



Oregon Department of Justice

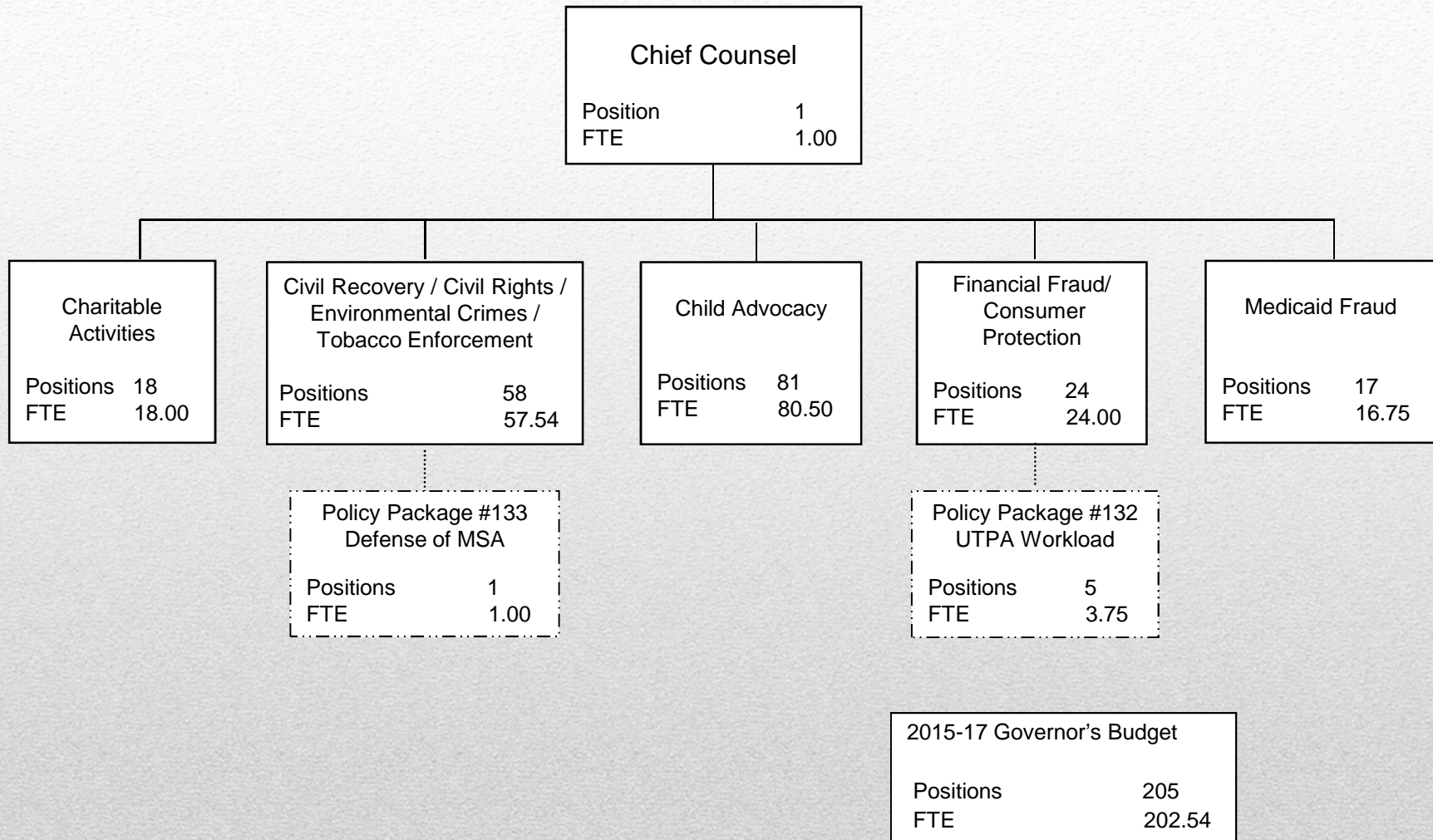
Ellen F. Rosenblum, Attorney General

# Civil Enforcement Division

# Civil Enforcement Division Overview

- Preserve state resources
- Advocate for children and families
- Assist Oregonians by providing education, enforcement, and regulation relating to:
  - Consumer Transactions
  - Charitable Giving
  - Medicaid Programs







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# Financial Fraud/Consumer Protection Section

# Consumer Protection

## Protect and Assist Oregon Consumers:

- Educate businesses and consumers
- Assist consumers to resolve disputes
- Ensure businesses treat consumers fairly
- Enforce/litigate when necessary
- Promote competition



# Consumer Protection

- Fully self-funded through:
  - Penalties
  - Settlements
- Increasing workload
  - Changes in marketplace (e.g. Internet)
  - Increasing complexity of cases
  - Costs related to electronic discovery and document exchange
  - Addition of new types of enforcement





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# Medicaid Fraud Control Unit

# Medicaid Fraud

Federally-mandated program to address:

- Fraudulent practices in Medicaid Program/Oregon Health Plan
- Physical or financial abuse and neglect of:
  - Persons by Medicaid/OHP providers
  - Residents of long-term care facilities
- Provide training and education





# Medicaid Fraud

- Funding:
  - Federal Funding (75% Federal Match)
  - Penalties/Settlements (fund State's 25%)
- Budget Challenges:
  - Increasing sophistication of fraud
  - More referrals of neglect cases/financial abuse





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# Charitable Activities Section

# Charitable Activities

## Protecting Charities and Charitable Giving:

- Licensing/Regulation
  - Charities (currently 19,000 registered charities)
  - Professional Fundraising Firms
  - Non-Profit Gaming
- Education
- Enforcement



# Charitable Activities

- Funding:
  - Completely fee supported; no General Fund dollars
  - Fee schedules tied to organizational revenues
- Fee Increase:
  - Increasing number of charities
  - Increasing complexity of non-profit activities
  - Abuse of corporate form/structure





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# Civil Recovery Section

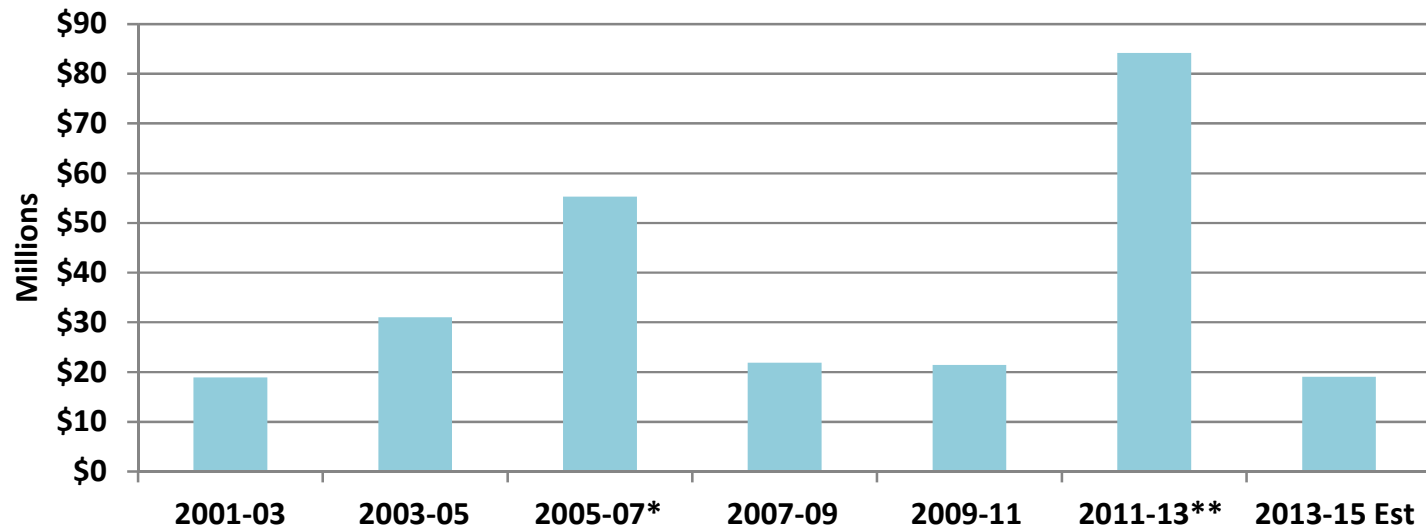
# Civil Recovery

- Protect and recover money for the State of Oregon
  - Plaintiff lawyers for the State
  - Litigate all claims for money/property owed to state agency, or where agency seeking relief
  - Protect state's interest in bankruptcy/lien foreclosure
  - Enforce Tobacco Statutes/Master Settlement Agreement



# Civil Recovery Amount Recovered

## Biennial Recoveries for the General Fund (excluding MSA payments)



**\*2005-07 – This sum reflects \$22 million recovered in the M/V New Carissa litigation.**

**\*\*2011-13 – This sum reflects unusually large recoveries in the Williams v. Philip Morris and Strawn v. Farmers Insurance litigation.**



# Civil Recovery

- Assist Oregon families and children by representing Division of Child Support
- Protect Oregon's natural resources through criminal prosecutions and civil actions and by providing assistance to DA's and agencies







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# Protection of Tobacco Master Settlement Agreement Funds

## Protection of MSA Income Stream

- Payment: \$160 million per biennium to State Treasury
  - \$80 million per year
  - Payment into perpetuity
- Payment Dispute
  - Tobacco companies withholding funds (\$10+million per year)
  - Entire payment at risk



# Protection of MSA Income Stream

## “Diligent Enforcement” Requirement

- Regulation of nonparticipating manufacturers
  - Escrow Requirements
  - Reporting Requirements
- Regulation of cigarette sales in Oregon
  - Certification
  - Auditing



# Protection of MSA Income Stream

## Nationwide Arbitration

- Question: Did Oregon “diligently enforce” its escrow statutes during calendar year 2003?
- Panel of 3 retired federal judges
- Prevailed for calendar year 2003
- Currently engaged for calendar year 2004





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# Child Advocacy Section

## Child Advocacy

Protects Oregon's children and families by providing legal representation to Department of Human Services Child Welfare Program (DHS)

- Represent DHS in juvenile dependency, termination of parental rights, and administrative hearings
- Provide general legal advice to ensure compliance with relevant law
- Assist with policy formulation



# Child Advocacy

## Factors affecting work:

- Short timelines: Federal Adoption & Safe Families Act
  - Strict federal timelines on placement of children
  - Failure to comply results in loss of funds
- End of Sunset – SB 222
  - Requires “full representation” of DHS caseworker
  - Will require FTE for DOJ/budget for DHS



# Policy Packages

	<u>Modified</u> <u>Agency Budget</u>	<u>Governor's</u> <u>Budget</u>
• Package 131 – Juvenile Dependency Proceedings	\$0.00M OF*	\$0.00M OF
• Package 132 – Financial Fraud Enforcement Workload	\$0.79M OF	\$0.79M OF
• Package 133 – Defense of Master Settlement Agreement (MSA)	\$0.24M GF	\$0.24M GF
• Package 135 – Charitable Activities Fee Increase	\$0.14M OF	\$0.14M OF

\* Pending SB 222 decision (2015 session)





# 10% General Fund/Criminal Fine Account Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Crime Victims Law Center	\$ 0.08	GF	(0.004)	(0.004)	(0.01)
Address Confidentiality Program	\$ 0.11	GF	(0.11)	-	(0.11)
Appellate	\$ 0.29	GF	(0.01)	(0.01)	(0.03)
<b>Civil Legal</b>	<b>\$ 0.66</b>	<b>GF</b>	<b>(0.03)</b>	<b>(0.03)</b>	<b>(0.07)</b>
Child Abuse Multidisciplinary Intervention Program	\$ 1.29	GF	(0.06)	(0.06)	(0.13)
<b>Tobacco - NPM Fund/Diligent Defense of the Master Settlement /</b>	<b>\$ 3.10</b>	<b>GF</b>	<b>(0.15)</b>	<b>(0.15)</b>	<b>(0.31)</b>
Oregon Domestic and Sexual Violence Services	\$ 8.66	GF	(0.33)	(0.44)	(0.77)
District Attorney Assistance/Organized Crime Program	\$ 10.38	GF	(0.52)	(0.52)	(1.04)
Defense of Criminal Convictions	\$ 23.84	GF	(1.19)	(1.19)	(2.38)
Division of Child Support	\$ 24.39	GF	(1.22)	(1.22)	(2.44)
<b>Total</b>	<b>\$ 72.81</b>	<b>GF</b>	<b>(3.64)</b>	<b>(3.64)</b>	<b>(7.28)</b>
Child Abuse Multidisciplinary Intervention	\$ 11.10	CFA	(0.55)	(0.55)	(1.11)
Crime Victims Assistance (DA VAP)	\$ 5.18	CFA	(0.20)	(0.20)	(0.39)
Crime Victims Compensation Program	\$ 4.26	CFA	(0.28)	(0.28)	(0.55)
<b>Total</b>	<b>\$ 20.54</b>	<b>CFA</b>	<b>(1.03)</b>	<b>(1.03)</b>	<b>(2.05)</b>
<b>Combined Budget</b>	<b>\$ 93.35</b>		<b>(4.67)</b>	<b>(4.67)</b>	<b>(9.33)</b>





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# Crime Victims' Services Division

# **Crime Victims' Immediate Needs**

**Financial Assistance**

**Safety**

**Advocacy**

**27**



# Crime Victims' Compensation Section

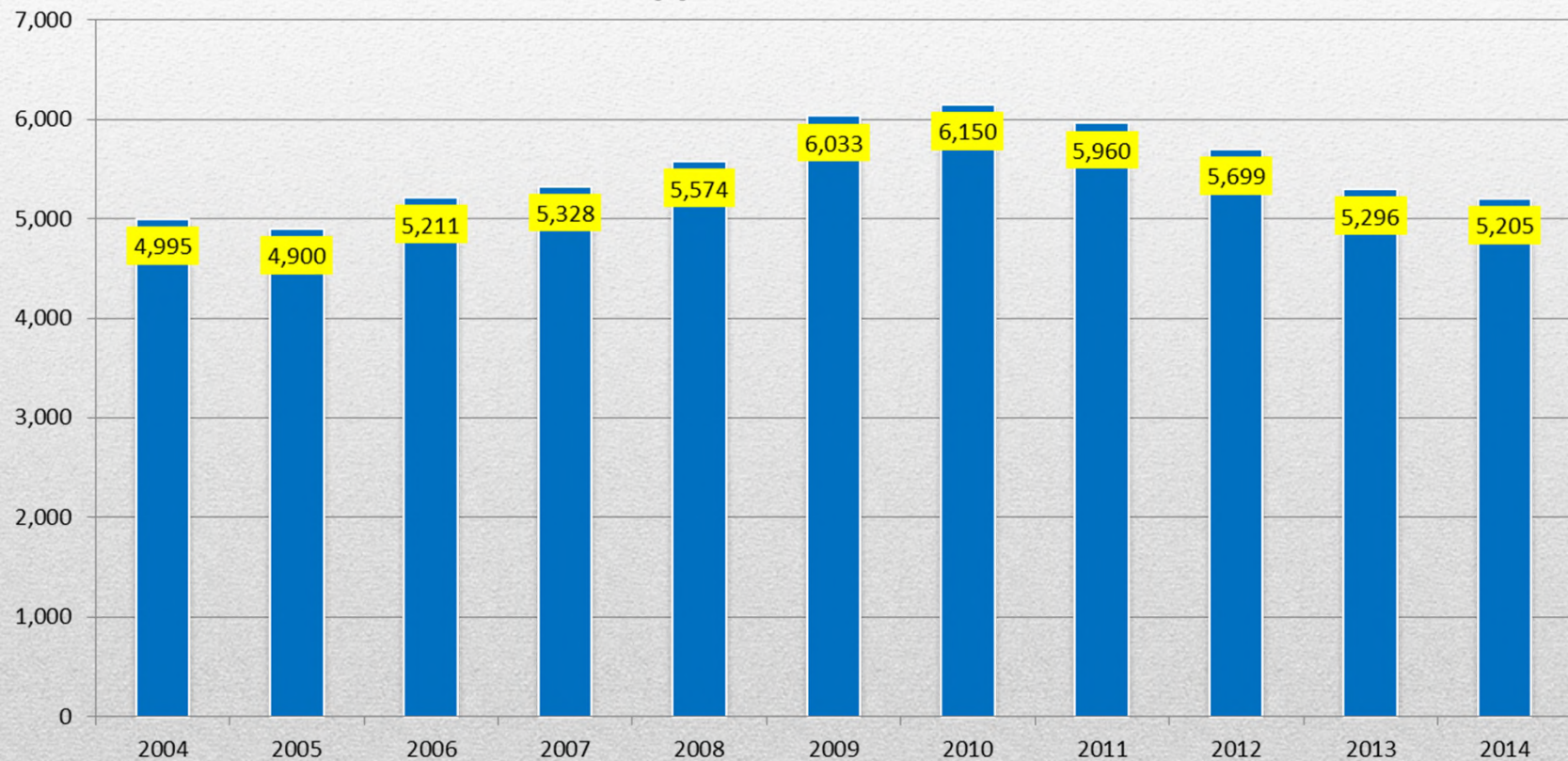
**Financial compensation to victims of violent crime.**

- Medical and counseling services
- Loss of Earnings and Loss of Support
- Funeral costs
- Transportation and rehabilitation
- Child Abuse Medical Assessments
- Sexual Assault exams



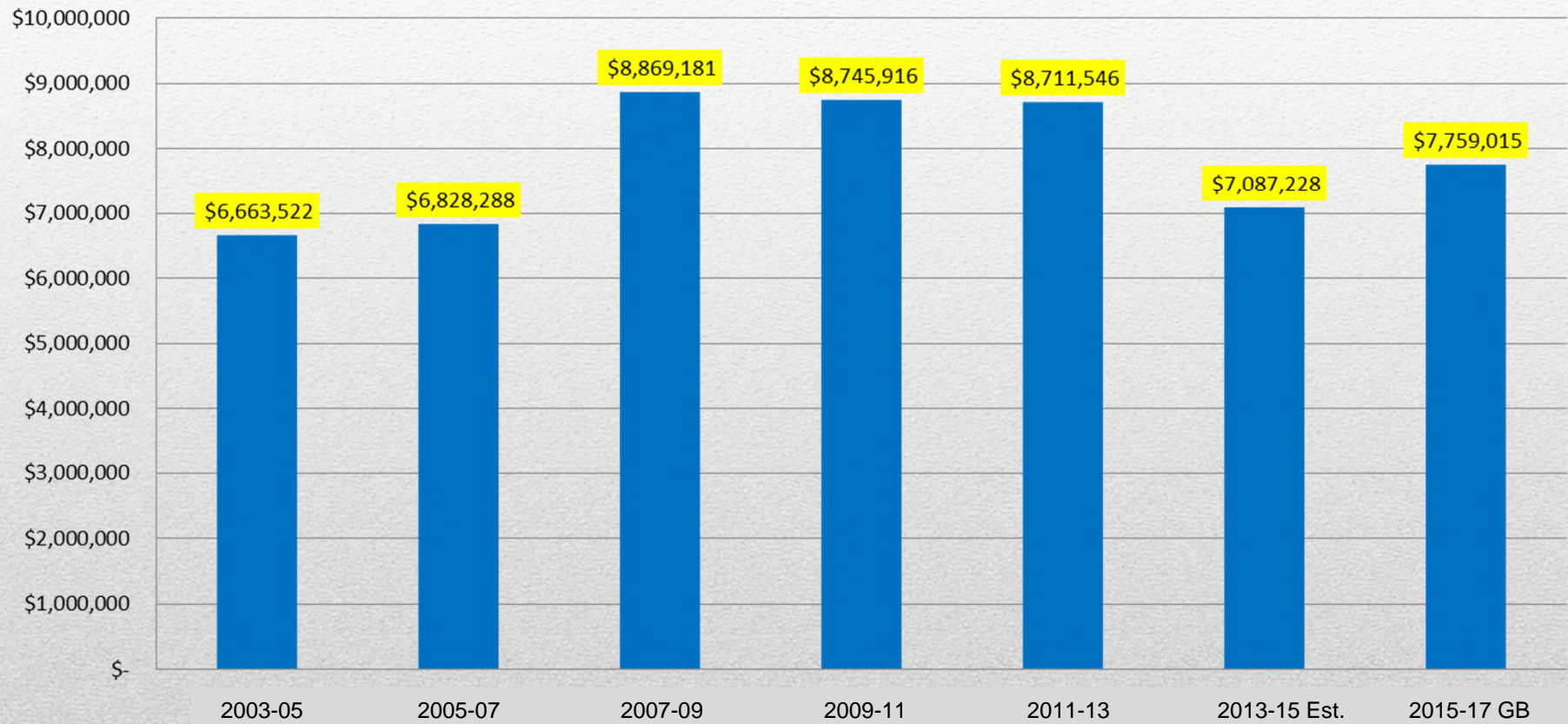
# Total Compensation Claims Received

Total Applications 2004-2014



# Compensation Payments

## Payments 2003-2015



# Revenue Section

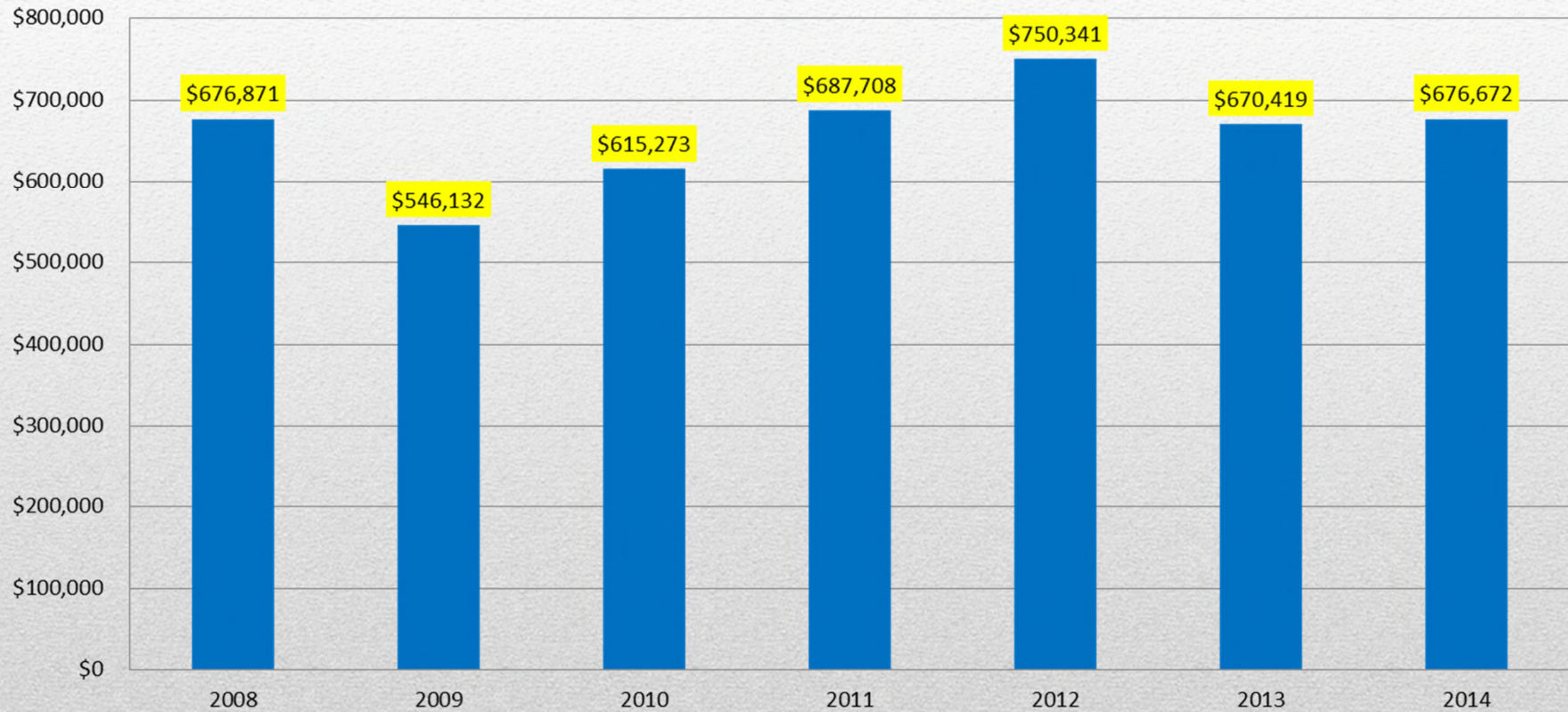
**2.5 revenue agents collect \$1.4 million each biennium**

- **Restitution**
- **Court fees**
- **Compensatory fines**



# Revenue Collection

Recovery 2008-2015 (Calendar Year)





# Address Confidentiality Program

## Services include:

Mail and legal service forwarding

459 households with 2,236 participants

2,115 pieces of mail forwarded a month

340 trained Application Assistants



# **Victim Response Section**

## **Direct Services to Victims**

- **Victims' Rights Program**
- **Post-Conviction Advocacy Program**
- **Domestic Violence Resource Prosecutor**



# Grant Management Section

- **Victim of Crime Act Grants (VOCA)**
- **Violence Against Women Act Grants (VAWA)**
- **Sexual Assault Services Program (SASP)**
- **Safer Futures Fund Grant**
- **Oregon Domestic and Sexual Violence Services (ODSVS)**
- **Child Abuse Multi-Disciplinary Intervention (CAMI)**
- **District Attorney Victims' Assistance Program Grants (DA/VAPs)**
- **John R. Justice Grant**
- **Discretionary State Grants**



# Federal Grants

- **Victim of Crime Act Grants (VOCA)**  
120 grants, \$5.5 million
- **Violence Against Women Act Grants (VAWA)**  
53 grants, \$1.7 million
- **Sexual Assault Services Program (SASP)**  
10 grants, \$293,629
- **Safer Futures Fund Grant**  
7 grants, \$857,660
- **J.R. Justice Grant**  
15 grants, \$32,534



# State Grants

- **District Attorney Victim Assistance Programs**
- **Child Abuse Multi-Disciplinary Intervention Programs**
- **Oregon Domestic and Sexual Violence Services**
- **Discretionary State Grants**



# District Attorney Victim Assistance Program Grants

**36 Grants: \$5,030,516 million allocated in 2013-2015**

- Crisis intervention services
- Information and referral
- Court accompaniment
- System advocacy



# **Child Abuse Multidisciplinary Intervention (CAMI) Grants**

**36 MDT Grants: \$10,114,441 million granted in 2013-2015**

**5 RSP Grants: \$1,142,312 million granted in 2013-2015**

## **Services provided:**

- Coordinated investigation of child abuse
- Child-sensitive investigations, exams, interviews
- Statewide training for professionals conducting child-abuse assessments



# Oregon Domestic and Sexual Violence Services Fund

**80 grants totaling \$8.4 million for 2013-2015**

**Services include:** shelter services, safety planning, 24-hour hotline, advocacy, information and referral





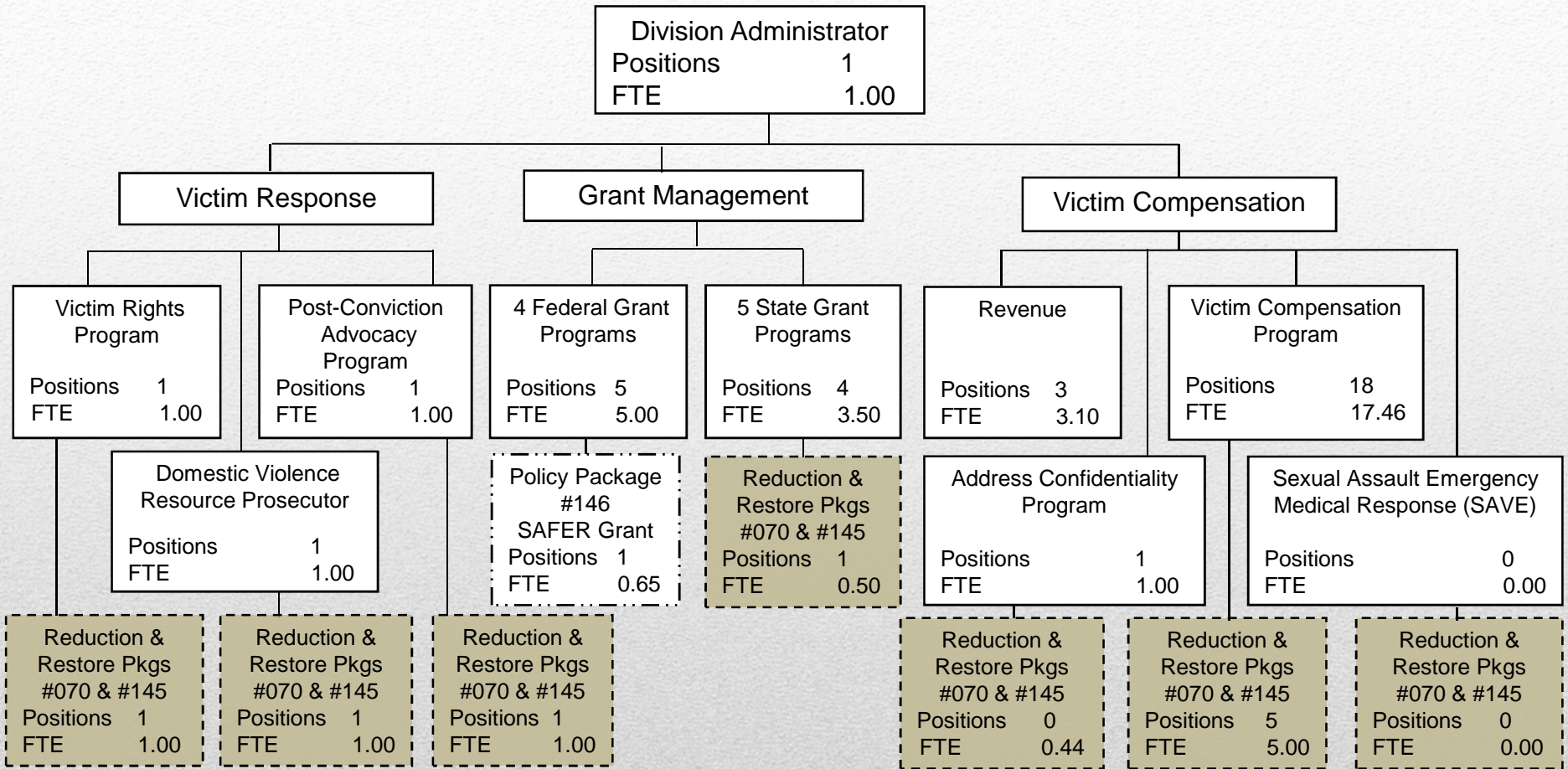
# Discretionary State Grants

## Sexual Assault Task Force

The mission of the SATF is the effective prevention and response to sexual violence through collaborative, comprehensive, survivor-centered strategies. Each biennium CVSD grants SATF \$500,000 to sustain statewide training efforts. SATF programs include:

- Sexual Assault Training Institute
- Sexual Assault Nurse Examiner Program
- Campus Reporting Options website





Note: Pkg #070 Revenue Reduction reversed by Pkg #145 for zero net change in current positions and FTE

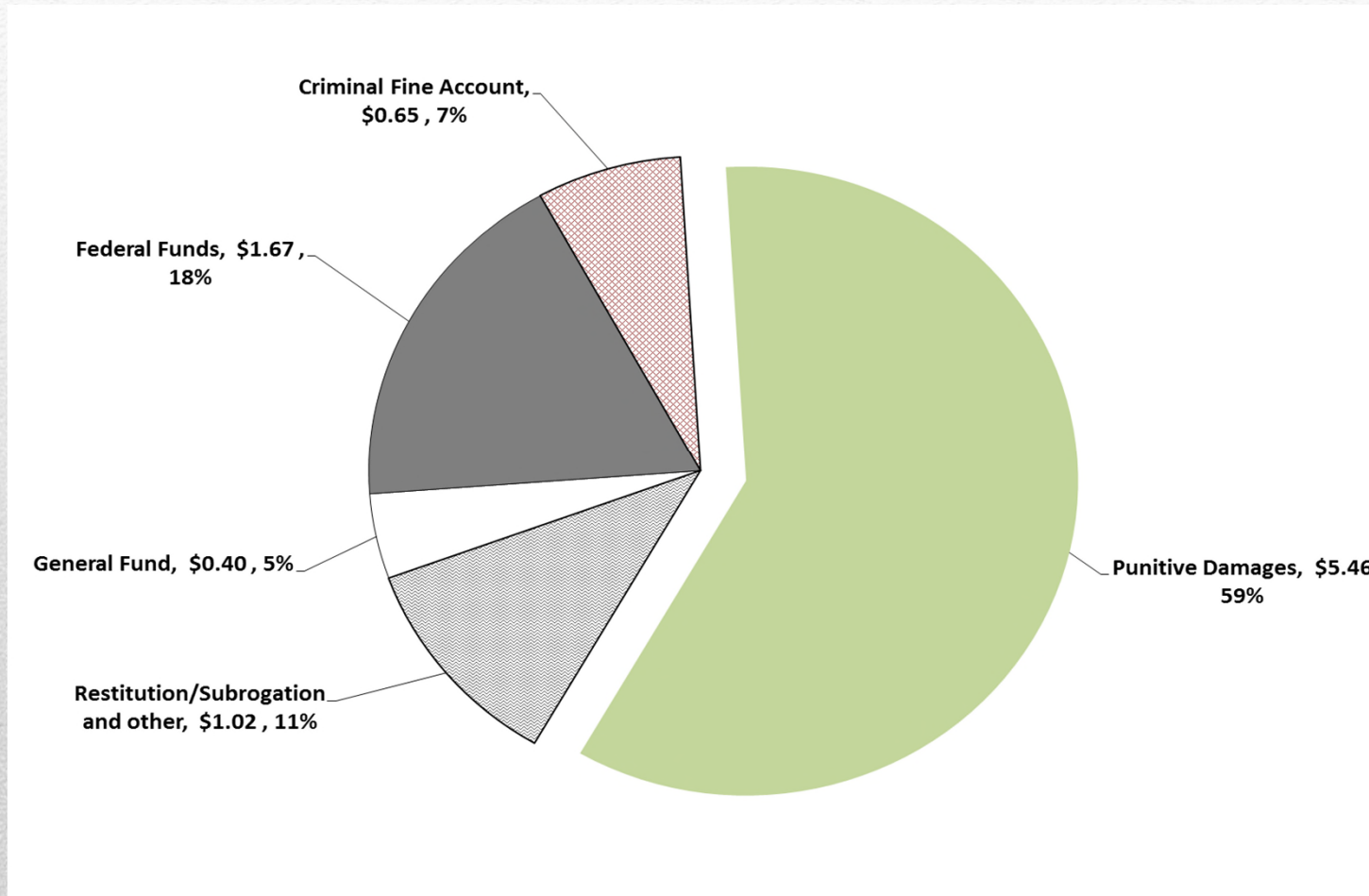
2015-17 Governor's Budget  
Positions 36  
FTE 34.71



# CVSD Staff Funding

## Current Service Level Budget

### \$ Millions



# Policy Packages

	<u>ARB</u>	<u>GB</u>
• Package 145 – Restore Crime Victims’ Services	\$4.29M OF	\$4.29M OF
• Package 146 – Continuing Grants - Crime Victims’	\$2.00M FF	\$2.00M FF



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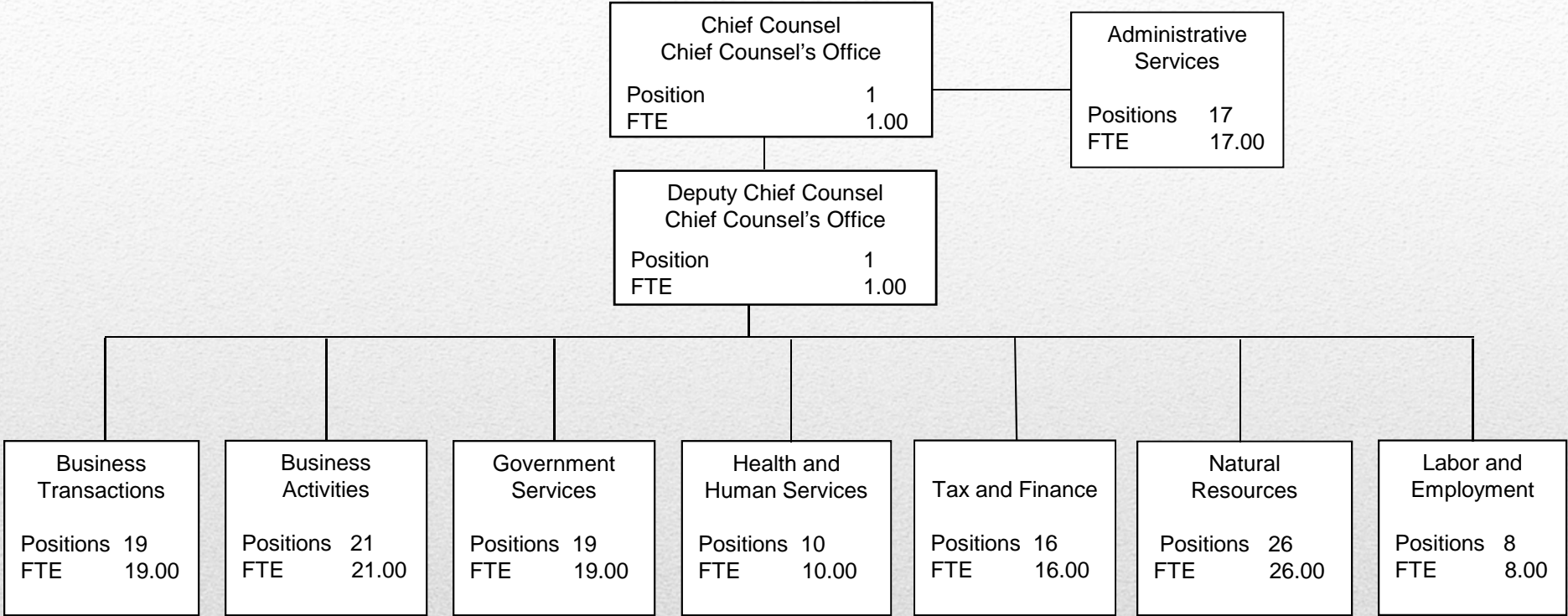
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# General Counsel Division

## The Need We Serve

To provide legal services necessary to enable our agency clients to effectively administer programs and enforce laws under their jurisdiction.





2015-17 Governor's Budget	
Positions	138
FTE	138.00





## Program Summary

- Provides a broad range of legal services to over 100 state agencies, boards and commissions
- Contact counsel assigned to each agency
- Emphasis on preventative law and client education
- Legal services ordinarily provided only at agency request



# General Counsel Services

- Day-to-day legal advice
- Representation in contested case hearings
- Drafting and reviewing contracts, including mandatory legal sufficiency review
- Formal Letters of Advice and published Attorney General Opinions
- Agency legal trainings



## Centralized Legal Services

- Goal is consistent articulation and application of legal policy under direction of the Attorney General.
- Reliable document management key to success.
  - Number of clients
  - Number of attorneys
  - Number of service requests
  - Number of years over which advice has been provided



## Portland Harbor Superfund

- Represent agencies who are potentially responsible parties (ODOT and State Lands).
- Represent regulatory agencies (DEQ and ODFW).



# Measure 91 Implementation

- Interdivisional task force under direction of GC Deputy Chief Counsel in order to provide consistent advice to
  - Agencies such as OLCC and Department of Agriculture that are responsible for implementing and administering law
  - Agencies whose operations and missions are affected by enactment of Measure 91
  - All agencies regarding general public law issues affected by enactment of Measure 91, *e.g.*, employment law issues



# Enterprise-wide Services

- Public Law Conference and other training programs for state agencies on many legal subjects
- Providing training publications including Public Records Manual, Administrative Law Manual, Public Contract Manual
- Pilot “flat-charge” billing model for some state agencies



# Public Law Conference

- Two-day training for approximately 450 state employees.
- Covers a broad spectrum of public law, including
  - Public Records and Meetings
  - Public Contracting
  - Employment Law
  - Administrative Procedures Act
    - Rulemaking
    - Contested case proceedings
  - State ethics laws



# Attorney General Manuals

- Public Records and Meetings Law
- Administrative Law Manual
- Public Contracts Manual







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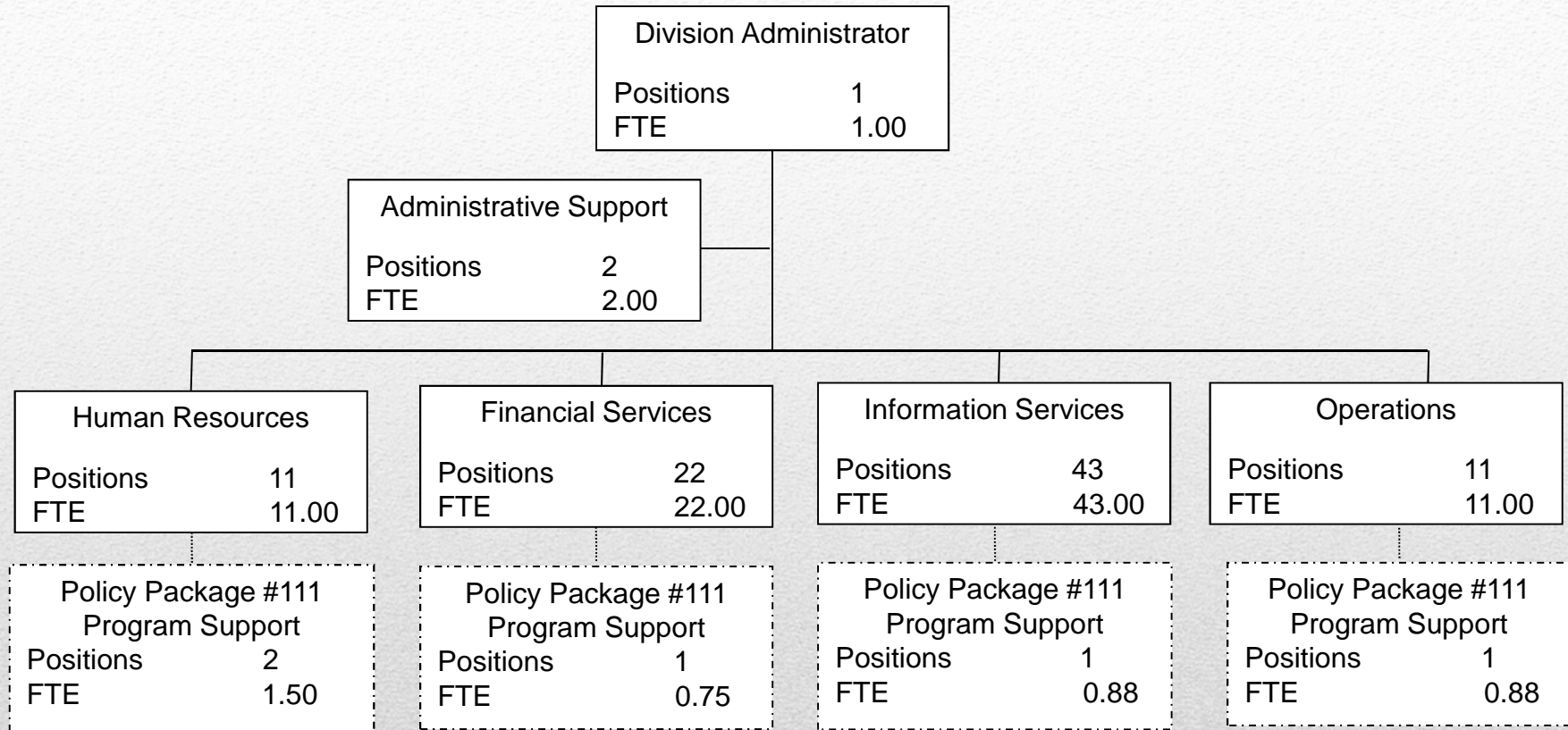
# Administrative Services Division

# Primary Responsibilities

Provide business support functions:

- Human Resources Services, including Payroll
- Accounting and Budgeting
- Technology Delivery
- Facilities and Operations





2015-17 Governor's Budget	
Positions	95
FTE	94.01



## Human Resources/Financial Services

- Payroll consolidation with DOJ, Department of Consumer Business Services, and Department of Revenue.
- Automated medical leave tracking system tied to payroll time records.
- Conducted External Review of Financial Services.



# Information Services

- Committed to a highly sophisticated information security protocol.
- Implemented Mobile Device Management software to administer all Department mobile devices.
- Eliminated over 300 physical servers.



# Operations

- Consolidated two locations for the Child Support Division into two existing DOJ facilities.
- Returned nine state vehicles in the last two years.
- Working to create healthy work environments – 25% reduction in SAIF claims.



## Major Budget Drivers

- DOJ Program needs and priorities, based on client needs.
- Rapid rate of technology change and security needs.
- Regulatory requirements – Affordable Care Act, Internal Revenue Service.



## Major Changes

- ASD is preparing for the changes resulting from the Child Support System Project.
- Increasingly mobile DOJ workforce.
- Addition of litigation support function.
- Upgrading Department's website.
- Increasing complexity/frequency of cyber threats.
- Upgrading of litigation software tools.





## Program Efficiencies

- Updated Microsoft software licenses and maintenance contracts.
- Completed functional review of our Financial Services Section.
- Implemented new security technology and process improvement where possible.
- Conducting proof of concept for consolidating Payroll function with two other state agencies.



# Policy Packages

	<u>Modified</u>	<u>Governor's</u>
	<u>Agency Budget</u>	<u>Budget</u>
• Package 111 – Staffing and Support - Human Resources Staffing/Workload	\$0.29M OF	\$0.29M OF
• Package 111 – Staffing and Support - Financial Services Staffing/Workload	\$0.14M OF	\$0.14M OF
• Package 111 – Staffing and Support - Information Services Projects	\$2.32M OF	\$0.93M OF
• Package 111 – Staffing and Support - Operations Reclasses and Facilities Moves	\$0.66M OF	\$0.66M OF

