

Program #15017 - SB1008 Evaluations

3/4/2020

Department: District Attorney **Program Contact:** John Casalino
Program Offer Type: Innovative/New Program **Program Offer Stage:** As Requested
Related Programs:
Program Characteristics: One-Time-Only Request, Out of Target

Executive Summary

This program provides essential funding for the new out of budget fiscal obligations imposed under SB 1008. 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 to adult court.

Program Summary

This program provides funding for new obligations imposed by SB 1008. MCDA needs funds to pay for experts to assist in making critical determinations impacting juvenile’s accused of violent criminal conduct against community members. On January 1, 2020, 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 in expected and necessary for this hearing.

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. This program is allows the county to fulfil its obligation to protect community members.

Performance Measures

Measure Type	Primary Measure	FY19 Actual	FY20 Budgeted	FY20 Estimate	FY21 Offer
Output	Number of SB1008 Evaluations	N/A	0	6	10
Outcome	Number of youth waived in to adult court	N/A	0	5	8

Performance Measures Descriptions

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Requested General Fund	Requested Other Funds
Program Expenses	2020	2020	2021	2021
Contractual Services	\$0	\$0	\$40,000	\$0
Total GF/non-GF	\$0	\$0	\$40,000	\$0
Program Total:	\$0		\$40,000	
Program FTE	0.00	0.00	0.00	0.00

Program Revenues				
Total Revenue	\$0	\$0	\$0	\$0

Explanation of Revenues

Significant Program Changes

Last Year this program was:

This program did not exist last year. The Oregon Legislature passed SB 1008 to take effect on January 1, 2020. This 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, MCDA cannot accurately and adequately address criminal acts such as murder, rape and serious assaults committed against community members in our county. Furthermore, without these funds MCDA will not be able to ensure just outcomes for 15, 16, or 17 year old offenders based on the offender's individual characteristics.