

<b>Department of Justice</b>				
	<b>2011-13 Actuals</b>	<b>2013-15 Leg. Approved*</b>	<b>2015-17 CSL LFO</b>	<b>2015-17 Governor's Recommended</b>
General Fund	58,984,867	66,289,084	80,722,195	81,544,405
Other Funds	216,864,634	270,169,616	260,788,031	280,018,176
Other Funds Non-Limited	5,179,686	4,753,390	4,895,992	4,895,992
Federal Funds	101,301,300	144,356,473	117,124,477	149,299,941
Federal Funds Non-Limited	14,681,023	15,281,798	15,740,252	15,740,252
<b>Total Funds</b>	<b>397,011,510</b>	<b>500,850,361</b>	<b>479,270,947</b>	<b>531,498,766</b>
Positions	1,295	1,285	1,268	1,292
FTE	1,273.17	1,266.83	1,260.48	1,279.28
*includes Emergency Board and administrative actions through December 2014.				

**Program Description**

The Department of Justice (DOJ) is responsible for general legal counsel and supervision of all civil actions and legal proceedings in which the state is a party or has an interest. DOJ is also responsible for a number of programs, including child support, district attorney assistance, crime victims' compensation, charitable activity enforcement, organized crime-related law enforcement, and consumer protection and education services.

General Fund is used primarily for the Child Support Program, Defense of Criminal Convictions, crime victims' programs, legal work for which no state agency can be billed directly (e.g., ballot measure related), and the law enforcement activities of the Criminal Justice Division. General Fund supports 17% of the budget. Other Funds resources support 55% of the budget (including Nonlimited) and include charges to agencies for legal services, settlements, license and other fees, charges, and fines. Federal Funds (including Nonlimited) include the federal share of the Child Support and Medicaid Fraud programs, and crime victims' grants and support 28% of the budget.

The largest source of Other Funds revenue for the agency comes from charges for legal services. The 2015-17 CSL budget assumes an attorney rate of \$191 per hour which is an 16.8% increase from the 2013-15 rate of \$159 per hour, and is expected to generate a total of \$159.8 million. A rate change may be possible once decisions are made related to DOJ's Legal Services-related policy packages.

### ***CSL Summary and Issues***

The 2015-17 current service level budget for the agency totals \$479.3 million total funds (1,268 positions/1,260.48 FTE). The CSL is \$21.6 million, or 4.3%, less than the 2013-15 legislatively approved budget and there are 17 fewer positions (6.35 FTE). The reduction is primarily due to the phase-out of one-time Other and Federal Funds grants in the Crime Victims' Services Division.

There are two noteworthy revenue shortfall packages:

1. Policy Package 070 – Revenue Shortfall - Crime Victims' Services Division: The agency estimates a revenue shortfall in punitive damages awards to the state. The reduction may reduce the Domestic Violence Resource Prosecutor, Victims' Rights Program; Post-Conviction Advocacy Program; Crime Victim Services Address Confidentiality; prosecutor-based Victim Assistance Program; Attorney General Sexual Assault Task Force; Sexual Assault Victim Emergency Fund (SAVE), as well as support staffing. The agency proposes to restore this funding with an increased allocation from the Criminal Fines Account. The total is \$4.3 million Other Funds (9 positions/8.94 FTE). However, since CFA funds are fungible with General Fund, this request is essentially for additional General Fund. This package also includes a reprioritization of existing CFA revenue District Attorney Victims' Assistance to Victims' Compensation. *See Policy Package #145 that seeks to restore this reduction.*
2. Policy Package 070 – Revenue Shortfall – Civil Enforcement Division: The agency estimates a revenue shortfall the charities fees. *See Policy Package #135 that seeks to restore this reduction with a fee increase.*

The Defense of Criminal Convictions at the CSL is funded at the agency *forecasted* level of \$25.3 million. This is a \$6.5 million, or 38%, increase over the 2013-15 DCC budget of \$18.2 million.

### ***Policy Issues***

The agency request budget includes the following policy option packages, which totals \$37.2 million, including \$9 million General Fund, \$2.1 million General Fund Debt Service, \$9.2 million Other Funds, and \$13 million Federal Funds (82 positions/67.00 FTE). The packages by division are:

Office of the Attorney General and Administrative Services Division

1. Package 111 – Program Support – This package includes 15 subcomponents for operations, Human Resources, Financial Services, and Information Technology (\$7.4 million Other Funds; 16 positions/13.80 FTE).

Appellate Division

2. Package 121 – Publications – This package would add funding for publications on Oregon criminal law, appellate cases, Search and Seizure manual (\$382,000 General Fund and \$219,183 Other Funds; 1 position/0.88 FTE).

#### Civil Enforcement Division

3. Package 131 - Juvenile Dependency Proceedings – Increases support for existing legal support to the Department of Human Services for existing caseload (\$1.4 million Other Funds; 8 position/7.04 FTE).
4. Package 132 - Financial Fraud Enforcement – Increases enforcement of Unfair Trade Practices and False Claims Acts (\$794,618 Other Funds; 5 position/3.75 FTE).
5. Package 133 - Defense of Master Tobacco Settlement – Reestablishes an Limited Duration positions (\$243,783 General Funds; 1 position/1.00 FTE).
6. Package 134 - Fair Housing Representation – Provides legal representation to the Bureau of Labor and Industries for Housing Election cases (\$800,000 General Fund).
7. Package 135 - Charities Fee Increase – Fee increase to maintain current staffing (\$139,583 Other Funds).

#### Criminal Justice Division

8. Package 141 - Fusion Center – Continuation of the Fusion Center funding (\$1.2 million General Fund; 4 position/4.00 FTE)
9. Package 142 - Prosecution and Investigation Staff – Expand investigations of child pornography/cybercriminals/family and elder violence (\$3.6 million General Fund; 16 position/10.65 FTE).
10. Package 143 - Continuing Criminal Justice Grants – Continue the DUII Resource Prosecutor program (\$474,382 Other Funds and \$382,856 Federal Funds; 3 position/2.00 FTE).
11. Package 144 - Rate Restructuring – Shift all non-grant supported staff to a direct General Fund appropriation and eliminate Attorney General billing (\$1.6 million General Fund and <\$7.7 million Other Funds reduction).

#### Crime Victims' Services Division

12. Package 145 - Restore Crime Victims' Services – Restore a punitive damages revenue shortfall with a Criminal Fines Account allocation (\$4.3 million Other Funds; 9 position/8.94 FTE).
13. Package 146 - Continuing Crime Victims' Services Grants – Continue the SAFER Futures grant (\$2 million Federal Funds; 1 position/0.65 FTE).

#### General Counsel Division

14. Package 151 - Environmental Crimes Mediation – Establish an Environmental Claims Mediation program (\$100,000 General Fund).

#### Trial Division

15. Package 161 - Litigation Support – Add resources to manage anticipated civil litigation workload (\$2 million Other Funds; 12 position/10.03 FTE).

#### Child Support Division

16. Package 201 – Child Support Enforcement Automated System – Phase-II – fund the next phase of the CSEAS using Article XI-Q bonds and matching federal funds (\$2.1 million General Fund, \$4.7 million Other Funds and \$8.5 million Federal Funds; (0 position/0.00 FTE). **NOTE:** *This package requires an adjustment to include - +\$10.8 million Other Funds and +\$21.6 million Federal Funds. The agency mistakenly assumes that previously authorized expenditure limitation was for a six year period and therefore the ARB only includes part of the agency’s actual need.*
17. Package 202 - Strategic Staffing – Reclassify positions/add staffing for information technology, project management, procurement, and establish a Court Order Coding Team (\$817,043 General Fund, \$13,649 Other Funds, and \$1.6 million Federal Funds; 15 positions/13.20 FTE).
18. Package 203 - Interactive Voice Response System – Replace voice response and call distribution system (\$51,680 General Fund and \$100,320 Federal Funds).
19. Package 205 - Archival Records Conversion – Convert microfilm/microfiche to digital (\$212,568 General Fund and 412,632 Federal Funds).

#### **Other Significant Issues and Background**

Issues facing the agency at this time are a potential rebalance, technical adjustments, policy discussions, and reduction options.

1. The Legislature in 2015 will a continued policy discussion related to the legal representation in juvenile dependency proceedings. The fiscal impact, with or without mitigation through statutory or service level/delivery changes, of providing full legal representation in court for child welfare caseworkers is unknown at this time. This would increase the agency’s Other Funds billings with the Department of Human Services. The agency will be submitting a budget note report on this subject this session.

#### **Co-Chairs’ Budget Framework Discussion**

The Co-Chairs’ budget framework includes an unspecified \$109,727 General Fund reduction to CSL.