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# MEMORANDUM

Legislative Fiscal Office  
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**To:** Public Safety Subcommittee

**From:** Steve Bender, Legislative Fiscal Office  
(503) 986-1836

**Date:** June 3, 2015

**Subject:** Public Defense Services Commission – SB 5533  
Work Session Recommendations

## Public Defense Services Commission – Agency Totals

	2011-13 Actual	2013-15 Legislatively Approved	2015-17 Current Service Level	2015-17 LFO Recommended
General Fund	\$230,208,646	\$249,684,307	\$265,595,131	\$272,378,854
Lottery Funds	0	0	0	0
Other Funds	\$3,799,452	\$4,474,644	\$5,033,764	\$3,833,764
Federal Funds	0	0	0	0
<b>Total Funds</b>	<b>\$234,008,098</b>	<b>\$254,158,951</b>	<b>\$270,628,895</b>	<b>\$276,212,618</b>
Positions	76	76	76	77
FTE	75.23	75.79	75.11	76.11

Attached are the recommendations from the Legislative Fiscal Office for the Public Defense Services Commission budget. They include the following:

- Approve the Current Service Level of funding for the agency, as adjusted by Package 070 (Revenue Reductions/Shortfall).
- Approve Package 107, to provide \$1.2 million General Fund to offset the Other Funds revenue shortfall, and to fully fund the Current Service Level budget.
- Approve Package 100, as modified, to provide \$5.2 million General Fund to increase case rates paid to private and consortia contract attorneys, plus \$161,700 General Fund for mileage reimbursements.
- Approve Package 104, as modified, to provide \$222,023 General Fund and to establish one permanent full-time Deputy General Counsel position (one position, 1.00 FTE) to administer the Parent Child Representation Program.

**Adjustments to Current Service Level:**

See attached "Work Session Presentation Report" dated 06/03/15.

***Accept LFO Recommendations***

***Motion:*** Move the LFO recommendations to SB 5533, or move the LFO recommendations with modifications.

**Performance Measures**

See attached "Legislatively Proposed 2015-17 Key Performance Measures" form.

***Motion:*** Move the LFO recommendations on Key Performance Measures, or move the LFO recommendation with modifications.

**Recommended Changes to Appropriation Bill:**

The Legislative Fiscal Office recommends a total budget of \$272,378,854 General Fund, \$3,833,764 Other Funds, and seventy-seven positions (76.11 FTE), and that Senate Bill 5533 be amended by the -1 amendments.

***Motion:*** Move adoption of the -1 amendments to SB 5533.

**SB 5533 Final Subcommittee Action:**

***Final Motion:*** Move SB 5533, as amended, to the Full Committee with a Do Pass recommendation.

**Carriers:**

***Full Committee:*** \_\_\_\_\_

***Senate Floor:*** \_\_\_\_\_

***House Floor:*** \_\_\_\_\_

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2013-15 Agy. Leg. Adopted</b>	<b>244,280,071</b>	-	<b>4,467,042</b>	-	-	-	<b>248,747,113</b>	<b>76</b>	<b>75.79</b>
2013-15 Ebds, SS & Admin Act	5,404,236	-	7,602	-	-	-	5,411,838	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2013-15 Leg Approved Budget</b>	<b>249,684,307</b>	-	<b>4,474,644</b>	-	-	-	<b>254,158,951</b>	<b>76</b>	<b>75.79</b>
<b>2013-15 Leg Approved Budget (Base)</b>	<b>249,684,307</b>	-	<b>4,474,644</b>	-	-	-	<b>254,158,951</b>	<b>76</b>	<b>75.79</b>
Summary of Base Adjustments	618,205	-	46,686	-	-	-	664,891	-	(0.68)
<b>2015-17 Base Budget</b>	<b>250,302,512</b>	-	<b>4,521,330</b>	-	-	-	<b>254,823,842</b>	<b>76</b>	<b>75.11</b>
010: Non-PICS Pers Svc/Vacancy Factor	51,880	-	2,954	-	-	-	54,834	-	-
020: Phase In / Out Pgm & One-time Cost	3,436,193	-	-	-	-	-	3,436,193	-	-
030: Inflation & Price List Adjustments	9,395,840	-	496,372	-	-	-	9,892,212	-	-
040: Mandated Caseload	2,408,706	-	13,108	-	-	-	2,421,814	-	-
<b>2015-17 Current Service Level</b>	<b>265,595,131</b>	-	<b>5,033,764</b>	-	-	-	<b>270,628,895</b>	<b>76</b>	<b>75.11</b>
070: Revenue Reductions/Shortfall	-	-	(1,200,000)	-	-	-	(1,200,000)	-	-
<b>Adjusted 2015-17 Current Service Level</b>	<b>265,595,131</b>	-	<b>3,833,764</b>	-	-	-	<b>269,428,895</b>	<b>76</b>	<b>75.11</b>
<b>Total LFO Recommended Packages</b>	<b>6,783,723</b>	-	-	-	-	-	<b>6,783,723</b>	<b>1</b>	<b>1.00</b>
<b>2015-17 Legislative Actions</b>	<b>272,378,854</b>	-	<b>3,833,764</b>	-	-	-	<b>276,212,618</b>	<b>77</b>	<b>76.11</b>
Net change from 2013-15 Leg Approved Budget	22,694,547	-	(640,880)	-	-	-	22,053,667	1	0.32
Percent change from 2013-15 Leg Approved Budget	9.1%	0.0%	(14.3%)	0.0%	0.0%	0.0%	8.7%	1.3%	0.4%
Net change from 2015-17 Current Service Level	6,783,723	-	-	-	-	-	6,783,723	1	1.00
Percent change from 2015-17 Current Service Level	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	2.5%	1.3%	1.3%

	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2013-15 Agy. Leg. Adopted</b>	<b>14,185,524</b>	-	-	-	-	-	<b>14,185,524</b>	<b>60</b>	<b>60.00</b>
2013-15 Ebds, SS & Admin Act	635,613	-	-	-	-	-	635,613	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2013-15 Leg Approved Budget</b>	<b>14,821,137</b>	-	-	-	-	-	<b>14,821,137</b>	<b>60</b>	<b>60.00</b>
<b>2013-15 Leg Approved Budget (Base)</b>	<b>14,821,137</b>	-	-	-	-	-	<b>14,821,137</b>	<b>60</b>	<b>60.00</b>
Summary of Base Adjustments	192,066	-	-	-	-	-	192,066	(2)	(2.89)
<b>2015-17 Base Budget</b>	<b>15,013,203</b>	-	-	-	-	-	<b>15,013,203</b>	<b>58</b>	<b>57.11</b>
010: Non-PICS Pers Svc/Vacancy Factor	30,839	-	-	-	-	-	30,839	-	-
030: Inflation & Price List Adjustments	139,713	-	-	-	-	-	139,713	-	-
<b>2015-17 Current Service Level</b>	<b>15,183,755</b>	-	-	-	-	-	<b>15,183,755</b>	<b>58</b>	<b>57.11</b>
<b>Adjusted 2015-17 Current Service Level</b>	<b>15,183,755</b>	-	-	-	-	-	<b>15,183,755</b>	<b>58</b>	<b>57.11</b>
<b>Total LFO Recommended Packages</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>2015-17 Legislative Actions</b>	<b>15,183,755</b>	-	-	-	-	-	<b>15,183,755</b>	<b>58</b>	<b>57.11</b>
Net change from 2013-15 Leg Approved Budget	362,618	-	-	-	-	-	362,618	(2)	(2.89)
Percent change from 2013-15 Leg Approved Budget	2.5%	0.0%	0.0%	0.0%	0.0%	0.0%	2.5%	(3.3%)	(4.8%)
Net change from 2015-17 Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2015-17 Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
<b>2013-15 Agy. Leg. Adopted</b>	<b>226,918,697</b>	-	<b>3,982,500</b>	-	-	-	<b>230,901,197</b>	-	-
2013-15 Ebds, SS & Admin Act	4,617,158	-	-	-	-	-	4,617,158	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2013-15 Leg Approved Budget</b>	<b>231,535,855</b>	-	<b>3,982,500</b>	-	-	-	<b>235,518,355</b>	-	-
<b>2013-15 Leg Approved Budget (Base)</b>	<b>231,535,855</b>	-	<b>3,982,500</b>	-	-	-	<b>235,518,355</b>	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
<b>2015-17 Base Budget</b>	<b>231,535,855</b>	-	<b>3,982,500</b>	-	-	-	<b>235,518,355</b>	-	-
020: Phase In / Out Pgm & One-time Cost	3,436,193	-	-	-	-	-	3,436,193	-	-
030: Inflation & Price List Adjustments	9,209,290	-	496,372	-	-	-	9,705,662	-	-
040: Mandated Caseload	2,408,706	-	13,108	-	-	-	2,421,814	-	-
<b>2015-17 Current Service Level</b>	<b>246,590,044</b>	-	<b>4,491,980</b>	-	-	-	<b>251,082,024</b>	-	-
070: Revenue Reductions/Shortfall	-	-	(1,200,000)	-	-	-	(1,200,000)	-	-
<b>Adjusted 2015-17 Current Service Level</b>	<b>246,590,044</b>	-	<b>3,291,980</b>	-	-	-	<b>249,882,024</b>	-	-
<b>Total LFO Recommended Packages</b>	<b>6,561,700</b>	-	-	-	-	-	<b>6,561,700</b>	-	-
<b>2015-17 Legislative Actions</b>	<b>253,151,744</b>	-	<b>3,291,980</b>	-	-	-	<b>256,443,724</b>	-	-
Net change from 2013-15 Leg Approved Budget	21,615,889	-	(690,520)	-	-	-	20,925,369	-	-
Percent change from 2013-15 Leg Approved Budget	9.3%	0.0%	(17.3%)	0.0%	0.0%	0.0%	8.9%	0.0%	0.0%
Net change from 2015-17 Current Service Level	6,561,700	-	-	-	-	-	6,561,700	-	-
Percent change from 2015-17 Current Service Level	2.7%	0.0%	0.0%	0.0%	0.0%	0.0%	2.6%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 070 Revenue Shortfalls**

Package Description Package 070 modifies the current service level to incorporate the impact of an Other Funds revenue shortfall. The Professional Services Account, which supports payments to contractors providing public defense services, is finance by a combination of General Fund and Other Funds revenue. Other Funds revenues from the Applications/Contributions program are forecast to be below level needed to fund 2015-17 biennium current service level expenditures.

Package 070 reduces Other Funds expenditures by \$1.2 million to allow the agency to retain a \$414,000 ending balance (which is equivalent to approximately 2.6 months of expenditures).

LFO Recommendation Approve the request.

**LFO Recommended**

Revenues	-	-	-	-	-	-	-	-	-
Expenditures	-	-	(1,200,000)	-	-	-	(1,200,000)	-	-

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 100 Consistent Rates & Mileage for PD Kors**

Package Description Package 100 appropriates \$7,548,195 General Fund for two purposes. Funding includes \$7,386,495 to increase case rates paid to private and consortia attorneys to the levels paid to public defender offices; plus \$161,700 to pay mileage reimbursements to providers in the Eastern, North Coast, Central, Southern Oregon and Willamette Valley regions. The funding increases would become effective in contracts beginning on January 1, 2016.

LFO Recommendation Appropriate \$5,361,700 General Fund for two purposes. Funding includes \$5,200,000 to increase case rates paid to private and consortia attorneys to the levels paid to public defender offices; and \$161,700 to pay mileage reimbursements to providers in the Eastern, North Coast, Central, Southern Oregon and Willamette Valley regions.

Funding for mileage reimbursements becomes effective in contracts beginning on January 1, 2016. Case rate increases are provided in two steps. Beginning January 1, 2016, PDSC will increase case rates by approximately 55% of the amount initially requested, to move case rates for private and consortia attorneys closer to the levels paid to public defender offices. Beginning January 1, 2017, PDSC will increase case rates to the full levels provided for in the initial package request.

**LFO Recommended**

Revenues	5,361,700	-	-	-	-	-	5,361,700		
Expenditures	5,361,700	-	-	-	-	-	5,361,700	-	-

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 107 ACP Revenue Shortfall**

Package Description Appropriates \$1.2 million General Fund to offset a shortfall in Other Funds revenues that support current services. The current service level includes \$5,033,764 of expenditures of Application/Contribution Program revenues to support PDSC programs. 2015-17 biennium revenues, however, are projected to be \$1.2 million below the amount needed to finance these expenditures and maintain an adequate ending fund balance.

Package 107 provides \$1.2 million of General Fund to offset the shortfall and fund programs at the current service level.

LFO Recommendation Approve the package.

**LFO Recommended**

Revenues	1,200,000	-	-	-	-	-	1,200,000		
Expenditures	1,200,000	-	-	-	-	-	1,200,000	-	-



	<b>General Fund</b>	<b>Lottery Funds</b>	<b>Other Funds</b>	<b>Federal Funds</b>	<b>Nonlimited Other Funds</b>	<b>Nonlimited Federal Funds</b>	<b>Total Funds</b>	<b>Positions</b>	<b>Full-Time Equivalent (FTE)</b>
<b>2013-15 Agy. Leg. Adopted</b>	<b>3,175,850</b>	-	<b>484,542</b>	-	-	-	<b>3,660,392</b>	<b>16</b>	<b>15.79</b>
2013-15 Ebds, SS & Admin Act	151,465	-	7,602	-	-	-	159,067	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
<b>2013-15 Leg Approved Budget</b>	<b>3,327,315</b>	-	<b>492,144</b>	-	-	-	<b>3,819,459</b>	<b>16</b>	<b>15.79</b>
<b>2013-15 Leg Approved Budget (Base)</b>	<b>3,327,315</b>	-	<b>492,144</b>	-	-	-	<b>3,819,459</b>	<b>16</b>	<b>15.79</b>
Summary of Base Adjustments	426,139	-	46,686	-	-	-	472,825	2	2.21
<b>2015-17 Base Budget</b>	<b>3,753,454</b>	-	<b>538,830</b>	-	-	-	<b>4,292,284</b>	<b>18</b>	<b>18.00</b>
010: Non-PICS Pers Svc/Vacancy Factor	21,041	-	2,954	-	-	-	23,995	-	-
030: Inflation & Price List Adjustments	46,837	-	-	-	-	-	46,837	-	-
<b>2015-17 Current Service Level</b>	<b>3,821,332</b>	-	<b>541,784</b>	-	-	-	<b>4,363,116</b>	<b>18</b>	<b>18.00</b>
<b>Adjusted 2015-17 Current Service Level</b>	<b>3,821,332</b>	-	<b>541,784</b>	-	-	-	<b>4,363,116</b>	<b>18</b>	<b>18.00</b>
<b>Total LFO Recommended Packages</b>	<b>222,023</b>	-	-	-	-	-	<b>222,023</b>	<b>1</b>	<b>1.00</b>
<b>2015-17 Legislative Actions</b>	<b>4,043,355</b>	-	<b>541,784</b>	-	-	-	<b>4,585,139</b>	<b>19</b>	<b>19.00</b>
Net change from 2013-15 Leg Approved Budget	716,040	-	49,640	-	-	-	765,680	3	3.21
Percent change from 2013-15 Leg Approved Budget	21.5%	0.0%	10.1%	0.0%	0.0%	0.0%	20.1%	18.8%	20.3%
Net change from 2015-17 Current Service Level	222,023	-	-	-	-	-	222,023	1	1.00
Percent change from 2015-17 Current Service Level	5.8%	0.0%	0.0%	0.0%	0.0%	0.0%	5.1%	5.6%	5.6%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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**Package 104 Juvenile Dependency Improvement**

Package Description The PDSC requested \$315,144 General Fund to finance establishment of two permanent full-time positions (two positions, 2.00 FTE), to improve administration of the Juvenile Dependency Improvement Program (a.k.a., the Parent Child Representation Program). The positions include a Deputy General Counsel to administer the program, and an Office Specialist 1 to assist with data entry and audit functions.

LFO Recommendation Appropriate \$222,953 General Fund and establish one permanent full-time Deputy General Counsel position (one position, 1.00 FTE) to administer the Parent Child Representation Program.

**LFO Recommended**

Revenues	222,023	-	-	-	-	-	222,023		
Expenditures	222,023	-	-	-	-	-	222,023	1	1.00

## Legislatively Proposed 2015-2017 Key Performance Measures

### Agency: PUBLIC DEFENSE SERVICES COMMISSION

Mission: Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

Legislatively Proposed KPMs	Customer Service Category	Agency Request	Most Current Result	Target 2016	Target 2017
<p>- Parent Child Representation Program (PCRP): Percent of PCRP attorneys who report spending 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision-making capacity.<sup>[1]</sup></p> <p><sup>[1]</sup>For a discussion on determining decision-making capacity, see The Obligations of the Lawyer for Children in Child Protection Proceedings with Action Items and Commentary, Oregon State Bar, Report of the Task Force on Standards of Representation in Juvenile Dependency Cases (2014).</p>		Proposed New KPM		80.00	95.00
<p>- Trial Level Representation: During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.<sup>[1]</sup></p> <p><sup>[1]</sup> Case types listed in the 2014-2015 Public Defense Legal Services Contract General Terms are: criminal cases, probation violations, contempt cases, civil commitment cases, juvenile cases, and other civil cases. (<a href="http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf">http://www.oregon.gov/OPDS/docs/CBS/ModelContractTerms/documents/ModKJan2014.pdf</a>)</p>		Proposed New KPM		80.00	90.00
<p>1 - APPELLATE CASE PROCESSING - Median number of days to file opening brief.</p>		Approved KPM	227.00	180.00	180.00
<p>2 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.</p>	Accuracy	Approved KPM	94.10	95.00	95.00
<p>2 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.</p>	Availability of Information	Approved KPM	85.40	95.00	95.00

**Agency: PUBLIC DEFENSE SERVICES COMMISSION**

Mission: Ensure the delivery of quality public defense services in Oregon in the most cost-efficient manner possible.

<b>Legislatively Proposed KPMs</b>	<b>Customer Service Category</b>	<b>Agency Request</b>	<b>Most Current Result</b>	<b>Target 2016</b>	<b>Target 2017</b>
2 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Expertise	Approved KPM	93.80	95.00	95.00
2 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Helpfulness	Approved KPM	95.10	95.00	95.00
2 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Overall	Approved KPM	90.60	95.00	95.00
2 - CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.	Timeliness	Approved KPM	89.00	95.00	95.00
3 - BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.		Approved KPM	100.00		

**LFO Recommendation:**

Approve Key Performance Measures, including Proposed New Key Performance Measures, and Key Performance Measure targets identified in the above table.

**Sub-Committee Action:**

SB 5533-1  
(LC 9533)  
6/3/15 (TR/ps)

**PROPOSED AMENDMENTS TO  
SENATE BILL 5533**

- 1 In line 8 of the printed bill, delete "\$13,884,739" and insert "\$15,183,755".
- 2 In line 9, delete "\$243,385,731" and insert "\$253,151,744".
- 3 In line 11, delete "\$3,588,385" and insert "\$4,043,355".
- 4 In line 19, delete "\$549,585" and insert "\$541,784".

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