Program #15105 - SB1008	Evaluations			3/2/202
Department:	District Attorney	Program Contact:	John Casalino	
Program Offer Type:	Existing Operating Program	Program Offer Stage:	As Requested	
Related Programs:				
Program Characteristics:	Out of Target			

Executive Summary

This program provides essential funding for the out of budget fiscal obligations imposed under SB 1008 (effective 1/01/20). SB 1008 establishes a procedure for an expert to evaluate the mental health, cognitive development, maturity, among other things of juveniles who are aged 15, 16 and 17 and have committed rape, murder and serious assaults, among other crimes. This evaluation will assist the prosecutor and the court in determining whether the juvenile's conduct should remain in Juvenile court or be waived into adult court system. These evaluation provide critical information to evaluate a youth's individual characteristics balancing principles of equity.

Program Summary

This program provides funding for obligations imposed by SB 1008. MCDA needs funds to pay for experts to assist in making critical determinations impacting juveniles accused of violent criminal conduct against community members. The Oregon Legislature passed SB1008 which altered voter approved Ballot Measure 11. Now, 15, 16, 17 year olds who commit murder, rape and serious assaults, among others crimes are initially charged in Juvenile Court. SB1008, however, established a procedure for the state to seek to waive 15, 16, 17 year olds who have committed certain crimes into adult court only if certain numerous specific requirements are determined at a hearing. Information provided by experts is expected and necessary for this hearing to ensure fair and equitable decisions are made.

The determination required by SB 1008 mandates that the district attorney look deeply into the mental health, cognitive development, behavioral background and maturity of juveniles who have committed extremely violent and damaging acts in order for an appropriate remedy for the youth, the victim and the community to be fashioned.

SB 1008 details that "[t]he state has a right to have at least one psychiatrist or licensed psychologist of its selection examine the youth concerning the determination of whether to waive the youth under this section." See ORS 419C.349(5). MCDA does not have the funds to meet this new requirement to the community as provided by this law.

Racial minorities are overrepresented in the criminal justice systems as victims and youth defendants. This program allows the county to fulfill its obligation to completely evaluate the individual characteristics of youth while balancing safety of community members. These evaluations provide essential information to determine the best place and services to maximize reformation for the youth and public safety.

Performance Measures							
Measure Type	Primary Measure	FY20 Actual	FY21 Budgeted	FY21 Estimate	FY22 Offer		
Output	Number of SB 1008 evaluations	0	10	15	20		
Outcome	Number of youth waived into adult court	0	8	1	2		
Performance Measures Descriptions							

Caselaw interpretation of SB 1008 makes the standard to waive an youth who commits extremely violent crime into an adult court extremely challenging. Therefore, fewer cases after evaluation are being selected for waiver after evaluation.

	Adopted General Fund	Adopted Other Funds	Requested General Fund	Requested Other Funds		
Program Expenses	2021	2021	2022	2022		
Contractual Services	\$40,000	\$0	\$80,000	\$0		
Total GF/non-GF	\$40,000	\$0	\$80,000	\$0		
Program Total:	\$40,0	\$40,000		\$80,000		
Program FTE	0.00	0.00	0.00	0.00		
Program Revenues						
Total Revenue	\$0	\$0	\$0	\$0		

Significant Program Changes

Last Year this program was: FY 2021: 15017 SB1008 Evaluations

Last year this program was funded at \$40,000. Due to COVID-19 many defense attorneys and evaluators delayed in beginning these evaluations until September 2020. As youth violence has increased and the process is better established, more evaluations will be necessary. The costs associated with SB10008 will increase because of the increased evaluation fees and number of evaluations expected. The Oregon Legislature passed SB 1008 which has created an additional financial resource requirement on the Multnomah County District Attorney's Office (MCDA) that had previously not existed. Without these additional funds, these funds MCDA will not be able to ensure just and equitable outcomes for 15, 16, or 17 year old offenders based on the offender's individual characteristics.