

Department: District Attorney **Program Contact:** Don Rees
Program Offer Type: Existing Operating Program **Program Offer Stage:** As Proposed
Related Programs:
Program Characteristics:

Executive Summary

The program includes responsibilities which represent a new approach to criminal justice placing the district attorney in the lead of review of claims of actual innocence and wrongful conviction. The program expands upon this cutting edge approach to criminal justice by utilizing this Deputy District Attorney as the office resource for professional training and developing critical internal office case handling “best practices”, ethics and avoidance of repeating past mistakes. The program places the Post-Conviction Deputy at the center of significant post-conviction related office analysis and

Program Summary

The program represents a first for Oregon and one of only a limited number of such programs in the nation. When responding to a claim of actual innocence or wrongful conviction, case review requires thorough, committed and unrelenting effort. These challenges have involved cases some of which date from the 1980's and 1990's. This post-conviction review is complicated by the passage of time including obtaining old archival records, retention and storage of evidence, as well identifying and contacting original law enforcement investigators, victims, witnesses. This case review also requires analysis of past litigation, including trial transcripts, appeal briefs and state or federal post-conviction challenges. Finally, these cases are challenging to determine the availability and significance of potential new forensic testing including DNA , as well, the significance of past and present laws.

In addition, the program deputy is responsible for additional post-conviction case support including liaison to the Governor when the office responds to petitions for Executive Clemency, liaison with the Oregon Board of Parole for purposes of Murder review, Exit interview and Dangerous Offender release hearings, , liaison to the Oregon Department of Justice in its response to Oregon statute based petitions for Post-Conviction Relief and federal petitions for Habeas Corpus relief, hearings before the Psychiatric Security Review Board (PSRB) matter to determine whether a person found Guilty but Insane should continue to be subject to PSRB supervision or discharge.

Performance Measures

| Measure Type | Primary Measure | FY16 Actual | FY17 Purchased | FY17 Estimate | FY18 Offer |
|--------------|-----------------------------|-------------|----------------|---------------|------------|
| Output | PSRB cases reviewed | 192 | 240 | 100 | 80 |
| Outcome | PSRB cases actively pursued | 162 | 190 | 80 | 60 |

Performance Measures Descriptions

Revenue/Expense Detail

| | Proposed General Fund | Proposed Other Funds | Proposed General Fund | Proposed Other Funds |
|------------------------|-----------------------|----------------------|-----------------------|----------------------|
| Program Expenses | 2017 | 2017 | 2018 | 2018 |
| Personnel | \$220,458 | \$0 | \$227,547 | \$0 |
| Materials & Supplies | \$2,150 | \$0 | \$1,600 | \$0 |
| Internal Services | \$500 | \$0 | \$3,682 | \$0 |
| Total GF/non-GF | \$223,108 | \$0 | \$232,829 | \$0 |
| Program Total: | \$223,108 | | \$232,829 | |
| Program FTE | 1.00 | 0.00 | 1.00 | 0.00 |

| Program Revenues | | | | |
|----------------------|------------|------------|------------|------------|
| Total Revenue | \$0 | \$0 | \$0 | \$0 |

Explanation of Revenues

Significant Program Changes

Last Year this program was: FY 2017: 15306 Post Conviction Program