



Oregon Department of Justice

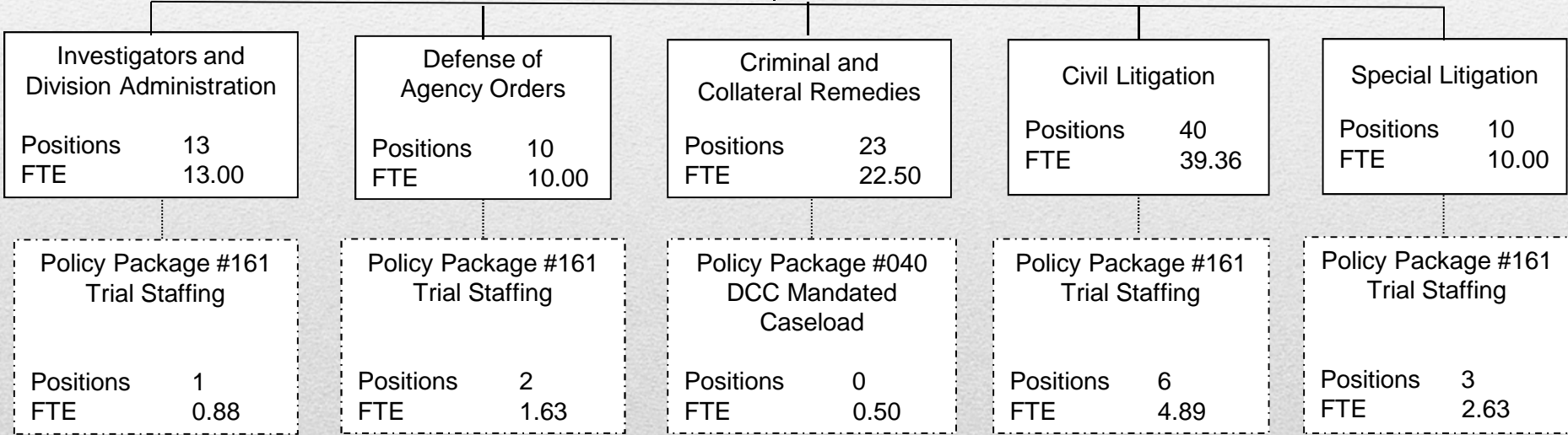
Ellen F. Rosenblum, Attorney General

# Trial Division



Chief Trial Counsel - Division Administrator  
1 position / 1.00 FTE

Deputy Chief Trial Counsel  
1 position / 1.00 FTE



2015-17 Governor's Budget  
Positions 107  
FTE 104.75





# Program Summary

Defend the State, its agencies and officials in civil matters filed in state and federal courts.

- **Civil Litigation:** Torts, employment, civil rights, etc.
- **Criminal & Collateral Remedies:** Post conviction relief, federal and state habeas corpus, PSRB
- **Defense of Agency Orders:** Defends final agency orders against attack in circuit court, SHRP
- **Special Litigation:** Environmental, elections, constitutional challenges, etc.



# Workload

## Civil Litigation/Special Litigation

### Civil Lawsuits for Money Damages or Declaratory/Injunctive Relief

- 600+ new civil lawsuits each year  
(12.5 new cases/week, 52 new cases/month)
- Plaintiffs sue the State for \$33.75M each year  
(average \$450,000/case)
- New Cases:  
2013 - 2015: 1,228  
2011 - 2013: 1,080





# Workload

## Criminal & Collateral Remedies Civil Suits for Relief from Convictions

- 400+ new suits each year from convicted prisoners  
(33 new cases/month, 8 new cases/week)
- Great majority serving sentences for Measure 11 crimes
- New Cases:
  - 2013 - 2015: 826
  - 2011 - 2013: 945



# Workload

## Defense of Agency Orders Contested Administrative Orders

- 120+ new suits each year. About 10 per month.
- New Cases:
  - 2013 - 2015: 104
  - 2011 - 2013: 223





# Results

## Civil Litigation/Special Litigation (Civil Suits/Money Damages)

- **Cases litigated to final disposition – 73%**
  - 95% success rate
  - 5% lost at trial
    - Verdicts paid \$38,125 on average
    - Versus average demand of \$450,000+
- **Cases settled – 27%**
  - Paid \$89,000\* average settlement
  - Versus average demand of \$450,000+
  - \*Minus one outlying claim that settled for \$1,250,000



# Results

## **Criminal & Collateral Remedies**

Convictions affirmed: 98%

## **Defense of Agency Orders**

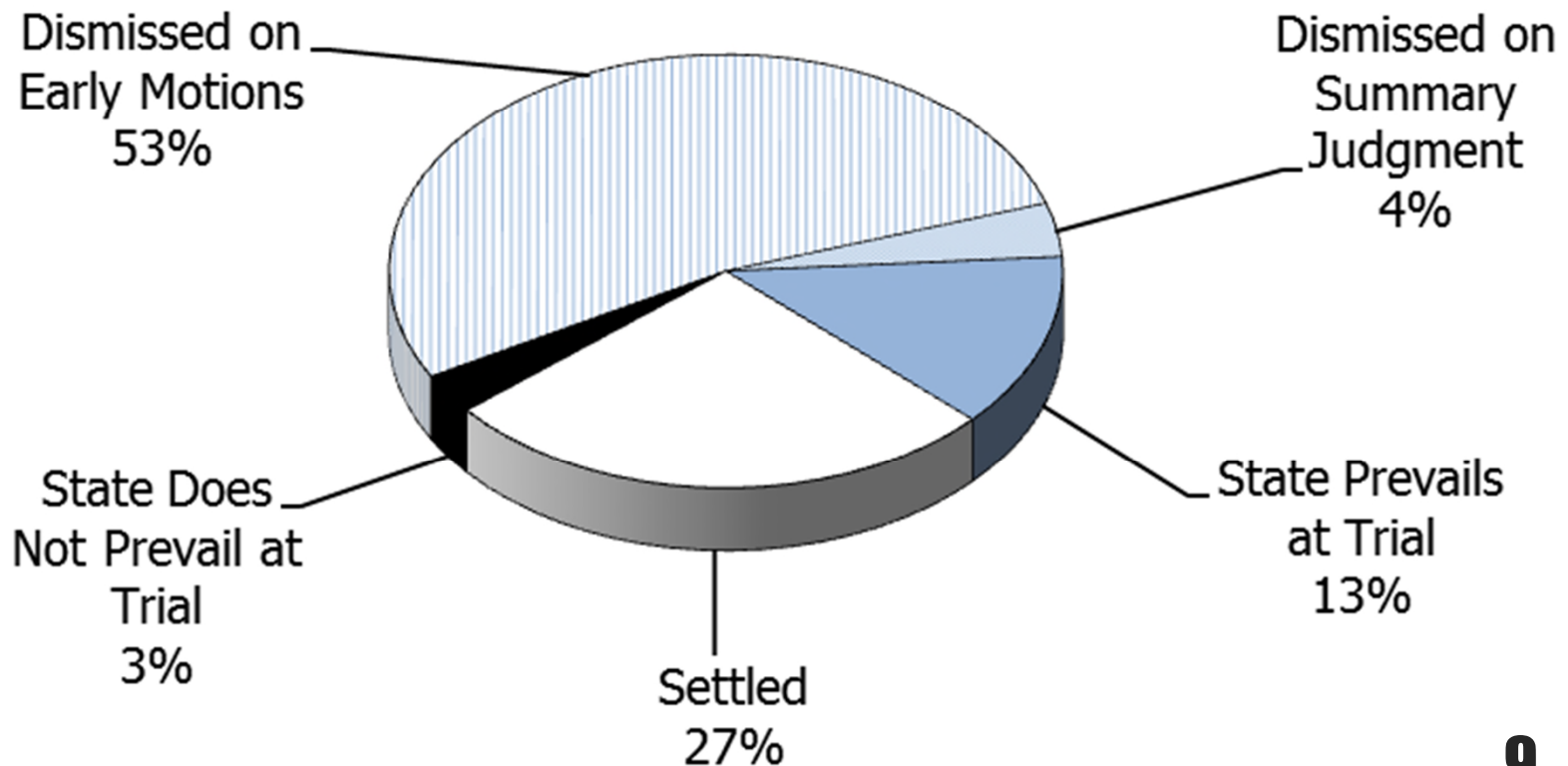
Administrative Orders Affirmed: 93%





# Case Dispositions

## Fiscal Year 2014



# Budget Drivers

## Caseload Dependent Upon Others

- Plaintiff lawsuits for money damages
- Convicted criminals (usually Measure 11) suing to overturn their convictions
- Licensees/others attempt to overturn agency orders
- Third party subpoenas: agency documents or testimony
- Public records requests





# Budget Drivers

## Case Complexity

- Numerous varied claims within one suit
- High volume discovery requests
- Effect of higher damages caps
- Numerous motions: DOJ must respond
- Post Conviction Relief/Federal Habeas: increasingly long briefs, retained experts
- Changes in the law: statutes, legal decisions, ballot measure results (legalization of marijuana)



# Policy Packages

	<u>Modified Agency Budget</u>	<u>Governor's Budget</u>
• Package 161 – Litigation Support	\$1.51M OF	\$1.51M OF







Oregon Department of Justice

Ellen F. Rosenblum, Attorney General

# Defense of Criminal Conviction (DCC)

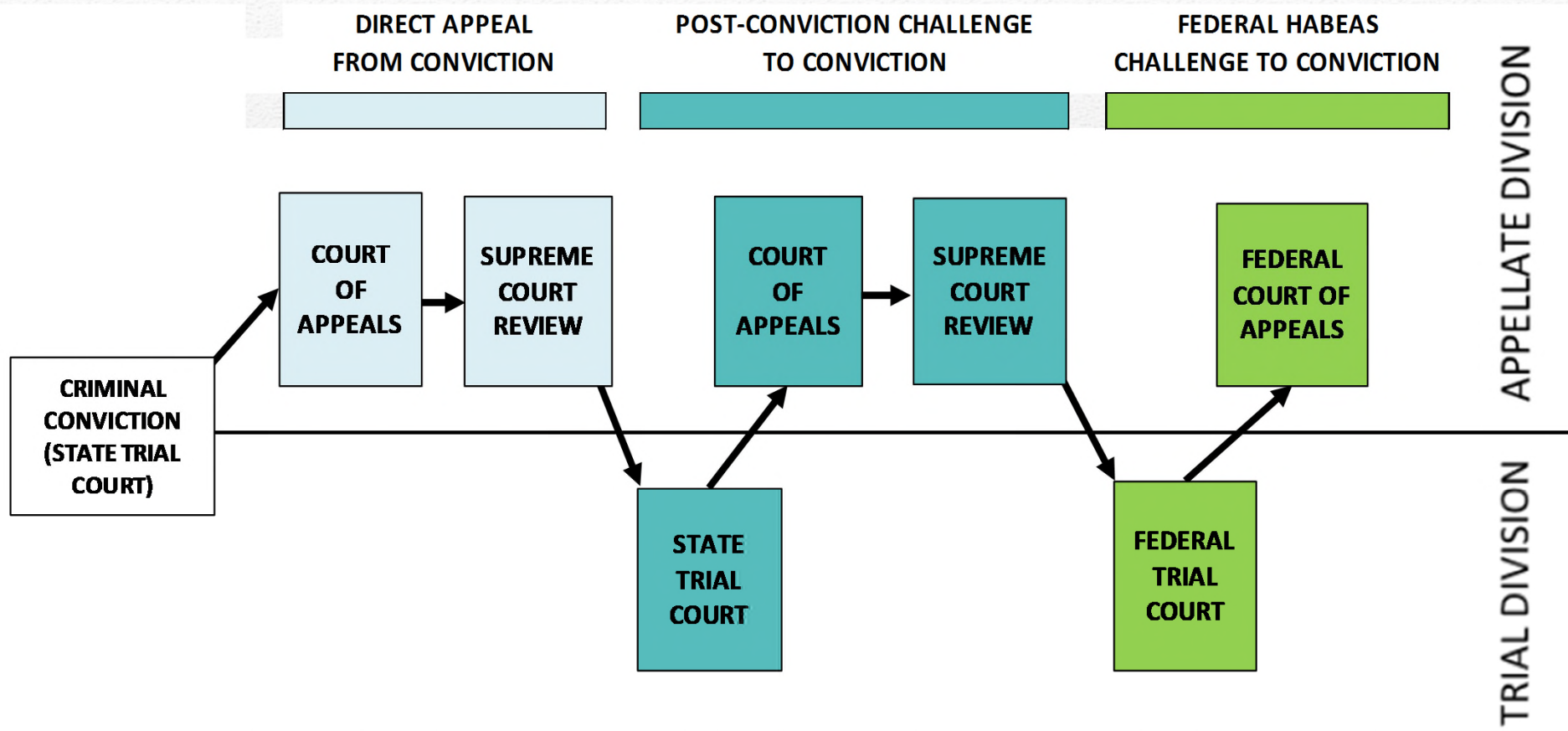
# Program Summary

- Mandated Caseload
- Preserve criminal convictions against challenges in state and federal courts.
- Appeal from trial court decisions that place criminal prosecutions in jeopardy.
- Analyze court decisions and provide crucial information and advice to District Attorneys and law-enforcement officers.

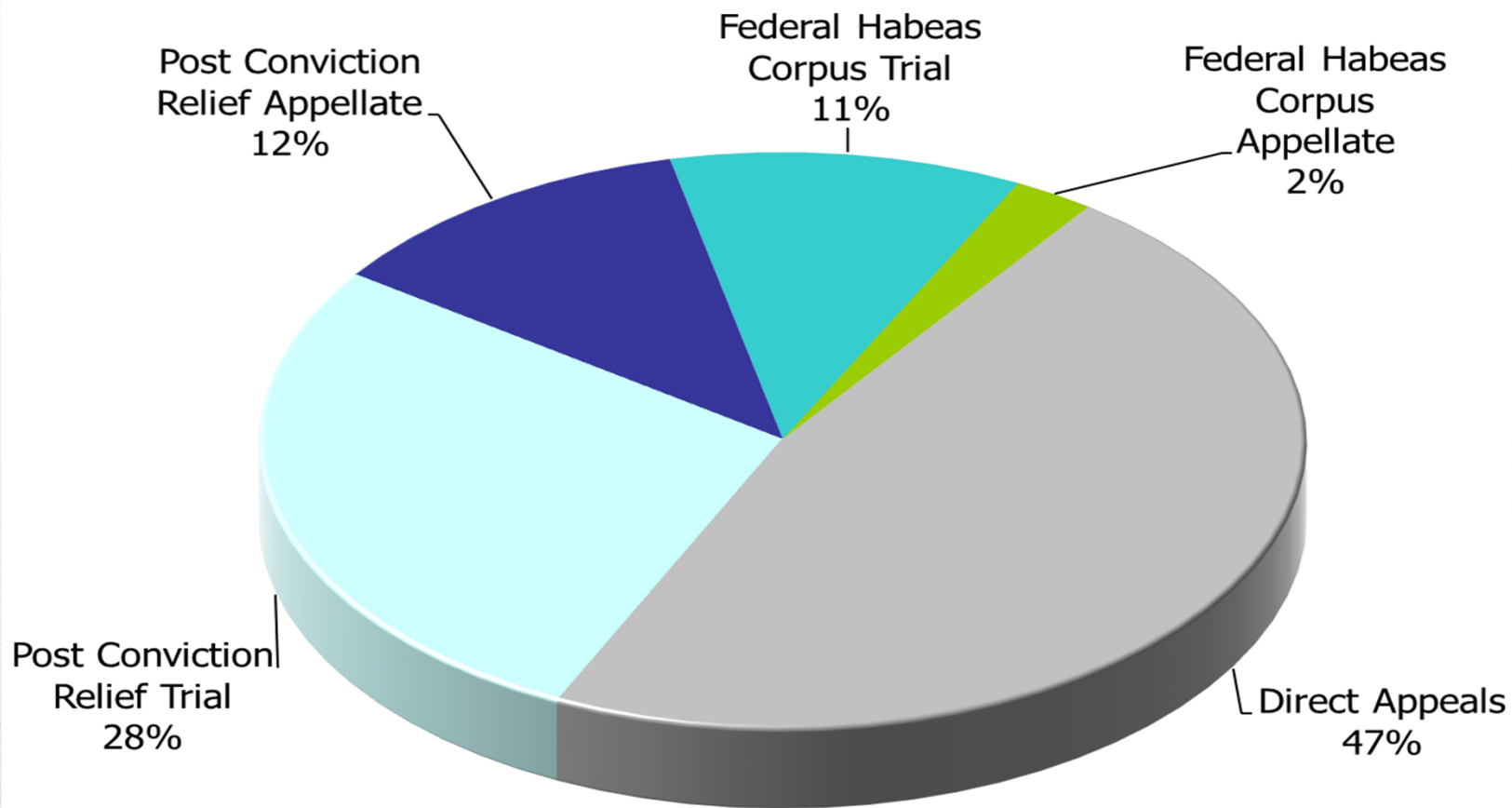




# Overview of the Process



# Caseload



Includes approximately 1,500 cases/year





# Direct Appeals

Two possible outcomes in a direct appeal:

- Court will affirm the judgment of conviction
- Court will reverse the judgment of conviction and the court will:
  - Order a new trial
  - Order a new sentence hearing
  - Other relief as the court deems necessary



# Post Conviction Relief/Federal Habeas

Two possible outcomes in a PCR/Federal Habeas Corpus proceeding:

- The petition for relief will be **denied** upholding the conviction and sentence; or
- The petition will be **granted**, and the judge will:
  - Order a new trial,
  - Modify the sentence, or
  - Order other relief as necessary





# State's Appeals

A small portion of the DCC caseload involves State's appeals:

- Solicitor General approves appeal of lower-court decisions;
- Typically involve a challenge to the dismissal of criminal charges or the exclusion of evidence critical to the successful prosecution of the case;
- Approximately 50 such case per year.



# Supporting District Attorneys and Law Enforcement

Respond to legal questions from the state's prosecutors, often on short notice

Prepare and distribute publications on Oregon criminal law, including:

- Weekly electronic legal bulletins
- Search and Seizure Manual
- Oregon Criminal Reporter





# 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)
Civil Legal	\$ 0.66	GF	(0.03)	(0.03)	(0.07)
Child Abuse Multidisciplinary Intervention Program	\$ 1.29	GF	(0.06)	(0.06)	(0.13)
Tobacco - NPM Fund/Diligent Defense of the Master Settlement /	\$ 3.10	GF	(0.15)	(0.15)	(0.31)
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)
<b>Defense of Criminal Convictions</b>	<b>\$ 23.84</b>	<b>GF</b>	<b>(1.19)</b>	<b>(1.19)</b>	<b>(2.38)</b>
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)
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<b>Combined Budget</b>	<b>\$ 93.35</b>		<b>(4.67)</b>	<b>(4.67)</b>	<b>(9.33)</b>



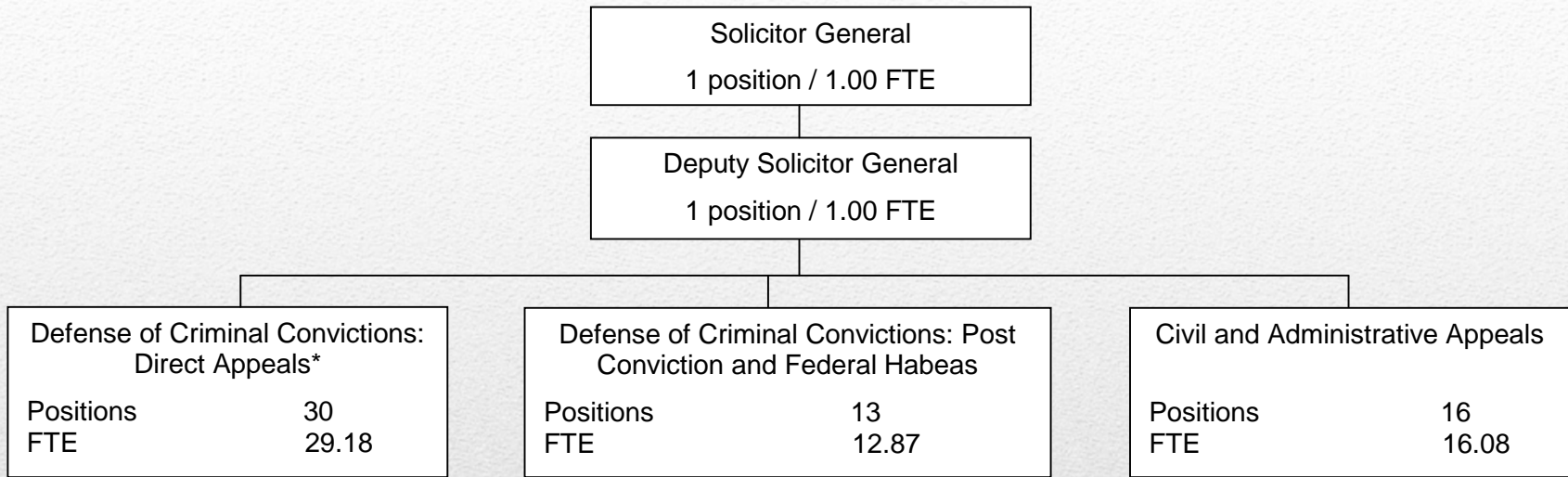


Oregon Department of Justice

Ellen F. Rosenblum, Attorney General

# Appellate Division





2015-17 Governor's Budget	
Positions	61
FTE	60.13



# Program Summary

Write briefs and argue cases in:

- Oregon Court of Appeals
  - State is a party in every criminal and post-conviction case and approximately 60% of the civil cases
- Oregon Supreme Court
  - State is a party in 50-60% of cases
- Federal Appellate Courts





# Types of Cases

- Defense of Criminal Convictions
- Civil
- Administrative
- Other



# Types of Cases

## Civil

- Torts
- Juvenile dependency and termination of parental rights
- State habeas corpus
- Challenges to statutes and initiatives





# Types of Cases

## Administrative

- Administrative Procedures Act (APA)
- Examples:
  - Appeals from decisions that affect professional and other licenses
  - Appeals from regulatory decisions to impose fines or other penalties
  - Appeals from benefits decisions



# Types of Cases

## Other cases

- “Original Jurisdiction” cases (bypass lower-court review and go directly to the Supreme Court)
  - Mandamus
  - Ballot titles
  - State’s appeals in murder cases
- Amicus (state is not a party, but has an interest)





# Workload

Average number of cases each year:

- Civil/administrative: 400
- Juvenile dependency/termination: 170
- Ballot titles: 30



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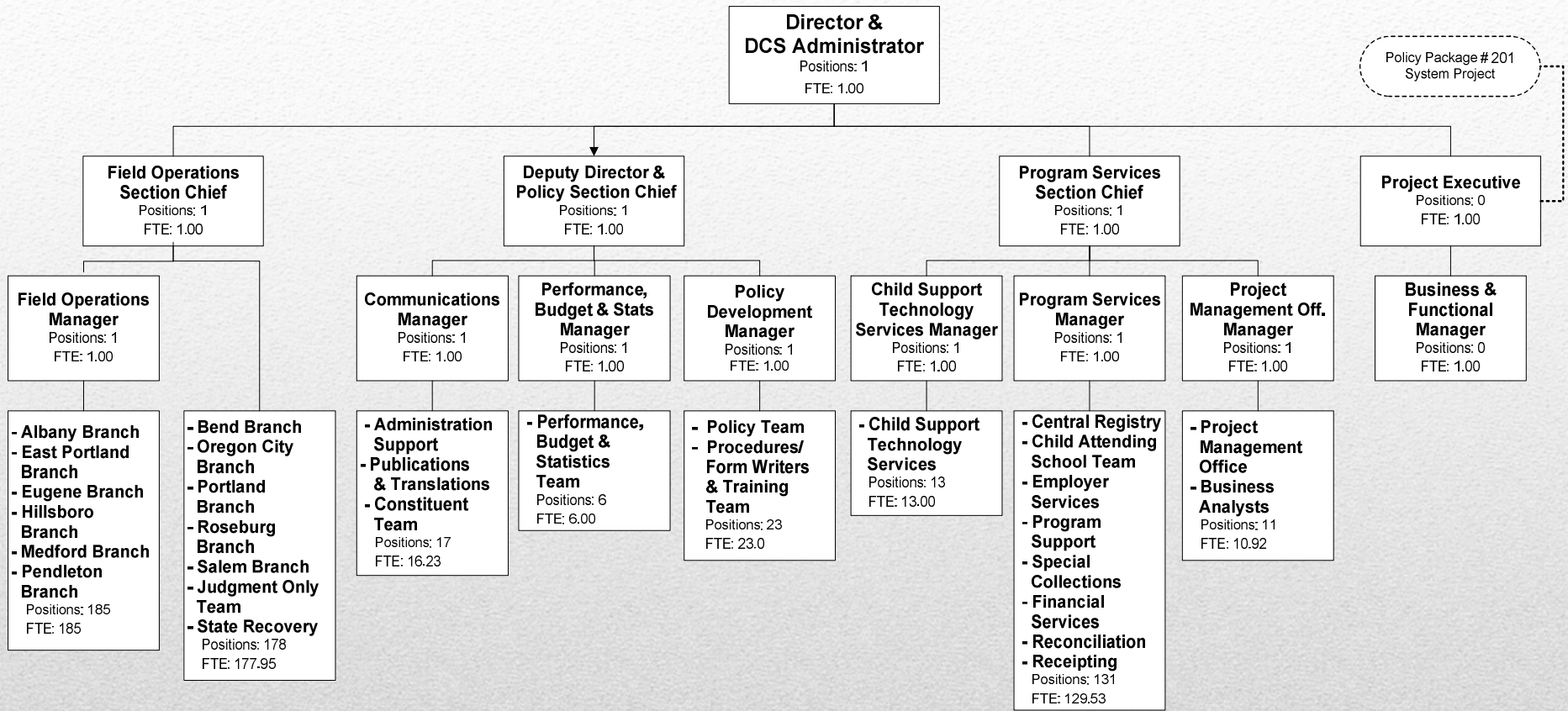
# Division of Child Support

## Child Support Program Goals

- Increase Support to Children
- Improve Overall Program Performance
- Develop and Strengthen Collaborative Partnerships
- Provide Consistently High-Quality Customer Service







2015-17 Governor's Budget	
Positions	576
FTE	573.44



# Customers

Oregon's Program provides services for families:

- who are currently or were formerly receiving Temporary Assistance for Needy Families (TANF) or Medicaid
- who never received public assistance and apply directly for child support services
- when a child is in the care and custody of the state Child Welfare system (including the Oregon Youth Authority)

**There is no means test for services.**



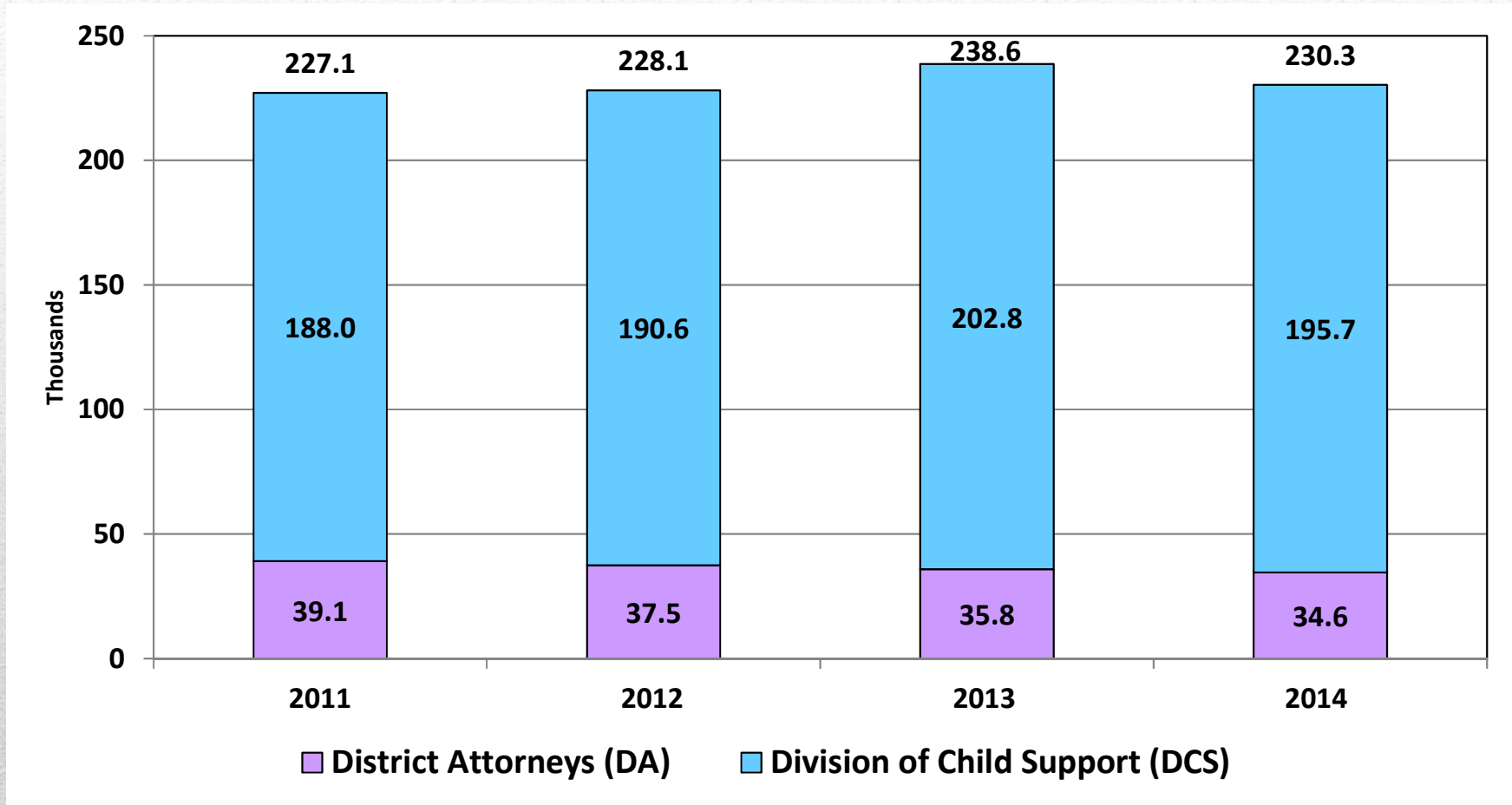


## By the Numbers

- **230,000** Oregon cases (1 in 4 U.S. children, 17 million)
- **176,000** children 21 & younger (**146,000** 18 & younger)
- **15%** of Oregon children – 3<sup>rd</sup> after public school and OHP
- **12** DOJ-DCS branches + **25** DA offices
- **\$324 million** annual collections (**\$1.3 million** per day)
- **70%** collected through income withholding
- **93%** goes to families (**7%** reimbursed public assistance)
- For every \$1 spent, **\$5.41** collected



# Caseload



Data Source: OCSE 157 Annual Report





# Core Functions

1. **Locate**
2. **Paternity**
3. **Establishment**
4. **Payment & Enforcement**
5. **Modification**
6. **Receipting and Distribution**



# Payment & Enforcement

Some of the proverbial “tools in the tool box”

- Income withholding
- Employer health insurance or cash medical
- Unemployment and workers compensation withholding
- Interception of tax refunds, lottery winnings
- Compliance agreements
- Bank data matches, garnishments
- Passport restriction
- Liens on property and money awards





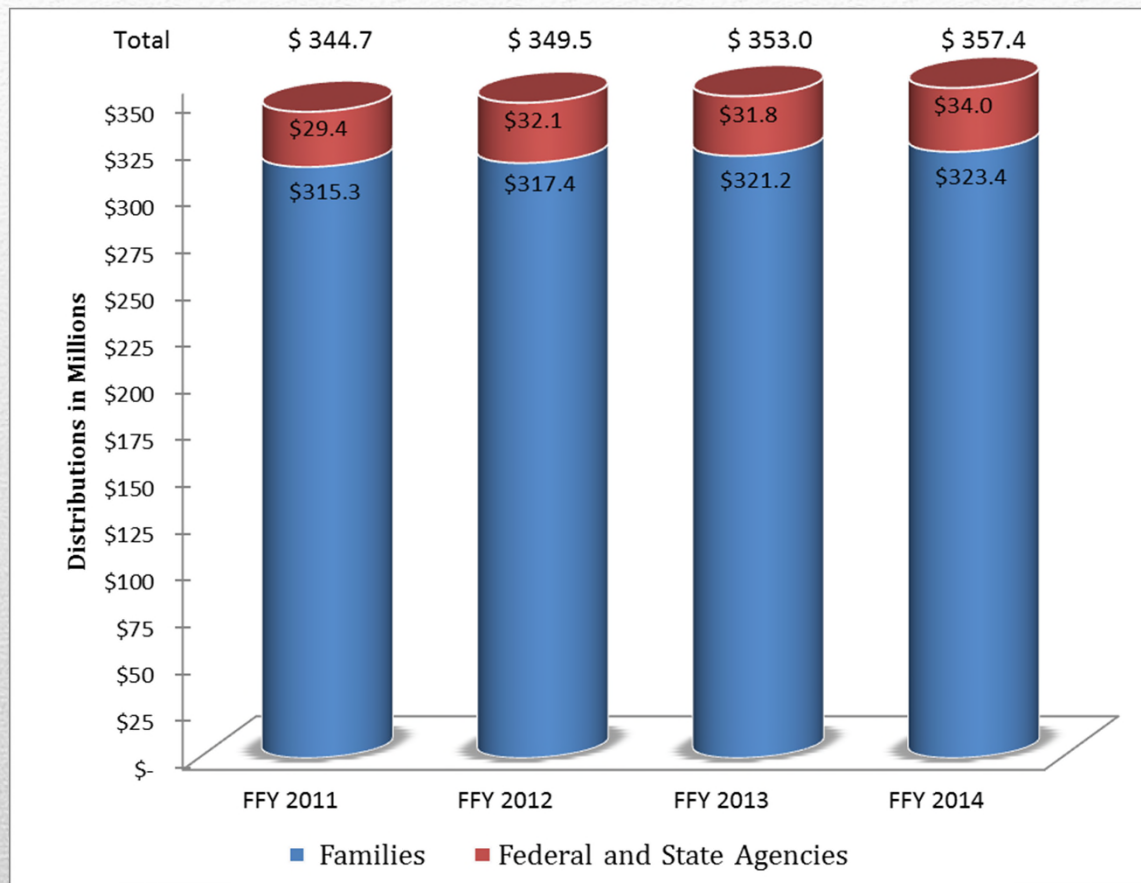
## Leveraged Funds

Investing state funds in the Child Support Program yields a high return on investment.

- Every \$1 of state general funds spent on child support is matched by \$2 of federal funds.
- In FFY 2014, the Child Support Program collected **\$323.4 million for families**, reducing the need for public assistance and avoiding additional costs for taxpayers.
- In FFY 2014, the Child Support Program recovered **\$34 million** in funds for state agencies.



# Total Child Support Collections Distributed in Oregon



Data Source: OCSE 34A Collection Report





## Performance Measures

- State child support programs must meet 5 federal performance measures
  1. % of current support collected relative to total owed (KPM #11)
  2. % of cases paying toward arrears (KPM #12)
  3. % of cases with orders (KPM #13)
  4. Cost-effectiveness ratio
  5. Paternity establishment ratio

Oregon KPM only: % of collections distributed to families (KPM#10)
- States compete for federal incentive funds based on data reliability and performance measures

**41**



## Major Budget Drivers

- Aging technology increases liability and workload
- Safeguarding and IRS security requirements
- Lower wages for parents and higher incidence of under- or non-employment
- Pass-through and Other Fund recoveries





# Major Changes

- 2011-13 – Loss of 18 Positions
  - With 2:1 federal match, General Fund reductions compounded
  - Maintained high vacancy rate 2009 through 2013
  - Loss of productivity and collections
- 2013-15 – Transition of County Program
  - Klamath County Program closed
  - Transfer of 1,094 cases to DOJ



# Efficiencies

- Business Process Reengineering
  - Reengineered all Program processes for efficiency, security, and application into the new system
- Employer Portal
  - Internet based employer portal
  - Increased reporting and payment functionality
  - National model
- Additional Payment Methods
  - Visa and electronic check payments
  - Cash payments at kiosks throughout the state





# Policy Packages

	<u>Modified</u> <u>Agency Budget</u>	<u>Governor's</u> <u>Budget</u>
• Package 201 – Child Support System Project	\$2.13M GF \$15.43M OF \$30.00M FF	\$2.13M GF \$15.43M OF \$30.00M FF



# Information Technology

## Child Support System Project (Policy Package 201)

- The Oregon Child Support Program relies on an antiquated, brittle mainframe computer case management and financial system.
- The Program is working with its federal oversight office on a multi-year, federally-prescribed process to replace its federally-certified system.
- Policy Package 201 will allow the Program to stay in compliance with federal requirements, compete for federal incentives, and keep up with increasing caseload demands.





# Child Support System Project (Policy Package 201)

Feasibility Study Report – Nov 2011 to Oct 2012

Business Process Re-engineering – Dec 2012 to Dec 2013

Implementation Approval – 2013 Legislative Session

Continuation of Implementation Project – 2015 Session

- State's 34% portion of the cost in the 2015-17 biennium of modernizing Oregon's Child Support System – sale of capital bonds
- Federal oversight throughout design, development, transition



# Child Support System Project

## Progress to Date

Business Process Re-engineering

Procurement of Contractors

- Project Management
- System Integrator
- Quality Assurance
- Independent Verification & Validation

Foundational Documents

Design (“JAD”) Sessions

**48**





# Child Support System Project

## Steering Committee

<p><b>Kate Cooper Richardson</b> Oregon Child Support Program Director</p>	<p><b>Fred Boss</b> Deputy Attorney General</p>	<p><b>Karen Coleman</b> Child Support Program Project Executive</p>	<p><b>Dawn Marquardt</b> Oregon Child Support Program Deputy Director</p>	<p><b>Sally Kapenga</b> MAXIMUS Project Director</p>
<p><b>Cliff Roper</b> DOJ Project Manager</p>	<p><b>Tammy Kramer</b> Oregon Child Support Program Operations Section Chief</p>	<p><b>Marc Williams</b> DOJ Adm in Services Division Administrator</p>	<p><b>Lorin King</b> DOJ Chief Information Officer</p>	<p><b>Monica Brown</b> DOJ Chief Financial Officer</p>
<p><b>Mark Williams</b> DOJ General Counsel AIC Business Transactions</p>	<p><b>Carol Anne McFarland</b> Oregon District Attorney Association Liaison</p>	<p><b>Michelle Brady</b> DAS Enterprise Technology Services</p>	<p><b>David Factor</b> Oregon Judicial Department</p>	<p><b>Melody Riley</b> DHS/OHA OIS IT Director, Enterprise, Alignment &amp; Design</p>
<p><b>David Franks</b> ODOT, IT Service Delivery Manager</p>	<p><b>Amy Croucher</b> Oregon Child Support Program Project Analyst</p>	<p><b>Chris Osterhoudt</b> Yamhill County District Attorney's Office</p>	<p><b>VACANT</b> Department of Human Services</p>	



# Child Support System Project

## Plans for 2015-2017

Facility Stand-up for Design and Build

JAD & JTD Sessions

- Business Function
- Technical Design

System Build

Preparation for Test Phase

**50**





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# Administrative Services Division

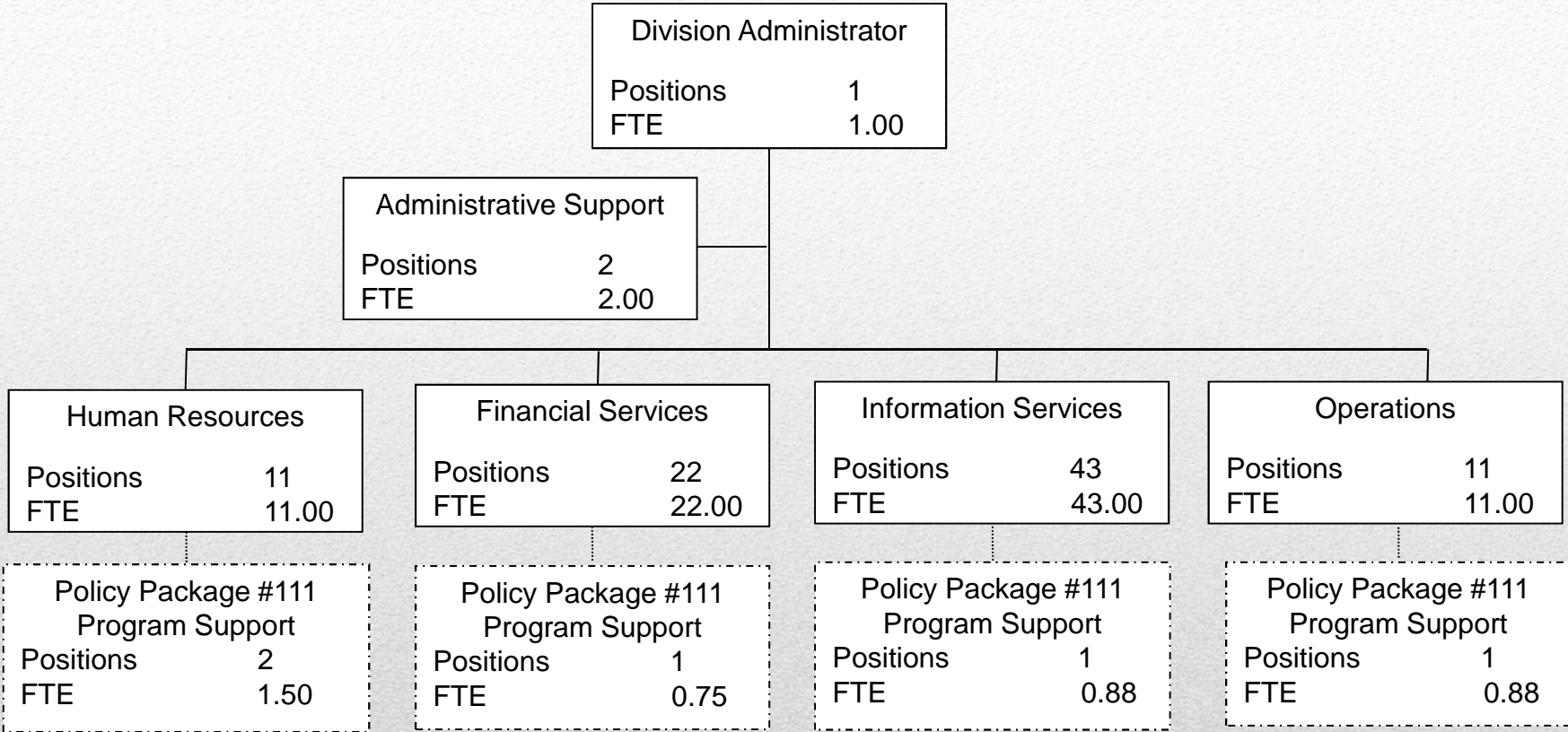


# Primary Responsibilities

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

