

# Governor pushes for May 21 special session

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Salem Statesman Journal  
USA TODAY NETWORK

Oregon Gov. Kate Brown announced April 24 there will be a one-day special legislative session May 21 to make the state’s tax code more fair to small businesses.

“We have an obvious inequity in Oregon’s tax system that is prejudiced against thousands of small Oregon businesses, and a simple change can fix it,” Brown said in a statement.

The governor is proposing that lawmakers adapt the state’s current pass-through entity tax break to include sole proprietorships.

The policy effectively allows some small business owners to be taxed at a reduced rate.

Around 9,000 sole proprietorships could qualify for a reduced tax rate if her proposal were to go into effect.

There are an estimated 260,000 sole proprietorships in the state.

“Nine thousand may seem like a small number to some in Salem, but to these business owners and their employees, it makes a big difference,” she

said.

Brown first declared her intention to call for a special session in early April when she announced she would sign Senate Bill 1528, which disconnects Oregon’s tax system from some aspects the federal tax code.

The federal tax reform that passed late last year created a provision that would grant pass-through entities — including S corporations, LLCs and various business partnerships — an additional 20 percent deduction off Oregon income taxes.

Republicans said a disconnect amounts to a 20 percent increase in taxes for those businesses, while Democrats said the federal law gives some pass-through entities an additional, unfair tax break on top of what the state already gives them.

The law will go into effect June 2.

“This so-called ‘emergency’ was caused by the governor and the majority party,” Senate Republican Leader Jackie Winters, R-Salem, said in a statement. “Their actions during the 2018 session to take away a small business tax cut is the reason we are now being called in to special session.”

## Backlog

The audit called the new streamlined process a “best practice” outlined by the National Institute of Justice.

Audit division officials also found crime lab analysts are now incorporating another best practice called the Direct-to-DNA method using a practice called Y-screening, which allows analysts to only detect presence of male DNA without having to test for specific types of bodily fluids.

If no male DNA is found, analysts save time on preparing the SAFE kits for DNA analysis and move on to another sample.

Biology unit staff has also started using Excel worksheets to complete standardized case notes and the DNA unit standardized reporting language for reports, which allows analysts to complete reports faster and makes reports easier to understand for law enforcement officials.

Both units are also under a management and organizational review that identifies areas for improvement and provides recommendations to increase productivity.

The audit states a similar review helped yield a reduction at a Louisiana state crime lab, and believes the review will yield similar results in Oregon.

### Prioritization of SAFE kits

Oregon State Police officials have established guidelines for prioritizing SAFE kits above property crime evidence.

Analysts prioritize cases with: a pending trial date or cases where public safety is a concern; homicide or attempted homicide cases; assault cases involving a weapon or injury requiring medical attention; and cases where the victim is under 14 years old or older than 65 years old or a victim that suffers from a mental disorder.

State police suspended DNA analysis for property crime evidence in December 2015, which has allowed analysts to process more kits per month, according to the audit.

In the first quarter of 2018, OSP completed an average of roughly 220 kits a month — an increase from an average of 89 per month in 2017.

The governor also completed 197 technical reviews of the kits outsourced in January 2018 — almost double the number completed in previous months — under the \$2 million grant funding grant

by the New York County District Attorney’s Office.

The grant sent nearly 3,000 SAFE kits dating back to 2014 or older from Multnomah, Lane and Marion counties to a private forensic lab in Utah for testing.

In early 2018, roughly 335 from 14 other counties were sent to the private lab using the same grant funding. The grant was planned to run until September 2017 but has been extended to September 2018.

Police officials believe their analysts will be able to fully eliminate the SAFE kit backlog by the end of 2018.

The prioritization of processing SAFE kits has it’s drawbacks, however.

Oregon law enforcement officials told auditors that suspending property crime DNA testing has made property crimes investigations more difficult and drawn out.

They told auditors that while other forensic units can still process property crime evidence, fingerprint analysis and other evidence analysis can be time intensive.

OSP will resume DNA analysis of property crime evidence once the SAFE kit backlog is eliminated.

### Recommendations for improvement

State auditors made three recommendations for Oregon State Police, all of which the agency agreed to.

First, the audit recommended OSP post SAFE kit processing status reports on its agency website on a regular basis “so that progress can be monitored by the public and policymakers.”

At this time, the agency does not regularly report SAFE kit performance on its website.

Within a week of discussing such a status report with auditors, OSP started modeling its website to mirror Houston’s crime lab website.

Police officials agreed to incorporate updates to its website by April 30.

Alex Gardner, director of Oregon State Police’s Forensic Services Division, said additional enhancements may be made to the website over the next few months.

Second, audit officials recommended examining options for tracking SAFE kits in Oregon.

It was recommended that police examine how Washington and Idaho crime labs track their SAFE kits, where they are tracked when they are purchased, when they travel through proc-

essing, adjudication and where they are retained with local law enforcement agencies.

In January 2017, OSP received about \$1 million to acquire a SAFE kit tracking system, but the agency is still determining how to spend that money.

Gardner said officials have reached out to the Portland Police Bureau upon learning of their “SAMS” tracking program. The two agencies are working together to determine the most efficient and cost-effective way to launch a similar program at Oregon State Police.

Officials hope to deploy their own “SAMS lite” program before the end of 2018.

OSP has until January 1, 2019 to implement tracking practices.

Finally, auditors recommended the OSP create a plan to reintroduce DNA analysis for property crime evidence.

Auditors also recommend OSP officials collect information from local law enforcement agencies regarding unprocessed property crime evidence to determine how best to allocate lab re-

sources in the future.

Gardner said its labs are not staffed to manage Oregon’s high volume of felony property crime cases.

“Property crime requests will remain subordinate to work on violent crimes,” Gardner said. “Prioritization within the property crime pool will be based on multiple considerations, including a public safety risk assessment, custody status of the defendant and the request date.”

Gardner said state lab analysts are focused on eliminating the backlog by the end of the year, but said staff should have more than enough experience juggling DNA analysis and the increasing volume of felony cases by the time the backlog is eliminated.

“Assuming we remain on our current trajectory, we could be accepting some DNA work on property crime investigations in early 2019,” Gardner said.

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