

Analysis

Item 17: Department of State Police

Patrol Division Expenses

Analyst: Julie Neburka

Request: Allocate \$3,237,302 from the Emergency Fund to the Department of State Police for unanticipated expenses incurred by the Patrol Division and the Office of the Chief Medical Examiner in response to catastrophic wildfires and civil protests.

Analysis: Oregon has experienced extraordinary events in the current calendar year that have required extraordinary response from the Department of State Police (OSP). OSP employees from across the state have repeatedly been called upon to provide leadership and law enforcement services exceeding the agency’s capacity, requiring overtime work in hazardous conditions, travel and overnight accommodations, and equipment purchases that could not reasonably have been anticipated in OSP’s budget. The table below provides a summary of expenses OSP is requesting be reimbursed from the Emergency Fund:

Description	Personal Services (overtime)	Services & Supplies	Total
September wildfire response costs (response for life safety, evacuations, road closures, and property protection)			
Personal Services (overtime)	458,972	-	458,972
Total September wildfire response costs (sworn personnel - overtime only)	458,972	-	458,972
Mobile Autopsy Suite expenses (expenses incurred due to lack of supplies)			
Personal Services (overtime)	25,177	-	25,177
Services & Supplies			-
laptop, printers, supplies, gloves, sinks, etc.	-	41,680	41,680
Dental and full-body x-ray equipment	-	157,170	157,170
Fischer Scientifics Supplies	-	14,898	14,898
Total Mobile Autopsy Suite costs	25,177	213,748	238,925
Civil protest response costs (Personnel/Travel/Lodging) through 09/30/2020			
Portland protest response (05/29/2020-07/29/2020) - 211 Employees	595,307	20,698	616,005
Portland protest response (07/30/2020-08/13/2020) - 104 Employees	591,506	263,838	855,344
Portland protest response (08/13/2020-09/30/2020) - 57 Employees	117,196	25,860	143,056
Total civil protest response costs (Personnel/Travel/Lodging)	1,304,009	310,396	1,614,405
Protective gear for crowd control, replacement gear and specialized training			
Personal protective gear for crowd management	-	514,601	514,601
SWAT/MRT/Trooper replacement gear and specialized training	-	410,399	410,399
Total protective gear for crowd control, replacement gear and specialized training	-	925,000	925,000
Total unanticipated expenditures:	1,788,158	1,449,144	3,237,302

Wildfire Response

In addition to the Federal Emergency Management Agency (FEMA) reimbursable work done by the Office of the State Fire Marshal during the September 2020 conflagrations, OSP incurred expenses for law enforcement services that are not covered under Oregon’s Fire Service Mobilization Plan. A total of 286 troopers throughout the state supplemented local law enforcement to go door-to-door delivering evacuation notifications, retrieving animals and belongings from homes in areas closed due to wildfire, performing search-and-rescue operations, patrolling roads, and, with the Oregon National Guard, enforcing highway closures issued by the Oregon Department of Transportation. The Patrol Division incurred overtime expense totaling \$372,557 during the month of September due to wildfire

activities. An additional \$86,415 of expense was incurred by troopers supported by dedicated funds (Other Funds) who were temporarily re-assigned to fire response duties that would be disallowed by their funding sources.

In response to preliminary estimates of a potentially large number of fatalities due to wildfire, the State Medical Examiner deployed three mobile autopsy units throughout the state in order to ensure that human remains would be swiftly and correctly identified. The Office of the Chief Medical Examiner has been fortunate not to have deployed mobile autopsy units before, and during their set-up it was determined that the mobile units were not fully equipped to function as autonomous autopsy suites, lacking adequate numbers of both large pieces of equipment - such as x-ray machines or dental x-ray machines - and more basic tools such as hand-washing sinks, computer equipment, and medical tools. OSP was able to borrow some necessary equipment and technology, but also purchased tools, equipment, and bio-chemical supplies totaling \$213,748. State Medical Examiner personnel incurred \$25,177 in overtime during the wildfire crisis.

The Legislative Fiscal Office notes that some of the above-listed expenses may be FEMA-reimbursable through the Public Assistance grant program, Category B - Emergency Protective Measures, which has been approved for the Oregon Wildfires disaster. At the time of this writing, the agency is working with the Office of Emergency Management on its Public Assistance application, and is advised to report back to the Legislature with a status and funding update during the 2021 legislative session.

Civil Protest

OSP was called upon multiple times between May and November 2020 to support local law enforcement in communities where civil protests occurred. In June and July, a total of 211 troopers from across the state provided supplemental law enforcement and crowd management services in Portland, incurring \$595,307 in overtime expense and \$20,698 in travel-related expenses. In August, OSP was called for a two-week deployment to secure the federal courthouse in Portland. The 104 troopers and other agency employees responding incurred \$591,506 in overtime expense and \$263,838 in lodging and meals expense. Between mid-August and the end of September, 57 troopers provided supplemental law enforcement at various times, incurring \$117,196 in overtime expense and \$25,860 in travel-related expenses.

During these deployments, troopers encountered tear gas, various types of projectiles, fireworks, liquids, and combative individuals. OSP incurred costs totaling \$925,000 for both new and replacement personal protective gear for nearly every state trooper, including ballistic helmets with visors, fire-proof coats, tactical gloves, gas masks and respirators, eye protection, first aid kits and supplies, and other tools and supplies; and vehicle repair and replacement expenses.

OSP incurred the expenses detailed above between May and September 30, 2020. The Legislative Fiscal Office anticipates an additional request for Patrol Division expenses incurred during October and November early in the 2021 legislative session.

Legislative Fiscal Office Recommendation: The Legislative Fiscal Office recommends that the Emergency Board allocate \$3,237,302 from the Emergency Fund to the Department of State Police for unanticipated expenses incurred by the Patrol Division and the Office of the Chief Medical Examiner in response to catastrophic wildfires and civil protests.

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Request: Allocate \$3,238,330 from the State Emergency Fund to the Department of State Police for extraordinary expenses incurred in response to the COVID-19 pandemic, protests and civil unrest, and the 2020 wildfire season activities.

Recommendation: Approve the request.

Discussion: The Department of State Police (OSP) incurred extraordinary expenses assisting in the COVID-19 pandemic, in the early stages while the Emergency Command Center was being put into place. Additionally, beginning in late May of this year, OSP pulled troopers from around the state to assist with efforts in directing and guiding local law enforcement through civil protest activities mostly centered in the Portland area. Though the activities commenced from May 29 through early November, the request for reimbursement only includes actual costs through September 29, 2020. OSP may return at a future date to request additional funding, if needed.

During the August through October wildfires, OSP incurred expenses for law enforcement services not covered under Oregon's Fire Service Mobilization Plan. A total of 286 troopers throughout the state supplemented local law enforcement to go door-to-door delivering evacuation notifications, retrieving animals and belongings from homes in areas closed due to wildfire, performing search-and-rescue operations, patrolling roads, and partnering with the Oregon National Guard managing highway closures issued by the Oregon Department of Transportation.

The State Medical Examiner deployed three mobile autopsy units throughout the state in order to ensure human remains would be swiftly and correctly identified. This function was new to the office and was able to borrow equipment not in their reserves from other medical facilities. In the process of mobilization, the office needed to purchase some equipment and incurred overtime costs.

All of the request is for special equipment and overtime costs that would not have occurred if not for these special and disastrous activities. At the time of this report, OSP was working with the Office of Emergency Management to determine if any of the wildfire response efforts would qualify for reimbursement from the FEMA, Public Assistance grant program, Category B - Emergency Protective Measures. If any of the expenses do qualify for reimbursement, the Department should work with the Chief Financial Office and Legislative Fiscal Office to apply any reimbursement against future actual related expenses in this biennium.

Legal Reference: Allocation of \$2,999,405 from the State Emergency Fund to supplement the appropriation made by chapter 568, section 1(1) Oregon Laws 2019, for the Department of State Police, Patrol Services for the 2019-21 biennium.

Allocation of \$238,925 from the State Emergency Fund to supplement the appropriation made by chapter 568, section 1(3) Oregon Laws 2019, for the Department of State Police, Chief Medical Examiner for the 2019-21 biennium.



Kate Brown, Governor

Oregon

Department of State Police

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November 4, 2020

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Tina Kotek, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

REPLACEMENT REQUEST

Dear Co-Chairpersons:

Nature of Request:

The Department of State Police (the Agency) respectfully requests permission to appear before the December 2020 Emergency Board to request an allocation of \$3,238,330 from the Emergency Fund to mitigate unforeseen, extraordinary, but necessary expenses for the Agency related to supplies, services, equipment and personnel costs due to the Agency's response to unanticipated events such as responding to the global pandemic, protest and civil unrest, and unprecedented wildfires that caused death and destruction to Oregonians.

Background:

From February 2020 through September 2020, the Agency has experienced unforeseen, extraordinary, but necessary expenses. The Agency has been unable to mitigate the expenditures and anticipates additional expenditures that have and will occur between October 2020 and the end of the biennium.

These unanticipated expenses include: \$2,074,405 for overtime, lodging and travel expenses associated with multiple responses to civil unrest, \$238,925 relating to Mobile Morgue expenses, \$925,000 relating to personal protective gear, replacement equipment and specialized training.

OSP Management and Administrative Actions

To meet the needs of the people of Oregon, the Agency held specialized training for our sworn members, purchased specialized equipment, including a mobile morgue to assist in the deployment of agency personnel to communities throughout Oregon. The Agency anticipates the potential for future extraordinary expenses related to extended personnel deployment and may need to come before a future legislative session to request additional funding if the agency is unable to absorb the costs. This request is for unmitigated expenses incurred through September 2020.

Action Requested:

The Department of State Police respectfully requests the 2020 December Emergency Board allocate \$3,238,330 from the Emergency Board to mitigate unforeseen, extraordinary, but necessary expenses for the Agency related to supplies, services, equipment and personnel costs for our sworn members.

Legislation Affected:

SB5530, Chapter 568, section 1(1), Oregon Law 2019 - \$2,999,405

SB5530, Chapter 568, section 1(3), Oregon Law 2019 - \$ 238,925

Sincerely,



Terri Davie
Superintendent
Oregon State Police

CC: Constantin Severe, Governor's Office
 Julie Neburka, Legislative Fiscal Analyst
 Michelle Lisper, DAS/CFO Policy & Budget Analyst
 Jon Harrington, OSP Deputy Superintendent
 Traci Cooper, OSP Chief Financial Officer