

SB 5512 A BUDGET REPORT and MEASURE SUMMARY

Carrier: Rep. Leif

Joint Committee On Ways and Means

Action Date: 05/28/21

Action: Do Pass the A-Eng bill.

House Vote

Yeas: 11 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Smith G, Sollman, Stark

Senate Vote

Yeas: 11 - Anderson, Girod, Golden, Gorsek, Hansell, Johnson, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen

Exc: 1 - Frederick

Prepared By: Michelle Lisper, Department of Administrative Services

Reviewed By: John Borden, Legislative Fiscal Office

District Attorney and Their Deputies

2021-23

Budget Summary*

	2019-21	2021 - 23	2021-23	Committee Change from 2019-21	
	Legislatively Approved Budget ⁽¹⁾	Current Service Level	Committee Recommendation	Leg. Approved	
				\$ Change	% Change
General Fund	\$ 13,757,414	\$ 14,485,997	\$ 15,006,603	\$ 1,249,189	9.1%
Total	\$ 13,757,414	\$ 14,485,997	\$ 15,006,603	\$ 1,249,189	9.1%

Position Summary

	2019-21	2021 - 23	2021-23	Committee Change from 2019-21
	Legislatively Approved Budget ⁽¹⁾	Current Service Level	Committee Recommendation	Leg. Approved
Authorized Positions	36	36	36	0
Full-time Equivalent (FTE) positions	36.00	36.00	36.00	0.00

⁽¹⁾ Includes adjustments through January 2021

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The District Attorneys and Their Deputies is supported by General Fund.

Summary of Public Safety Subcommittee Action

District Attorneys (“prosecuting attorneys” or DAs) are directed by section 17 of the Oregon Constitution. There are 36 DAs, one for each county, that are independently elected to four-year terms. The state’s 36 DAs are considered state (management service) employees and, by statute, the state is responsible for providing their compensation. There is a two tier compensation plan with ten DAs in counties with populations exceeding 100,000 receiving higher compensation. Apart from state funding, some 26 counties have elected to provide supplemental compensation for their elected DA. The funding of Deputy District Attorneys is a county government responsibility.

DAs and their deputies prosecute state criminal offenses committed by juveniles and adults. In addition to criminal prosecution, district attorney legal duties include enforcement of child support obligations in non-welfare cases, prosecuting civil forfeitures, presenting evidence at mental health hearings, ruling on public records requests, representing interests in child dependency cases, assisting juvenile courts, and advising and representing county officers as county counsel in civil matters. DAs and their deputies are also active in local public safety coordinating councils, child abuse prevention teams, and community outreach activities. In cities of a population of more than 300,000 the district attorney is responsible for the prosecution of all city ordinance violations. Upon request of a county officer, the district attorney provides legal advice to the county court and other county officers.

The Public Safety Subcommittee recommended a 2021-23 biennial budget of \$15,006,603 General Fund and 36 positions (36.00 FTE). This represents a 9.1% increase from the 2019-21 legislatively approved budget through January 2021. This budget includes funding for the District

Attorneys' salaries, benefits, and other payroll expenses, as well as the State Government Service Charges, which are primarily related to risk management assessments. The Subcommittee recommended the following two budget notes:

Budget Note #1:

The District Attorneys, in consultation with the Oregon District Attorney Association, the Oregon State Bar Association, the Oregon Criminal Justice Commission, and the Oregon Judicial Department, is directed to undertake a review of the agency's Key Performance Measures. This review shall include formulating a new performance measure that addresses the training of District Attorneys and their deputy district attorneys, with specific emphasis on training focused on implicit bias, successful bias crime prosecution, practical courtroom skills that can eliminate the impacts of bias, and how victims and survivors of crime can be impacted by implicit bias. The agency shall report back to the Legislature in 2022 with any proposed changes and targets generated by the review. Any proposed changes should be based on the best practices of prosecuting attorneys across federal, state, and local government(s).

Budget Note #2

The District Attorneys and Their Deputies, in consultation with the Oregon District Attorney Association, the Association of Oregon Counties, and the Oregon Department of Justice, is to submit a report that identifies how each county's District Attorney Office is financially supported for the fiscal years that comprise the 2019-21 (actuals) and the 2021-23 (budgeted) biennia. The report is to be submitted to the Joint Committee on Ways and Means to the Legislative session in 2022. For each district attorney office, the report is to identify sources and amounts of direct state funding; all county funding, but not limited to, funding of salaries; any federal funding particularly those funds that are grants administered by the Oregon Department of Justice; and if available in county budget materials any revenues generated by cost recovery fees. For each district attorney office, the report is to categorize expenditures by: personnel services/salaries; materials/services; and if the information is available from county budget materials, victims' assistance; child support; juvenile dependency; and any other materially significant expenditure categories.

The Subcommittee recommended the following packages to the District Attorneys and Their Deputies current service level budget:

Package 087, August 2020 Special Session. This package adds one-time funding of \$546,000 General Fund that support grand jury recordation.

The 2017 Legislature enacted SB 505, relating to recording of grand jury proceedings (Chapter 650, 2017 Laws). The measure requires county district attorneys to electronically record all grand jury proceedings and to store and maintain copies of the audio recording. This package represents the updated biennial cost of the Legislature's funding decision during the 2020 Legislative Session (SB 5723), as follows:

- Statewide transcription service for district attorney offices - Private vendor(s) by which counties access service - Department of Justice to procure and administer statewide contract(s) at an estimated cost of \$315,000 General Fund;

- Storage, licensing, and archiving of grand jury recordings - Department of Justice to provide segregated hosting, security, backup, maintenance, and customer support, including associated licensing cost at an estimated cost of \$166,000 General Fund;
- Technical assistance support, if contract vendor support is unavailable, on grand jury recording equipment - Judicial Department to bill the District Attorney and Their Deputies on a fiscal year basis and for a flat hourly rate for each technical support service call up to \$50,000 General Fund; and
- Annual training on grand jury recording equipment - Judicial Department to bill the District Attorney and Their Deputies on a fiscal year basis for annual training(s) on the recording equipment for \$15,000 General Fund.

The Oregon District Attorneys Association and the Judicial Department (OJD) are expected to enter into a memorandum of agreements for: (a) OJD providing technical assistance related to grand jury recording equipment to local district attorney offices and counties; and (b) OJD providing annual recording equipment training for local district attorney offices and county personnel.

Package 099, Microsoft 365 Consolidation. This package decreases General Fund by \$25,394 within the services and supplies category. Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

Summary of Performance Measure Action

See attached Legislatively Adopted 2021-23 Key Performance Measures form.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

District Attorney and Their Deputies
Michelle Lisper - 971-283-6360

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
2019-21 Legislatively Approved Budget at Jan. 2021*	\$ 13,757,414	\$ -	\$ -	\$ -	\$ -	\$ -	13,757,414	36	36.00
2021-23 Current Service Level (CSL)*	\$ 14,485,997	\$ -	\$ -	\$ -	\$ -	\$ -	14,485,997	36	36.00
<u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u>									
SCR 196-10 - General Program									
Package 087: August 2020 Special Session Services and Supplies	\$ 546,000	\$ -	\$ -	\$ -	\$ -	\$ -	546,000		
Package 099: Microsoft 365 Consolidation Services and Supplies	\$ (25,394)	\$ -	\$ -	\$ -	\$ -	\$ -	(25,394)		
TOTAL ADJUSTMENTS	\$ 520,606	\$ -	\$ -	\$ -	\$ -	\$ -	520,606	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 15,006,603	\$ -	\$ -	\$ -	\$ -	\$ -	15,006,603	36	36.00
% Change from 2019-21 Leg Approved Budget	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	9.1%	0.0%	0.0%
% Change from 2021-23 Current Service Level	3.6%	0.0%	0.0%	0.0%	0.0%	0.0%	3.6%	0.0%	0.0%

*Excludes Capital Construction Expenditures

Legislatively Approved 2021 - 2023 Key Performance Measures

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Agency: District Attorneys and Their Deputies

Mission Statement:

The Mission of the Oregon District Attorney is to uphold the United States Constitution and the Constitution and laws of the State of Oregon, to preserve the safety of the public, to protect the rights of crime victims and to pursue justice for all citizens with skill, honor and integrity.

Legislatively Approved KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
1. Child Support Collections - Percentage of current child support collected relative to total child support owed.		Approved	77%	85%	85%
2. Services to Victims - Percentage of adult criminal cases where the named victim(s) are provided "prompt notice" of their rights as crime victims.		Approved	95%	100%	100%
3. Early and Special Resolution Programs - Percentage of District Attorney offices resolving cases through early and special resolution, number of cases resolved.		Approved	83%	95%	95%

LFO Recommendation:

The Legislative Fiscal Office recommends approval of the existing Key Performance Measures and updated targets and direct that the agency work with the Legislative Fiscal Office to conduct a review of the existing Key Performance Measures, data, and targets, and report back to the Legislature in 2022.

The recommendation also includes the following budget note and which would require adoption by the Subcommittee:

The District Attorneys, in consultation with the Oregon District Attorney Association, the Oregon State Bar Association, the Oregon Criminal Justice Commission, and the Oregon Judicial Department, is directed to undertake a review of the agency's Key Performance Measures. This review shall include formulating a new performance measure that addresses the training of District Attorneys and their deputy district attorneys, with specific emphasis on training focused on implicit bias, successful bias crime prosecution, practical courtroom skills that can eliminate the impacts of bias, and how victims and survivors of crime can be impacted by implicit bias. The agency shall report back to the Legislature in 2022 with any proposed changes and targets generated by the review. Any proposed changes should be based on the best practices of prosecuting attorneys across federal, state, and local government(s).

SubCommittee Action:

The Public Safety Subcommittee approved the Legislative Fiscal Office recommendations.