

Oregon Public Defense Services Commission

- **Joint Committee on Ways and Means Subcommittee on Public Safety**

- **Financial Update**

- **February 23, 2022**

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Financial Services Update

Financial Overview

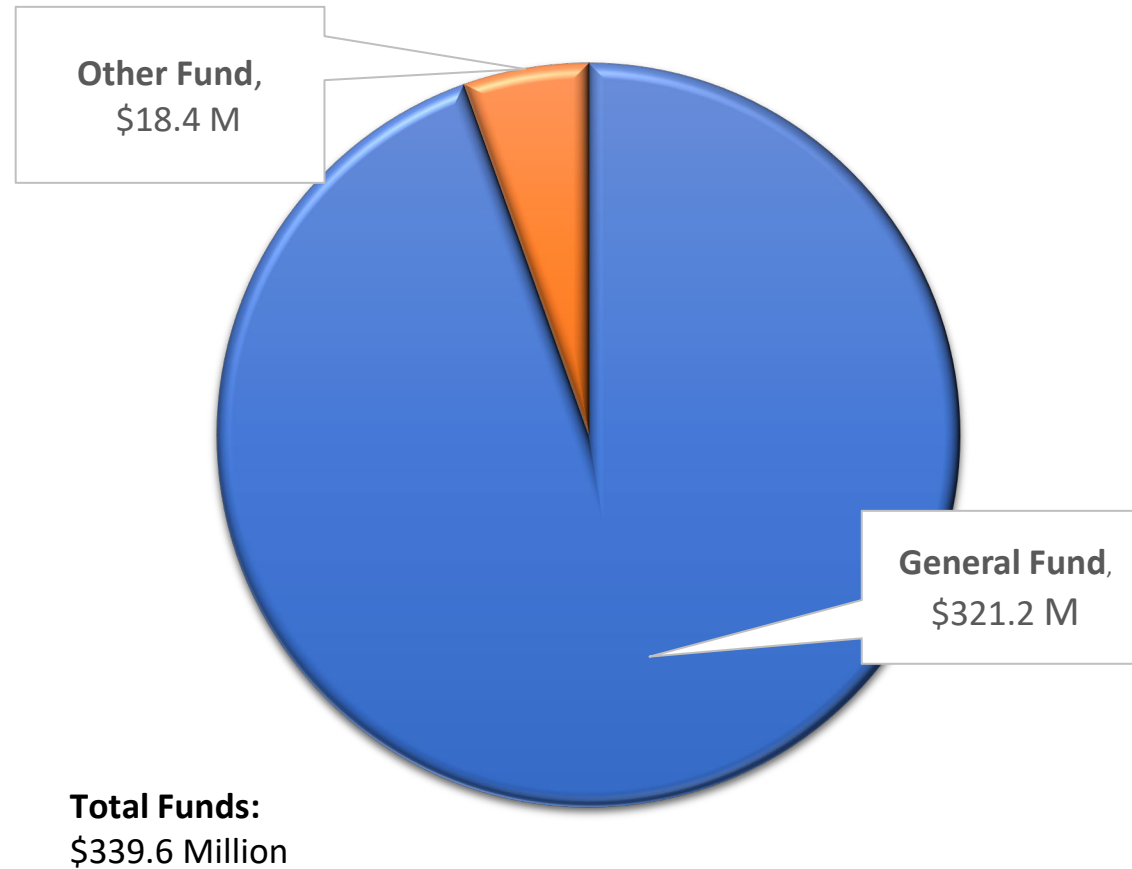
- Public Defense Services Commission Budget
- General Fund Position, SPA & Technical Adjustments
- Office of Public Defense Services Division Updates
- Agency Risks

- Public Defense Services Commission Budget

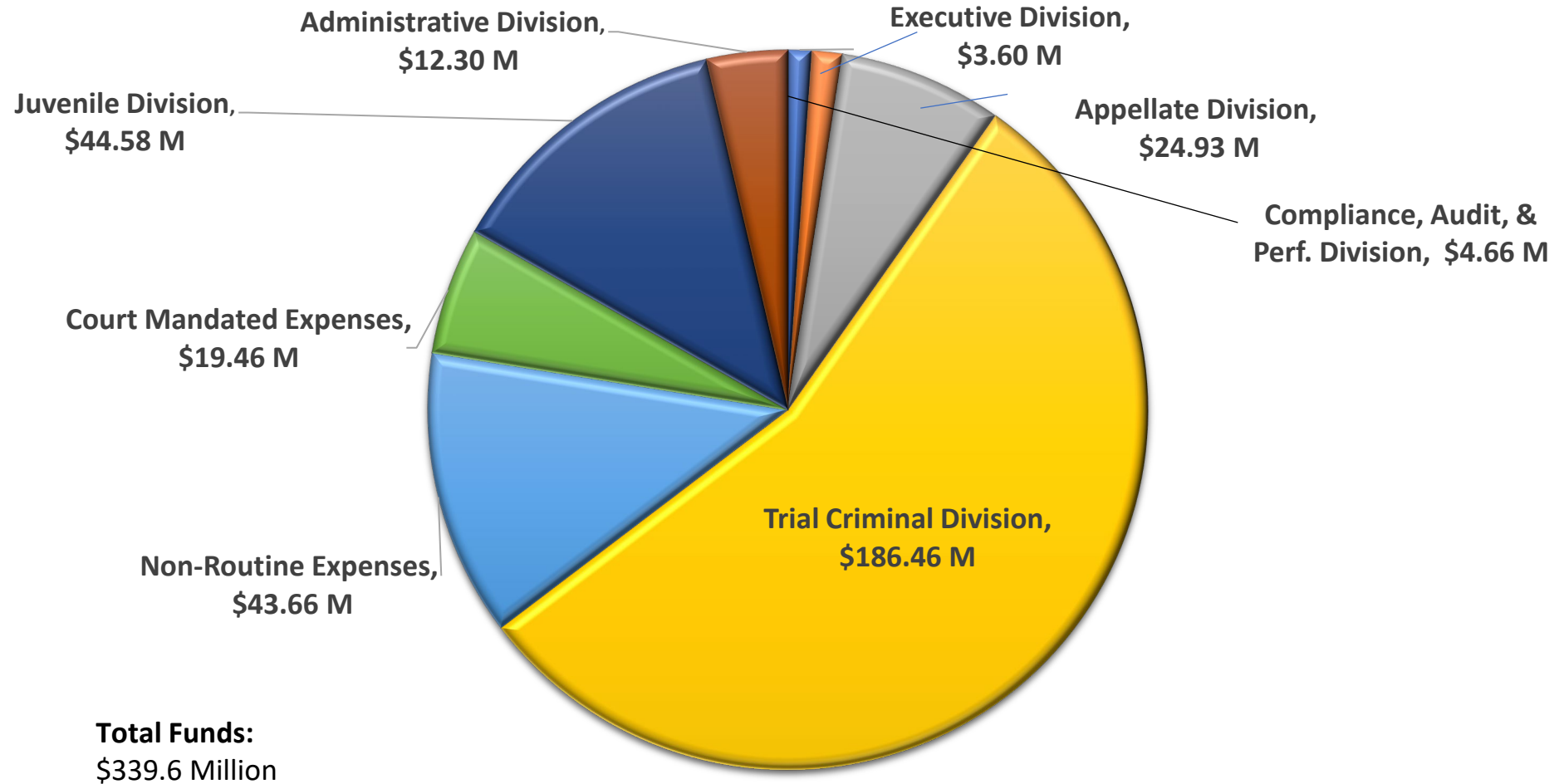
Legislatively Adopted Budget- Nov. 30, 2021

		Adopted Budget	Total Expenditures	Total Projections	Total Forecast	Adopted Budget Variance
General Fund						
	Administrative Services Division	12,296,098	2,519,118	10,316,392	12,835,510	539,412
	Appellate Division	24,925,503	4,360,936	18,039,402	22,400,338	(2,525,165)
	Compliance, Audit, & Perf. Division	4,656,250	701,889	3,563,150	4,265,038	(391,212)
	Court Mandated Expenses	15,006,403	4,939,021	24,976,527	29,915,548	14,909,145
	Executive Division	3,600,361	634,827	2,597,477	3,232,304	(368,057)
	Juvenile Division	30,577,095	9,875,587	31,390,963	41,266,551	10,689,456
	Non-Routine Expenses	43,663,533	12,494,248	48,492,275	60,986,523	17,322,990
	Trial Criminal Division	186,458,931	46,823,405	175,459,899	222,283,304	35,824,373
Total General Fund		321,184,174	82,349,031	314,836,085	397,185,116	76,000,942
Other Funds						
	Court Mandated Expenses	4,449,667	565,497	3,872,239	4,437,736	(11,931)
	Juvenile Division	14,000,000		14,000,000	14,000,000	0
Total Other Funds		18,449,667	565,497	17,872,239	18,437,736	(11,931)
General Fund		321,184,174	82,349,031	314,836,085	397,185,116	76,000,942
Other Funds		18,449,667	565,497	17,872,239	18,437,736	(11,931)
Total Funds		339,633,841	82,914,528	332,708,324	415,622,852	75,989,011

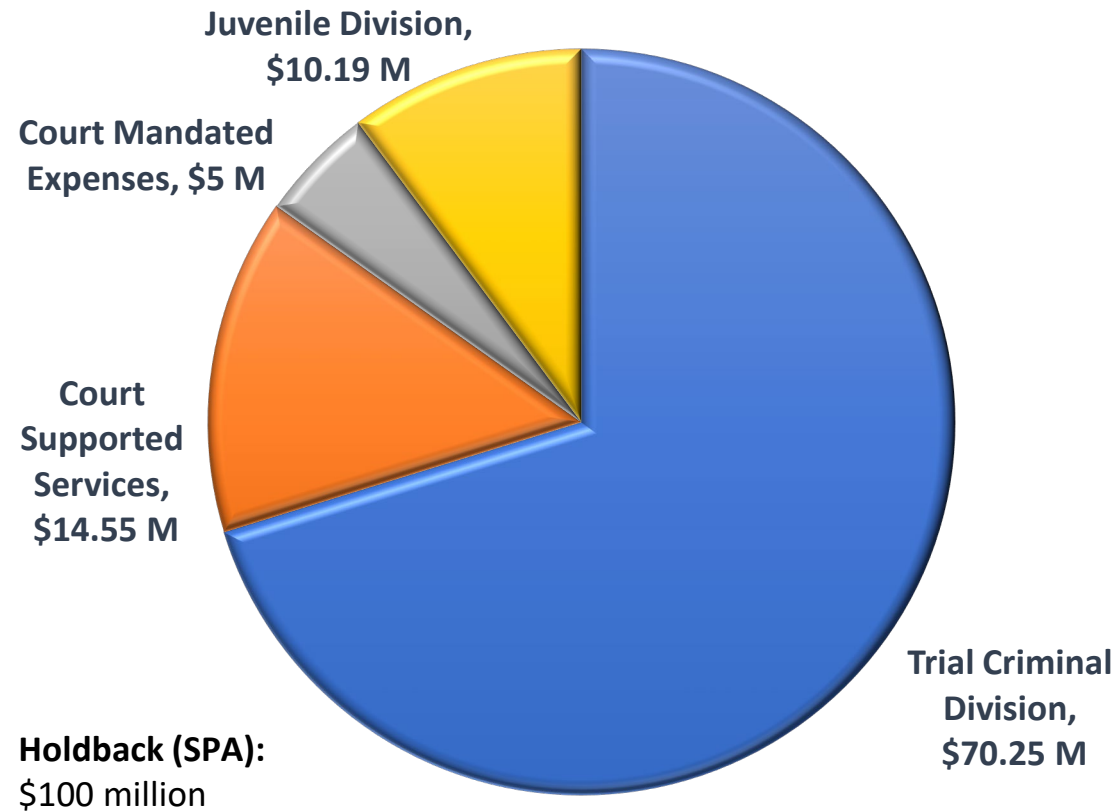
2021-23 LAB Total Funds



By Division Total Funds



SPA General Fund –Direction from Legislature



General Fund Status

November-21	LAB	Forecast	Variance
Executive Division	3,600,361	3,232,304	(368,057)
Compliance, Audit, & Perf. Division	4,656,251	4,265,039	(391,212)
Appellate Division	24,925,503	22,400,338	(2,525,165)
Trial Criminal Division	186,458,931	222,283,304	35,824,373
Non-Routine Expenses	43,663,533	60,986,523	17,322,990
Court Mandated Expenses	15,006,403	29,915,548	14,909,145
Juvenile Division	30,577,095	41,266,551	10,689,456
Administrative Services Division	12,296,098	12,835,510	539,412
Total General Fund	321,184,175	397,185,117	76,000,942

General Fund Status with SPA

November-21	LAB	Forecast	Variance	SPA	SPA Result
Executive Division	3,600,361	3,232,304	(368,057)		(368,057)
Compliance, Audit, & Perf. Division	4,656,251	4,265,039	(391,212)		(391,212)
Appellate Division	24,925,503	22,400,338	(2,525,165)		(2,525,165)
Trial Criminal Division	186,458,931	222,283,304	35,824,373	70,250,989	(34,426,616)
Non-Routine Expenses	43,663,533	60,986,523	17,322,990	14,554,511	2,768,479
Court Mandated Expenses	15,006,403	29,915,548	14,909,145	5,002,135	9,907,010
Juvenile Division	30,577,095	41,266,551	10,689,456	10,192,365	497,091
Administrative Services Division	12,296,098	12,835,510	539,412		539,412
Total General Fund	321,184,175	397,185,117	76,000,942	100,000,000	(23,999,058)

General Fund Status with SPA & Technical Adjustments

November-21	LAB	Forecast	Variance	SPA	SPA Result	T/A's	End Balance
Executive Division	3,600,361	3,232,304	(368,057)		(368,057)		(368,057)
Compliance, Audit, & Perf. Division	4,656,251	4,265,039	(391,212)		(391,212)	200,000	(591,212)
Appellate Division	24,925,503	22,400,338	(2,525,165)		(2,525,165)	(1,560,000)	(965,165)
Trial Criminal Division	186,458,931	222,283,304	35,824,373	70,250,989	(34,426,616)	(10,602,500)	(23,824,116)
Non-Routine Expenses	43,663,533	60,986,523	17,322,990	14,554,511	2,768,479		2,768,479
Court Mandated Expenses	15,006,403	29,915,548	14,909,145	5,002,135	9,907,010	11,852,500	(1,945,490)
Juvenile Division	30,577,095	41,266,551	10,689,456	10,192,365	497,091		497,091
Administrative Services Division	12,296,098	12,835,510	539,412		539,412	110,000	429,412
Total General Fund	321,184,175	397,185,117	76,000,942	100,000,000	(23,999,058)	-	(23,999,058)

Compliance, Audit and Performance Division

- Trial and Juvenile Chiefs have been hired.
- Hired a contractor for Chief Auditor position.
- Slight savings due to hiring difficulties
- Any COLA issues should be covered by Statewide SPA
- Minor technical adjustment will add some dollars for contracting services

Compliance, Audit, & Perf. Division					
General Fund	LAB	Expenditures	Projections	Forecast	Variance
Personal Services	4,176,464	491,858	3,602,780	4,094,638	(81,826)
Services & Supplies	479,787	210,030	(39,630)	170,400	(309,387)
Total Funds	4,656,251	701,889	3,563,150	4,265,039	(391,212)

Appellate Division

- Vacancies and underfilled positions make up savings, will resolve itself.
- Salary adjustments to some positions to create parity state-wide.
- Some technical adjustments to align budget with expenditures.
- Any COLA issues should be covered by Statewide SPA
- Growing concern for the amount of cases being sent to Appellate Juvenile panel attorneys.

Appellate Division					
General Fund	LAB	Expenditures	Projections	Forecast	Variance
Personal Services	23,341,841	4,357,828	17,458,019	21,815,847	(1,525,994)
Services & Supplies	1,583,662	3,108	581,383	584,491	(999,171)
Total Funds	24,925,503	4,360,936	18,039,402	22,400,338	(2,525,165)

Case Support Services Division

- Formerly called “Non-Routine Expenses” – renamed to better align with what the expenses actually provide
- Growing concern for unfunded liability
- Research analysts and budget analysts working to create better way of forecasting CSS liabilities
- Agency is researching ways to better manage program
- PDSC SPA should cover some of existing shortfall

Non-Routine Expenses					
General Fund	LAB	Expenditures	Projections	Forecast	Variance
Services & Supplies	43,663,533	12,494,248	48,492,275	60,986,523	17,322,990
Total Funds	43,663,533	12,494,248	48,492,275	60,986,523	17,322,990

Court Mandated Expenses Division

- “Court-mandated expenses”: attorneys paid hourly basis, discovery, parking, photocopying, mileage, postage, basic interpreter services, costs associated with obtaining certain kinds of records.
- Current 14.9 M shortfall should be covered with proportionate share of PDSC SPA and with a technical transfer from Trial Criminal Division.
- Process of billing is a concern because of the length of some cases
- Other Funds is primarily a pass through to fund OJD staff who process work the Application Contribution Program (ACP).

Court Mandated Expenses					
General Fund	LAB	Expenditures	Projections	Forecast	Variance
Services & Supplies	15,006,403	4,939,021	24,976,527	29,915,548	14,909,145
Other Funds					
Services & Supplies	858,362	56	3,872,239	3,872,295	3,013,933
Special Payments	3,591,305	565,441	0	565,441	(3,025,864)
Total Funds	19,456,070	5,504,518	28,848,766	34,353,284	14,897,214

Juvenile Division

- Division is spending as expected.
- Variance should be mostly covered by share of the PDSC SPA funding.
- Other Funds are Federal IV-E dollars that are coordinated through ODHS and are expected to be fully utilized. Program is continually working with ODHS and their federal partners to ensure full benefit is received for the juveniles and parents in this system.

Juvenile Division					
General Fund	LAB	Expenditures	Projections	Forecast	Variance
Services & Supplies	30,577,095	9,875,587	31,390,963	41,266,551	10,689,456
Other Funds					
Services & Supplies	14,000,000	0	14,000,000	14,000,000	0
Total Funds	44,577,095	9,875,587	45,390,963	55,266,551	10,689,456

Executive and Administrative Divisions

- Executive Division is expecting to remain on budget.
- Administrative Division is experiencing a shortfall, from underfunding of positions and positions that were lost in the transition to the new structure.
- Administrative Division is requesting the use of the 2019-21 General Fund carry forward amounts to help cover the shortfall.

Executive Division					
General Fund	LAB	Expenditures	Projections	Forecast	Variance
Personal Services	3,031,923	464,573	2,348,619	2,813,193	(218,730)
Services & Supplies	568,438	170,253	248,858	419,111	(149,327)
Total Funds	3,600,361	634,827	2,597,477	3,232,304	(368,057)
Administrative Services Division					
General Fund	LAB	Expenditures	Projections	Forecast	Variance
Personal Services	7,910,418	1,549,293	7,014,564	8,563,857	653,439
Services & Supplies	4,385,680	963,313	3,301,828	4,265,141	(120,539)
Capital Outlay	0	6,513	0	6,513	6,513
Total Funds	12,296,098	2,519,118	10,316,392	12,835,510	539,412

Agency Risks

- Agency Risks

- **Significant risks to the agency:**

- Attorney shortages due in part to low compensation
- Capacity issues for trial level representation of clients
- Accountability and transparency- Financial and Case Management System – IT Investment
- Case Support Services liability
- Rate increases for non-attorney providers
- Appellate Conflict Panel and Post-Conviction Relief capacity shortages

Thank you.