

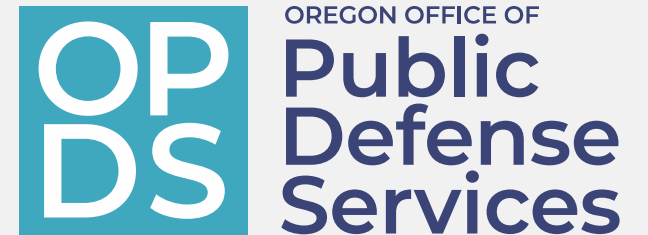
Oregon Office of Public Defense Services

**Budget
Presentation to
the Committee on
Ways and Means**

Jessica Kampfe, Executive Director
Jessica.Kampfe@opds.state.or.us

Per Ramfjord, Chair
Public Defense Services Commission

April 17, 2023



Office of Public Defense Services

Day 1: System Overview, Studies, and Outcomes

- Mission & Vision
- Public Defense System
- Agency Overview
- Studies & Outcomes

Day 2: Legislative Deliverables and Outcomes

- Agency Operations and Remediation
 - Request Budget and Deliverables
-

MISSION AND VISION

OUR MISSION

Justice for All

Oregon Public Defense Services ensures that eligible individuals have timely access to competent legal services, consistent with Oregon and national standards of justice.

OUR VISION

Oregon Public Defense Services will maintain a sustainable statewide public defense system that provides quality representation to eligible clients in trial and appellate court proceedings.

The Commission shall:

- (a) Establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice.
- (b) Establish an office of public defence services and appoint a public defense services executive director who serves at the pleasure of the commission.
- (d) Establish operational and contracting systems that allow for oversight, ensure transparency and stakeholder engagement and promote equity, inclusion and culturally specific representation.

AGENCY OVERVIEW

ORGANIZATIONAL STRUCTURE

Oregon Public Defense Services

Commission

Oregon Supreme Court Chief Justice

Appoints committee members; Serves as non-voting member

9 Commission Members

*Oversees agency budget, contracts & more;
Appoints executive director for the Agency*

Agency

Business Services

Fulfills trial-level public defense services through contracts with outside providers

Appellate Division

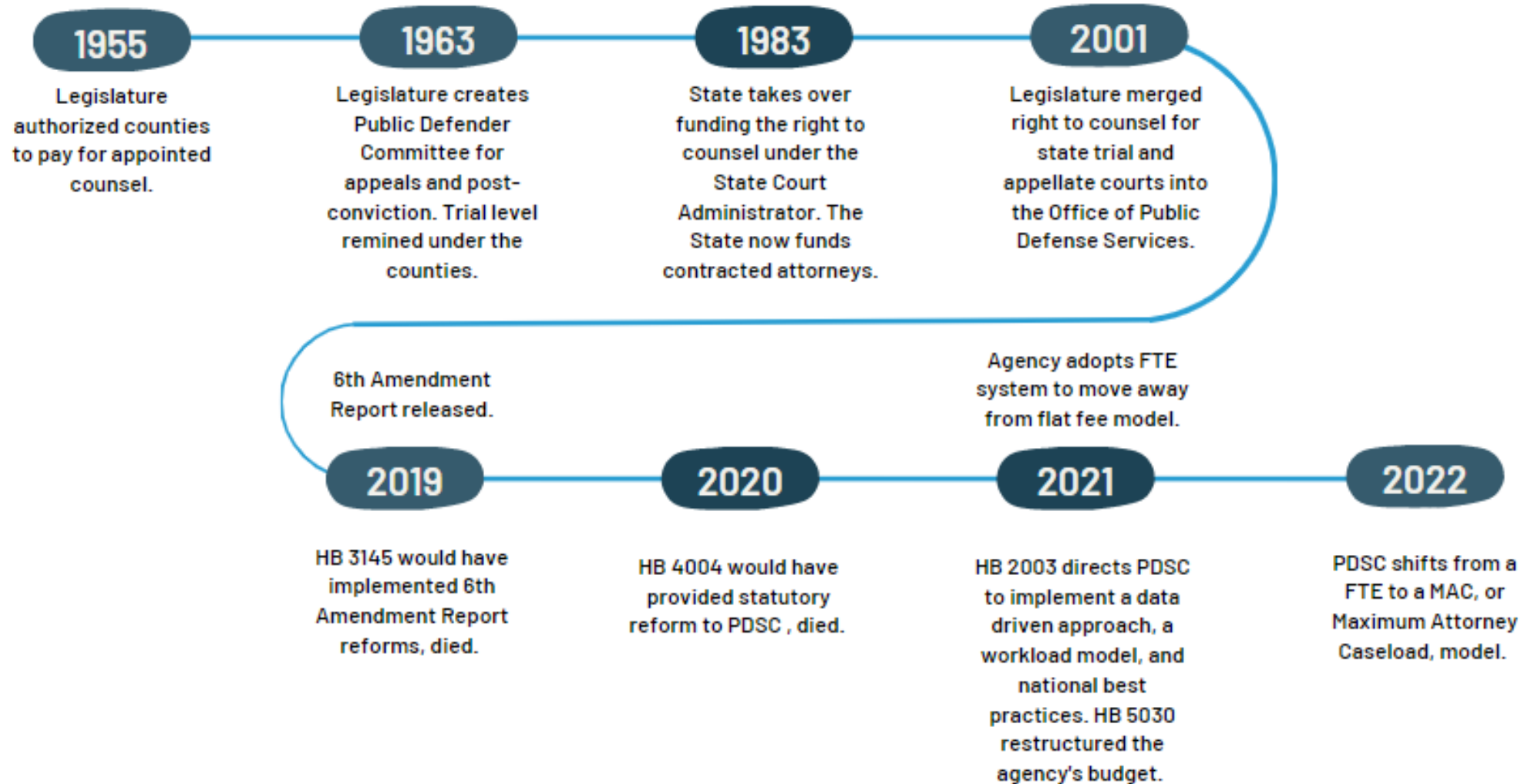
Fulfills appellate-level public defense services with state-employed attorneys



Public Defense Providers

Nonprofit & private firms & independent attorneys provide trial-level public defense services through state contracts

AGENCY OVERVIEW



2021 Legislative Restructure

In 2021 the legislature passed two bills impacting PDSC's operations.

- **HB5030:** Restructured agency's budget from 3 categories to 8 and required regular reporting.
 - The agency is working closely with the legislative fiscal office to implement this change and has gone through several rebalances as increased transparency helps us better understand our discrete budget needs.
 - **HB2003:** Restructured the commission to require increased data collection, implement national best practices, and create a workload model.
 - The agency has restructured our organizational chart and our contracts to move towards these goals.
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Significant Leadership Changes

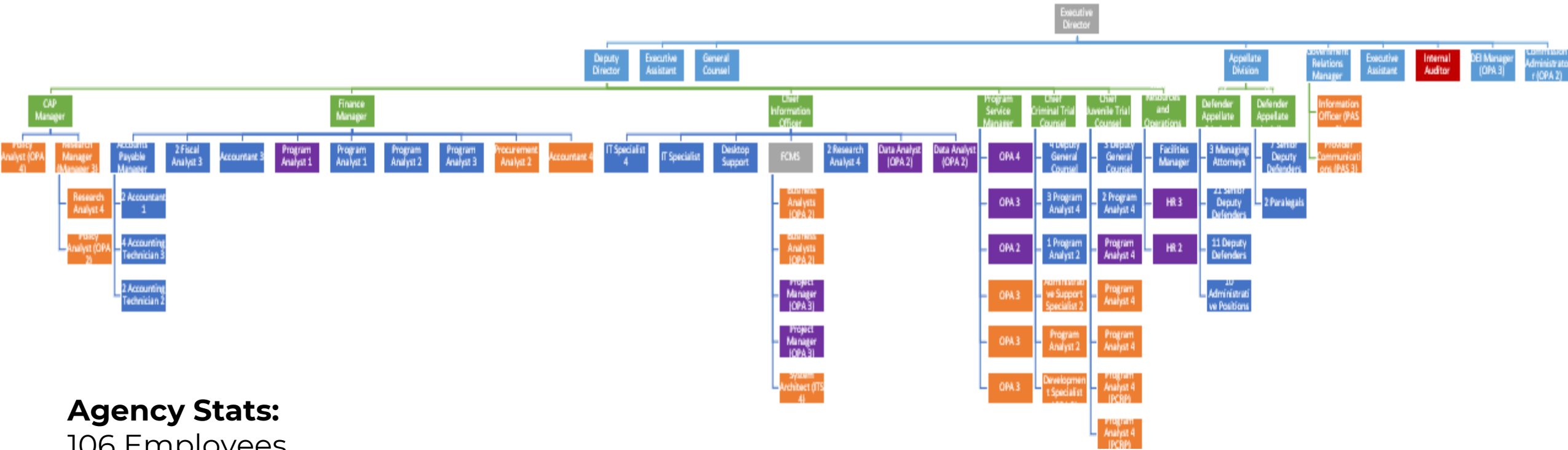
- Interim Director July – November 2021
- New Deputy, CIO and Budget Manager – September 2021
- New Director – December 2021
- New Criminal and Juvenile Trial Chiefs – February 2022
- Commission dissolved and reconstituted – August 2022
- New Director appointed – November 15, 2022

AGENCY OVERVIEW

**Legislatively Approved
Budget Organization**



AGENCY OVERVIEW



Agency Stats:

106 Employees

56 Appellate (Direct Service Attorneys)

50 Non-Appellate

25 New this biennium

POPs:

26 New Positions

8 LD to Permanent

- Executive Team
- Division Heads
- Permanent Employees
- Limited Duration Employees
- New Positions in POPs
- Vacancies

Executive Division

- Core leadership team
 - Executive Director
 - Deputy Director
 - Government Relations
 - General Counsel
 - Executive Support
 - Internal Auditors
 - Administrative support purposes, otherwise reports to the Internal Audits Committee/Commission
- Agency Governance
- Commission support to develop Vision, Goals & Objectives

Executive Division

- Audit Activity
 - External Audit (Kernutt/Stokes) - Summer 2022
 - Findings presented to JLAC December 2022
 - SoS Statewide Audit – August 2022
 - Part of annual state-wide audit
 - Internal Audits
 - Formed Internal Audit Committee – June 2022
 - Risk Assessment – Annual report to Audit Committee
 - Personal services procurements – June 2022
 - Change of Director (2) – June & November 2022
 - Agency governance – in process
 - Crisis Communication Consultation – on-going
 - Best practices research and consulting

AGENCY OVERVIEW

Executive Division POPs

POP 104: Program Design and Delivery

Commission Administrator (OPA 2) will help manage and administer the Commission members.

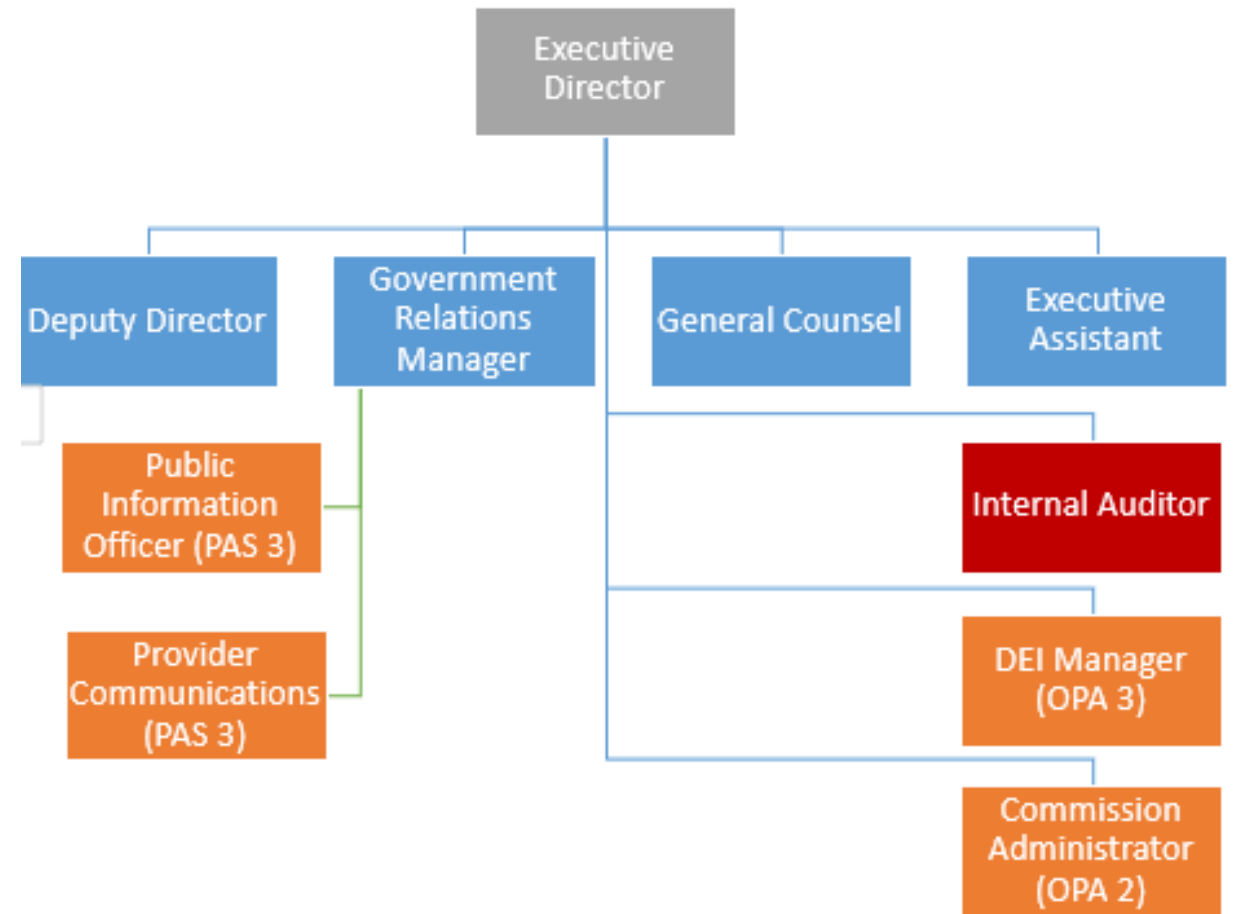
DEI Manager (OPA 3) will help the agency incorporate DEI into its work, both internally and with providers and clients.

Communications Buildout

The agency does not currently have any communications positions, we hope to formalize communications as well as running stakeholder engagement through an expanded public relations office.

Public Information Officer (Public Affairs 3) for media and public information requests

Provider Communications (Public Affairs 3) for stakeholder engagement and outreach to our provider community.



Appellate Division

- For 60 years, state-employed attorneys have represented indigent criminal defendants in the Oregon Supreme Court & Court of Appeals (Or Laws 1963, ch 600) (establishing state public defender & deputies)
- Counterpart to Department of Justice Appellate Division
- In 2007, legislature funded Juvenile Appellate Section to centralize and enhance appellate representation for parents in juvenile dependency and termination of parental rights cases
- Legislature funded pay parity with DOJ in 2020

Our Clients

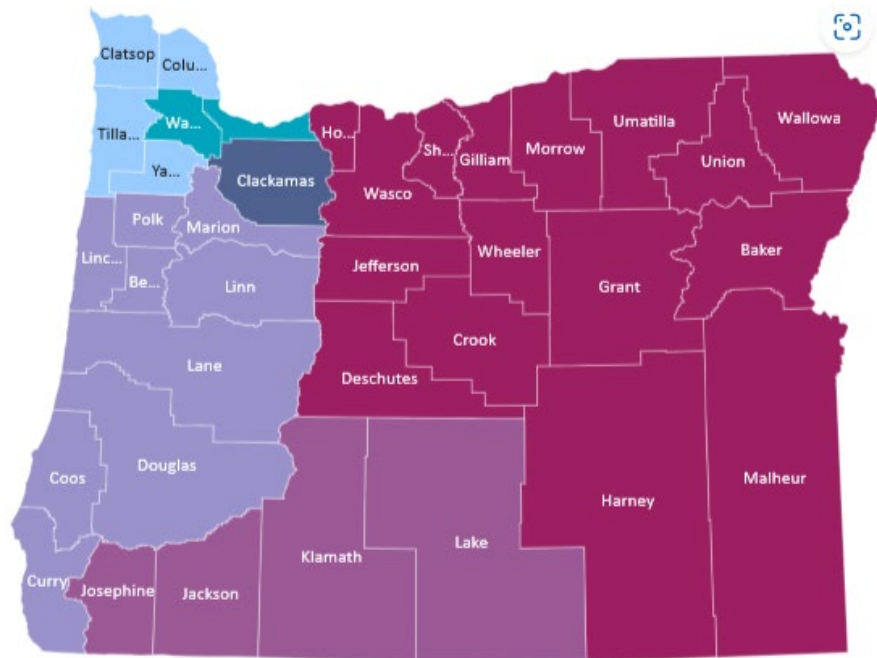
- Criminal Section: Individual seeking review of circuit court judgment of contempt or criminal conviction, probation violation or revocation, final order of board of parole and post-prison supervision
 - 2,000+ appeals filed each biennium
- Juvenile Section: Parent seeking review of adverse decision in juvenile dependency case or termination of parental rights.
 - 700+ appeals filed each biennium

Appellate Division

Team-Based Collaborative Structure

- Criminal Appellate Section: Chief Defender, 3 Chief Deputies, 32 Defenders, 10 Legal Support
- Juvenile Appellate Section: Chief Defender, 7 Defenders, 2 Paralegals
- Eight attorney teams: 6 Criminal Section, 2 Juvenile Section
 - Led by Senior Deputy Defender with managing attorney participation
 - Case discussions, argument preparation, editing and feedback
- Initial six-month training with managing attorney
- Resource to trial counsel: On-call consultation, CLE presentations and appellate updates
- Low Attrition: Six AD attorneys retired or resigned during the 21-23 biennium; they had on average more than 19 years of service. Current average service is 10+ years.

Trial Programs



- Region 1
- Region 2
- Region 3
- Region 4
- Region 5
- Region 6

Chief Criminal Trial Counsel

Laurie Bender
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Laurie.Bender@opds.state.or.us

Chief Juvenile Trial Counsel

Shannon Flowers
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Shannon.L.Flowers@opds.state.or.us

Deputy Criminal Trial Counsel

Christine Breton
Regions 1 and 6
971-719-3659
Christine.Breton@opds.state.or.us

David Hayes
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David.A.Hayes@opds.state.or.us

Deputy Juvenile Trial Counsel

Annie Borton
Regions 2 and 3
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K.O. Berger
Regions 4 and 5
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Katherine.O.Berger@opds.state.or.us

Jordan Huppert
Regions 4 and 5
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Jordan.A.Huppert@opds.state.or.us

Kevin Hupy
Regions 1 and 6
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Program Analysts

Megan Doak
Lead Program Analyst
Region 5
503-871-3039
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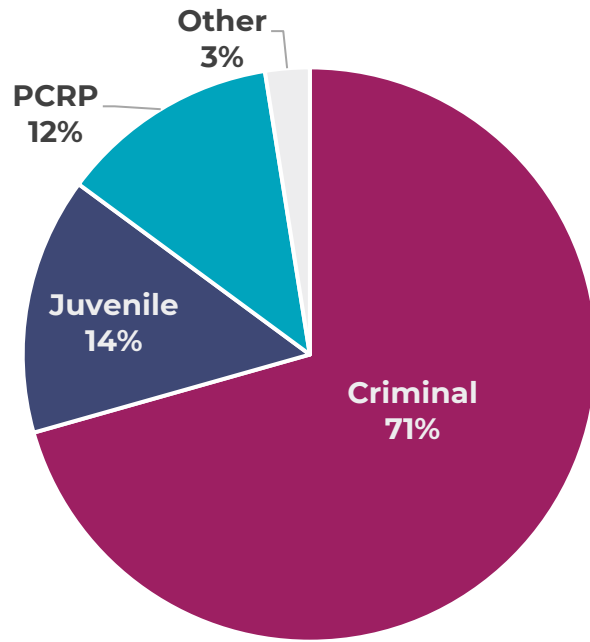
Adelina Hernandez
Regions 1 and 6
971-382-2110
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BJ McCartney
Regions 3 and 4
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Bobbi Wade
Unrepresented Persons Analyst
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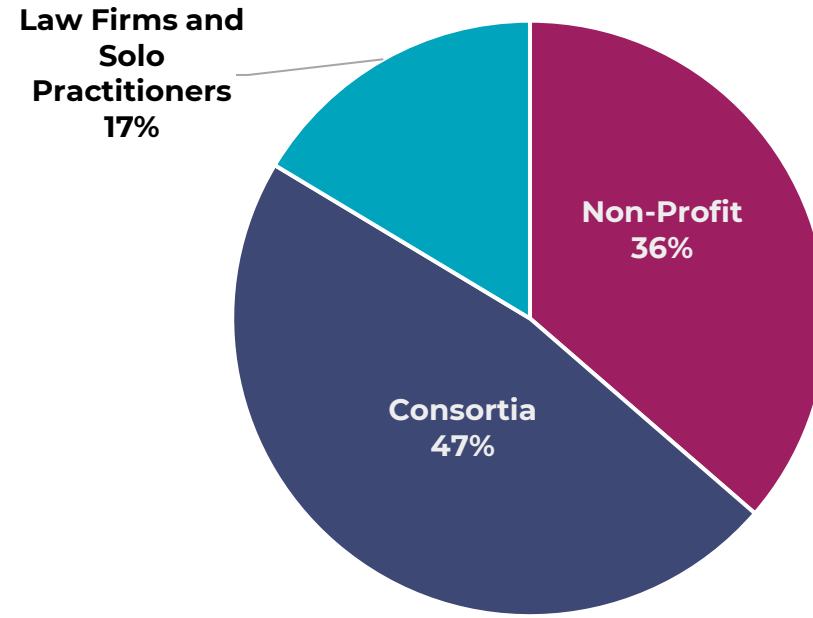
Caroline Meyer
Senior Program Analyst
(Retiring June 2023)
503-910-4993
Caroline.E.Meyer@opds.state.or.us

Billy Strehlow
Senior Program Analyst
(Retiring June 2023)
503-910-5049
Billy.J.Strehlow@opds.state.or.us



Contracted “MAC” by Contract Type:

- Criminal – 526 Attorneys (463.78 MAC)
- Juvenile – 164 Attorneys (95.24 MAC)
- PCRCP – 107 Attorneys (85.10 MAC)
- Other – 17 Attorneys (16.46 MAC)



Attorneys by Contractor Type:

- Non-Profit – 264 attorneys (250.17 MAC)
- Consortia – 343 attorneys (295.04 MAC)
- Law Firms and Solo Practitioners – 119 attorneys (99.32 MAC)

AGENCY OVERVIEW

2022 1.0 MAC Maximum Caseload Guidelines*			
<u>Criminal</u> (Caseload)	<u>Juvenile</u> (Caseload)	<u>Statewide</u> (Caseload)	<u>PCRCP</u> (Workload)
Murder 6	Murder 6	PCR/Habeas 45	Total Open 80
Jessica Law 6	Delinquencies 132	PCR Appeals 50	
Ballot Measure 11 45	Dependency 69	Juvenile Appeals 32	
Major (A/B) Felonies 138		Civil Commitment Appeals 60	
Minor (C) Felonies 165			
Misdemeanors 300			
Probation Violation 825	Probation Violations 825		
Civil Commitments 230			

*This chart assumes an attorney is taking one case type. 1.0 MAC attorney is expected to handle no more than 6 murders or 45 Ballot Measure 11 cases. A mixed caseload is calculated proportionately.

Trial Criminal Programs

Legal Representation for:

Criminal Trial, Post-Conviction Relief, Habeas Corpus, Civil Commitment, Appeals, and Specialty Programs (Forensic Justice Project, Immigrant Rights Project, Veterans Court, Drug and Mental Health Courts)

Contracts for Legal Representation (Non-Profit PD, Consortia, Law Firm, Individuals)

- **101 Criminal Contracts for 2022-2023**
- **526 Contract Attorneys**
- **51,635 Clients Served**

Non-Contract Hourly Attorneys (Conflict Cases, Unrepresented Persons)

- **256 Non-Contract Hourly Attorneys in database**

Trial Criminal Programs

Temporary Hourly Increase Program (as of March 31, 2023)

- **98 Non-Contract Hourly/Contract Attorneys**
- **426 Clients Served**

Retention and Recruitment Programs

- **Retention Incentive Payment Program** - \$15,000 in an Incentive Payment to all 1.0 FTE Contract Attorneys who continue to provide legal representation from 2/1 - 6/30/23
- **New Attorney Incentive Program** - \$20,000 Incentive Payment (Two Payments for New Hires, Beginning October 1, 2022, and Ending March 31, 2023)

Supervised Civil Attorney Program

Hourly Rate Compensation to Civil Bar Attorneys for Limited Legal Representation

Workforce Development Program

Short-term and long-term proposals to support the recruitment and retention of attorneys statewide.

AGENCY OVERVIEW

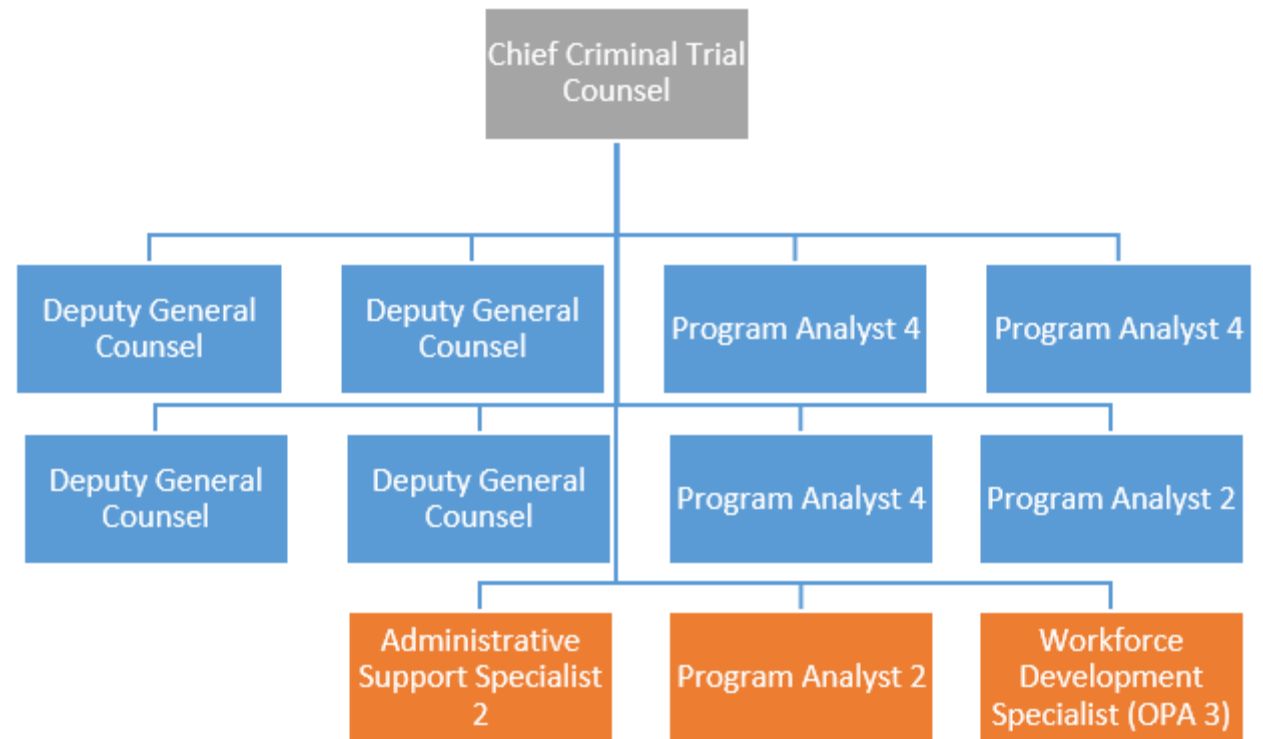
Trial Criminal Division POPs

POP 104: Program Design and Delivery

Administrative Support Specialist 2 will provide general admin support to the trial criminal division. This division needs a general admin position to alleviate the current workload the program analyst are having to take on.

Program Analyst 2 will specifically provide support and management of the unrepresented and hourly caseload.

Workforce Development Specialist (OPA 3) will work to develop the workforce of public defense attorneys in Oregon, this could include trainings, recruitment, and outreach to law schools.



Juvenile Trial Programs

Legal Representation for

- **Parents and Children in Dependency Cases**

Juvenile court cases, often involving removal of a child from their family home, stemming from allegations that the child is unsafe as a result of abuse or neglect

- **Parents and Children in Termination of Parental Rights Cases**

Juvenile court cases in which the state has alleged that the parents' rights to their child should be terminated, typically on the basis of parental unfitness

- **Youth in Delinquency Cases**

Juvenile court cases in which a youth is alleged or has been determined to have committed acts that would constitute crimes if committed by an adult

Juvenile Trial Programs

Parents, Children & Youth Served			
<u>Dependency & TPR</u>		<u>Delinquency</u>	
Non-PCRCP	PCRCP	Non-PCRCP	PCRCP
9,530	6,459	1,895	1,344

July 1, 2022 - April 11, 2023

Juvenile Trial Programming

PCRCP: an interdisciplinary model of legal representation

- Core components
 - Reasonable caseloads and compensation for attorneys
 - Access to social work case managers who serve as part of the legal team
 - Enhanced support and oversight by OPDS
- Helps ensure attorneys have adequate time and resources to spend with their clients and on cases
- Implemented in ten counties: Benton (2020), Clatsop (2020), Columbia (2016), Coos (2018), Douglas (2020), Lincoln (2018), Linn (2014), Multnomah (2020), Polk (2020), and Yamhill (2014)

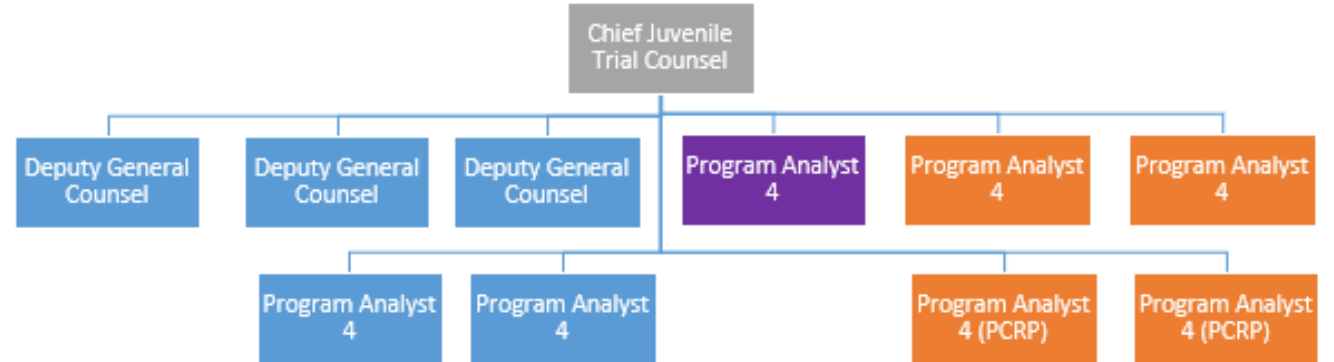
Juvenile POPs

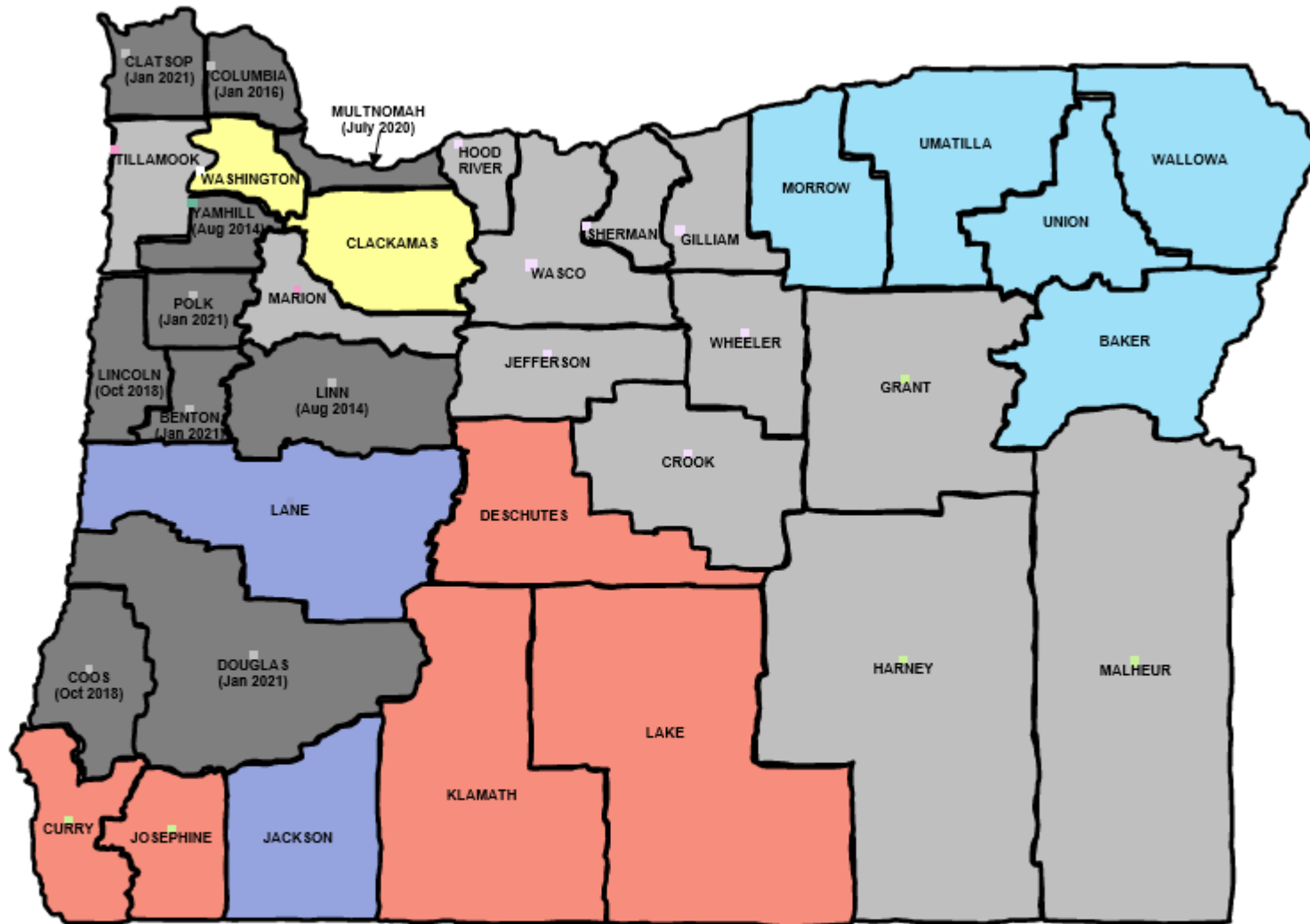
POP 104: Program Design and Delivery

Two Case Manager Administrators (Program Analyst 4) to provide contract administration, training, support, and oversight to the contracted case managers to existing PCRCP workloads.

POP 103: PCRCP Expansion

Two additional Case Manager Administrators (Program Analyst 4) to provide contract administration, training, support, and oversight to the contracted case managers in the expanded PCRCP counties.





- Existing PCRP
- Phase 1: start date = Jan 1, 2024
- Phase 2: start date = Jun 1, 2024
- Phase 3: start date = Nov 1, 2024
- Phase 4: start date = Apr 1, 2025
- 2025-27 Biennium

Agency Overview

Administrative Services Division

- Deputy Director

CAP Manager

Finance Manager (CFO)

Budget

Accounting

Case Support Services

Procurement & Contracting

Human Resources

Class/Comp

Collective Bargaining

Recruitment/retention

Facilities

Chief Information Officer

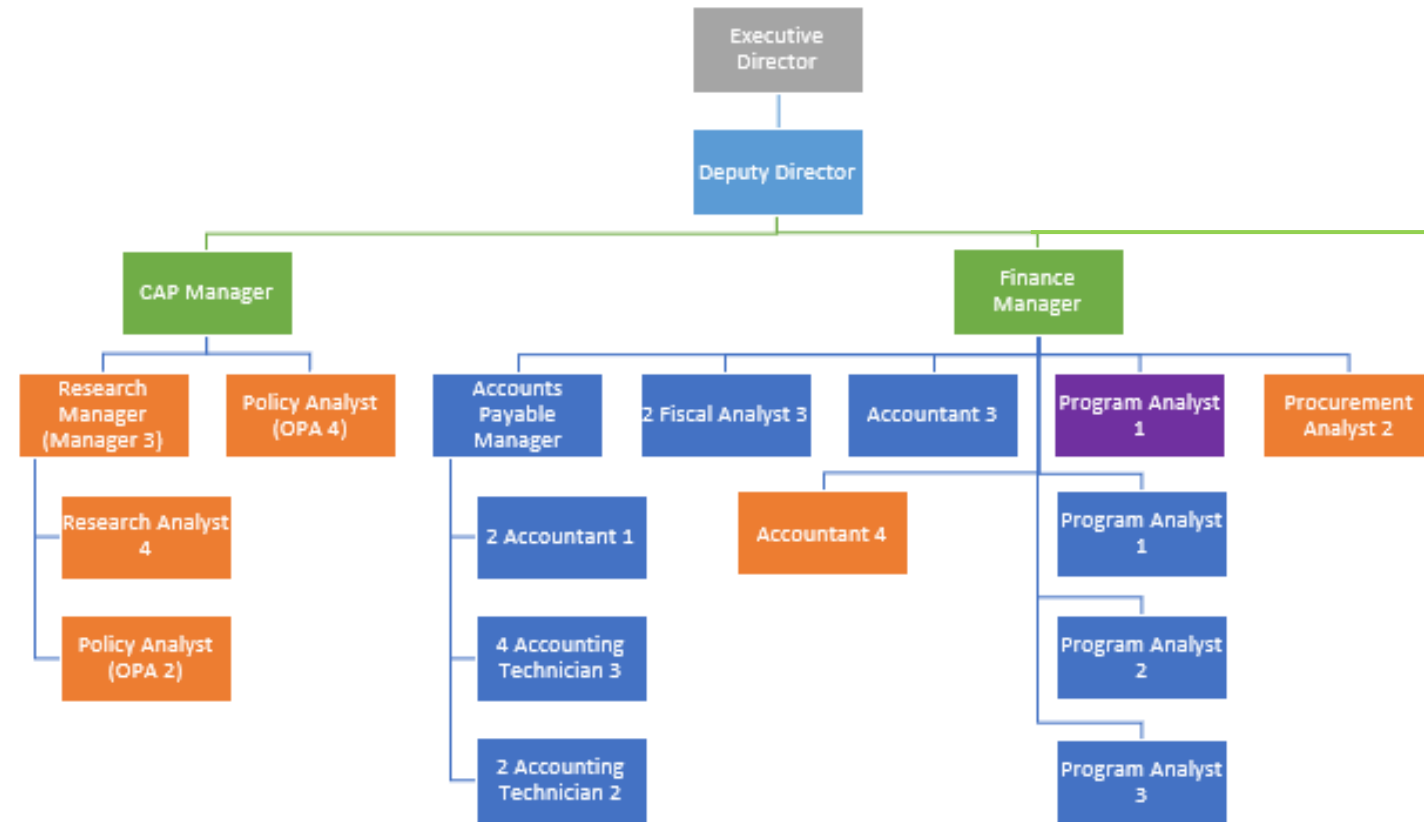
Network & Hardware

Data

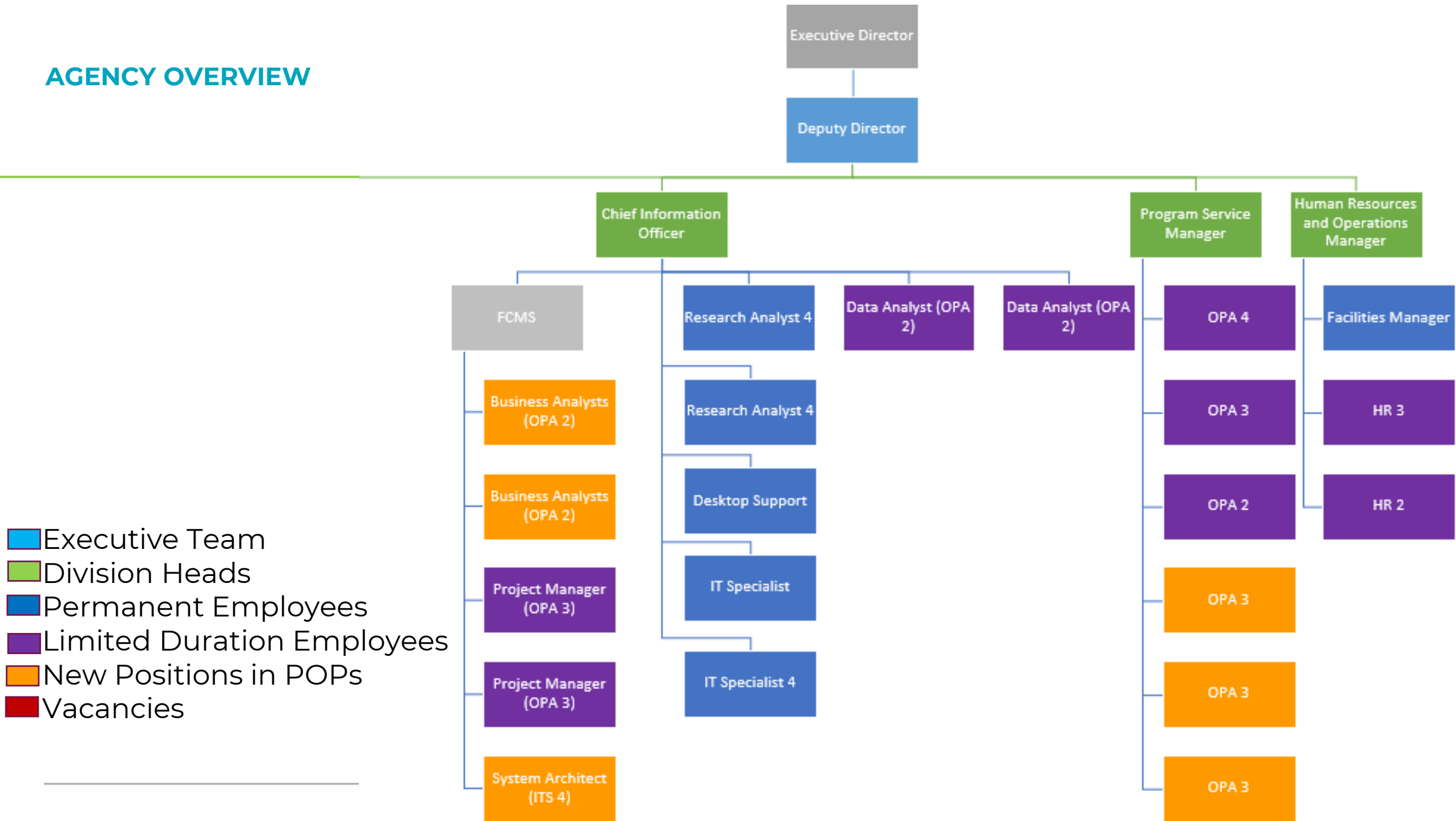
Contracted IT services

FCMS Project

Policy Development and Operations



AGENCY OVERVIEW



Administrative Services Division

- Improved and documented forecasting
- Improved payment processing
- FCMS Project
 - IQMS Vendor – Fall 2022
 - RFP – Summer 2023
 - Configuration & Implementation – 2025
- Information Technology
 - Solidified data agreements with partner agencies
 - Contracted IT services with OJD
- Human Resources
 - Three collective bargaining agreements
- Policy Development and Operations
 - Document current policies and practices
 - Inventory existing & prioritize new policies
- Procurement and Project Training
- Secured federal funding for Juvenile programs

Administrative Services POPs

POP 104: Program Design and Delivery

Procurement Analyst 2 will act as the agency's procurement specialist.

Program Design and Research

Three Policy Analysts (OPA 3) will be fully dedicated to writing policies for the agency, which is one of the biggest needs in the agency today.

Compliance, Audit, and Performance is asking for a Policy Analyst (OPA 4) to help build out CAP.

In addition, CAP would get a Research Manager (Manager 3) joined by a Research Analyst (RA 4) and a Policy Analyst (OPA 2) will create our research team focused on forecasting, workload models, and data analysis. (Manager is 12 month, OPA/RA 9 months)

POP 105: Financial Case Management System

As we move forward with FCMS we need to build out the support team. POP 105 requests two Business Analysts (OPA 2), a System Architect (ITS 4) and that our two limited duration Project Managers be made permanent.

POP 114: Increase Hourly Contractor Rate

As part of our request to increase hourly contractor rates, the agency is requesting a Senior Accountant (Acct 4) to help administer increased hourly billing. The agency currently has 1 accountant.

Administrative Services POPs

POP 108: Limited Duration to Permanent Positions

This package is to provide stability by making permanent the limited duration positions authorized under HB 5030 (2021) to address deficiencies in the administration of OPDS.

These 8 FTE are currently occupied positions that have demonstrated a permanent and ongoing workload need addressing capacity within the agency's infrastructure.

The agency lacks sufficient infrastructure support in operations of the agency. The investment of appropriate resources is necessary in the agency making the transition from being a pass-through agency to becoming a regulatory agency, advancing modernization efforts.

OPDS' Partners

Public Safety Partners

- Oregon Judicial Department
- Provider Community
- Oregon Criminal Defense Lawyers Association
- Courts
- District Attorneys

Studies and Outcomes

6th Amendment Report (2019)

Findings:

1. The State has created a complex contracting bureaucracy to delivery public defense services, which lacks sufficient oversight and financial accountability.
2. The fixed-fee case credit model is a conflict of interest, in that it pits the financial self-interest of the attorney against the due process rights of their clients.
3. The composition of the PDSC does not adhere to national public defense standards.
4. The State has no oversight of the right to counsel in municipal, county, and justice courts.

SYSTEM STUDIES AND OUTCOMES



Lack of sufficient oversight and
financial accountability

Gaps in meaningful data

Lack of standards
and training

Attorney
attrition

Unrepresented Crisis

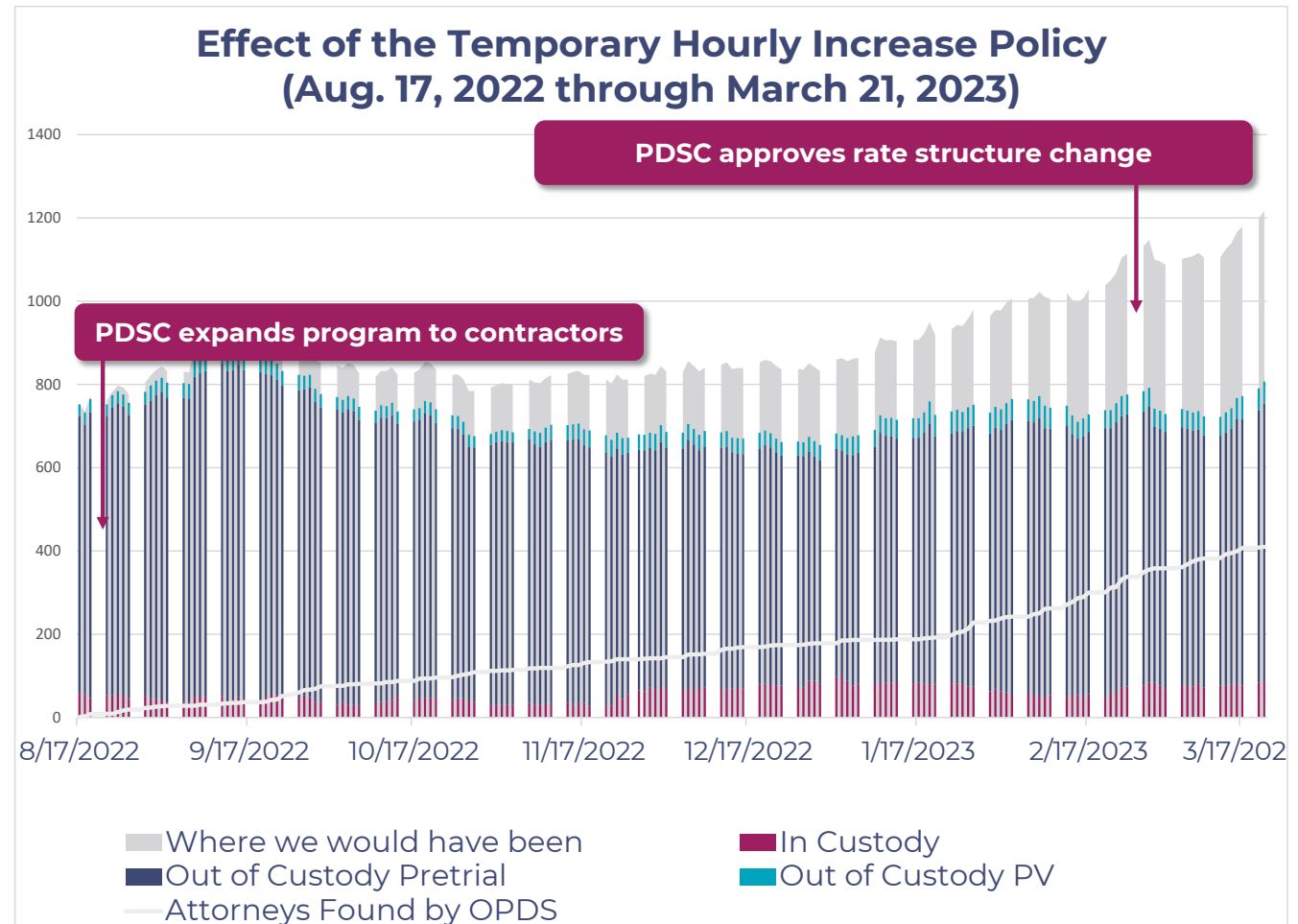
SYSTEM STUDIES AND OUTCOMES

Unrepresented Persons Crisis

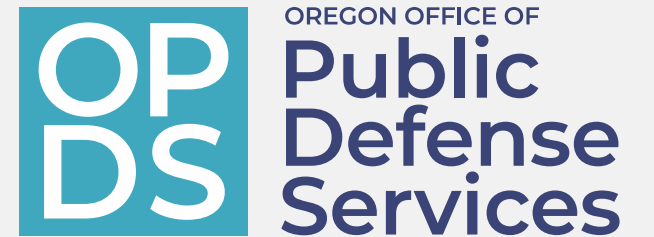
Symptom of a broken public
defense system

POP 101, 102, and 114 will
stabilize providers and begin
to close the wound.

This problem won't go away
overnight, and is likely to get
worse before it gets better.



Thank you

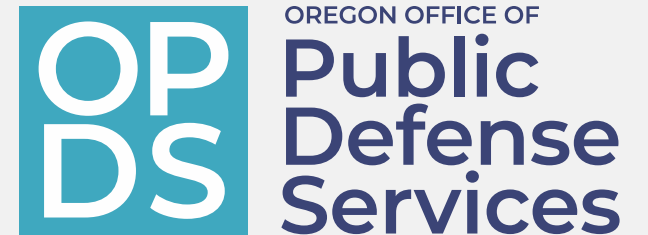


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Summary

PDSC

Forecasting

Attorney
Qualification By
Case Type

Determine Number
of Attorneys needed
per county

Contract



Non Profit



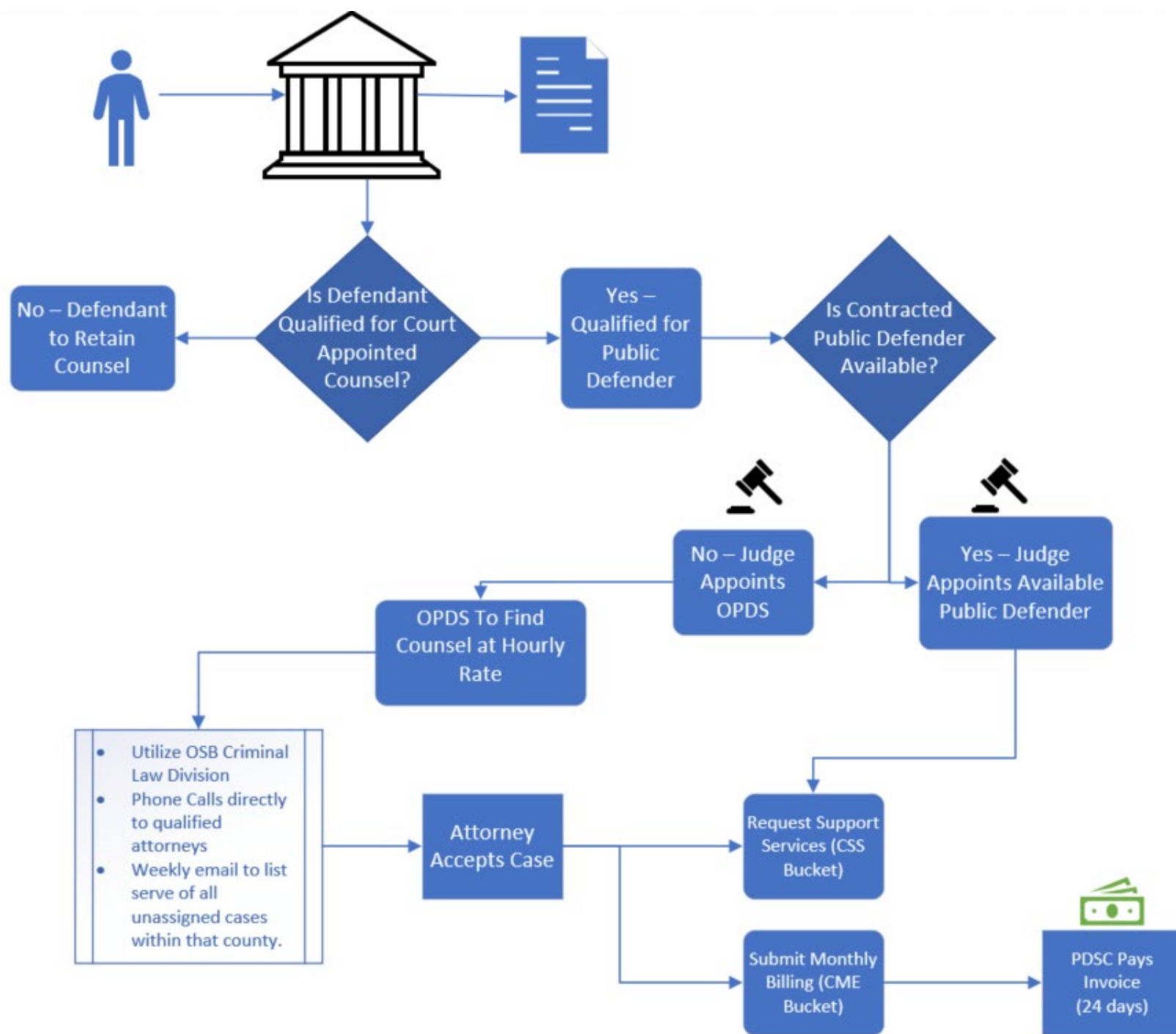
Consortia
(Administrator for group of private
lawyers)



Private Attorney



Private Law firm



Legislative Direction

LEGISLATIVE DIRECTION

HB 2003 & HB 5030 (2021)

Commission's
Restructuring and
Modernization Efforts

Compliance, Audit, and
Performance Division

External Audits

Internal Audits

- Summary of Agency Tasks
- Timeline and project planning – what has to happen, by whom, by when.
- Communications, outreach, and stakeholder engagement plans.
- Budget restructuring and operational changes.
- Hiring plan and reorganizing existing positions under new divisions.
- Developing plans for new positions and new agency divisions.
- Developing policies, procedures, and operational approaches to requirements of HB 2003 and budget bill.
- Progress tracking and reporting plans.

December 2022 E-Board

1. Issue - identify each specific issue with a concise problem statement.
2. Priority - assign each issue a priority.
3. Evidence of Concern - identify evidence supporting the existence of the issue.
4. Objective - identify what objective the agency is trying to achieve through the resolution of the issue.
5. Best Practice(s) - identify what best practices exist related to the resolution of the issue, which can be used to benchmark the options available as well as the recommended option.
6. Options to resolve the issue - identify what specific options exist to resolve the issue.
7. Recommended Option - identify which is the agency's recommended option to resolve the issue, and on what basis was the option selected.
8. Timeframe - identify the timeframe for implementing the recommended option.
9. Fiscal Impact - identify the cost of implementing the recommended option.
10. Expected Outcome - identify what outcome is expected from the recommended option and how will it be measured.

2023 Jan -June

- **Governance:** Confirm Mission and Establish Principles
- **Budget:** Rebalance as necessary; request ARB
- **CAP:** CAP manager hired
- **Tech:** Present on FCMS, RFP release
- **Model:** Prepare 23-25 contracts; develop hourly pilot
- **UI:** Continue representation mitigation efforts

2023 July-Dec

- **Governance:** Draft 5 year strategic plan
- **Budget:** Report back to legislature
- **CAP:** CAP buildout
- **Tech:** Begin FCMS with vendor
- **Model:** Implement contracts; begin hourly pilot
- **UI:** More focused approach with increased provider rates

2024 Jan -June

- **Governance:** Adopt 5 year Strategic Plan
- **Budget:** Implement SP within current budget; request rebalance as needed to meet SP
- **Model:** Hourly data collection continues
- **UI:** Evaluate UI and identify remaining causes

2024 July-Dec

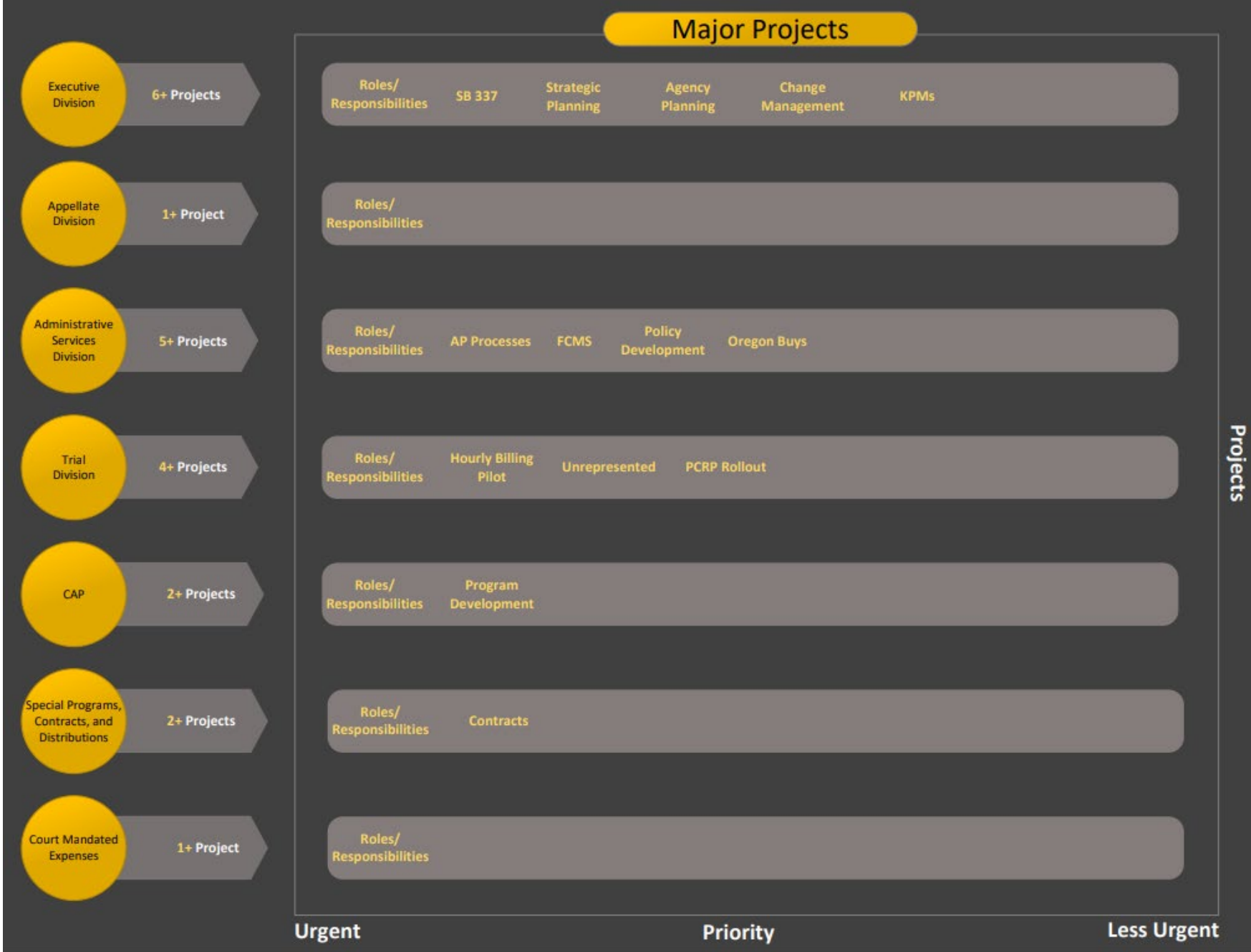
- **Governance:** Draft legislation necessary for SP
- **Budget:** Submit 25-27 ARB based on Strategic Plan
- **Tech:** FCMS internal launch
- **Model:** Evaluate hourly pilot
- **UI:** Ensure ARB includes mitigation

2025 Jan -June

- **Governance:** Advocate for legislation
- **Budget:** Advocate for ARB
- **Model:** Prepare 23-25 contracts with increased hourly attorneys
- **UI:** Report to Legislature

2025 July -Dec

- **Budget:** Implement SP within budget
- **Tech:** FCMS fully operational
- **Model:** Implement 25-27 contracts



Budget Drivers

BUDGET DRIVERS

Budget Drivers

Issues affecting the 2023-25 budget

- Unrepresented Crisis
- External cost drivers (Federal rates, private pay)
- Workforce shortage
- New crimes
- Increased discovery costs
- Financial and Case Management System (FCMS)
- Legislative direction

Cost of Information	
Union	\$0.25 - \$7
Jackson	\$10 - \$25
Multnomah	\$5 - 31
Marion	\$25-\$75 base times

Discovery Costs			
	17-19	19-21	21-23
Marion	351,044	328,910	1,056,762
Multnomah	630,617	550,213	410,830
Washington	435,257	425,284	489,260
Clackamas	408,947	334,643	540,433
Lane	725,815	475,862	541,846
Jackson	568,343	474,745	479,212

BUDGET DRIVERS

Recent Budget Changes

Major restructure, rapid growth

- The 21-23 biennium saw major changes to PDSC budget, both in structure and staffing levels.

PDSC	2015-2017 ¹	2017-2019 ¹	2019-2021 ¹	2021-2023 ²	2023-2025 ³
General Fund	288,528,938	309,985,014	342,078,348	448,160,372	482,829,421
Other Fund	4,255,545	5,554,470	13,609,549	18,449,667	17,937,116
Total Fund	292,784,483	315,539,484	355,687,897	466,610,039	500,766,537
¹ LAB Actuals					
² LAB Execution including SPA and other Legislative Investments (December 2022)					
³ CSL Modified to Include 080 & 090 Packages					

Modified Agency Budget Request

Modified Agency Budget Request

This is a modified agency budget request because the budget, specifically the POPs, were modified to better align with the direction and vision of the new Leadership.

The PDSC CSL is \$44.66 million GF above the LAB, which is driven by a roll up of 21-23 investments and standard inflation.

PUBLIC DEFENSE SERVICES COMMISSION	General Fund	Other Funds	Total Funds	Positions	FTE
2021 - 23 Legislatively Approved Budget @ December 2022 (<i>minus \$10M</i>)	438,160,372	18,449,667	456,610,039	114	107.81
2023 - 25 Adjusted Current Service Level (Pkg. 080 & 090 totals)	482,829,421	17,937,116	500,766,537	106	105.80
2023 - 25 Policy Packages (Pkg. 100 totals)	284,254,817	0	284,254,817	34	27.45
2023 - 25 Agency Request Budget	767,084,238	17,937,116	785,021,354	140	133.25

MODIFIED AGENCY BUDGET REQUEST

The modified ARB is proposing investments of \$284.25 million GF above CSL. These investments are informed by the 6th Amendment Center recommendations, while keeping the unrepresented crisis as a top priority. Each POPs focus is to recruit and retain providers, or to modernize the agency, or to directly address the unrepresented crisis.

Public Defense Services Commission Policy Packages (<i>revised</i>)	General Fund	Other Funds	Total Funds	Positions	FTE
Provider Compensation (101)	40,120,612	0	40,120,612	0	0.00
Hourly Attorney Rate parity with Federal Rate (114)	31,154,086	0	31,154,086	1	0.88
Mandated Caseload for Juvenile Caseload (112)	2,705,261	0	2,705,261	0	0.00
Financial Case Management System (105)	7,864,650	0	7,864,650	5	4.76
OJD Enterprise Technology Services (107)	929,270	0	929,270	0	0.00
Limited Duration Positions to Permanent Positions (108)	2,343,092	0	2,343,092	8	8.00
Case Support Services Position (109)	235,394	0	235,394	1	1.00
Provide Compensation and Staffing (102)	152,028,480	0	152,028,480	0	0.00
Program Design and Research (104)	3,180,816	0	3,180,816	17	11.80
Parent -Child Representation Program Extension (103)	10,187,974	0	10,187,974	2	1.01
Unrepresented Person Crisis (SPA) (115)	33,505,182	0	33,505,182	0	0.00
2023-25 Revised Policy Packages	284,254,817	0	284,254,817	34	27.45

Recruit and Retain Providers

POPs 101, 102, 114

POP 101: Provider Compensation

This POP puts provider compensation on par with PDSC Appellate attorneys. Included in this calculation is funding for limited training and some limited support services including investigators.

POP 102: Provider Staffing

This package takes the next step after POP 101 by providing a menu of options to provide funding for support staffing, supervision, training, and administrative costs. The importance of support staff, investigators, case managers, social workers dedicated supervision cannot be overstated. By funding these critical positions in a non-profit PD office or consortium, the overall attorney workload will be reduced, and case outcomes improved.

POP 114: Increased Hourly Rates

This request has three components: the to increase hourly attorney pay from \$75 to match the federal rate of \$164 per hour; second to increase the investigator rate from \$40 per hour to \$75 per hour to be competitive with the federal rate; and third to request an additional accountant (accountant 4) to enable the agency to maintain and handle the increased accounting workload as the agency continues to grow at its current pace.

Agency Modernization and Administration

POPs 112, 105, 107, 108, 109, 104, 103

POP 112: Mandated Caseload for Juvenile Representation

The commission seeks to have the legislature designate legal representation in juvenile delinquency, juvenile dependency, and termination-of-parental-rights cases as a mandated caseload, that is, representation required by the state or federal constitutions or statutes or as a result of court actions.

POP 105 & 107: FCMS and OJD

POP 105 allows the agency to move forward with the Financial and Case Management System essential to the future operations of the agency. POP 107 supports the implementation of a Hybrid approach with the continuation of the Oregon Judicial Department's inter-agency agreement and internal staff supporting new technological advancements for the agency.

Agency Modernization and Administration

POPs 112, 105, 107, 108, 109, 104, 103

POP 108, 109, 104: Agency Staffing

POP 108 makes 8 limited duration positions permanent. POP 109 requests the reestablishment of one permanent PA 1 that was mistakenly removed from the 21-23 budget. POP 104 establishes 17 positions throughout the agency to improve services, communication, transparency and leadership.

POP 103: PCRCP Expansion

This package is intended to provide for high-quality legal representation for parents, children, and youth in juvenile court proceedings. This package would expand PCRCP to 14 additional counties around the state. This package also includes two permanent Program Analyst 4 positions (1.01 FTE) positions as case contract administrators.

Unrepresented Crisis SPA

POPs 115

Oregon's public defense system needs comprehensive and structural modernization to move beyond the current crisis and ensure consistent, timely access to a public defender for all eligible persons. Until that modernization and reform is complete, the unrepresented crisis will continue.

The agency is requesting a special purpose appropriation of \$33.5 million be established to pay for increased hourly rates for attorneys (\$26.9 million) and investigators (\$2.5 million) who are appointed to unrepresented persons cases. There is an additional amount requested for other case support services costs (\$4.1 million). The agency is using the same methodology to forecast the cost that was employed to forecast the expenditures for the \$10 million appropriation from the December 2022 Emergency Board.

Reductions

Proposed reductions will severely disrupt the commissions ability to provide services as the commission's budget is 95% outward facing. While elimination of staff is problematic to performing basic agency functions that serve vendor and providers, funding for vendors and providers will be reduced as well, limiting the amount of work that can be done.

- 5% Reduction equals \$19.5 million General Fund. This would eliminate 7 positions and 7.50 FTE. \$18.1 million of this General Fund reduction is from direct services to providers, vendor and clients.
- 10% Reduction equals \$39.1 million General Fund. This would eliminate 14 positions and 14.75 FTE. \$36.4 million of this General Fund reduction is from direct services to providers, vendor and clients.
- 15% Reduction equals \$58.1 million General Fund. This would eliminate 22 positions and 22.50 FTE. \$54.7 million of this General Fund reduction is from direct services to providers, vendor and clients.

Legislation

While none of this legislation is necessary to implement the budget, it would effect the agency's budget substantially.

- SB 337: The “Tribranch Bill” overhauls PDSC/OPDC, creating one entity, changing the appointment of the commission, moving to the Executive Branch, and changing the delivery model.
- HB 2467: Address recruitment and retention provider issues.
- SB 528: Contracts with DRO for guardianship proceedings.

Thank you

