



Wallowa County District Attorney

OVERRIDING PRINCIPLES

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.

Professionalism and Prosecutorial Ethics

All employees of this office hold a public trust and represent the Office of the District Attorney. You are expected to abide by the Wallowa County District Attorney Office's Declaration of Principles. 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. We are all expected to do the right thing for the right reasons.

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. In addition, attorneys are expected to know and follow all rules promulgated by the Oregon Supreme Court and by the Circuit Court of Wallowa County.

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, i.e. 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. Deputy 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 Deputy District Attorneys. Screening is the process by which a determination is made whether to initiate or pursue criminal charges. Deputy District Attorneys should use discretion in screening to eliminate cases in which prosecution is not justified. Deputy District Attorneys also have the responsibility to see

that charges selected adequately describe the offense(s) committed and the charges provide for an adequate sentence for the offense(s). Deputy District Attorneys are 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, Deputy District Attorneys shall file only those charges which are reasonably substantiated by admissible evidence at trial. Deputy District Attorneys shall also avoid charging 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

All Deputy District Attorneys 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 and police investigator will be contacted and then dismissal will be sought immediately.

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. It is not mandatory to make a plea offer in all criminal cases. They are to be provided to defendants pursuant to promoting efficient yet just outcomes. Deputy District Attorneys will retain the discretion to negotiate dismissals, nonprosecution, and sentencing recommendations in all cases subject to the general standards for plea agreements.

The Wallowa 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 Wallowa County District Attorney’s office, the assigned Deputy District Attorney shall solicit input from the victim and consult with the victim during the plea negotiation process where required by law. In the exercise of the discretion to negotiate, the Deputy District Attorney in charge of the case should strongly consider the victim’s wishes.

Crime Victim's Rights

The Wallowa 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. Deputy District Attorneys shall familiarize themselves with 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.