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Columbia County District Attorney's Office - Policy Manual

Adopted December 1, 2020, Updated April 20, 2021

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.

It is important to remember that 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. As just one obvious example of the meaning of this statement, attempts to seek any sort of favoritism to any degree on account of your position is prohibited.

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. When a difficult ethical question arises, DDAs are encouraged to consult with the District Attorney. DDAs are also expected to know and follow all rules promulgated by the Oregon Supreme Court, the Circuit Court of Columbia County, and the employment policies of Columbia County.

Lawsuits and Bar Complaints

When an employee is served with an employment-related lawsuit or bar complaint, he or she shall inform the District Attorney and provide a copy of the complaint.

Continuing Legal Education

Deputy District Attorneys are expected to meet the minimum continuing legal education requirements established by the Oregon State Bar. Deputies should maintain their own continuing education records and report the progress of their continuing education to the bar.

Adherence with ORS 131.915 and ORS 131.920

Pursuant to ORS 131.915 and ORS 131.290, under no circumstance should decisions made in this office be based upon a person's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness, or disability. All decisions by this office should be based upon the facts of each case, the criminal history of each defendant, and the input and advice of the crime victims in each case.

Any complaints of a violation of this policy will be received, documented, and investigated. In each complaint, a response will be provided to the complainant within a reasonable period of time. Pursuant to ORS 131.290, a copy of each such complaint shall be forwarded to the Law Enforcement Contacts Policy Data Review. Committee.

Justice Delayed

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. DDAs have a duty to ensure that society, and specifically victims, receive justice in a timely fashion. DDAs are expected to review cases submitted by law enforcement promptly and prosecute their charged cases in a matter that does not cause undue delay.

Charging Decisions

All charging decisions are to be made pursuant to the aim of protecting the public by delivering justice. DDAs should use discretion in screening to eliminate cases in which prosecution is not justified. DDAs also have the responsibility to see that the charges selected adequately describe the offense(s) committed and the charges provide for an adequate sentence for the offense(s). DDAs are not obligated to file or present to the grand jury all possible charges that the evidence might support. DDAs 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, DDAs shall file only those charges which are reasonably substantiated by admissible evidence at trial. In order to not create undue burdens on the justice system, DDAs shall also avoid charging an excessive number of counts or filing an excessive number of cases.

When a prosecutor believes that a case contains insufficient evidence to support criminal charges, he or she is expected to contact the named victim and the primary investigator so they have adequate notice of the decision and an opportunity to correct any possible misunderstandings regarding the evidence in the case.

Property Crime Aggregation

Oregon law allows the state to aggregate the value of losses in certain property crimes when there are multiple violations against the same or multiple victims with certain time periods. See, for example, ORS 164.115(6). The effect of such aggregation is that a defendant may be charged with a more serious crime if the aggregate loss totals more than the statutory minimum loss required for the more serious degree of the applicable charge. Because DDAs have the responsibility to see that charges selected or presented to the Grand Jury accurately reflect the offense(s) committed and provide for an adequate sentence for the offense(s), there is a preference for charging individual counts for separate victims as well as for separate acts or transactions, even if committed against the same victim. In some cases, an adequate sentence would include formally supervised probation, which is not generally available for misdemeanor property crimes. In these cases, the charging deputy shall aggregate offenses in such a way as to maximize the number of available C Felony charges. The charging DDA may aggregate felony offenses in such a way as to present a charging instrument that: adequately describes the accused's criminal conduct and that will provide for an adequate sentence for the offenses taking into consideration: the availability of witnesses, the availability of financial records, the injury or harm suffered by the victim(s), and whether such aggregation sets forth a logical and coherent presentation of the evidence at trial.

Innocence and Evidence

All DDAs 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, reasonable efforts to discuss the issue with the victim and police investigator will be made, and a dismissal will be sought immediately.

Grand Jury

Felony charges brought by the CCDA must be reviewed by a Columbia County grand jury. The only exceptions to this rule are situations in which a defendant makes a knowing and voluntary waiver of indictment or when the state proceeds to a preliminary hearing, but preliminary hearings area disfavored and require the approval of the DA.

Criminal defendants shall be afforded the opportunity to testify before the grand jury barring extraordinary circumstances. If a prosecutor believes that it is inappropriate for a particular defendant to testify before the grand jury in their own defense, the matter must be discussed with the DA.

Grand jury hearings often involve a streamlined presentation of the case facts in order to conserve judicial resources. This is an appropriate practice, but it must be balanced with the need for a full and fair review of the evidence. While it is not always necessary to call every witness in a case before the grand jury, the primary officer should always be called before the grand jury in order to ensure an overview of the entire case.

Plea Offers

While the values of the Columbia County District Attorney in some specific areas of criminal sentencing are reflected below, as a general rule, the office will conduct its plea negotiation efforts in a professional, consistent, and nondiscriminatory 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; whether the defendant is a veteran of the United States military.

Comparable cases

Consistency in plea negotiations is an important constitutional and ethical duty. As such DDAs should consider the outcomes of comparable cases to help ensure equal treatment. When a defense attorney or other party to a case approaches a DDA during plea negotiations and cites an outcome in a prior case as evidence of what a plea offer should be, the DDA is expected to review that case and respond to the defense attorney with an opinion as to whether the case is similar or distinguishable.

Immigration and collateral consequences

Criminal convictions may impact a defendant's life in countless ways, some more abstract than others. As a general proposition, collateral consequences are not to be considered by the DDA during plea negotiations. However, if a defense attorney provides evidence of a specific collateral consequence that may adversely impact his or her client, that evidence may be considered alongside the other factors listed above.

Felony Driving Under the Influence of Intoxicants

When a defendant is charged with a Felony DUII in which he is facing a presumptive prison sentence, downward dispositional departures to probation will only be considered with the approval of the District Attorney.

Hybrid Prison-Probation Sentences

With some frequency, DDAs or defendants will propose to resolve a case with a "hybrid" sentence in which a defendant is sentenced to a prison term on one count to be followed by a probation term on another count. These resolutions are disfavored and require the approval of the District Attorney. When a hybrid sentence is proposed, DDAs are encouraged to consider the following alternatives which are not disfavored and do not require the approval of the District Attorney:

(1) A straight probation sentence
(2) A straight prison sentence
(3) A hybrid sentence in which the defendant serves a sentence in a county jail of up to one year followed by probation.

Stipulated grid blocks and "Adams" Pleas

Downward departure sentences in which a probationer is sent to prison if the probation is revoked are often appropriate outcomes on a criminal case. In these situations a defendant and a prosecutor agree to a certain amount of prison time as a consequence of failing probation before probation begins. Unless approved by the District Attorney, DDAs should not agree to amount of prison time in excess of 36 months as a consequence for failing probation. If a prosecutor believes that more than 36 months of prison is appropriate in the event of a probation revocation, the prosecutor should probably not be advocating for probation to begin with.

Crime Victim's Rights

Members of the Columbia County District Attorney's Office are expected to fully comply with all obligations contained in the Oregon Revised Statutes and the Oregon Constitution related to crime victims. Prosecutors are expected to go beyond their legal obligations and look for all possible opportunities to make the victim feel heard and play a meaningful role in the prosecution. When engaging in plea negotiations, the DDA in charge of the case should strongly consider the victim's wishes. While many crime victims will decline to retain private counsel to protect their rights, it is a policy of the Columbia County District Attorney's Office that all victims be informed of the availability of victim's rights attorneys and be provided with the contact information for the attorneys who staff the National Crime Victims Law Institute and the Oregon Crime Victims Law Center.

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. DDAs should inform Victims Assistance of pending criminal cases. 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. During the sentencing hearing, DDAs should refer to the completed loss forms to request that restitution be made part of the sentence. 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. As a result DDAs 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). When restitution is legally unattainable as no pecuniary loss is provable, DDAs should consider alternative options such as compensatory fines or community service.

Homicide Cases

Prior to arriving at a homicide plea agreement, the trial DDA should, in all but exceptional circumstances, inform and consult with the primary detectives and the family of the victim as to the appropriateness of the offer and any opinions or suggestions they may have.

Before any plea offer is extended in any homicide case, the DDA must meet with the District Attorney for approval of the plea offer. During this meeting the DDA will present a complete factual summary of the case and review the mitigating and aggravating factors in the case with the District Attorney.

Mandatory Sentence Cases

All plea offers on felony cases with minimum sentences, including but not limited to Ballot Measure 11, Ballot Measure 57, Ballot Measure 73, Aggravated Vehicular Homicide per ORS 163.149, Gun Minimums under ORS 161.610, and Dangerous Offender under ORS 161.725 et seq., will be reviewed with the District Attorney prior to the scheduling of a trial. These case reviews will examine the strength of the case, the victim's concerns and opinions, any mitigating factors, and any aggravating factors.

Decision to Pursue Death Penalty

All attorneys responsible for the prosecution of aggravated murder cases must consider the law and evidence of each case and make a determination as to whether seeking the death penalty would be a just outcome. This determination is to be made in consultation with the District Attorney and at least one other supervising attorney.

Fines, Fees and Taxpayer Reimbursement

In some instances justice is best achieved by recommending that a defendant pay fines or fees. DDAs may recommend payment of fines and fees in those instances where doing so will serve to protect the public and deliver justice. DDAs are expected to look for appropriate instances to recommend that defendants pay for some or all of their court appointed attorney costs.

Sentencing Programs, including AIPs, conditional release, work release, earned sentence reductions and short-term transitional eave.

DDAs are encouraged to advocate that sentence provisions which reduce the initial sentence declared by the judge are only given after all required legal findings are made. (ie: ORS 137.751 for AIPs.)

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. Civil compromises, if used frequently, tend to unfairly favor criminals with access to money and provide them with more lenient treatment within the criminal justice system. Treating an accused more leniently because of money is inappropriate. In the interest of justice and in the interest of protecting community safety, this office believes that criminal acts should be handled in criminal court. Generally

speaking, prosecutors in the Columbia County District Attorney's Office are expected to object to civil compromises. Prosecutors should not object to a civil compromise when:

(1) The victim has agreed to the civil compromise;
(2) The defendant's representatives adequately informed the victim of the terms of the civil compromise;
(3) The victim has been fully informed by the prosecutor regarding the effect of a civil compromise and that the entry of a civil compromise will preclude the prosecutor from taking any action on the case ever again; and
(4) The civil compromise is in the interests of justice and will not negatively impact public safety.

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. DDAs work with the court and parole and probation to ensure proper monitoring and compliance with conditional discharge agreements. Conditional discharges should not be offered for second or subsequent drug offenses.

Treatment Court and Justice Reinvestment Program Policies

The District Attorney supports Columbia County Treatment Court Programs and the Columbia County Justice Reinvestment Program ("CCJRI") and acknowledges that these programs are supported by empirical research and strive to apply evidence-based practices to safely support participants while they remain in the community.

The Columbia County Circuit Court operates four treatment court programs. The Behavioral Health Court, Veterans Court and Adult Drug Court offer services to adult defendants facing criminal charges. The Family Treatment offers services to individuals with dependency cases. The CCJRI Program focuses exclusively on prison bound defendants with a level of criminality that would deem them inappropriate for a specialty court program or that require a higher level of supervision and accountability offered in existing programs. Each program has its own eligibility criteria which is aligned with the goals of each respective program. The goals and criteria for each program is set out below.

The Specialty Court DDA shall review the defendant's application to ensure compliance with the treatment program criteria and consult with any victims associated with the case. The Specialty Court DDA shall make a recommendation for or against entry into the program. The Specialty Court DDA shall participate in regularly scheduled staff meetings and court appearances to assist in monitoring and supporting treatment court participant's progress through the various programs.

Adult Drug Court

The mission of the Columbia County Adult Treatment Court Program is to decrease substance abuse among adult offenders through comprehensive and coordinated treatment and support services provided by community partners and the criminal justice community, in an effort to reduce crime and increase public safety.

Eligibility Criteria: Drug/Alcohol abuse or dependence, 18 years of age or older, Resident of Columbia County, Oregon, Medium to high risk according to the Public Safety Checklist, High level of treatment needs, Suspended prison sentence at the time of entry

Behavioral Health Court

Behavioral Health Court provides a supervised alternative case processing model for people who, but for an untreated mental illness or an unmanaged mental disorder, would not commit crimes. Behavioral Health Court assists in reducing risk to community safety by enhancing mental health treatment.

Eligibility Criteria: Persons who do not present an unjustifiable risk to public safety and have a serious mental health diagnosis, 18 years of age or older, Resident of Columbia County, Oregon, Persons charged with either a new felony crime or a probation violation for a current felony crime, Persons charged with a misdemeanor crime (on a case by case basis only).

Veterans Court

The mission of the Columbia County Veterans' Treatment Court Program is to enhance public safety by providing a judicially supervised regime of appropriate treatment services and support to justice-involved Veterans with the goal of returning law abiding citizens to the community, thereby honoring those who have served.

Eligibility Criteria: Veterans who do not present an unjustifiable risk to public safety suffer from drug/alcohol addiction or mental illness, Veterans who are current Columbia County residents, Veterans who assess as high risk/high needs, Veterans who have been charged with a new felony crime or probation violation for a current felony crime, Veterans charged with a misdemeanor crime (on a case by case basis only).

Columbia County Justice Reinvestment Program

The CCJRI Program builds upon the existing treatment courts to further avoid unnecessarily sending people to prison. This program targets participants who are unsuitable for treatment courts and historically sentenced to prison, but have the potential to succeed with an intensive supervision program. This program includes participants that are not solely affected by substance abuse or mental health offenses.

Eligibility Requirements: Columbia County resident, 18 years or older, high-risk and high treatment level needs according to evidence based screening protocols, but not an unjustifiable risk to public safety. Defendants must be exposed to a suspended prison sentence at the time of entry. No pending cases or warrants from other jurisdictions. No defendants with current charges of homicide, sex offenses, attempted murder, assault 1, robbery 1, kidnapping or Felony DUII will be considered.

Early Disposition Program

The Columbia County District Attorney's Office takes advantage of an "early disposition" docket twice a month on Monday mornings in courtroom 202. This docket is intended to resolve low-level offenses quickly in order to create more time in court for major cases.

There are two categories of early disposition cases. The first category applies to cases in which the state has extended a DUII diversion, a DA diversion, or other deferred sentencing offer. These cases are assigned to the early disposition docket within 30 days of arraignment and defendants may only request one 30-day continuance before the offer is withdrawn.

The second category applies to low-level offenders with little to no criminal history that commit crimes in which there are no civilian victims. This is a small category of cases in which the crime is so minor that the state makes an offer that involves no jail or probation time and results in a sentence of discharge or a fine. The detailed policy sheet for this category of cases is contained below:

EDP Eligible regardless of criminal history (Unless Aggravating Factors Exist)

- **Theft 3*** (If VIC is a corporation or similar entity + no restitution)
- **Theft 2** (If VIC Is a corporation or similar entity + no restitution)
- **Criminal Trespass*** (If VIC is a corporation or similar entity + no restitution)
- **False information to a peace officer**
- **Disorderly conduct II**
- **Carrying a concealed weapon** (non-firearm cases only)
- **Possession of burglars tools**

- **Offensive littering and depositing burning material cases***
- **No operator's license/fail to carry and present cases***

*Eligible for immediate violation treatment if no criminal history (unless aggravating factors exist)

EDP Eligible if criminal history meets certain requirements (unless aggravating factors exist)

- **Misdemeanor drug possession cases** if no prior convictions and defendant is already receiving an appropriate level of supervision.
- **Failure to register as a sex offender cases** in which the defendant is already receiving an appropriate level of supervision
- **Misdemeanor DWS cases**** in which the DEF has no prior DWS citations, arrests, or convictions, no felony convictions, and no more than one prior traffic crimes in last ten years.
- **Forgery II and CPFI II** cases in which the DEF has no prior criminal history, the VIC is a corporation or similar entity, and there is no restitution.
- **Interfering with a Peace Officer** if no prior criminal history, no other crimes charged, and no risk to public safety during the incident.
- **Furnishing alcohol to a minor*** if no prior criminal history, VIC is 18 or older, or DEF is no more than 3 years older than VIC.
- **Failure to Appear in the Second Degree** if no other pending cases

*Eligible for immediate violation treatment if no criminal history (unless aggravating factors exist)
**Fine for an EDP-eligible DWS offense will be $1000 dollars

Nonexclusive list of aggravating factors

- The District Attorney's Office determines that bench probation is necessary for public safety
- The District Attorney's Office determines that Incarceration is necessary for public safety
- The DEF has other non-EDP-eligible charges
- The DEF has other non-EDP-eligible cases that are still pending.
- The crime involved an immediate risk to the physical safety of others
- It is in the interest of justice to deny eligibility for this program

Pre-Arrest Diversion Programs

Law enforcement agencies retain discretion to present or not present most all misdemeanor cases to our office for prosecution. Whenever a municipality or other jurisdiction has a pre-arrest diversion program for misdemeanants, the respective law enforcement agencies implementing such programs should do so in consultation with the District Attorney. Any program established should ensure that delay in prosecution for failed diversions does not negatively impact public safety and the pursuit of justice.

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
ORS 135.230 – ORS 135.290.

All DDAs are expected to be familiar with these laws and to advocate for implementation of their provisions.

The Columbia County District Attorney's Office benefits from the services of a pretrial release officer employed by the Department of Community Justice. When a defendant is seeking release, prosecutors are encouraged to share information with the pretrial release officer so he has all of the information necessary to make an informed release recommendation to the court.

Discovery

The discovery obligations of the Columbia 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. In addition, it is important for prosecutors to thoroughly consider how to meet their discovery obligations in each case and consult with their supervisors for guidance whenever appropriate.

It is the practice of this office to disclose appropriate police reports and other discoverable materials to defense counsel at the earliest opportunity once a case is filed. Our office has an open file policy. All discovery contained in our criminal files are open and available at the Columbia County District Attorney's Office for defendants and their attorneys to come and look at, by appointment, free of cost. Copies of discovery materials are also made available to defendants and their attorneys once payment for the same has been made in full. When appropriate, DDAs may seek protective orders limiting duplication disclosure beyond discovery to defense counsel.

DDAs must be alert to problems experienced by police agencies in providing all case police reports to the District Attorney's office.

Particularly in major cases, DDAs should utilize the following tools to ensure that all reports that should be disclosed are received by this office and disclosed to the defense:

(1) Review information in available data systems regarding reports written;

(2) Contact investigating officer or detective and request they go to their agency records section and verify they have all reports currently on file for that case in their agency;

(3) Meet in person with the investigating officer or detective to assure that all reports have been provided;

(4) Contact defense counsel and offer them the opportunity to review your case file materials to assure they have been provided to the defense.

(5) Document in your case file and in our case management system that you have done this for the defense.

Impeachment evidence

All DDAs have a constitutional and statutory duty to disclose exculpatory information including potential impeachment information to the defense. As noted below, BIAS or INTEREST (OEC 609-1) of a witness is recognized impeachment evidence. This includes racism, racial bias, and hatred based on a person's perception of another's national origin, sexual orientation, color or other recognized class. DDAs who believe that a government witness is racially biased, or that a member of law enforcement's conduct toward an individual was inappropriately motivated, in part or in whole, by that individual's race, gender, sexual orientation, or any other protected class under state or federal law, shall make a report to the District Attorney promptly for appropriate action in compliance with this policy.

Discovery checklist

Prosecutors are required to comply fully with the CCDA discovery checklist on every case. Prosecutors are required to meet with the DA and at least one other senior DDA to discuss every case set for trial prior to the trial call date. During this case staffing, the DDA is expected to present the DA and CDDA with a copy of the discovery checklist that documents compliance with every requirement listed on the checklist. The document should also contain a summary of the facts of the case.

Record Retention

All 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 Columbia 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 Columbia 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 a full time deputy district attorney. All support staff interns will be overseen by support staff supervisors.

Affidavits of Prejudice Against a Judge

When a DDA believes that a sitting judge's prejudice against the state is such that in their estimation they should seek to disqualify a judge from hearing a case or cases, then that DDA shall provide their reasons for their position to the District Attorney. Affidavits of prejudice, and Motions to Disqualify may only be filed with the approval of the District Attorney. All formal written communications between the Presiding Judge and the District Attorney's Office related to an affidavit should be provided to the judge who is the subject of the affidavit, unless extenuating circumstances exist.

Subpoenaing an Attorney or Judge

A Deputy District Attorney may not issue a subpoena for an attorney or judge without approval of a supervisor and advance notice to the District Attorney or Chief Deputy District Attorney. Generally, prior to the issuance of such a subpoena, every effort should be made to determine whether the testimony of the attorney or judge is necessary, to secure an agreement to appear voluntarily, and to document such efforts in writing.

Additionally, if the testimony of an attorney is necessary for the crime of Failure to Appear, the requirements of ORS 162.193 also apply.

Search Warrants of Attorney's Office

No Deputy District Attorney may prepare or authorize a search warrant of an attorney's office without the written approval of the District Attorney. Requests for such a search warrant must be directed to the District Attorney or Chief Deputy District Attorney.