

**76th OREGON LEGISLATIVE ASSEMBLY – 2011 Regular Session
BUDGET REPORT AND MEASURE SUMMARY**

MEASURE: SB 5518-A

JOINT COMMITTEE ON WAYS AND MEANS

**Carrier – House: Rep. Nolan
Carrier – Senate: Sen. Winters**

Action: Do Pass as Amended and as Printed A-Engrossed

Vote: 25 – 0 – 0

House – Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant
– Nays:
– Exc:

Senate – Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters
– Nays:
– Exc:

Prepared By: Art Ayre, Department of Administrative Services

Reviewed By: Doug Wilson, Legislative Fiscal Office

Meeting Date: May 27, 2011

Agency
Department of Justice

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Biennium
2011-13

Budget Summary*

| | 2009-11 Legislatively Approved Budget (1) | 2011-13 Current Service Level | 2011-13 Governor's Budget | 2011-13 Committee Recommendation | Committee Change from 2009-11 Leg Approved | |
|--------------------------|---|----------------------------------|------------------------------|--|---|----------|
| | | | | | \$ Change | % Change |
| General Fund | \$ 51,826,586 | \$ 64,330,882 | \$ 57,936,559 | \$ 52,698,545 | \$ 871,959 | +1.7% |
| Other Funds | \$ 220,351,243 | \$ 240,776,799 | \$ 220,424,143 | \$ 225,311,540 | \$ 4,960,297 | +2.3% |
| Other Funds Nonlimited | \$ 11,271,355 | \$ 10,622,670 | \$ 10,622,670 | \$ 10,622,670 | \$ -648,685 | -5.8% |
| Federal Funds | \$ 113,790,396 | \$ 113,188,035 | \$ 114,083,393 | \$ 108,482,775 | \$ -5,307,621 | -4.7% |
| Federal Funds Nonlimited | \$ 15,857,750 | \$ 15,285,103 | \$ 15,285,103 | \$ 15,285,103 | \$ -572,647 | -3.6% |
| Total | \$ 413,097,330 | \$ 444,203,489 | \$ 418,351,868 | \$ 412,400,633 | \$ -696,697 | -0.2% |

Position Summary

| | | | | | |
|--------------------------------------|----------|----------|----------|----------|--------|
| Authorized Positions | 1,348 | 1,320 | 1,322 | 1,285 | -63 |
| Full-time Equivalent (FTE) Positions | 1,328.28 | 1,313.23 | 1,312.55 | 1,267.30 | -60.98 |

Summary of Revenue Changes

The Department receives General Fund for criminal appeals, district attorney assistance, organized crime and criminal intelligence, Oregon Domestic and Sexual Assault Violence fund, Master Settlement Agreement litigation, protecting civil rights and state match for federal child support enforcement funds and federal Medicaid fraud funds. In this recommended budget General Fund is 13 percent of the total spending.

The Department generates the majority of its Other Fund revenues from charges to state agencies for legal services. Child Support payments for families in the Temporary Assistance for Needy Families (TANF) program and federal performance incentives partially fund the Child Support program. Criminal Fine and Assessment Account (CFAA) funds support the Crime Victims' Compensation program, the Child Abuse Multidisciplinary Intervention (CAMI) program, the Child Abuse Medical Assessment program, and regional assessment centers. Registration and filing fees are charged to charitable organizations. Other Fund revenues, including Nonlimited Other Funds, make up just over 57 percent of this budget.

Federal Funds support child support enforcement and Medicaid fraud activities. Federal grant funds support crime victim programs, drug enforcement activities, and law enforcement agencies in narcotics intelligence sharing. Federal Funds, including Nonlimited Federal Funds, are 30 percent of the total budget.

The approved budget:

- Allows the Department to update revenue estimates, including those affected by legal services fee rates and by Federal Funds expenditure limitation.
- Includes revenue and associated expenditures from the Child Support Program's \$25 fee on checks that do not clear due to non-sufficient funds. This fee was added administratively on March 9, 2011.
- Includes revenue and associated expenditures from the 2006 Gaming Fee increase.

Summary of Public Safety Subcommittee Action

The Department of Justice is responsible for providing general legal counsel and supervision of all civil actions and legal proceedings in which the state is a party or has an interest. The Department is in charge of all the state's legal business that requires an attorney or legal counsel, and is further responsible for a number of programs including child support enforcement, district attorney assistance, crime victims' compensation and assistance, charitable activity enforcement, and consumer protection services. The Department is organized into the Office of the Attorney General (Administration) and the following operational divisions or programs: Appellate, Civil Enforcement, Criminal Justice, Crime Victims' Services, General Counsel, Trial, and Child Support. For budget purposes, the Defense of Criminal Convictions (DCC) fund is a budget unit charged for work performed in the Appellate and Trial divisions.

The Subcommittee approved a budget for the Department of \$412.4 million total funds, which is \$0.7 million and 0.2 percent below the 2009-11 Legislatively Approved Budget (LAB). Of the total amount, \$52.7 million is General Fund, a 1.7 percent or \$0.9 million increase over the 2009-11 LAB. The Subcommittee also approved 1,285 positions (1,267.30 FTE). The budget is 7.2 percent lower than the 2011-13 Current Service Level (CSL) in total funds and General Fund is 18.1 percent under the CSL.

The approved budget includes packages that are included in most if not all divisions. They include Package 060 which realigns Services and Supplies expenditures among categories to better reflect actual spending, Package 086 eliminates all of the basic inflation increases added during budget development, and Package 087 reduces Personal Services funding for employee compensation. Actual compensation levels will be set by bargaining and Executive Branch decisions. For divisions with General Fund resources, Package 801 further reduces General Fund Services and Supplies budgets by 6.5 percent.

The recommended budget for this agency includes a reduction of General Fund for a supplemental ending balance (Package 819) in those divisions with General Fund resources. The reduction is intended to be applied against spending levels in the second year of the biennium and to not affect program delivery in the first year. To reinforce that intent, the agency's budget bill includes specific language allowing the agency to expend up to 54 percent of its total biennial General Fund appropriation in the first year of the biennium.

The amount of the reduction for the supplemental ending balance may be restored during the February 2012 session to the agency for the second year of the biennium depending on economic conditions. Therefore, the Co-Chairs of the Joint Committee on Ways and Means expect the agency director to closely monitor the quarterly revenue forecast and other economic indicators to gauge adequacy of funding in the second year and manage the budget accordingly.

Other features of the Department's recommended budget:

- Add back \$3 million total funds to the Crime Victims' Services Division for the Oregon Domestic and Sexual Abuse Victims' program and the crime victims' programs funded with Criminal Fine and Assessment revenues.
- Reduce funding for Defense of Criminal Convictions (DCC), recognizing that the Department may need to revisit the funding level with the Emergency Board or next special legislative session. Since 2005-07, the DCC General Fund budget has increased 140 percent in order to resolve case backlogs, meet increasing legal costs, and meet tighter timelines enforced by the courts. The Department had made good progress toward meeting its goals. This budget will require coordination with the courts and public defenders.
- Include \$1 million total funds for legal costs related to defending the state's position with respect to the Tobacco Master Settlement Agreement (MSA). Tobacco companies that are a party to the MSA have withheld portions of their MSA payments. The state must prove diligent enforcement of the agreement to insure the over \$150 million biennial revenue stream for the State.
- Include various General Fund reductions to meet the resource constraints in the overall state budget. These include reductions to crime victims' programs, District Attorney Assistance and Organized Crime programs, and the Child Support Enforcement programs.
- Reduce the General Counsel Division to reflect expected reduced state agency expenditures on General Counsel Services.

Administration Division

The Administration Division provides administrative oversight and support to the operating divisions in the Department. The Subcommittee approved a budget of \$24.4 million total funds and 108.19 FTE, which is 10.50 FTE lower than the Division's CSL.

The Subcommittee approved five packages that make changes in this Division to the 2011-13 CSL:

- Package 086 and 087. Eliminate basic inflation and reduce Personal Services by 5.5 percent.
- Package 090: Analyst Adjustments. This package reduces Other Funds expenditure limitation by \$1,934,149 and eliminates 10 positions (10.50 FTE). Positions eliminated include a Special Counsel in the "front" office, the accounting manager position, an Accountant 2, one Human Resource Analyst, two Information Systems Specialists, two support staff, and a student worker position. In addition, the FTE was reduced for an Honors Attorney and a Human Resource Analyst. These reductions are not entirely tied to workload changes so the duties

and responsibilities tied to these eliminated positions will have to be spread to the remaining positions in their units. The Department will have to find resources to fund the 0.50 FTE of the Internal Auditor's position which was added back by the Subcommittee.

- Package 813: Program Enhancements. This package provides \$300,000 General Fund for a grant to Project Clean Slate which is a program in the Portland area designed to improve the skills of workers and reduce legal impediments to employment, particularly for those in minority, targeted, and underserved communities. It provides assistance to past offenders to seek employment and become productive members of the community. A similar amount of funding was provided to this organization for the 2009-11 biennium.
- Package 819: Supplemental Statewide Ending Balance. This package includes, per the Co-Chairs budget plan, a supplemental statewide ending balance hold back adjustment. The result is about a 3.5 percent across-the-board reduction to an agency's total biennial General Fund and/or Lottery Funds budget or approximately 7 percent to be taken from the second year of the budget. This package reduces General Fund appropriation by \$10,500.

Appellate Division

The Appellate Division represents the state's interests in all cases in federal and state appellate courts. It also prepares and defends ballot titles. The Subcommittee approved a budget of \$16.7 million total funds and 57.05 FTE. This is a decrease of \$0.8 million and 4.3 percent from the 2009-11 LAB and a decrease from the 2011-13 CSL of \$3.5 million (17.4 percent).

The Subcommittee approved five packages that make changes in this Division to the 2011-13 CSL:

- Package 086 and 087. Eliminate basic inflation and reduce Personal Services by 5.5 percent.
- Package 090: Analyst Adjustments. This package reduces Other Funds expenditure limitation by \$1,357,190 as a result of the \$3.2 million General Fund reduction in the Defense of Criminal Convictions (DCC) program. The Trial and Appellate divisions provide the staff for DCC activity and bill the DCC fund to pay for their activities. Adjustments are also made in other packages to reflect actions taken by the Legislature in the development of this budget. This package eliminates five positions (5.00 FTE) including two Senior Assistant Attorney Generals, two PEM-H managing attorney positions, and a paralegal.
- Package 801: Targeted Statewide Adjustments. This package makes adjustments to the Appellate Division resources related to the Defense of Criminal Convictions (DCC). The budget for DCC was reduced by \$1.2 million General Fund as part of the 6.5 percent Services and Supplies reduction. This package makes the corresponding adjustment for the staff in the Appellate Division that are responsible for administering the program. This package reduces Other Funds expenditure limitation by \$624,070 and eliminates three positions (2.90 FTE).

- Package 802: Vacant Position Savings. This package eliminates primarily long-term vacant positions that have been reviewed and determined to not be critical for supporting the agency's core programs. Two Senior Assistant Attorney General positions are eliminated. This package reduces Other Funds expenditure limitation by \$516,110.

Civil Enforcement Division

The Civil Enforcement Division represents the state in civil cases and also enforces certain criminal laws. General responsibilities of this Division include: (1) child advocacy representing the Division of Child Support in judicial proceedings to establish paternity and enforce child support orders and representing the Department of Human Services in juvenile dependency and termination of parental rights cases and mental health commitments, (2) prosecuting Medicaid fraud and related crimes as well as providing related education/outreach, (3) prosecuting plaintiff's civil litigation on behalf of any agency with a tort, contract, statutory, or other claim to recover money or property and representing agencies in bankruptcy proceedings and collections, (4) educating consumers to better protect themselves against marketplace fraud and abuse, (5) protecting Oregon citizens by investigating civil rights violations, (6) protection of Master Settlement Agreement (MSA) funds; and (7) supervising and regulating the activities of charitable, professional fundraising and other nonprofit organizations and enforcing laws related to charitable trusts, solicitations and gaming. The Subcommittee approved a budget of \$62.3 million total funds and 189.25 FTE. This is a \$1.7 million, 2.8 percent total funds increase from the 2011-13 CSL. The Division's budget includes \$1.9 million General Fund, which is a \$0.6 million, 42.1 percent General Fund increase from the CSL. The significant General Fund increase in this division results from the Master Settlement Agreement (MSA) defense litigation cost approved in Package 810.

The Subcommittee approved eight packages that make changes in this Division to the 2011-13 CSL:

- Package 086 and 087: Eliminate basic inflation and reduce Personal Services by 5.5 percent.
- Package 090: Analyst Adjustments. This package, originally proposed by the Governor, reduces General Fund in two programs – the Civil Rights and Medicaid Fraud units. This reduction includes the elimination of an Assistant Attorney General position. Other Funds are increased to backfill the General Fund reduction in the Medicaid Fraud unit. The Subcommittee provided further Other Funds expenditure limitation in this package to backfill the lost General Fund on three positions and Services and Supplies in the Medicaid Fraud unit. This package reduces General Fund by \$290,581 and Other Funds expenditure limitation by \$400,666 and eliminates one position (1.00 FTE).
- Package 801: Targeted Statewide Adjustments. This package implements a statewide reduction action included in the Co-Chairs' Budget, which is a 6.5 percent reduction from total General Fund Services and Supplies expenditures included in the Governor's Recommended Budget. This is in addition to Package 086, which eliminates most Services and Supplies inflation originally built into the budget. This reduction may be made in the Civil Rights and Medicaid Fraud units. This package reduces General Fund by \$16,958.
- Package 810: LFO Analyst Adjustments. The Department of Justice has been leading efforts to defend the State's position relating to the Master Settlement Agreement (MSA) with the major tobacco companies and protecting a revenue stream exceeding \$75 million annually. The Department uses a combination of DOJ attorneys, other staff, and outside counsel along with other states that are part of the

nationwide legal action. Currently the legal case is in front of a panel of three retired federal court justices and is moving slowly toward a resolution. The case involves states' efforts to maintain "diligent enforcement" of non-participant companies and other provisions of the MSA. It is unknown when this specific case will be settled and this case covers only one year of the agreement. Tobacco companies have been withholding payments from states for five years. It is assumed once this first year's legal actions are settled the other years will be settled at a faster pace, although this is not guaranteed. The Department spent almost \$3 million for this activity in the 2009-11 biennium. This package increases General Fund by \$1,000,000 and adds two limited duration positions (2.00 FTE). While the total costs are difficult to forecast because of the unknown timeline, it is likely the cost for 2011-13 will exceed this \$1 million. The agency will have to return to the Legislature during the 2012 Session or to the Emergency Board for additional resources.

- Package 811: Technical Adjustments. In this package, Other Funds expenditure limitation is increased for three programs – Protection and Education (consumer protection), Charitable Activities, and Environmental Crimes. The agency internally bills its programs for legal or attorney services provided by one of the agency's attorneys at the same rate it charges other agencies. As a consequence, these charges are "double counted" in the budget – once to pay for the internal billing for legal services and once to pay the compensation and other costs of the attorney providing the legal services. In preparing this budget the limitation was not increased sufficiently to keep up with the demand for the legal services by these programs. As a result of the increases proposed in this package, the limitation will be more in line with the amounts used in the previous biennia. This increase does not affect the legal rate charged by the agency. This package increases Other Funds expenditure limitation by \$3,513,265.
- Package 813: Program Enhancements. The Medicaid Fraud unit investigates and prosecutes those individuals who commit fraud or abuse of the Medicaid program and its clients. The Department of Justice works closely with the Department of Human Services (DHS) and the new Oregon Health Authority (OHA) in audits and prosecutions. Federal funds are available to match state generated funding for this program. Recoveries from the unit's investigations and actions assist in funding this program as well as return resources to DHS and OHA. This package increases Other Funds expenditure limitation by \$188,652 and Federal Funds expenditure limitation by \$565,954. This package expands the staff of the unit by four permanent full-time positions (3.76 FTE) – one Attorney, one Investigator, one Nurse Investigator, and one Legal Secretary.
- Package 819: Supplemental Statewide Ending Balance. This package includes, per the Co-Chairs budget plan, a supplemental statewide ending balance hold back adjustment. The result is about a 3.5 percent across-the-board reduction to an agency's total biennial General Fund and/or Lottery Funds budget or approximately 7 percent to be taken from the second year of the budget. This package reduces General Fund appropriation by \$68,495.

Criminal Justice Division

The Criminal Justice Division provides prosecution and investigation assistance to District Attorneys statewide and provides investigation, intelligence and prosecution services relating to public corruption, environmental crimes, terrorism, drug and organized crime. The Subcommittee approved a budget of \$28.0 million total funds and 58.51 FTE. This is a \$0.5 million, 1.7 percent total funds decrease from the

2011-13 CSL. The Division's budget includes \$7.5 million General Fund, which is a \$1.2 million, 13.8 percent General Fund decrease from the CSL.

The Subcommittee approved ten packages that make changes in this Division to the 2011-13 CSL:

- Package 086 and 087. Eliminate basic inflation and reduce Personal Services by 5.5 percent.
- Package 090: Analyst Adjustments. This package, as part of the Governor's budget, reduces General Fund appropriation by \$749,798. This package also eliminates 12 positions (12.00 FTE) and reduces corresponding Other Funds expenditure limitation by \$841,861. The positions being eliminated include three Research Analysts, a Paralegal, a Senior Assistant Attorney General, a PEM-D, and a PEM-H. The reductions could result in the agency having to significantly reduce efforts involving financial fraud cases, reducing the number of organized crime prosecutions, reducing the number of official misconduct and public corruption cases investigated and prosecuted, declining Department of Revenue investigations and prosecutions, and declining referrals for investigation and prosecution from District Attorneys and law enforcement agencies because of a conflict of interest. The Other Funds limitation covers the legal billings that these positions would have generated internal to the agency.
- Package 253: Maintain Internet Child Porn Enforcement. This package continues the agency's efforts to investigate internet child pornography through continued funding from an Internet Crimes Against Children federal grant. It continues two federally funded Special Agents as limited duration positions (0.76 FTE). Funds are used to identify, investigate, and prosecute suspects who target children on the Internet. This package increases Federal Funds expenditure limitation by \$228,117.
- Package 256: Retain Statewide DUII Prosecution Coordinator. This package continues one limited duration Senior Assistant Attorney General position (1.00 FTE) to support prosecutions of driving under the influence of intoxicants (DUII). The position is funded through a grant from the Oregon Department of Transportation. This package increases Other Funds expenditure limitation by \$342,316.
- Package 801: Targeted Statewide Adjustments. This package implements a statewide reduction action included in the Co-Chairs' Budget, which is a 6.5 percent reduction from total General Fund Services and Supplies expenditures included in the Governor's Recommended Budget. This is in addition to Package 086, which eliminates most Services and Supplies inflation originally built into the budget. This package reduces General Fund by \$364,720.
- Package 802: Vacant Position Savings. This package eliminates primarily long-term vacant positions that have been reviewed and determined to not be critical for supporting the agency's core programs. One federally funded PEM-D position (1.00 FTE) which has been vacant for 15 months is eliminated by this package and Federal Funds expenditure limitation is reduced by \$164,354.
- Package 812: Grant Related Actions. This package adjusts the funding levels for the Criminal Justice Division to account for increases in various grants. Additional grant funding was made available after the Governor's budget was completed. This package increases Other

Funds expenditure limitation by \$479,998 and Federal Funds expenditure limitation by \$457,929 and adds 13 limited duration positions (4.30 FTE). The grants in this package are:

- Internet Crimes Against Children – Another three months of funding has been made available to fund two limited duration positions so the program is funded through June 2012. Funds are used to identify, investigate, and prosecute suspects who target children on the internet.
 - Two Urban Area Security (UASI) related grants – The agency has been notified that the existing grant relating to the Portland area’s Fusion Center has been extended through January 2012 (\$177,000 Other Funds and three limited duration positions). A new grant for the Salem area has been awarded funding two limited duration positions for two years (\$303,000 Other Funds). Fusion Centers analyze and distribute terrorism related information to law enforcement agencies. Funding comes from the U.S. Department of Homeland Security through the Oregon Military Department.
 - The Department of Justice also received funding in the 2009-11 biennium from the American Reinvestment and Recovery Act or stimulus funding. To fully use the funds that were distributed, the agency is carrying forward resources from three grants relating to Internet Crimes Against Children (this is a different grant from the one described above), mortgage fraud, and drug crimes task forces. The total amount for the three grants is \$384,672. All of the funds from these three grants will be used by March 2012. There are eight positions (1.17 FTE) associated with these three grants.
- Package 813: Program Enhancements. This package provides funding to continue the activities that were previously funded with a federal grant during the 2009-11 biennium through the American Reinvestment and Recovery Act (ARRA) or stimulus funding. The grant related to the Internet Crimes Against Children (ICAC) program was the highest priority add-back for the Attorney General in this Division. This package increases General Fund by \$814,423 and Other Funds expenditure limitation by \$860,647. Three positions (2.75 FTE) are funded with these funds.
 - Package 819: Supplemental Statewide Ending Balance. This package includes, per the Co-Chairs’ budget plan, a supplemental statewide ending balance hold back adjustment. The result is about a 3.5 percent across-the-board reduction to an agency’s total biennial General Fund and/or Lottery Funds budget or approximately 7 percent to be taken from the second year of the budget. This package decreases General Fund by \$270,831.

Crime Victims Services

The Crime Victims Services Division includes programs for Crime Victims’ Compensation, Federal Victims of Crime Act and Violence Against Women Act Grants, Prosecutor-based Victim/Witness Assistance, Child Abuse Multidisciplinary Intervention Account (CAMI), Oregon Domestic and Sexual Violence Services Fund and Sexual Assault Victims’ Emergency Medical Response Fund. The Address Confidentiality Program and the victims rights section is also within this Division. The Subcommittee approved a budget of \$48.1 million total funds (of which \$4.8 million is General Fund) and 35.65 FTE. This is a 4.1 percent total funds and a 19.4 percent General Fund decrease from the 2011-13 CSL.

The Subcommittee approved nine packages that make changes to the unit's 2011-13 CSL:

- Package 086 and 087. Eliminate basic inflation and reduce Personal Services by 5.5 percent.
- Package 090: Analyst Adjustments. This package reduces General Fund appropriation and Criminal Fine and Assessment Account funding from several Crime Victims Services programs including the Oregon Domestic and Sexual Violence Services Fund (ODSVS), Address Confidentiality Program, CAMI, Prosecutor Based Victim Assistance Programs, and Crime Victims' Compensation Program. These reductions reduce services to women and children fleeing domestic violence and to victims of sexual assault. They also reduce the ability to compile credible evidence for use in the prosecution of child sexual and physical abuse offenders, access to specialized services for victims in rural areas, and training for law enforcement officers on age-appropriate interview techniques for children. The Subcommittee backfilled the lost General Fund for the Address Confidentiality Program position with Other Funds derived from punitive damages payments. This program allows victims of domestic violence, sexual assault, human trafficking, and stalking to use the Department of Justice for confidential address and mail services. As a whole, this package reduces General Fund by \$1,503,330, Other Funds expenditure limitation by \$4,884,866, and Federal Funds expenditure limitation by \$421,371. The Department may redistribute the Special Payment reduction in this package across the various Special Payment accounts without changing the total expenditures by fund type.
- Package 307: Claims Examiner and Revenue Permanent. This package increases the staff in the Crime Victims' Compensation Program in order to process claims with less delay. The package replaces two limited-duration, full-time positions provided in the February 2010 session with two permanent positions: one DOJ Claims Examiner (1.00 FTE) and one Revenue Agent 2 (1.00 FTE). Funding for the package comes from restitutions collected by the Revenue Agent. This package increases Other Funds expenditure limitation by \$361,628.
- Package 801: Targeted Statewide Adjustments. This package implements a statewide reduction action included in the Co-Chairs' Budget, which is a 6.5 percent reduction from total General Fund Services and Supplies expenditures included in the Governor's Recommended Budget. This is in addition to Package 086, which eliminates most Services and Supplies inflation originally built into the budget. This package reduces General Fund by \$6,864.
- Package 802: Vacant Position Savings. This package eliminates primarily long-term vacant positions that have been reviewed and determined to not be critical for supporting the agency's core programs. General Fund for an Office Specialist 2 position is eliminated in this package. It is backfilled with Other Funds derived from punitive damages award funding. This package decreases General Fund by \$61,479 and increases Other Funds expenditure limitation by \$61,479.
- Package 812: Grant Related Actions. This package increases Federal Funds expenditure limitation by \$1,573,003 as the agency expects the Intimate Partner Violence and Pregnancy grant to be continued for the next biennium. This grant funds services to victims, promoting victims' rights and provides victims access to information and resources. One limited duration position is added (0.65 FTE).

- Package 813: Program Enhancements. This package adds back a portion of the more than \$6 million lost in Package 090 for Crime Victims' programs. This \$3.0 million total funds is to be divided between the following programs on a proportional basis: Oregon Domestic and Sexual Violence Services Fund (ODSVS), CAMI, Child Abuse Medical Assessments, Criminal Injuries Compensation Account (CICA), and Regional Assessment Centers. The ODSVS will be funded with \$603,621 General Fund while the remaining amount of the \$3.0 million will be Other Funds generated through the allocation of Criminal Fine and Assessment resources. The remaining \$349,223 Other Funds is for a new position (1.00 FTE) for a Domestic Violence prosecutor position to be funded through punitive damages.
- Package 819: Supplemental Statewide Ending Balance. This package includes, per the Co-Chairs' budget plan, a supplemental statewide ending balance hold back adjustment. The result is about a 3.5 percent across-the-board reduction to an agency's total biennial General Fund and/or Lottery Funds budget or approximately 7 percent to be taken from the second year of the budget. This package decreases General Fund by \$175,711.

General Counsel

The General Counsel Division provides a broad range of legal services to over 100 state agencies, boards, and commissions. The Subcommittee approved a budget of \$44.5 million total funds and 144.95 FTE. This is a 9.3 percent decrease in total funds from the 2011-13 CSL.

The Subcommittee approved three packages that make changes to the General Counsel 2011-13 CSL:

- Package 086 and 087. Eliminate basic inflation and reduce Personal Services by 5.5 percent.
- Package 090: Analyst Adjustments. This package reduces General Counsel expenditures and positions and FTE to reflect a reduction from CSL in state agencies' expenditures on General Counsel Services. Each agency's budget was reduced to reflect this change. About 46 percent of statewide Attorney General expenditures originate as General Fund. This package decreases Other Funds expenditure limitation by \$2,158,884 and eliminates nine positions (9.00 FTE).

Trial

The Trial Division represents the State of Oregon and its agencies, departments, boards, commissions, officers, employees, and agents in all state and federal trial courts. The Subcommittee approved a budget of \$25.8 million total funds and 98.53 FTE. This is a \$1.7 million or 6.3 percent total funds decrease from the 2011-13 CSL. It is \$1.0 million or 4.0 percent above the 2009-11 Legislatively Approved Budget.

The Subcommittee approved three packages in the Trial Division that make changes to the 2011-13 CSL budget:

- Package 086 and 087. Eliminate basic inflation and reduce Personal Services by 5.5 percent.

- Package 090: Analyst Adjustments. This package reduces Other Funds expenditure limitation by \$396,853 and eliminates three positions (2.75 FTE) as a result of the \$3.2 million General Fund reduction in the Defense of Criminal Convictions (DCC) program. The Trial and Appellate divisions provide the staff for DCC activity and bill the DCC fund to pay for their activities. Adjustments are made in other packages to reflect actions taken by the Legislature in the development of this budget. Three positions are eliminated in this package – one attorney, a Legal Secretary, and an Office Specialist.

Defense of Criminal Convictions (DCC)

Defense of Criminal Convictions is a budgetary unit to track the cost to the Department of defending the state in cases in which sentenced offenders challenge their convictions or sentences. Work on ballot measure titles is also billed to this fund. This fund is used to finance staff in both the Trial and Appellate divisions that defend the state in DCC cases. The Subcommittee approved a budget of \$16.6 million General Fund, which is \$7.3 million or 30.6 percent below the 2011-13 CSL and \$3.0 million or 15.4 percent below the 2009-11 Legislatively Approved Budget. The Department may need to revisit the funding level with the Emergency Board or during the 2012 Session.

The Subcommittee approved four packages in the Defense of Criminal Convictions that make changes to the 2011-13 CSL budget:

- Package 086: Eliminate Inflation. This package eliminates the basic inflation increase for the agency as well as adjustments for State Government Service Charges and Attorney General expenses.
- Package 090: Analyst Adjustments. This package reduces General Fund from the CSL as proposed in the Governor’s budget. This reduction results in reductions in positions and FTE in the Appellate and Trial divisions. The reductions could result in waiving appearance in some cases and require the drafting of short, outline briefs rather than full briefs in even more cases. This increases the likelihood that a serious criminal conviction will be reversed or that a dangerous offender will be released. This package reduces General Fund by \$3,184,081.
- Package 801: Targeted Statewide Adjustments. This package implements a statewide reduction action included in the Co-Chairs’ Budget, which is a 6.5 percent reduction from total General Fund Services and Supplies expenditures included in the Governor’s Recommended Budget. This is in addition to Package 086, which eliminates most Services and Supplies inflation originally built into the budget. Reductions to Services and Supplies significantly affect this budget unit since all of its budget is in Services and Supplies. This package reduces General Fund by \$1,254,471.
- Package 819: Supplemental Statewide Ending Balance. This package includes, per the Co-Chairs’ budget plan, a supplemental statewide ending balance hold back adjustment. The result is about a 3.5 percent across-the-board reduction to an agency’s total biennial General Fund and/or Lottery Funds budget or approximately 7 percent to be taken from the second year of the budget. This package decreases General Fund by \$600,652.

Division of Child Support

The Division of Child Support works to enhance the security and interests of children and promote positive parental involvement under federal and state laws. The Division establishes paternity, enforces and modifies child support obligations, and receives and distributes child support payments from absent parents. The Subcommittee approved a budget of \$145.9 million total funds, including \$21.6 million General Fund, and 575.17 FTE. This is a \$10.8 million and 6.9 percent total funds decrease and an 11.5 percent General Fund decrease from the CSL. Total funds are \$3.1 million or 2.2 percent above the 2009-11 Legislatively Approved Budget while General Fund is \$4.7 million or 27.5 percent above LAB. Almost \$4 million of this increase in General Fund is due to the backfill of one-time federal funding used in 2009-11. Without this infusion of General Fund, the program would have significantly been reduced since the General Fund matches Federal Funding.

The Subcommittee approved five packages that make changes in this Division to the 2011-13 CSL:

- Package 086 and 087. Eliminate basic inflation and reduce Personal Services by 5.5 percent.
- Package 801: Targeted Statewide Adjustments. This package implements a statewide reduction action included in the Co-Chairs' Budget, which is a 6.5 percent reduction from total General Fund Services and Supplies expenditures included in the Governor's Recommended Budget. This is in addition to Package 086, which eliminates most Services and Supplies inflation originally built into the budget. This package reduces General Fund by \$486,583 and Federal Funds expenditure limitation by \$944,543.
- Package 802: Vacant Position Savings. This package eliminates primarily long-term vacant positions that have been reviewed and determined to not be critical for supporting the agency's core programs. For the Child Support Division the agency determined that it could better manage vacant positions in the future and agreed to eliminating 18 positions (18.00 FTE) including two Administrative Specialists, two Child Support Case Managers, one Executive Support Specialist, 10 Office Specialists, two PEM-A positions, and one Training and Development Specialist. All of these positions are currently vacant or will be vacant by the beginning of the 2011-13 biennium. This package reduces General Fund by \$443,981, Other Funds expenditure limitation by \$264,085, and Federal Funds expenditure limitation by \$1,374,500.
- Package 819: Supplemental Statewide Ending Balance. This package includes, per the Co-Chairs' budget plan, a supplemental statewide ending balance hold back adjustment. The result is about a 3.5 percent across-the-board reduction to an agency's total biennial General Fund and/or Lottery Funds budget or approximately 7 percent to be taken from the second year of the budget. This package decreases General Fund by \$785,156.

Summary of Performance Measure Action

See attached Legislatively Adopted 2011-13 Key Performance Measures form.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

SB 5518-A

**Department of Justice
Art Ayre -- (503) 378-3108**

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS | | FEDERAL FUNDS | | TOTAL ALL FUNDS | POS | FTE |
|---|---------------|---------------|----------------|---------------|----------------|---------------|-----------------|-------|---------|
| | | | LIMITED | NONLIMITED | LIMITED | NONLIMITED | | | |
| 2009-11 Legislatively Approved Budget at March 2011 * | \$ 51,826,586 | \$ 0 | \$ 220,351,243 | \$ 11,271,355 | \$ 113,790,396 | \$ 15,857,750 | \$ 413,097,330 | 1,348 | 1328.28 |
| 2011-13 ORBITS printed Current Service Level (CSL)* | \$ 64,330,882 | \$ 0 | \$ 240,776,799 | \$ 10,622,670 | \$ 113,188,035 | \$ 15,285,103 | \$ 444,203,489 | 1,320 | 1313.23 |
| 2011-13 Governor's Recommended Budget* | \$ 57,936,559 | \$ 0 | \$ 220,424,143 | \$ 10,622,670 | \$ 114,083,393 | \$ 15,285,103 | \$ 418,351,868 | 1,322 | 1312.55 |

SUBCOMMITTEE ADJUSTMENTS (from GRB)

Administration

| | | | | | | | | | | |
|--|----------------|------|------|------|------|------|----------------|---|---|------|
| Package 090: Analyst Adjustments | | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | 0 | 0 | 0.50 |
| Package 100: Addiction Prevention Pilot Program | | | | | | | | | | |
| Services and Supplies | \$ (1,500,000) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (1,500,000) | 0 | 0 | 0.00 |
| Package 813: Program Enhancements | | | | | | | | | | |
| Special Payments | \$ 300,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 300,000 | 0 | 0 | 0.00 |
| Package 819: Supplemental Statewide Ending Balance | | | | | | | | | | |
| Special Payments | \$ (10,500) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (10,500) | 0 | 0 | 0.00 |

Appellate

| | | | | | | | | | | |
|---|-------------|------|--------------|------|------|------|--------------|-----|-----|-------|
| Package 090: Analyst Adjustments | | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ (299,650) | \$ 0 | \$ 0 | \$ 0 | \$ (299,650) | 0 | 0 | 0.00 |
| Services and Supplies | \$ 0 | \$ 0 | \$ (324,955) | \$ 0 | \$ 0 | \$ 0 | \$ (324,955) | 0 | 0 | 0.00 |
| Package 801: Targeted Statewide Adjustments | | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ (624,070) | \$ 0 | \$ 0 | \$ 0 | \$ (624,070) | (3) | (3) | -2.90 |
| Package 802: Vacant Position Savings | | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ (516,110) | \$ 0 | \$ 0 | \$ 0 | \$ (516,110) | (2) | (2) | -2.00 |
| Package 090: Analyst Adjustments | | | | | | | | | | |
| Personal Services | \$ 17,203 | \$ 0 | \$ 97,222 | \$ 0 | \$ 0 | \$ 0 | \$ 114,425 | 0 | 0 | 0.00 |
| Services and Supplies | \$ 0 | \$ 0 | \$ 30,007 | \$ 0 | \$ 0 | \$ 0 | \$ 30,007 | 0 | 0 | 0.00 |
| Package 801: Targeted Statewide Adjustments | | | | | | | | | | |
| Services and Supplies | \$ (16,958) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (16,958) | 0 | 0 | 0.00 |

*Excludes Capital Construction Expenditures

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS | | FEDERAL FUNDS | | TOTAL ALL FUNDS | POS | FTE |
|--|--------------|---------------|--------------|------------|---------------|------------|-----------------|-----|-------|
| | | | LIMITED | NONLIMITED | LIMITED | NONLIMITED | | | |
| Package 810: LFO Analyst Adjustment | | | | | | | | | |
| Personal Services | \$ 191,195 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 191,195 | 2 | 2.00 |
| Services and Supplies | \$ 808,805 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 808,805 | 0 | 0.00 |
| Package 811: Technical Adjustments | | | | | | | | | |
| Services and Supplies | \$ 0 | \$ 0 | \$ 3,513,265 | \$ 0 | \$ 0 | \$ 0 | \$ 3,513,265 | 0 | 0.00 |
| Package 813: Program Enhancements | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 138,461 | \$ 0 | \$ 415,381 | \$ 0 | \$ 553,842 | 4 | 3.76 |
| Services and Supplies | \$ 0 | \$ 0 | \$ 50,191 | \$ 0 | \$ 150,573 | \$ 0 | \$ 200,764 | 0 | 0.00 |
| Package 819: Supplemental Statewide Ending Balance | | | | | | | | | |
| Services and Supplies | \$ (68,495) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (68,495) | 0 | 0.00 |
| <u>Criminal Justice</u> | | | | | | | | | |
| Package 801: Targeted Statewide Adjustments | | | | | | | | | |
| Services and Supplies | \$ (364,720) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (364,720) | 0 | 0.00 |
| Package 802: Vacant Position Savings | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (164,354) | \$ 0 | \$ (164,354) | (1) | -1.00 |
| Package 812: Grant Related Actions | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 420,083 | \$ 0 | \$ 346,557 | \$ 0 | \$ 766,640 | 13 | 4.30 |
| Services and Supplies | \$ 0 | \$ 0 | \$ 59,915 | \$ 0 | \$ 111,372 | \$ 0 | \$ 171,287 | 0 | 0.00 |
| Package 813: Program Enhancements | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 729,735 | \$ 0 | \$ 0 | \$ 0 | \$ 729,735 | 3 | 2.75 |
| Services and Supplies | \$ 814,423 | \$ 0 | \$ 130,912 | \$ 0 | \$ 0 | \$ 0 | \$ 945,335 | 0 | 0.00 |
| Package 819: Supplemental Statewide Ending Balance | | | | | | | | | |
| Services and Supplies | \$ (270,831) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (270,831) | 0 | 0.00 |
| <u>Crime Victims Program</u> | | | | | | | | | |
| Package 090: Analyst Adjustments | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 40,361 | \$ 0 | \$ 0 | \$ 0 | \$ 40,361 | 0 | 0.44 |
| Services and Supplies | \$ 0 | \$ 0 | \$ 10,151 | \$ 0 | \$ 0 | \$ 0 | \$ 10,151 | 0 | 0.00 |
| Package 801: Targeted Statewide Adjustments | | | | | | | | | |
| Services and Supplies | \$ (6,864) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (6,864) | 0 | 0.00 |
| Package 802: Vacant Position Savings | | | | | | | | | |
| Personal Services | \$ (61,479) | \$ 0 | \$ 61,479 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | 0 | 0.00 |

*Excludes Capital Construction Expenditures

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS | | FEDERAL FUNDS | | TOTAL ALL FUNDS | POS | FTE |
|---|-----------------------|---------------|---------------------|-------------|-----------------------|-------------|-----------------------|-------------|----------------|
| | | | LIMITED | NONLIMITED | LIMITED | NONLIMITED | | | |
| Package 812: Grant Related Actions | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 94,311 | \$ 0 | \$ 94,311 | 1 | 0.65 |
| Services and Supplies | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 83,689 | \$ 0 | \$ 83,689 | 0 | 0.00 |
| Special Payment | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 1,395,003 | \$ 0 | \$ 1,395,003 | 0 | 0.00 |
| Package 813: Program Enhancements | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 292,433 | \$ 0 | \$ 0 | \$ 0 | \$ 292,433 | 1 | 1.00 |
| Services and Supplies | \$ 0 | \$ 0 | \$ 56,790 | \$ 0 | \$ 0 | \$ 0 | \$ 56,790 | 0 | 0.00 |
| Special Payment | \$ 603,621 | \$ 0 | \$ 2,396,379 | \$ 0 | \$ 0 | \$ 0 | \$ 3,000,000 | 0 | 0.00 |
| Package 819: Supplemental Statewide Ending Balance | | | | | | | | | |
| Special Payments | \$ (175,711) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (175,711) | 0 | 0.00 |
| <u>Trial</u> | | | | | | | | | |
| Package 090: Analyst Adjustments | | | | | | | | | |
| Personal Services | \$ 0 | \$ 0 | \$ 57,485 | \$ 0 | \$ 0 | \$ 0 | \$ 57,485 | 0 | 0.25 |
| Services and Supplies | \$ 0 | \$ 0 | \$ (44,068) | \$ 0 | \$ 0 | \$ 0 | \$ (44,068) | 0 | 0.00 |
| <u>Defense of Criminal Convictions</u> | | | | | | | | | |
| Package 801: Targeted Statewide Adjustments | | | | | | | | | |
| Services and Supplies | \$ (1,254,471) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (1,254,471) | 0 | 0.00 |
| Package 819: Supplemental Statewide Ending Balance | | | | | | | | | |
| Services and Supplies | \$ (600,652) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (600,652) | 0 | 0.00 |
| <u>Division of Child Support</u> | | | | | | | | | |
| Package 090: Analyst Adjustments | | | | | | | | | |
| Personal Services | \$ (820,005) | \$ 0 | \$ (621,582) | \$ 0 | \$ (3,271,049) | \$ 0 | \$ (4,712,636) | (37) | -37.00 |
| Services and Supplies | \$ (1,009,441) | \$ 0 | \$ (502,952) | \$ 0 | \$ (2,443,058) | \$ 0 | \$ (3,955,451) | 0 | 0.00 |
| Special Payments | \$ (97,414) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (97,414) | 0 | 0.00 |
| Package 801: Targeted Statewide Adjustments | | | | | | | | | |
| Services and Supplies | \$ (486,583) | \$ 0 | \$ 0 | \$ 0 | \$ (944,543) | \$ 0 | \$ (1,431,126) | 0 | 0.00 |
| Package 802: Vacant Position Savings | | | | | | | | | |
| Personal Services | \$ (443,981) | \$ 0 | \$ (264,085) | \$ 0 | \$ (1,374,500) | \$ 0 | \$ (2,082,566) | (18) | -18.00 |
| Package 819: Supplemental Statewide Ending Balance | | | | | | | | | |
| Services and Supplies | \$ (392,578) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (392,578) | 0 | 0.00 |
| Special Payments | \$ (392,578) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ (392,578) | 0 | 0.00 |
| TOTAL ADJUSTMENTS | \$ (5,238,014) | \$ 0 | \$ 4,887,397 | \$ 0 | \$ (5,600,618) | \$ 0 | \$ (5,951,235) | (37) | (45.25) |

*Excludes Capital Construction Expenditures

| DESCRIPTION | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS | | FEDERAL FUNDS | | TOTAL ALL FUNDS | POS | FTE |
|--|---------------|---------------|----------------|---------------|----------------|---------------|-----------------|-------|----------|
| | | | LIMITED | NONLIMITED | LIMITED | NONLIMITED | | | |
| SUBCOMMITTEE RECOMMENDATION * | \$ 52,698,545 | \$ 0 | \$ 225,311,540 | \$ 10,622,670 | \$ 108,482,775 | \$ 15,285,103 | \$ 412,400,633 | 1,285 | 1,267.30 |
| % Change from 2009-11 Leg Approved Budget | 1.7% | 0.0% | 2.3% | -5.8% | -4.7% | -3.6% | -0.2% | -4.7% | -4.6% |
| % Change from 2011-13 Current Service Level | -18.1% | 0.0% | -6.4% | 0.0% | -4.2% | 0.0% | -7.2% | -2.7% | -3.5% |
| % Change from 2011-13 Gov's Recommended Budget | -9.0% | 0.0% | 2.2% | 0.0% | -4.9% | 0.0% | -1.4% | -2.8% | -3.4% |

*Excludes Capital Construction Expenditures

Legislatively Approved 2011-2013 Key Performance Measures

Agency: JUSTICE, DEPARTMENT of

Mission: The mission of the Oregon Department of Justice is to provide outstanding legal and child support services to Oregonians and their government. We are dedicated to: Fighting crime and protecting crime victims; improving child welfare; protecting the environment; fighting for Oregon consumers, workers, investors, and taxpayers; promoting a positive business climate; providing great legal services to Oregon's state government; and defending the rights of all Oregonians.

| Legislatively Proposed KPMs | Customer Service Category | Agency Request | Most Current Result | Target 2012 | Target 2013 |
|--|-----------------------------|----------------|---------------------|-------------|-------------|
| 1 - Percentage of legal cases in which the state's position is upheld | | Approved KPM | 96.00 | 92.00 | 92.00 |
| 2 - Percentage of appropriate litigation resolved through settlement | | Approved KPM | 62.00 | 32.00 | 32.00 |
| 3 - Amount of monies recovered for the state divided by the cost of recovery | | Approved KPM | 24.84 | 25.00 | 25.00 |
| 4 - Average time from receipt of contracting document to first substantive response to agency | | Approved KPM | 4.20 | 8.00 | 8.00 |
| 5 - Percentage of legal billings receivables collected within 30 days | | Approved KPM | 89.00 | 88.00 | 88.00 |
| 6 - Percentage of timely and complete charities' reports submitted relative to total charities registered | | Approved KPM | 67.00 | 70.00 | 70.00 |
| 7 - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent" on overall, timeliness, accuracy, helpfulness, expertise, availability of information | Accuracy | Approved KPM | 97.00 | 95.00 | 95.00 |
| 7 - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent" on overall, timeliness, accuracy, helpfulness, expertise, availability of information | Availability of Information | Approved KPM | 95.00 | 95.00 | 95.00 |
| 7 - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent" on overall, timeliness, accuracy, helpfulness, expertise, availability of information | Expertise | Approved KPM | 100.00 | 95.00 | 95.00 |
| 7 - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent" on overall, timeliness, accuracy, helpfulness, expertise, availability of information | Helpfulness | Approved KPM | 99.00 | 95.00 | 95.00 |
| 7 - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent" on overall, timeliness, accuracy, helpfulness, expertise, availability of information | Overall | Approved KPM | 96.00 | 95.00 | 95.00 |

Agency: JUSTICE, DEPARTMENT of

Mission: The mission of the Oregon Department of Justice is to provide outstanding legal and child support services to Oregonians and their government. We are dedicated to: Fighting crime and protecting crime victims; improving child welfare; protecting the environment; fighting for Oregon consumers, workers, investors, and taxpayers; promoting a positive business climate; providing great legal services to Oregon's state government; and defending the rights of all Oregonians.

| Legislatively Proposed KPMs | Customer Service Category | Agency Request | Most Current Result | Target 2012 | Target 2013 |
|--|---------------------------|----------------|---------------------|-------------|-------------|
| 7 - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent" on overall, timeliness, accuracy, helpfulness, expertise, availability of information | Timeliness | Approved KPM | 98.00 | 95.00 | 95.00 |
| 8 - Percentage of Criminal Justice Division cases resolved successfully | | Approved KPM | 97.00 | 98.00 | 98.00 |
| 9 - Percentage of crime victims compensation orders issued within 90 days of claim receipt | | Approved KPM | 68.00 | 90.00 | 90.00 |
| 10 - Percentage of support collected by the Child Support Program (CSP), which is distributed to families (Federal Fiscal Year) | | Approved KPM | 92.00 | 93.00 | 93.00 |
| 11 - Percentage of current child support collected relative to total child support owed | | Approved KPM | 59.00 | 62.00 | 62.00 |
| 12 - Percentage of Child Support Program (CSP) cases paying towards arrears relative to total CSP cases with arrears due | | Approved KPM | 59.00 | 65.00 | 65.00 |
| 13 - Percentage of CSP cases with support orders relative to total CSP cases | | Approved KPM | 74.70 | 75.00 | 75.00 |
| 14 - Percentage of adult victims leaving domestic violence shelters with a safety plan after a stay of five days or more | | Approved KPM | 96.00 | 100.00 | 100.00 |
| 15 - Percentage of sexual assault exams conducted by specially trained Sexual Assault Nurse Examiners (SANE) | | Approved KPM | 57.00 | 85.00 | 85.00 |

LFO Recommendation:

LFO recommends general approval of the KPMs as they are set. LFO has concerns that the agency is facing a challenge to meet some of the targets given the reductions in this budget. The data for KPM #2 -- percentage of appropriate litigation resolved through settlement -- is not very consistent since the last two years of actual data has been significantly higher than previous years which the existing target is based on. LFO recommends the agency examine both the measurement metrics and the target and report back to the 2013 Legislature with updated data collection information and targets. The target KPM #4 --" Average time from receipt of contracting document to first substantive response to agency" -- should be lowered since the pas three years of actual data shows performance of less than five days response time and the most recent year of history is 4.2 days on average. Based on this history, LFO recommends lowering the target to 5.0 days, still recent performance. There is no specific target related to the Defense of Criminal Convictions which is the program with the largest share of General Fund resources committed to it. The agency should look at developing a measure for this program and report back to the 2012 Legislature with their findings.

Sub-Committee Action:

Approve the LFO recommendation.