: The special prosecutor should be a member of the Oregon State Bar in good standing, with appropriate experience in the subject matter of the appointment, and should be perceived as having sufficient detachment from the prosecutor's office so as not to be influenced by any actual or potential conflict.

Authority: The special prosecutor should have the authority only over the case or cases for which he or she is appointed.

Assistance: Subject to the need to avoid the appearance of a conflict, a chief prosecutor and his or her assistants and staff should give all appropriate assistance, cooperation, and support to a special prosecutor.

Interns/Externs/Certified Law Students/Volunteers

The Wasco County District Attorney recognizes the value of allowing law school, graduate, and college students access to hands on learning. To the extent possible and putting the needs of the office first, the DA's Office will endeavor to participate in formal and informal intern and extern programs. The District Attorney will comply with the Fair Labor Practices Act; externs, who receive credit from their law school and volunteers attorneys from the community, if they are being paid by their own firms, will be considered for volunteer positions.

Relations/Collaboration

Other Prosecutorial Entities: In recognition of their mutual goal of serving the interests of justice, the District Attorney will cooperate with other federal, state, military, tribal and local prosecutorial entities in the investigation, charging, dismissal, or prosecution of cases that may be of common concern to their respective offices and in the interest of justice.

Information Sharing: Where practical, lawful and in the interest of justice the District Attorney will share resource and investigation information with other prosecutorial entities.

Oregon Attorney General: The office of the District Attorney and the office of the Oregon Attorney General, where separate and distinct entities, should cooperate whenever practicable in the furtherance of justice.

Community-Based Programs: Prosecutors should be cognizant of and familiar with all community-based programs to which offenders may be sentenced, referred as a condition of probation, or referred as a diversionary disposition.

Local Law Enforcement: The District Attorney recognizes the importance of a positive working relationship with Law Enforcement and continues to maintain communications between WCDA and law enforcement agencies.

Procedure: The District Attorney and Chief Deputy will be the main points of contact for Law Enforcement. The DA and CDDA will share the responsibility for information sharing, coordination of investigations, training, prosecution assistance, and as a resource for the agencies and officers.

Availability: The District Attorney will provide 24/7 support to law enforcement. The District Attorney will ensure that one of the DA, CDDA, or a DDA will be available at all times for support.

Permissible Legal Advice: Although law enforcement agencies or individual law enforcement officers are not clients in criminal cases or employees of the District Attorney's office, the District Attorney may provide independent legal advice to local law enforcement agencies concerning specific prosecutions. This advice may include the proper interpretation of the criminal laws, the sufficiency of evidence to commence criminal charges or arrest, the requirements for obtaining search warrants for physical evidence and electronic surveillance, and similar matters relating to the investigation of criminal cases. The prosecutor should serve in such an advisory capacity to promote lawful investigatory methods that will withstand later judicial inquiry. The District Attorney should encourage law enforcement officers to seek legal advice as early as possible in the investigation of a criminal case.

Criminal Conduct by Law Enforcement: When the District Attorney has a reasonable suspicion of criminal conduct by a member of law enforcement, the District Attorney should take all lawful investigatory steps necessary to substantiate or dispel such suspicions and, if

substantiated, should initiate prosecution or refer the case to another District Attorney's office for review or appoint a special District Attorney in the case.

Jail/Prisons: Prosecutors should be cognizant of, and familiar with, all penal facilities located within Wasco County and Oregon.

Information Sharing: WCDA should be available as a source of information for prisons and jails and their intake divisions. The prosecutor's office should assist in the identification of multiple and career offenders.

Timeliness: Prosecutors shall promptly respond to inquiries or questions from NORCOR or Oregon Department of Corrections.

Knowledge: Prosecutors should be familiar with the programs at NORCOR and the role of the Supervisory Authority Board.

Programs: The District Attorney supports innovative programs which would improve the penal system, provided that such programs do not adversely impact justice and appropriate offender accountability.

Parole and Early Release: To the extent permitted by law, the District Attorney's office should be available as a source of information for the parole board, the department of corrections, or other supervisory agency considering or monitoring an offender's release from custody.

VINE: The District Attorney and the Wasco County Victims' Assistance Program will assist victims of crime in accessing and registering with the VINE program. VINE is a free and anonymous telephone service designed to provide two important features to crime victims: information and notification. VINE is available 24-hours a day, 365 days a year.

Court and Judges: Prosecutors are administrators of justice, advocates and officers of the court. As such, the prosecutor shall seek justice, not solely convictions. In court the prosecutor shall continually seek to reform and improve the administration of justice.

Respect for the Court: Prosecutors shall display proper respect for the judicial system and the court at all times. Judges will be addressed in court as “Your Honor” or by “Judge” and their last name. Prosecutors will stand upright when addressing the court, unless instructed otherwise.

Assistance to the court: Prosecutors shall endeavor to assist the court and court staff whenever possible, as long as such assistance does not violate the law or rules of ethical conduct.

Knowledge of rules and standards: It is the duty of the prosecutor to know and be guided by the standards of professional conduct as defined by applicable professional traditions, ethical codes, and law.

Prosecutorial Vigor: Prosecutors should vigorously pursue all proper avenues of argument. However, such action must be undertaken in a fashion that does not undermine respect for the judicial function.

Ex-Parte Communication Prohibited: Prosecutors should not seek to unfairly influence the proper course of justice by taking advantage of any personal relationship with a judge, or by engaging in any ex-parte communication with a judge on the subject matter of the proceedings other than as authorized by law or court order.

Concern of criminal conduct: If any prosecutor develops reasonable suspicion of criminal conduct by a member of the judiciary, the prosecutor shall report the information to the District Attorney.

Recusal of a Judge from a criminal matter: When a prosecutor reasonably believes that it is warranted by the facts, circumstances, law, or rules of judicial conduct, the prosecutor may properly seek that judge’s recusal from the matter. The motion for recusal shall be approved by the District Attorney, or Chief Deputy District Attorney if the District Attorney is unavailable, before filing.

eCourt: The District Attorney’s Office will fully participate in the eCourt and comply with eCourt procedures.

Service: The Wasco County District Attorney’s Office does not accept email service as a substitute for electronic service through Odyssey.

Suspects and Defendants: A prosecutor and those working at his or her direction should respect a suspect's and defendant's constitutional right to the assistance of counsel. Notwithstanding the foregoing:

Communication: A prosecutor may communicate with a defendant or suspect in the absence of his counsel when either (1) counsel has consented to the communication or (2) the communication is authorized by law or court rule or order.

Defendants who are also witnesses or victims: A prosecutor may communicate with a witness who is also charged as a defendant in an unrelated criminal matter about the witness's upcoming testimony with the advance permission of the witness's attorney so long as the prosecutor does not discuss the criminal charges pending against the witness. If a prosecutor learns after a communication that a witness has an unrelated pending criminal, the prosecutor shall immediately notify the attorney and document the communication and notification.

Pro Se Defendants: When a prosecutor communicates with a defendant charged with a crime who is not represented by counsel, the prosecutor should make certain that the defendant is treated with honesty, fairness, and with full disclosure of his or her potential criminal liability in the matter under discussion.

Clear Identification: A prosecutor should identify himself or herself to the defendant as a prosecutor and make clear that he or she does not represent the defendant. If legally required under the circumstances, the prosecutor should advise the defendant of his or her rights.

Subsequent Request for Representation: If a prosecutor is engaged in communications with a suspect or defendant who is not represented by counsel and the defendant changes his or her mind and expresses a desire to obtain counsel, the prosecutor should terminate the communication to allow the defendant to obtain counsel, or to secure the presence of counsel. When appropriate, the prosecutor should advise the defendant on the procedures for obtaining appointed counsel.

Correspondence: A prosecutor may receive, accept and use unsolicited written correspondence from defendants, regardless of whether the defendant is represented by counsel. If the prosecutor does not know that the defendant is represented by counsel, a prosecutor may receive unsolicited oral communications from defendants, of which he or she has no advance notice, without any duty of first ascertaining whether or not there is a valid reason for the communication or whether or not the defendant is represented by counsel.

Social Media: Prosecutors should be wary of inadvertent communication with defendants via social media.

Plea Negotiations: If a prosecutor enters into a plea negotiation with a defendant who is not represented by counsel, he or she should seek to ensure that the defendant understands his or her rights, duties, and liabilities under the agreement. The agreement shall be reduced to writing and a copy provided to the defendant. The prosecutor should never take unfair

advantage of an unrepresented defendant. The prosecutor should not give legal advice to a defendant who is not represented by counsel, other than the advice to secure counsel.

Defense Counsel: Prosecutors shall comply with the provisions of professionalism in his or her relations with defense counsel, regardless of prior relations with or animosity toward the attorney.

Fairness: The prosecutor should attempt to maintain a uniformity of fair dealing among different defense counsel.

Respect: In all contacts with members of the defense bar, the prosecutor should strive to preserve proper relations.

Timeliness: Prosecutors should respond promptly to voice messages, emails and requests for positions for filing of motions from defense counsel. The prosecutor shall make timely disclosure of exculpatory or mitigation evidence, as required by law and/or applicable rules of ethical conduct.

Cooperation: The prosecutor should cooperate with defense counsel at all stages of the criminal process to ensure the attainment of justice and the most appropriate disposition of each case. The prosecutor need not cooperate with defense demands that are abusive, frivolous, or made solely for the purpose of harassment or delay.

Criminal Conduct: If a prosecutor develops reasonable suspicion of criminal conduct by defense counsel, the prosecutor shall report their concerns to a DA immediately.

Ethical Misconduct: When a prosecutor has knowledge of ethical misconduct by defense counsel that raises a substantial question as to the attorney's fitness to practice law, the prosecutor shall report such conduct to the DA. A prosecutor who has knowledge of ethical misconduct by defense counsel which raises a substantial question as to the attorney's fitness to practice law should report such conduct directly to the appropriate bar disciplinary authority in his or her jurisdiction. When such misconduct occurs during the course of litigation, the prosecutor should also report it to the judge presiding over the case or to his or her supervisor, and may seek sanctions as appropriate. When the prosecutor reasonably believes that the defense counsel has engaged in misconduct, remedial efforts should be directed at the attorney and not at his or her client. The prosecutor should at all times make efforts to ensure that a defendant who is not involved in misconduct is not prejudiced by the unlawful or unethical behavior of his or her attorney.

Victims: The District Attorney recognizes the importance of respecting the rights of victims of crime. Equally important, the District Attorney recognizes that providing accurate and timely information to victims and answering victims' questions may assist in reducing the impact and trauma of crime. Crime victim advocates are directly responsible for ensuring all identified victims of crime are allowed & informed of their rights, without fear of reprisal or discrimination, so that they may have a meaningful role in the criminal justice process and in accordance with the UTCR 4.100, 4.110, 4.120, 4.130 and OAR 137.078.0035. For the purposes of record retention supported by OAR 166.300.0015, the Victims of Crime Act (VOCA), crime victim and advocate communication must be logged & accurately depicted in the Karpel (PbK) case file and available to the assigned attorney to ensure strict adherence to *Brady vs Maryland* requirements and retained in accordance with the above mentioned and available through the CVSSD site: <https://www.doj.state.or.us/crime-victims/>.

Victims with Limited English Proficiency

The ability to communicate with a person identified as a victim of crime throughout the criminal justice process is especially important. Victims must be treated with respect, and as such, their ability to communicate and better understand their rights in the criminal justice system should be embraced in the most respectful manner possible. This respect is heavily dependent upon treating them and their preferred language with dignity. Crime victims who have a limited English proficiency (or prefer to communicate in a manner outside English or the written language) must be identified and demarked on the Karpel (PbK) Victim Services tab & victim advocates must strive to accommodate these preferences to the best of their ability. Victim advocates can utilize the language "pointy talkie" displayed in the DAVAP office to help identify the preferred language and if a qualified staff member does not speak this language, the language line is an available resource. (<https://www.language.com/>) Victim advocates must identify critical stages of the criminal justice process and request an interpreter through the county court clerks 1 week prior for those in which a crime victim wishes to participate.

Victim Advocate Coordinator: The Victim Advocate Coordinator (VAC) is the head of the Victim Advocate Program (VAP) in Wasco Co. and oversees the VAP unit along with any employees working within the scope of the unit. The VAC has the authority to set policies within the unit upon consultation with the District Attorney.

Rights: In Oregon, crime victims have certain rights under the Oregon Constitution Crime Victims Bill of Rights and the Oregon Revised Statutes; these include:

- The right to have a meaningful role in the criminal justice process.
- The right to be treated with dignity and respect.
- The right to fair and impartial treatment.
- The right to reasonable protection from the offender.
- The rights to receive prompt restitution.

Rights Upon Request:

The right to request victim's address and phone number be confidential.

The right to contact the supervisory authority if being harassed.

The right to be informed of court appearances.

The right to be in the courtroom and address the court.

The right to obtain information about the offender.

The right to obtain transcripts or copies of proceedings.

The right to be notified and consulted about potential plea offers.

Informing Victims: Victims of should be informed of all critical stages of the criminal justice proceedings to the extent they request or as required by law. The prosecutor shall work with the Wasco County Victims' Assistance Program to ensure victims' needs are being met. Victim contact, information and nonfictions should be documented in Karpel.

Assisting Victims: Prosecutors should assist victims, to the extent possible under the law, with the return of property, restitution, coordination of appearance in court with employers and/or school, transportation, and lodging. To the extent possible, prosecutors should work to reduce inconvenience and anxiety for victims of crime. Aid and assistance rendered to crime victims must not be in conflict with county policy or grant requirements.

Defense investigations: The prosecutor shall not advise a witness or victim to decline to respond to inquiries from the defense. The prosecutor may advise a witness that they are not required to provide information to the defense outside of court and the prosecutor may also inform a witness of the implications and possible consequences of providing information to the defense.

Representation: When the prosecutor is informed that a victim has obtained legal representation with respect to the criminal proceeding, the prosecutor should arrange all out-of-court contacts with the witness regarding the subject of that proceeding through the witness's counsel.

Timeliness: Prosecutors or their designee should respond promptly to voice messages, emails and requests for positions for filing of motions from victims.

Compensation: WCDA should not compensate a victim, other than an expert, for giving testimony, but it is not improper to reimburse an ordinary witness for the reasonable expenses of attendance upon court, attendance for hearings pursuant to statute or court rule, or attendance for pretrial interviews. Payments to a witness may be for transportation and lodging, provided there is no attempt to conceal the fact of reimbursement.

Donations: WCDA does not solicit for donations and in the event a donation is received, it shall be handled in accordance with Wasco County Revenue policy.

Victim Safety: WCDA will work with victims and our community partners to make victim safety a priority; specifically, the prosecutor will encourage victims to engage in safety planning with the Victims Assistance Program when appropriate. The prosecutor shall be mindful of witnesses' safety and sense of safety at all times. Necessary accommodations should be made to make witnesses feel safe and secure.

Witnesses: The District Attorney recognizes the importance of supporting witnesses of crime. The support of community members who witness criminal conduct in holding offenders accountable is important to the WCDA. Equally important, the District Attorney recognizes importance of being respectful of witnesses' time, answering their questions and assisting them when possible by accommodating their schedules.

Informing Witnesses: The prosecutor should keep witnesses informed of: all pre-trial hearings which witnesses may be required to attend; trial dates and the scheduling of witnesses' appearance.

Defense investigations: The prosecutor shall not advise a witness (including victims) to decline to respond to inquiries from the defense. The prosecutor may advise a witness that they are not required to provide information to the defense outside of court and the prosecutor may also inform a witness of the implications and possible consequences of providing information to the defense.

Representation: When the prosecutor is informed that a witness has obtained legal representation with respect to the criminal proceeding, the prosecutor should arrange all out-of-court contacts with the witness regarding the subject of that proceeding through the witness's counsel.

Rights: A prosecutor should advise a witness who is to be interviewed of his or her rights against self-incrimination and the right to counsel whenever the law so requires. It is also proper for a prosecutor to so advise a witness whenever the prosecutor knows or has reason to believe that the witness may be the subject of a criminal prosecution. However, a prosecutor should not so advise a witness for the purpose of influencing the witness in favor of or against testifying.

Witness preparation: The prosecutor shall not advise or assist a witness to testify falsely. The prosecutor may discuss the content, style, and manner of the witness's testimony, but should at all times make efforts to ensure that the witness understands his or her obligation to testify truthfully.

Compensation: WCDA should not compensate a witness, other than an expert, for giving testimony, but it is not improper to reimburse an ordinary witness for the reasonable expenses of attendance upon court, attendance for hearings pursuant to statute or court rule, or attendance for pretrial interviews. Payments to a witness may be for transportation and lodging, provided there is no attempt to conceal the fact of reimbursement.

Expert Witnesses: When a prosecutor determines that the testimony of an expert witness is necessary, the independence of the expert should be respected and if it is determined that a fee be paid to an expert witness, the fee should be reasonable and should not depend upon a contingency related to the outcome of the case. The approval of the District Attorney is required before securing an expert witness.

Expert Witness Opinion: A prosecutor who engages an expert for an opinion should respect the independence of the expert and should not seek to dictate the formation of the expert's opinion on the subject. To the extent necessary, he prosecutor should explain to the expert his or her role in the trial as an impartial expert called to aid the fact finders and the manner in which the examination of witnesses is conducted.

Expert Witness Fees: A prosecutor should not pay an excessive fee for the purpose of influencing the expert's testimony or to fix the amount of the fee contingent upon the testimony the expert will give or the result in the case.

Witness Safety: The prosecutor shall be mindful of the witnesses' safety and sense of safety at all times. Necessary accommodations should be made to make witnesses feel safe and secure.

Certification of Victim's Rights: the certification shall be done after the prosecutor meets with a victim or 21 days after the victim rights certification is prepared by the Victim Assistance Program. The prosecutor shall review the rights requested by the victim before completing certification.

Media: The District Attorney will seek to maintain a relationship with the media that will facilitate the appropriate flow of information to and from the public. An appropriate and professional relationship with the media is necessary to promote public accountability and transparency in government while complying with all legal and ethical obligations.

DA and the Media: The District Attorney is the primary point of contact for the media.

CDDA and DDA Responsibility: DDAs shall keep the District Attorney informed of matters they reasonably believe may be of importance to the media and the public. DDAs should defer to the District Attorney when contacted by the media, unless the inquiry is related to the date and time of a future appearance.

Public Statements: A prosecutor should not make any public statement after trial that is critical of jurors, but may express disagreement with or disappointment in the jury verdict.

Timeliness: DDAs shall respond to the media requests about court appearances (date and time) in a timely manner. All other inquiries shall be forwarded to the DA immediately upon receipt.

Wasco County Board of County Commissioners & County Administrator: : The District Attorney will cooperate with his or her funding entity, the Wasco County Board of County Commissioners (BOCC) by providing an assessment of resources needed to effectively administer the duties of the office.

Primary Point of Contact: The DA is the primary point of contact for the BOCC and the County Administrator.

Public/Community Members: The District Attorney encourages the formation and growth of community-based organizations interested in criminal justice, crime prevention, and the punishment and rehabilitation of offenders.

Responsiveness: With respect to such organizations and to the extent that the District Attorney has the resources to do so, the District Attorney will assign an appropriate staff member(s) to act as liaison to such organizations and provide qualified speakers from the prosecutor's office to address and appear before such groups on matters of common interest.

Timeliness: Prosecutors shall respond to inquiries from the community in a timely manner.

Public Records Requests: The District Attorney is responsible for reviewing Public Records Requests and resolving Public Records Requests in the County. 4.16.5 Oregon Public Records Law Criminal Investigation Conditional Exemption: ORS 192.501(3) conditionally exempts reports of criminal justice investigation from public disclosure: "Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim."

Police reports shall be disclosed unless there is a clear need to delay disclosure.

If reports are withheld in a specific case they can be withheld only for so long as the clear need remains active.

Non-Governmental Entities: In all dealings with a non-governmental entity, the District Attorney should place the public interest above all other considerations.

Financial and Resource Assistance

Where permitted by law, WCDA may accept financial or resource assistance from a non-governmental source when such assistance is specifically approved by the District Attorney;

Determination: When determining whether to accept assistance from a non-governmental source, the District Attorney should give priority consideration to the public interest over the private interests of a non-governmental source, especially when the assistance relates to a specific case or cases rather than office-wide assistance.

Appearance: The DA may consider whether accepting assistance from a nongovernmental source will create the appearance of undue influence;

Procedures: The chief prosecutor should have office procedures in place that protect the independent exercise of discretion of the office from the undue influence of a non-governmental resource that has provided assistance to the office during the investigation and prosecution of specific cases or types of cases. These procedures should include requirements for strict bookkeeping and accounting of any assistance

received, whether financial or resource assistance, and if required by law, disclosure procedures.

Uniform Trial Court Rules: The Wasco County District Attorney's office will comply with the UTCRs as enacted by the Oregon Judicial Department.

DA IT/Information Services

Overview: The purpose of this policy is to establish acceptable and unacceptable use of electronic devices and network resources at the WCDA in conjunction with its established culture of ethical and lawful behavior, openness, trust, and integrity. The WCDA provides computer devices, networks, and other electronic information systems to meet missions, goals, and initiatives and must manage them responsibly to maintain the confidentiality, integrity, and availability of its information assets. This policy requires the users of information assets to comply with WCDA policies and protects the WCDA against damaging legal issues. Attorneys shall comply with the following IT/Information Services Policies: Scope; Personal Incidental Use; Policy Statement; Computing Assets; Network Use; Internet Use; Prohibited Electronic Communications; Information Security; Limits of Acceptable Use; Reference FBI; Enforcement; Definitions; Password Policy; CJIS Policy Compliance; Privacy Policy; Prosecutor by Karpel (PbK) Case Management Policy. The individual DA IT/Information Services Policies are included in the appendix and are incorporated by reference herein.

All electronic communications related to DA work must be conducted on DA equipment with DA accounts to maintain the public records of our work.

Applicability: It is the policy of the Wasco County District Attorney's Office that every user who is authorized to access any electronic device within the District Attorney's Office computer systems, hereinafter called Computer Resources, abide by the following policies and procedures.

Prosecutor by Karpel (pBk) Case Management Policy: It is the policy of the Wasco County District Attorney's Office that a single case record exists in PbK for every type of record entered into PbK, to include but not limited to: criminal cases, death investigations, referrals, juvenile matters and civil commitment matters. This practice will ensure an accurate statistical representation of our workload.

Remote Access Policy: It is the policy of the Wasco County District Attorney's Office that all methods of remote access to the information system be managed through various logging and documentation methods.

Requirement: This policy is implemented to meet the compliance requirements of FBI CJIS section 5.5.6 (version 5.9).

Storage Policy:

Storage of any WCDA data on a non-WCDA owned device is strictly prohibited unless agency has established and documented the specific terms and conditions for system usage.

Publically accessible computers are prohibited from both accessing and storage of CJI, including but not limited to: hotel center computers, convention computers, library computers, public kiosk computers, etc.

All users are expected to comply with WCDA policies while accessing WCDA systems remotely.

Users will only use approved remote access solutions to connect remotely to WCDA systems.

All users remotely connecting to WCDA systems shall only utilize the resources for which they have been granted permission and rights to use.

Enforcement: Any person found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Deliberate, unauthorized disclosure of confidential information may result in civil and/or criminal penalties.

Mobile Devices: In accordance with policy Area 13 of FBI CJIS (version 5.9), cell phones (i.e. bring your own device [BYOD]) are authorized, they shall be controlled in accordance with this policy and subject to be added to an MDM platform if used to store or transmit agency data.

Charging Theft Cases

Theft, Identity Theft and Forgery: Oregon law provides for various classifications of theft, with both the crime seriousness and the potential punishment reflecting a balancing of numerous public policy considerations.

Mandatory Minimums: Oregon sentencing provisions, including the Oregon Sentencing Guidelines and ORS 137.717, recognize the appropriateness of setting offender punishment based upon a variety of considerations, including but not limited to such things as the offender's prior record, the type of property stolen, the status of the victim, the value of the property, any evidence of ongoing theft activity and the victimization of multiple victims.

Aggregation: ORS 164.115(5) allows for single theft transactions to be added together if the thefts were committed against multiple victims by similar means within a thirty (30) day period or against the same victim or joint owners within a 180-day period. This provision can, under certain circumstances, increase community safety and offender accountability and punishment. However, under different circumstances aggregation can have the opposite effect. As a general rule, separately chargeable offenses should be aggregated under ORS 164.115(5) only where it increases community protection by increasing potential offender accountability and punishment. Consideration may be given to the Felony Sentencing Guidelines (FSG) thresholds for various levels of Crime Seriousness (CS) based on monetary amounts applicable to different levels of crime seriousness (i.e., less than \$1,000, \$1,000 or more, \$5,000 or more, \$10,000 or more, \$50,000 or more, etc.). Aggregation may provide a more accurate portrayal of the defendant's activity, and its impact on the victim, in a particular time frame than a series of separately charged offenses. Exceptions may be made on any mitigating factor(s) determined to be credible.

Aggravated ID Theft: Oregon law allows for the charging of Aggravated Identity Theft under ORS 137.803 when the offender: (1)(a) commits 10 or more acts of Identity Theft within a 180-day period; (1)(b) has a previous conviction for Aggravated Identity Theft; (1)(c) caused losses incurred in a single or aggregate transactions that are \$10,000 or more within a 180-day period; or (1)(d) has ten or more pieces of personal identification from ten or more different persons. Oregon sentencing provisions, including the Oregon Sentencing Guidelines and ORS 137.717, also recognize the appropriateness of increased punishment for ongoing identity theft activity and identity thefts involving multiple victims. The Aggravated Identity Theft charge can, under some circumstances, increase offender accountability and potential punishment. However, under many circumstances, the filing of Aggravated Identity Theft will actually reduce offender accountability, punishment, and community protection by reducing the potential sentence available under Oregon sentencing guidelines and ORS 137.717. Accordingly, multiple Identity Theft charges should be aggregated into an Aggravated Identity Theft count only when doing so increases community protection and potential punishment and accountability for the offender, and only when the DDA decides that an enhanced jail sentence is more likely to result in community safety than would enhanced treatment and potential resulting rehabilitation of the offender.

Aggregation: Oregon law provides for various degrees of forgery involving checks or credit card purchase slips that are designed to increase the punishment of offenders commensurate with the value these forged instruments. Oregon sentencing provisions, including the Oregon Sentencing Guidelines and ORS 137.717, also recognize the appropriateness of increased punishment for ongoing forgery activity and thefts involving multiple victims. ORS 165.013(2) allows for individual check and credit card purchase slips to be added together if the forgeries were committed against multiple victims by similar means within a thirty (30) day period or against the same victim or joint within a 180-day period. This provision can, under certain circumstances, increase community safety and the accountability and punishment of the offender. However, under different circumstances, aggregation can reduce community protection by reducing the potential sentence for the offender. In general, separately chargeable forgeries should be aggregated under ORS 165.013(2) only when it increases community safety by increasing the potential punishment of the offender, and only when the DDA decides that an enhanced jail sentence is more likely to result in community safety than would enhanced treatment and potential resulting rehabilitation of the offender. Exceptions may be made on any mitigating factor(s) determined to be credible.

Criminal Possession of Rented or Leased Property: WCDA will only charge Criminal Possession of Rented or Leased Property when there is evidence of criminal intent and not a mere violation of a commercial lease agreement.

Evaluation of all-prison eligible property crime offenders for participation in Downward Departure Program or Specialty Courts: WCDA will strive to evaluate all prison eligible property crime offenders for the any downward departure Justice Reinvestment Program or a Specialty Court.

Charging Crimes Against Persons

Crimes Against Persons: The general intake philosophy set out above is expanded upon in person crimes with the details contained in this section.

Charging Juvenile Offenders with Measure 11 Offenses Policy: WCDA will follow SB1008 in determining charging and disposition of juveniles who commit Measure 11 offenses. The District Attorney or the Wasco County Juvenile Director, if the DA is unavailable, must approve charging a juvenile with a ballot Measure 11 crime and requesting a waiver hearing to determine if the youth should be prosecuted in adult court, subject to the requirements of ORS 419C.349.

Juveniles Charged with Measure 11 Sex Offenses: a non-Measure 11 disposition in adult court will be considered if the following factors outweigh any aggravating factors. The offender has been evaluated by a person trained to evaluate juvenile sex offenders, the evaluation complies with the Oregon Administrative Rules and the juvenile has been determined not to be a sexual predator, by a comprehensive evaluation that included a polygraph test if requested; the offender is amenable to sex offender treatment; treatment is available for the offender, and reasonably likely to be successful; and the offense committed was not forcible or violent.

Second Look: in making a recommendation at the Second Look hearing, the prosecutor will consider all available reliable evidence that meets the standard of proof, to determine whether or not the person has been rehabilitated and reformed, and if conditionally released, the person would not be a threat to the safety of the victim, the victim's family or the community and that the person would comply with the release conditions.

Notice of Mandatory Minimums: the DA's Office will give notice of mandatory minimums when applicable. Mandatory minimums based on the charge itself (e.g. ORS 137.700) are noticed when the charging instrument is provided. Other mandatory minimums (e.g. Denny Smith violations) require notice. Mandatory Minimums will not supersede the discretion of the DDA in negotiations.

Sexually Violent Dangerous Offenders: Sexually Violent Dangerous Offender status will only be sought if all of the requirements of ORS 137.765 are met and with the approval of the District Attorney.

On-Going Obligation of Mandatory Reporting: prosecutors are responsible for complying with mandatory reporting requirements. If cross-reporting has not been documented and the prosecutor cannot confirm it has been completed, the prosecutor shall report to DHS.

Crimes involving bias: If a crime involving any of the factors listed in ORS 166.155 or 166.165 is referred to WCDA for prosecution, the District Attorney shall be advised.

Charging Traffic Crimes

Traffic Crimes: The general intake philosophy set out above is expanded upon in traffic crimes with the details contained in this section.

Driving While Suspended/Revoked:

DUII Philosophy: Driving Under the Influence of intoxicants puts community members and drivers at risk every day. DUII is a public safety and public health issue.

Consistency: WCDA will have consistent charging and plea offers with DUIIs. DDAs are expected to follow those guidelines but still take into consideration the unique facts and circumstances of each case.

DUII Charging: When charging DUII cases DDAs shall comply with ORS Chapter 813; the District Attorney's Office's will focus on community safety in DUII prosecutions.

Enhancements: WCDA will include all provable enhancements that exist at the time of the offense.

Intoxicants: DUII charges will specify the primary intoxicant as: Alcohol; Marijuana; Methamphetamine; Heroin; Ecstasy; MDMA; Prescription Medications; or Other in PbK.

DUII Diversion Philosophy: The Wasco County DA's Office will follow the law for DUII diversion application and participation as set forth in ORS 813.010-813.270.

Diversion is an opportunity for intervention and education. The safety of the community is the priority. If an offender is eligible for diversion and meets all of the statutory criteria, the state will recommend Diversion. If there is a basis to object to Diversion, the DDA will document the basis in writing in PbK and oppose the offender's participation.

If a defendant has participated in a previous rehabilitation program, the State will not object to diversion if the previous program is disguisable from the DUII Diversion treatment program, and wasn't for the purpose of avoiding punishment in a DUII or DUII adjacent matter.

Timeliness of Diversion Petition: WCDA will enforce ORS 813.210 (a) and require the diversion petition to be filed within 30 days after the date of the defendant's first appearance. The state will consider the following to be good cause for delay:

Pending Laboratory Results: pending results at the OSCL or a private lab and the defense attorney asserts the results are necessary to fully and adequately advise the defendant.

Short delays: less than 10 judicial days to accommodate a defense attorney or defendant's schedule.

Court Calendaring: If the first entry of plea date falls outside the 30 day window, the entry of plea date will be the diversion entry deadline.

Extension of Diversion: A Defendant may apply to the court for extension of the diversion period for 180 days, if the extension is filed within 30 days prior to the end of the diversion period.

Driving While Suspended/Revoked (DWS)

Driving While Suspended (ORS 811.182) will only be charged when a defendant has an active court suspended license or has been revoked. If a person's license is court suspended, but eligible for reinstatement, the appropriate charge is Operating vehicle without driving privileges (ORS 807.010)

Grand Jury/Preliminary Hearing

Grand Jury Function: Grand jurors are guests of the District Attorney's Office during their term, but they are not part of the District Attorney's Office. Grand juries perform a separate function from the District Attorney's Office and the courts. It is their function to interpose their judgment (and thereby the judgment of the community) between the person accused of crime and the State. Deputy District Attorneys must respect that separate function and treat grand jurors, and their decisions, with respect. If the grand jury makes a request for additional evidence or witnesses, the District Attorney's Office shall accommodate the request, if practicable. If the grand jury renders a decision on a case at odds with the wishes of the Deputy District Attorney, as in a trial before a petit jury, the grand jury should be shown no negative reaction. Any admonishing statement or expression of disagreement must be avoided.

Grand Jury Procedure for Felonies: In order to ensure that the choice between indictment and information is made according to consistent criteria and that the privilege of either a grand jury indictment or a preliminary hearing is equally available to all, the DA's Office will take all cases to grand jury unless there is a specific evidentiary need, such as eyewitness identification, preservation of testimony, or an evidence admissibility issue that is best addressed by a judge, in an individual case, or because a grand jury proceeding could not be scheduled before a preliminary hearing is set.

Release Recommendations

Least Onerous Conditions: DDAs shall make a release recommendation that imposes the least onerous conditions reasonably likely to ensure the safety of the public, the victim and the defendant's later appearance.

Prosecutor's Responsibility to Identify Victims: The DDA shall, to the best of their ability, identify all victims, designate the person or business as a victim in PbK and request a no-contact provision. The safety and well-being of crime victims should be one of the primary considerations in all cases.

Discovery

Discovery Policy: WCDA will provide discovery when approved reports have been received and the initial investigation has concluded. Discovery will be provided as soon as possible after the WCDA Office receives it.

Timeliness: A DDA should, at all times, carry out his or her discovery obligations in good faith and in a manner that furthers the goals of discovery.

Goals of Discovery: to minimize surprise, afford the opportunity for effective cross-examination, expedite trials, and meet the requirements of due process. To further these objectives, the prosecutor should pursue the discovery of material information, and fully and promptly comply with lawful discovery requests from defense counsel and comply with the requirements of ORS 135.805-135.873 and Senate Bill 751.

On-going responsibility: If at any point in the pretrial or trial proceedings the prosecutor discovers additional witnesses, information, or other material previously requested or ordered which is subject to disclosure or inspection, the prosecutor should promptly notify defense counsel and provide the required information.

Trial

Ethical Conflicts: Any conflicts discovered for a scheduled trial shall be brought to the attention of a DA or CDDA immediately upon discovery.

Trial Call: A DDA shall accurately report, to the best of their ability, trial readiness.

Recusal of Judge for Trial: A motion for recusal of a Judge for trial shall be approved by CDDA or the District Attorney before filing.

Plea Negotiations

General Philosophy: The DA's Office will conduct plea negotiations in a professional manner. Plea negotiations take the following forms: pleas to one or more charges, reduction of charges, sentence negotiation, and the dismissal or non-prosecution of other indicted or unindicted charges. In all plea negotiations, the DA's Office shall be guided by the considerations set forth in ORS 135.405 et seq. and all relevant ethical considerations. It is our goal to characterize the conduct of a defendant by the conviction record.

Willingness to Negotiate: Prosecutors should make it known to the defense attorney that the District Attorney's Office has policy of willingness to consult with the defense concerning plea negotiations, especially in cases involving the early acceptance of responsibility, and set aside times to meet with defense attorneys for the purpose of discussing cases whether in person or by phone.

Actual Innocence: All prosecuting attorneys shall be alert for cases where the evidence indicates that the accused is innocent of the offense charged. If such is discovered, dismissal will be sought immediately.

Pre-Filing Discussions with Defendants: Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached. However, when the defendant is not represented by counsel, the prosecuting attorney should be careful to comply with ORS 135.405(2) and DR 7-104 (A) (2).

Victim Considerations: The prosecuting attorney shall attempt to contact the victims of violent felonies and explain any negotiations. For all other cases involving victims, the DDA should attempt to contact the victim and explain and negotiations. DDAs shall work with the Wasco County VAC by communicating plea offers, changes in plea offers and make themselves available to speak with victims. The assigned prosecuting attorney should take the victim's wishes into account, but the final decision regarding the disposition of the case needs to be made by the prosecuting attorney, in the exercise of professional judgment.

Equality of Plea Negotiations: Similarly, situated defendants, as determined by admissible evidence, level of involvement in the crime, criminal history, cooperation with the state, and similar factors, shall to the extent possible be afforded equal plea and sentence agreement opportunities. The choice of defense counsel shall not be a factor in the prosecuting attorney's decision to negotiate with a defendant. A defendant shall not receive an advantage or disadvantage in negotiations based upon past or present relationships between defense counsel and this office.

Timing of Plea Negotiations: Plea negotiations shall occur as soon as practicable. Plea offers, absent a documented reason, shall be included with the original charging decision. The PbK

plea offer form shall be used for the substantive offer, any changes or modifications may be done via email, but the emails shall be in the physical file and PbK.

No-Contest Pleas: a DDA will not oppose a plea of No-Contest in negotiated settlements, unless the following exceptions apply: A plea of No-Contest would not further the purposes of ORS 161.025 (Purposes of sentencing); and Is inconsistent with or does not further the rights of victims granted by sections 42 or 43 of Article I of the Oregon Constitution.

Downward Departures: Community safety is the first priority; the goal is to reduce crime at the community and offender level. Downward departure should be considered when:

The person was not on probation, parole or post-prison supervision at the time of the commission of the current crime of conviction;

The person has not previously received a downward departure from a presumptive sentence;

The harm or loss caused by the crime is not greater than usual for that type of crime; and

In consideration of the nature of the offense and the harm to the victim, a downward departure will:

Increase public safety;

Enhance the likelihood that the person will be rehabilitated; and

Not unduly reduce the appropriate punishment.

Eligibility: Downward Departures are Appropriate when not otherwise prohibited; the defendant has accepted responsibility for criminal conduct and restitution to the victim; and he offer is consistent with the criteria listed for Optional Probation in OAR 213-005-0006, or there is a compelling reason noted by the prosecutor.

Reduction of BM 11 Cases: There will be times when it is necessary to reduce or to dismiss ballot Measure 11 charges. No ballot Measure 11 charge will be reduced to a non-Ballot Measure 11 charge or dismissed unless the resolution meets the standards of this policy and has the approval of the District Attorney or CDDA.

Homicide Cases: In all homicide cases, the District Attorney shall be notified of and approve any plea offer involving a reduced charge or any other significant concession to the defendant. The assigned prosecuting attorney shall consult with the District Attorney prior to tendering the plea offer to the defendant. Prior to arriving at a homicide plea offer, the assigned prosecuting attorney should, in all but exceptional circumstances, consult with the primary detectives and the family of the victim so as to hear and consider any opinions or suggestions they may have.

Domestic Violence Cases: Domestic violence cases will not normally be subject to dismissal pursuant to plea negotiations in non-domestic violence cases, unless the facts and evidence in the case warrant such an action. The assigned prosecuting attorney handling a domestic violence case needs to obtain the approval of the District Attorney or CDDA, before making an offer in which all domestic violence charges will be dismissed pursuant to a plea to one or more non-domestic violence cases. Domestic violence cases shall be labeled so as to distinguish them from non-domestic violence cases.

District Attorney Diversion: There may be cases where facts and evidence specific to that case warrant a DA's Diversion pursuant to ORS 135.881-135.901. The prosecutor will use appropriate discretion in extending DA Diversion offers.

Any intent to revoke of a DA diversion requires notice to the defendant's attorney in writing.

Though a formal hearing is not required to revoke a DA Diversion, WCDA believes that fairness and justice requires that a court hearing be scheduled for a judge to rule whether a DA diversion should be revoked and for further sentencing.

Civil Compromise Agreements: The District Attorney's Office will consider a civil compromise when it is allowed by statute and meets the District Attorney's goals of community safety and justice.

Sentencing

Fair Sentencing: The District Attorney's Office will recommend sentences that are lawful, in the interest of justice and promote community safety.

Sentencing Input: The District Attorney's Office will consider input as to sentencing from victims, witnesses, community partners (including law enforcement) and others impacted, however, ultimately it is the responsibility of the assigned DDA to make the sentencing recommendation to court based on their knowledge of the case, the applicable law and the goals and mission of the District Attorney's Office. Sentencing input that is subject to disclosure shall be provided to the defense in a timely manner.

Victim Participation: The District Attorney Office shall comply with the Constitutional and Statutory requirements for victim participation. On occasion due to mistake a DDA may inadvertently fail to comply with their obligations. If that occurs, the DDA shall personally attempt to contact the victim and explain what occurred and if appropriate, advise the victim of their rights. The DDA shall also keep the assigned Victim Advocate up to date on the status of the case and document important information in PbK.

Mental Disease or Defect Defense

All Attorneys shall be familiar with ORS 161.295 et seq. and the applicability of GEI will be analyzed on a case-by-case basis in accordance with the remainder of these policies.

It is the office policy that a DDA may enter into a stipulation that a person is guilty except for insanity. The DDA shall staff the matter with the DA or CDDA before entering into such a stipulation.

If a person is found guilty except for insanity, the DDA is responsible for preparing a case summary to be forwarded to the Assistant Attorney General.

This summary will be used in preparing for future hearings before the Psychiatric Security Review Board. Additionally, the DDA is to contact the Psychiatric Security Review Board and provide all necessary documents to the Board.

Psychiatric Security Review Board hearing notices will be forwarded to the DDA. The DDA will coordinate with the Assistant Attorney General on preparing for the hearings, including appearing before the Board on appropriate cases. The DDA is responsible to notify crime victims of Psychiatric Security Review Board hearings.

Probation Violations

Motions to Revoke Probation: will be filed if the DDA thinks revocation is appropriate.

Consideration of the Recommendation of the Supervising Probation Officer: The District Attorney's Office will consider the position of the Probation Officer before making the decision to file a motion to revoke probation. Even when a defendant is on supervised probation and the probation officer decides to impose a structured sanction, a DDA may file a motion to revoke probation and objection to the structured sanction within 4 judicial days after receiving notice of the sanction to object. (ORS 137.599)

Specialty Courts: The District Attorney supports Wasco County and the 7th Judicial District Specialty courts and court programs, in addition to WCDA specialty programs when the programs have clearly established guidelines, are administered fairly and impartially and are subject to evaluation using generally accepted evaluation techniques.

Appeals/Post-Convictions Relief:

Notice of Appeals and Post-Conviction relief shall be entered into PbK and a copy of the notice in the file. Upon notice, the location of any exhibits and evidence shall be noted in the notes section of PbK and all items should be secured and marked.

Juvenile

Juvenile Delinquency Referrals: A prosecutor should appear at all hearings concerning a juvenile accused of an act that would constitute a crime if he or she were an adult. The duty of the prosecutor is to seek justice while fully and faithfully representing the interests of the state. While the safety and welfare of the community, including the victim, is their primary concern, prosecutors should consider the special interests and needs of the juvenile to the extent they can do so without unduly compromising their primary concern. Formal charging documents for all cases referred to juvenile or adult court should be prepared or reviewed by a prosecutor.

Remand to Adult Court: District Attorney or CDDA approval, along with a recommendation from the Wasco County Juvenile Director, is required before a discretionary decision whether to file a motion to transfer a juvenile to adult court is made.

Role of Prosecutor: The prosecutor should take an active role in the dispositional hearing and make a recommendation to the court after reviewing reports prepared by prosecutorial staff, the juvenile department, and others. In making a recommendation, the prosecutor should consider those dispositions that most closely meet the interests and needs of the juvenile offender, provided that they are consistent with community safety and welfare. At the dispositional hearing, the prosecutor should make the court aware of the impact of the juvenile's conduct on the victim and the community.

Requests from Innocence Project:

At the direction of the District Attorney, the Oregon Innocence Project may be asked to review closed cases if there is a concern regarding the integrity of the conviction. The District Attorney will consider the finding of the Innocence Project, but will conduct his own review and will make the final decision for the District Attorney's Office as to what action if any to take as a result of the review.

VISA Applications:

Applications for U-VISAs shall be reviewed for compliance with the law by the District Attorney or the designee of the District Attorney. The District Attorney's Office will respond in a timely manner and provide all relevant information. The application for, or the intent to apply for, a U-Visa shall immediately be disclosed to any defendant who is charged with a crime against the person who is the subject of the U-Visa application.

Limited Duration and Temporary Policies:

The District Attorney will be required to issue limited duration and temporary policies; those policies will be maintained separately from the Policy Manual unless and until the District Attorney determines it is appropriate to incorporate them into the manual.