

Legislative Fiscal Office

Oregon State Capitol
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Joint Committee on Ways and Means

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Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

To: Public Safety Subcommittee

From: John Borden, Legislative Fiscal Office

Date: May 8, 2021

Subject: SB 5512 – District Attorneys and Their Deputies
Work Session Recommendations

District Attorneys and Their Deputies

	2017-19 Actual	2019-21 Legislatively Approved *	2021-23 Current Service Level	2021-23 LFO Recommended
General Fund	13,238,151	13,757,414	14,485,997	15,006,603
Total Funds	13,238,151	13,757,414	14,485,997	15,006,603
Positions	36	36	36	36
FTE	36.00	36.00	36.00	36.00

* Includes Emergency Board and administrative actions through January 2021

The Legislative Fiscal Office (LFO) recommendation for the District Attorneys and Their Deputies is to fund the agency at \$15 million General Fund and 36 position (36.00 FTE), which is a 9.1% increase over the 2019-21 legislatively approved budget. The recommendation includes two policy packages:

- \$546,000 General Fund for funding for SB 505 (2017) - related to grand jury recordation. This policy package represents the biennial cost of the decision of the Legislative Session in 2020 (SB 5723) to provide \$500,000 of General Fund for grand jury recordation for the 2019-21 biennium. The funding in this policy package is recommended as one-time so as to allow for the evaluation of ongoing costs.
- \$25,394 General Fund reduction for Microsoft 365 Consolidation.

Adjustments to Current Service Level

See attached "Work Session Presentation Report."

Performance Measures

See attached “Legislatively Proposed 2021-23 Key Performance Measures.”

Budget Notes

Budget Note #1: Key Performance Measure Review

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: Comprehensive Funding Report

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 Attorneys 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.

Recommended Changes

LFO recommends a budget of \$15,006,603 General Fund and 36 positions (36.00 FTE), which is reflected in the -1 amendment.

Final Subcommittee Action

LFO recommends that SB 5512, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	12,839,916	-	-	-	-	-	12,839,916	36	36.00
2019-21 Ebds, SS & Admin Act	917,498	-	-	-	-	-	917,498	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	13,757,414	-	-	-	-	-	13,757,414	36	36.00
2019-21 Leg Approved Budget (Base)	12,839,916	-	-	-	-	-	12,839,916	36	36.00
Summary of Base Adjustments	1,248,683	-	-	-	-	-	1,248,683	-	-
2021-23 Base Budget	14,088,599	-	-	-	-	-	14,088,599	36	36.00
010: Non-PICS Pers Svc/Vacancy Factor	19,982	-	-	-	-	-	19,982	-	-
030: Inflation & Price List Adjustments	377,416	-	-	-	-	-	377,416	-	-
2021-23 Current Service Level	14,485,997	-	-	-	-	-	14,485,997	36	36.00
080: E-Boards	546,000	-	-	-	-	-	546,000	-	-
Adjusted 2021-23 Current Service Level	15,031,997	-	-	-	-	-	15,031,997	36	36.00
Total LFO Recommended Packages	(25,394)	-	-	-	-	-	(25,394)	-	-
2021-23 Legislative Actions	15,006,603	-	-	-	-	-	15,006,603	36	36.00
Net change from 2019-21 Leg Approved Budget	1,249,189	-	-	-	-	-	1,249,189	-	-
Percent 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%
Net change from 2021-23 Adj Current Service Level	(25,394)	-	-	-	-	-	(25,394)	-	-
Percent change from 2021-23 Adj Current Service Level	(0.2%)	0.0%	0.0%	0.0%	0.0%	0.0%	(0.2%)	0.0%	0.0%

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Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	13,757,414	-	-	-	-	-	13,757,414	36	36.00
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Percent 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%
Net change from 2021-23 Adj Current Service Level	(25,394)	-	-	-	-	-	(25,394)	-	-
Percent change from 2021-23 Adj Current Service Level	(0.2%)	0.0%	0.0%	0.0%	0.0%	0.0%	(0.2%)	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 087 August 2020 Special Session

Package Description The Legislature in 2017 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 policy package represents the updated biennial cost of the Legislature's funding decision during the Legislative Session in 2020 (SB 5723):

1. 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) - \$315,000 General Fund;
2. Storage, licensing, and archiving of grand jury recordings - Department of Justice - Department of Justice to provide segregated hosting, security, backup, maintenance, and customer support, including associated licensing cost - \$166,000 General Fund;
3. Technical assistance support, if contract vendor support is unavailable, on grand jury recording equipment - Judicial Department - 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 - \$50,000 General Fund; and
4. Annual training on grand jury recording equipment - Judicial Department - Judicial Department to bill the District Attorney and Their Deputies on a fiscal year basis for annual training(s) on the recording equipment - \$15,000 General Fund.

LFO Recommendation Approve the request, as a one-time increase for the 2021-23 biennium.

LFO Analyst Notes SB 5512 (2021)

LFO Recommended	546,000	-	-	-	-	-	546,000	-	-
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Package 099 Microsoft 365 Consolidation

Package Description "Microsoft 365 Consolidation: 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 21-23 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.

LFO Recommendation Approve the request.

LFO Recommended	(25,394)	-	-	-	-	-	(25,394)	-	-
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Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 5/8/2021 10:14:35 AM

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 Proposed 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: