

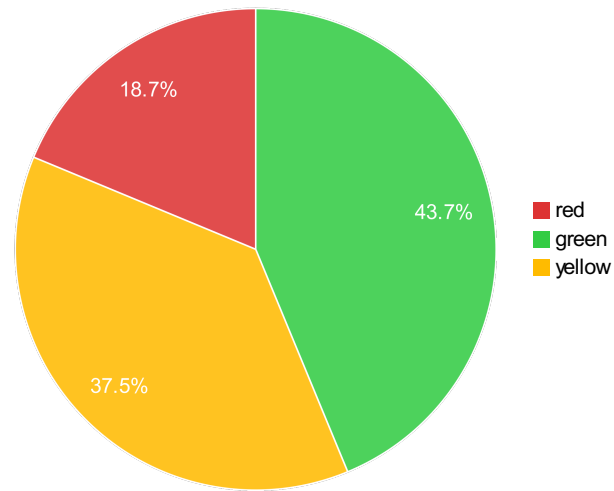
Justice, Department of

Annual Performance Progress Report

Reporting Year 2018

Published: 2/21/2019 2:27:12 PM

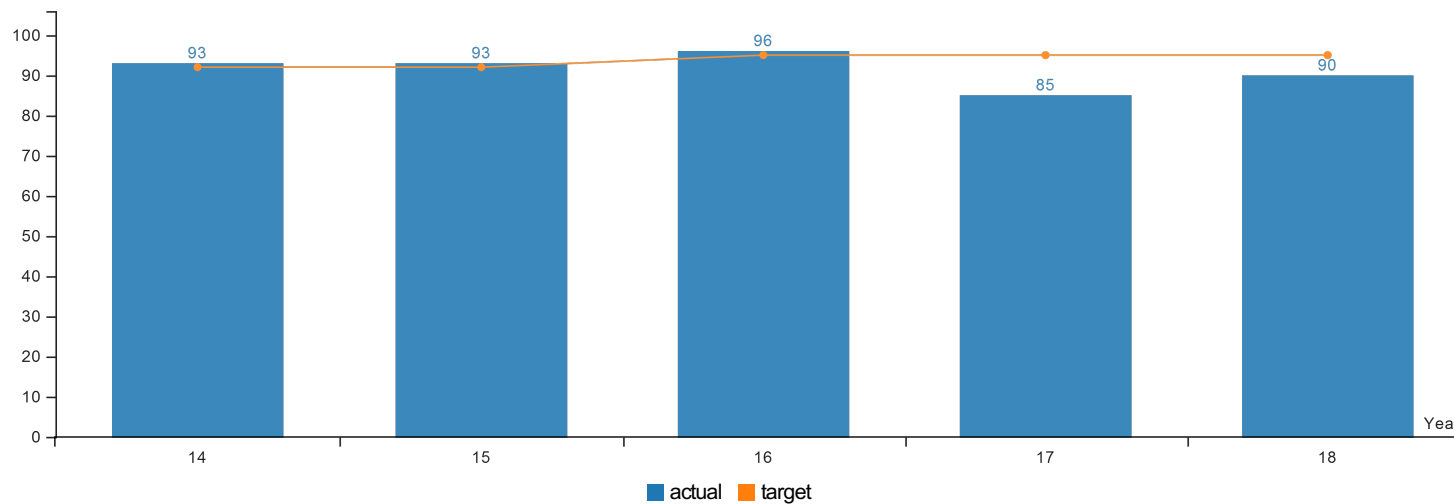
KPM #	Approved Key Performance Measures (KPMs)
1	Percentage of legal cases in which the state's position is upheld
2	Percentage of appropriate litigation resolved through settlement
3	Amount of monies recovered for the state divided by the cost of recovery
4	Average working days from receipt of contracting document to first substantive response to agency. -
5	Percentage of legal billings receivables collected within 30 days
6	Percentage of timely and complete charities' reports submitted relative to total charities registered
7	Customer Service - 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
8	Percentage of Criminal Justice Division cases resolved successfully
9	Percentage of crime victims' compensation orders issued within 90 days of claim receipt
10	Percentage of support collected by the Child Support Program that is distributed to families -
11	Percentage of current child support collected relative to total child support owed -
12	Percentage of Child Support Program cases paying towards arrears relative to total Program cases with arrears due -
13	Percentage of Child Support Program cases with support orders relative to total Program cases -
14	Percentage of adult victims leaving domestic violence shelters with a safety plan after a stay of five days or more -
15	Percentage of sexual assault exams conducted by specially trained Sexual Assault Nurse Examiners (SANE)
16	Percentage of Defense of Criminal Convictions (DCC) cases briefed within 210 days.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	43.75%	37.50%	18.75%

KPM #1	Percentage of legal cases in which the state's position is upheld
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
PERCENTAGE OF LEGAL CASES IN WHICH THE STATE'S POSITION IS UPHELD					
Actual	93%	93%	96%	85%	90%
Target	92%	92%	95%	95%	95%

How Are We Doing

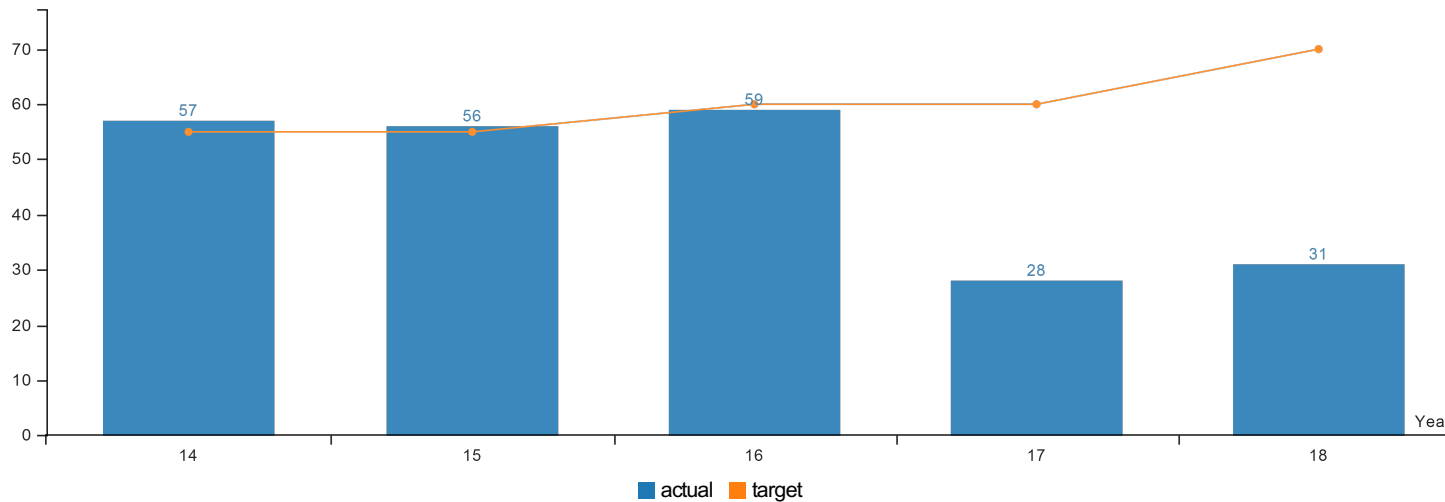
The results for the state fiscal year ending June 30, 2018 were below the target level, but increased from last years result. See Agency Management Report for explanation of change in measurements starting in 2017.

Factors Affecting Results

The definition of what "state's position upheld" means varies among the divisions due to the diversity of the Department's legal work and because DOJ seeks just results, not merely to prevail in a particular case. For example, the Trial Division defends civil lawsuits filed against the State, its agencies, and its officials in a variety of contexts. The state's position in a civil lawsuit is upheld when the trial court dismisses the lawsuit without awarding monetary damages or other forms of relief against the state, or, when the state prevails at trial. Additionally the state's legal position may also be upheld in a case in which the DOJ determines that justice requires some form of settlement with the opposing party. In those situations, the state's position can be upheld when the state reaches agreement with the opposing party and damages are limited to those required by law. In the Appellate Division, some cases involve in the state's legal position being upheld on some issues and not others.

KPM #2	Percentage of appropriate litigation resolved through settlement
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
PERCENTAGE OF APPROPRIATE LITIGATION RESOLVED THROUGH SETTLEMENT					
Actual	57%	56%	59%	28%	31%
Target	55%	55%	60%	60%	70%

How Are We Doing

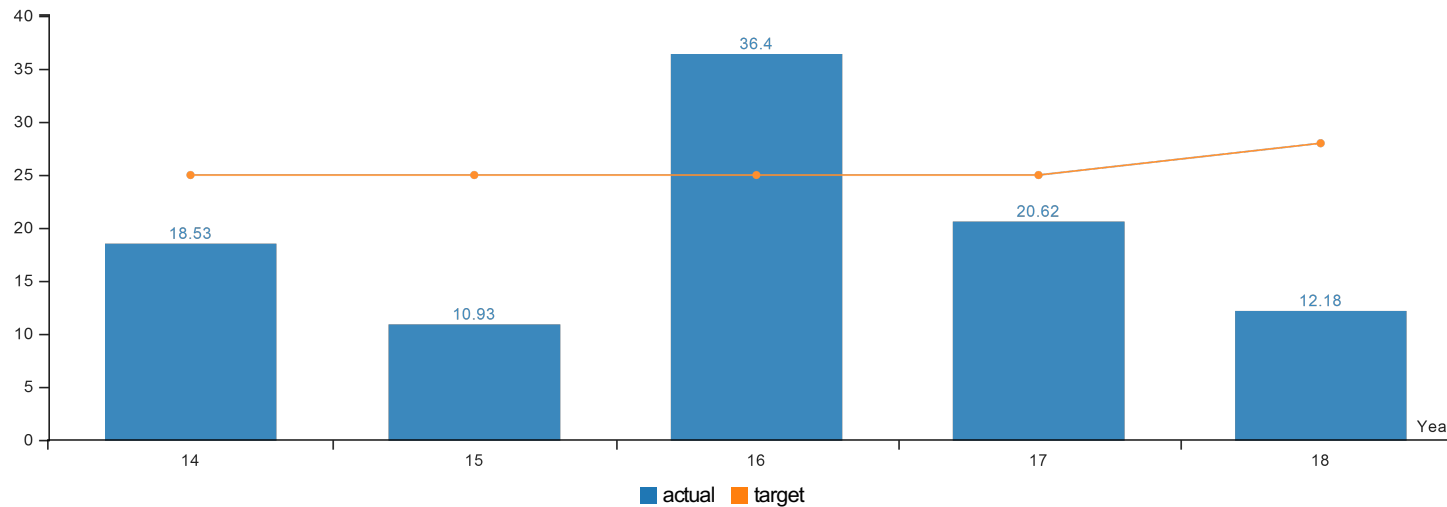
The results for the state fiscal year ending June 30, 2018 fell short of the target due to the nature of the cases and the policy decisions of clients and the Department of Justice. In non-settled cases, the state's position was upheld 96.5% of the time indicating the Division exercised good discretion on which cases to settle and which cases to litigate. See Agency Management Report for explanation of change in measurements starting in 2017.

Factors Affecting Results

The determination of which cases are appropriate for negotiation and settlement varies between the divisions due to the diversity of caseloads. Not all cases are appropriate for settlement. Many factors contribute to rendering a case inappropriate for settlement. In many instances, opportunity for settlement by the DOJ is limited by the fact that the agency represented in the litigation had attempted to settle the case before referring the case to DOJ. Some litigation may arise only after many other opportunities to vindicate the state's interests have been tried and failed. For example, lawsuits seeking the termination of parental rights are filed after social service agencies have exhausted other interventions intended to protect children. Other cases may be rendered inappropriate for compromise simply by the nature of the state's interest. Settlement may not be possible because of far reaching policy implications or because federal law precludes settlement. For example, unemployment benefit cases cannot be settled due to federal restrictions.

KPM #3	Amount of monies recovered for the state divided by the cost of recovery
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
AMOUNT OF MONIES RECOVERED FOR THE STATE DIVIDED BY THE COST OF RECOVERY					
Actual	\$18.53	\$10.93	\$36.40	\$20.62	\$12.18
Target	\$25.00	\$25.00	\$25.00	\$25.00	\$28.00

How Are We Doing

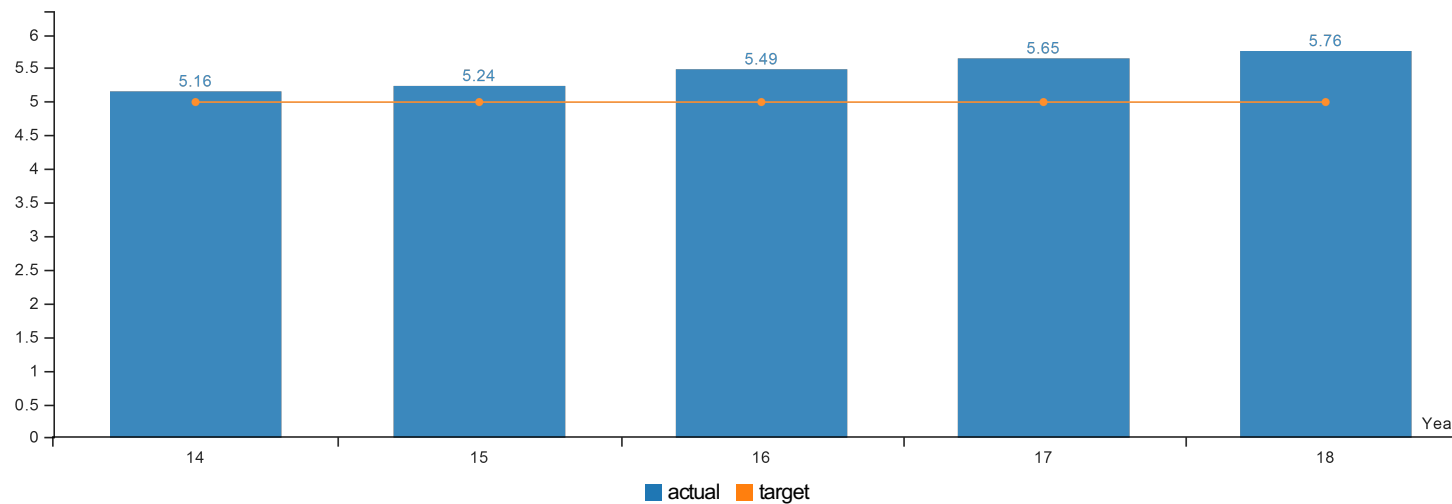
The results were below the target level for the state fiscal year ending June 30, 2018. DOJ recovered \$12.18 for every \$1.00 spent, rather than the \$28.00 target.

Factors Affecting Results

Very large claims can skew results and the \$25 target was established based on years that included very large punitive damages recoveries. For example, in 2006, DOJ helped recover \$25 million from parties responsible for leaving the New Carissa's rusting hulk on a south coast beach; some of the recovery actually accrued to the state in 2007. In 2012 DOJ received a punitive damages award of \$56 million and in 2016 DOJ received a punitive damages award of \$11 million, both of which significantly skewed the results in the respective years. Punitive damage awards of this nature are rare and to a certain extent out of DOJ's control.

KPM #4	Average working days from receipt of contracting document to first substantive response to agency. -
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = negative result



Report Year	2014	2015	2016	2017	2018
AVERAGE WORKING DAYS FROM RECEIPT OF CONTRACTING DOCUMENT TO 1ST SUBSTANTIVE RESPONSE					
Actual	5.16	5.24	5.49	5.65	5.76
Target	5	5	5	5	5

How Are We Doing

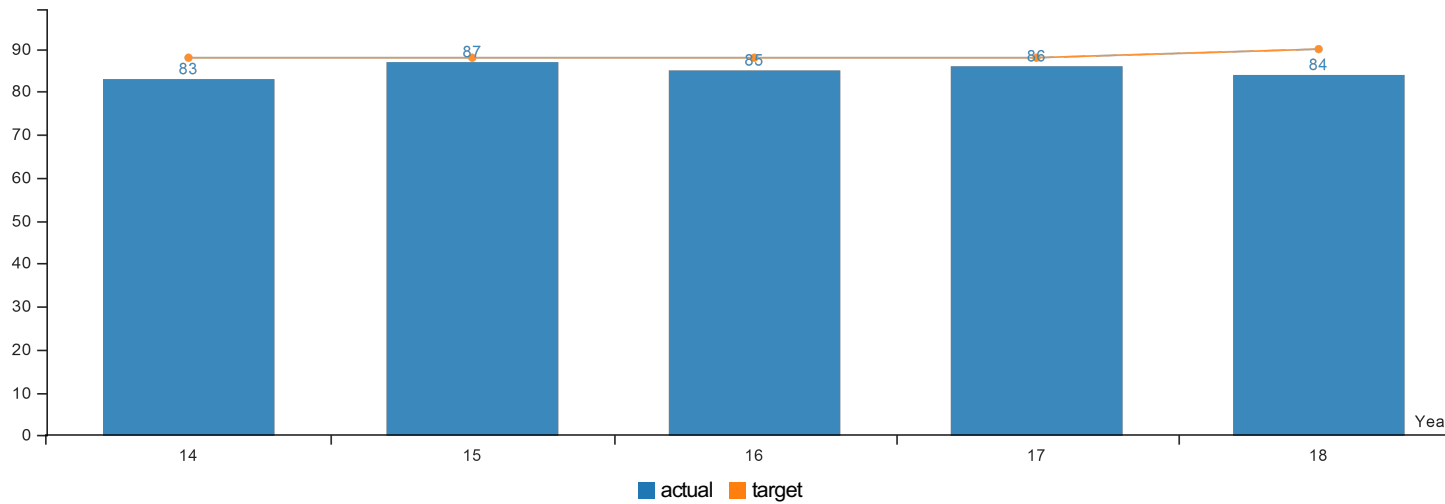
The results for the state fiscal year ending June 30, 2018 were slightly above the target. With this measure, the lower the number the better.

Factors Affecting Results

DOJ continues to exempt categories of contracts from legal sufficiency review. As this process continues, the remaining assignments become increasingly complex. The General Counsel Division continues to monitor work on the remaining types of contracts for additional efficiencies. Other factors to be considered include the variance in state agency resources devoted to the contract process. Some agencies have contract units and contract officers some of whom have a legal/contract background and some of whom received agency level training. Other agencies do not have this resource available and are more dependent on the involvement of DOJ.

KPM #5	Percentage of legal billings receivables collected within 30 days
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
PERCENTAGE OF LEGAL BILLING RECEIVABLES COLLECTED WITHIN 30 DAYS					
Actual	83%	87%	85%	86%	84%
Target	88%	88%	88%	88%	90%

How Are We Doing

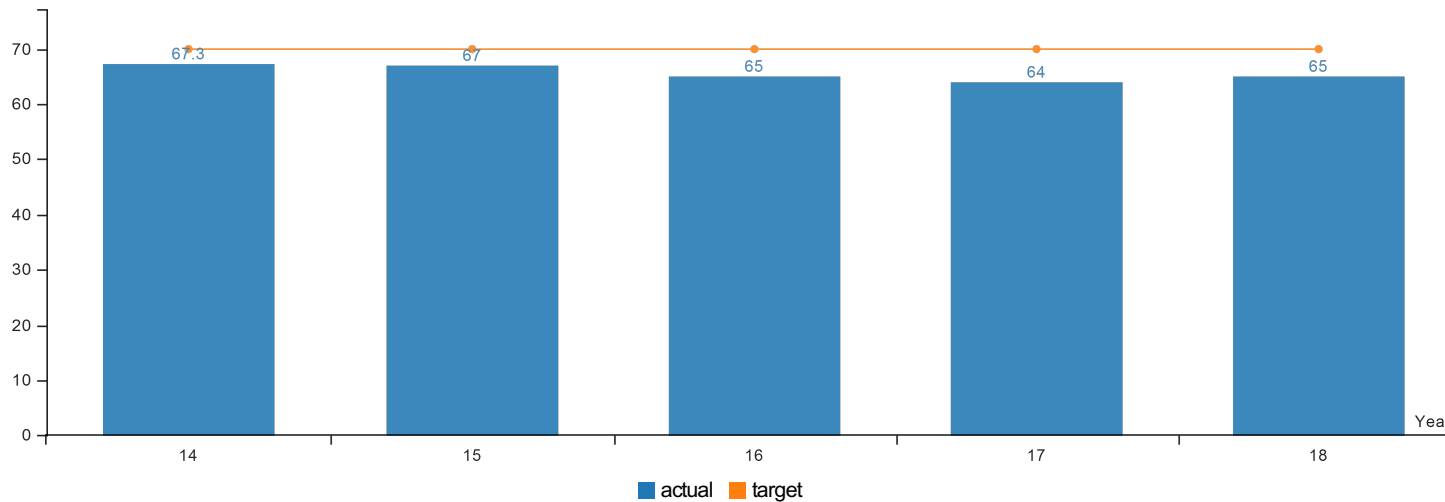
The results for the state fiscal year ending June 30, 2018 were below the target level.

Factors Affecting Results

Some agencies are heavy consumers of DOJ's legal services. Agencies occasionally have questions about their invoices, take time in circulating their invoices for the appropriate approvals, or even delay payment due to employee absence or vacancies. If even one of those agencies fails to timely pay a DOJ invoice, DOJ's performance on this KPM can slip below the target mark.

KPM #6	Percentage of timely and complete charities' reports submitted relative to total charities registered
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
% TIMELY & COMPLETE CHARITIES' REPORTS SUBMITTED RELATIVE TO TOTAL REGISTERED					
Actual	67.30%	67%	65%	64%	65%
Target	70%	70%	70%	70%	70%

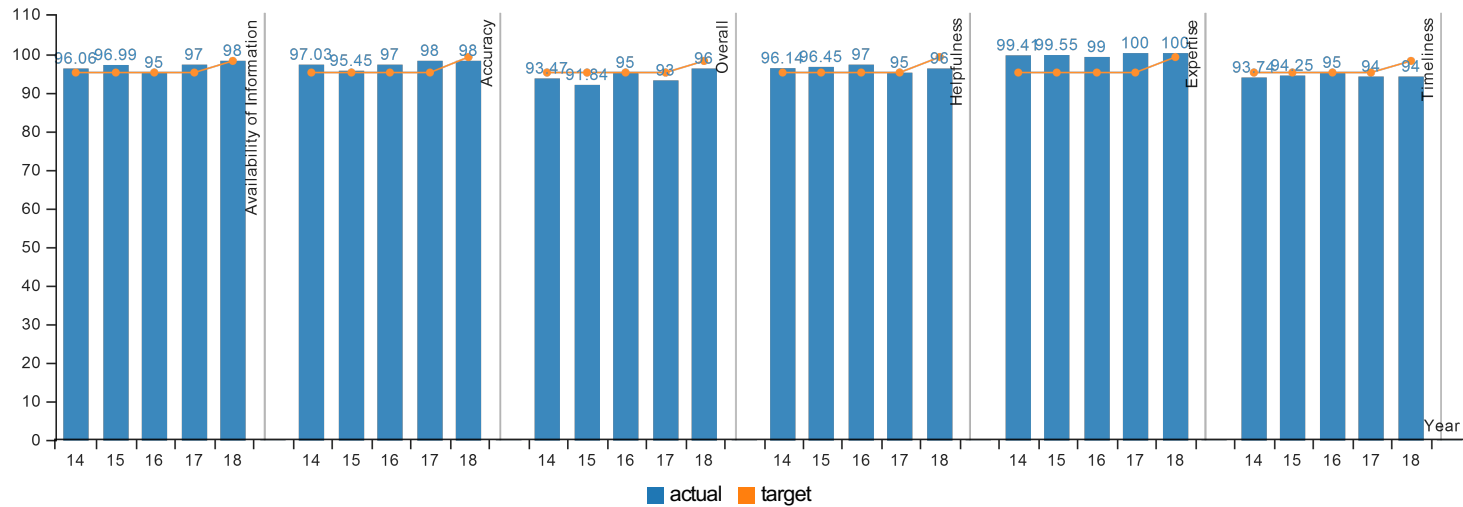
How Are We Doing

The results remained slightly below the target for the state fiscal year ending June 30, 2018.

Factors Affecting Results

The legislature reduced the target of this KPM to 70% for the 2005-07 biennium. The measure requires timely and complete reports. DOJ believes the target was established to measure performance on only one element; the timeliness of reports submitted by charities to DOJ. Additionally, for this reporting period the number of charitable organizations in Oregon continued to increase and as of June 30, 2018 there were 21,000 charities required to file reports. DOJ tries to make compliance as easy as possible by publishing reporting forms, training the personnel of charitable organizations, and answering technical assistance questions.

KPM #7	Customer Service - 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
	Data Collection Period: Jul 01 - Jun 30



Report Year	2014	2015	2016	2017	2018
Availability of Information					
Actual	96.06%	96.99%	95%	97%	98%
Target	95%	95%	95%	95%	98%
Accuracy					
Actual	97.03%	95.45%	97%	98%	98%
Target	95%	95%	95%	95%	99%
Overall					
Actual	93.47%	91.84%	95%	93%	96%
Target	95%	95%	95%	95%	98%
Helpfulness					
Actual	96.14%	96.45%	97%	95%	96%
Target	95%	95%	95%	95%	99%
Expertise					
Actual	99.41%	99.55%	99%	100%	100%
Target	95%	95%	95%	95%	99%
Timeliness					
Actual	93.74%	94.25%	95%	94%	94%
Target	95%	95%	95%	95%	98%

How Are We Doing

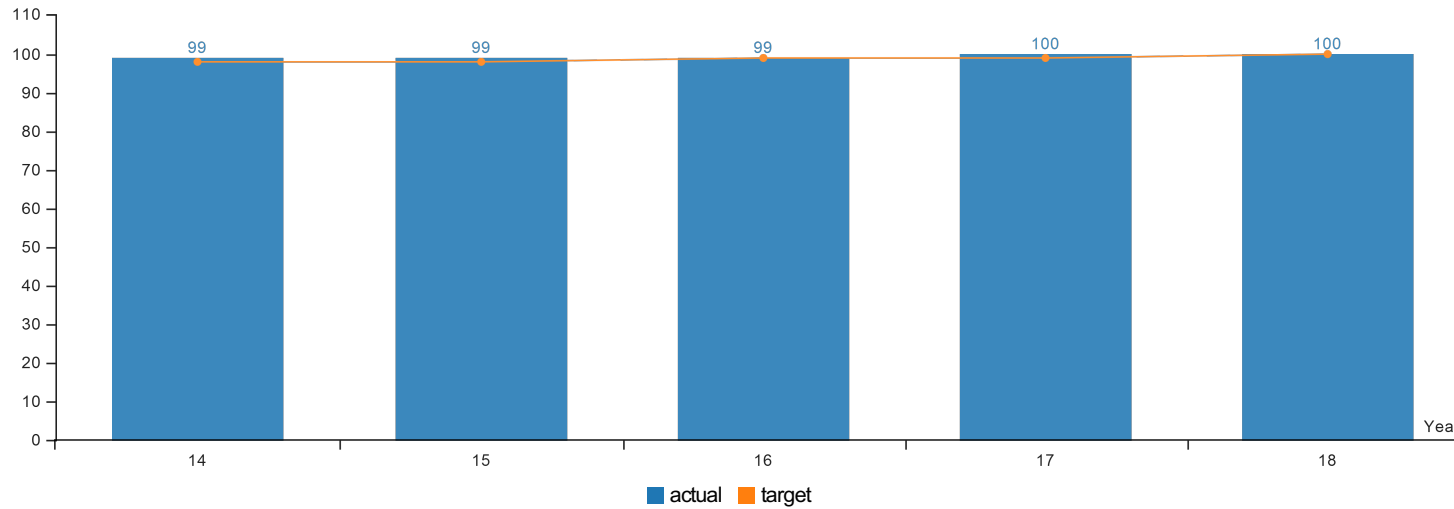
The aggregate average of the six categories was 96.85% for fiscal year ending June 30, 2018 , which did not meet the target level average of 98.50%. The targets had all just increased from 95% the previous fiscal year. One of the six individual categories met or exceeded the target while the other five individual categories came within 4% of the target.

Factors Affecting Results

Many things may affect the results for KPM 7. These factors include resources appropriated to DOJ by the Assembly and the complexity of the work in comparison to the length of time allowed to prepare legal advice about the issue.

KPM #8	Percentage of Criminal Justice Division cases resolved successfully
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
PERCENTAGE OF CRIMINAL JUSTICE DIVISION CASES RESOLVED SUCCESSFULLY					
Actual	99%	99%	99%	100%	100%
Target	98%	98%	99%	99%	100%

How Are We Doing

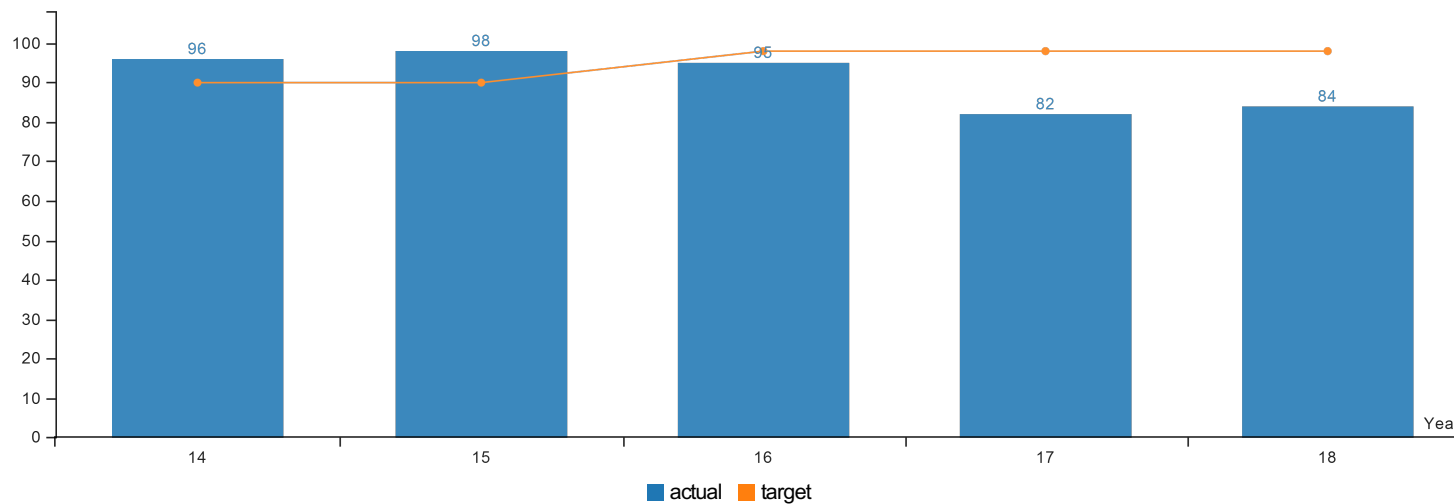
The results for fiscal year ending June 30, 2018 met the target.

Factors Affecting Results

Because the number of cases resolved in any given year is small (270 in fiscal year 2018), the outcome in a very small number of cases will be reflected on a percentage basis as an improvement or degradation in performance.

KPM #9	Percentage of crime victims' compensation orders issued within 90 days of claim receipt
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
PERCENTAGE OF VICTIMS' COMPENSATION ORDERS ISSUED WITHIN 90 DAYS OF CLAIM RECEIPT					
Actual	96%	98%	95%	82%	84%
Target	90%	90%	98%	98%	98%

How Are We Doing

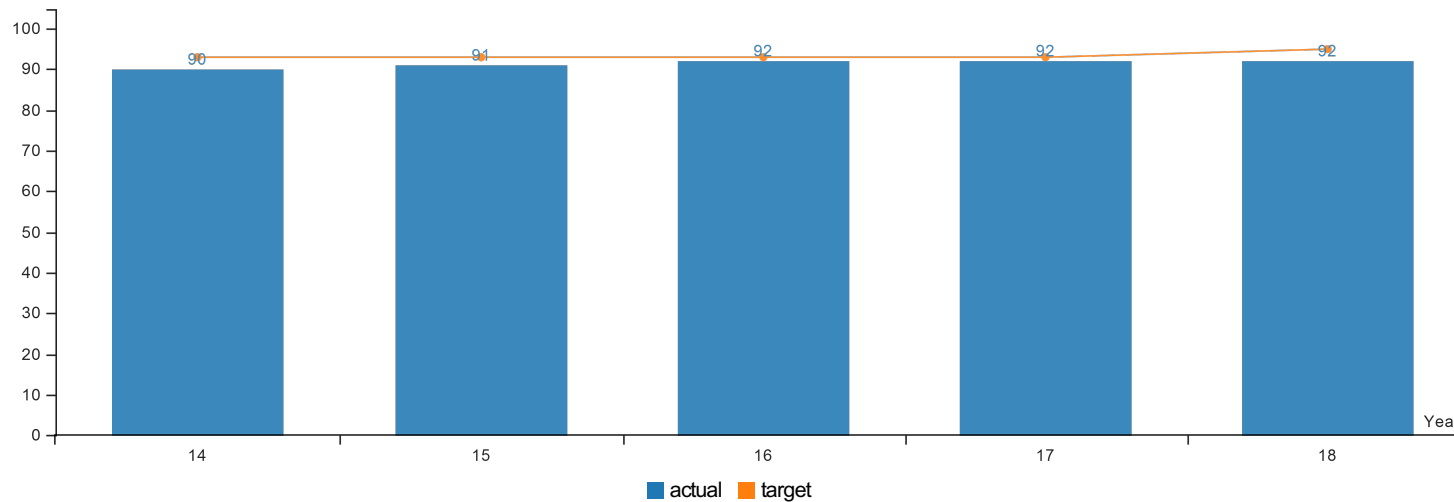
The results for fiscal year ending June 30, 2018 (84%) fell short of the target.

Factors Affecting Results

The number of incoming claims and the number of available staff are two factors that had a significant impact on our numbers last year. CVSSD experienced a significant and ongoing staffing shortage for nearly all of the 2016-17 fiscal year. Although the program is now fully staffed, training new staff takes at minimum 6 months. With 4 new claims examiners the number of claims reviewed within 90-days is slowly increasing as staff become fully trained. It is anticipated that by the end of 2018 CVSSD will be fully staffed and will be able to make determinations within the 90 day period.

KPM #10	Percentage of support collected by the Child Support Program that is distributed to families -
	Data Collection Period: Oct 01 - Sep 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
% OF SUPPORT COLLECTED BY THE CSP, WHICH IS DISTRIBUTED TO FAMILIES					
Actual	90%	91%	92%	92%	92%
Target	93%	93%	93%	93%	95%

How Are We Doing

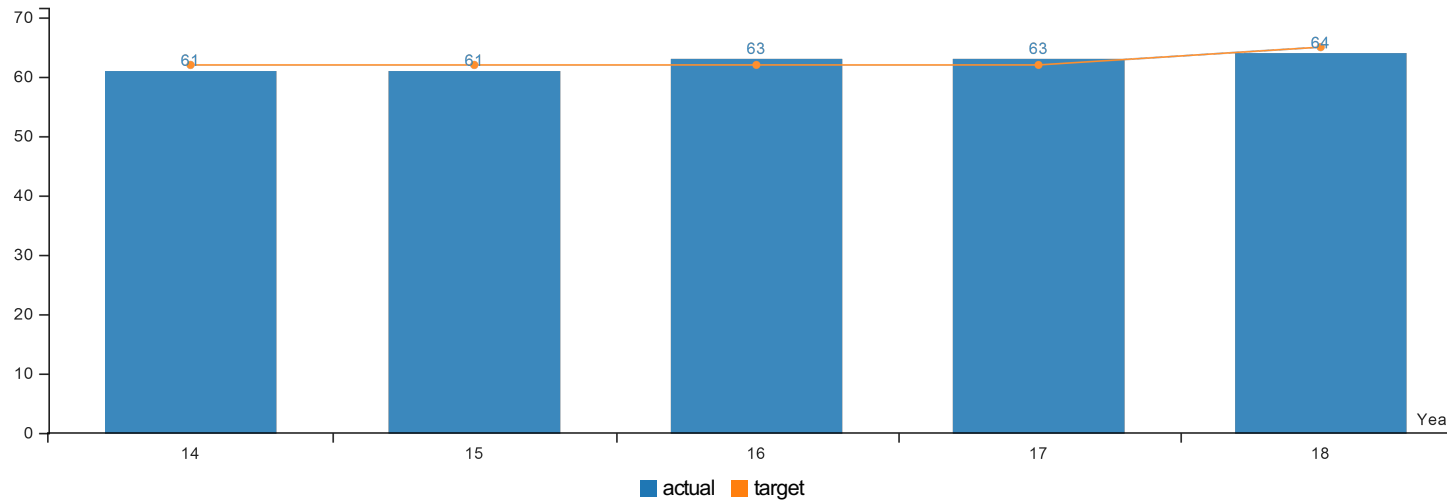
For the federal fiscal year ending September 30, 2018, the Child Support Program's performance is 92%

Factors Affecting Results

Federal law establishes priorities for the distribution of collected funds. For example, federal law requires that collected funds be distributed first to current ongoing support amounts due to families before any is distributed to reimburse the state for the costs of previously provided public assistance. Since October 2007, federal law has allowed the DOJ to provide a portion of child support payments to be made directly to families receiving public assistance (commonly known as "pass through"). Beginning in late 2009, federal requirements reduced the amount of child support assigned to the state and increased the amounts due to families. Current economic conditions have a direct impact on this measure. As employment levels rise and the quantity of individuals receiving public assistance is reduced, the portion of support assigned to and collected for families will move closer to target.

KPM #11	Percentage of current child support collected relative to total child support owed -
	Data Collection Period: Oct 01 - Sep 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
% OF CURRENT CHILD SUPPORT COLLECTED RELATIVE TO TOTAL CHILD SUPPORT OWED					
Actual	61%	61%	63%	63%	64%
Target	62%	62%	62%	62%	65%

How Are We Doing

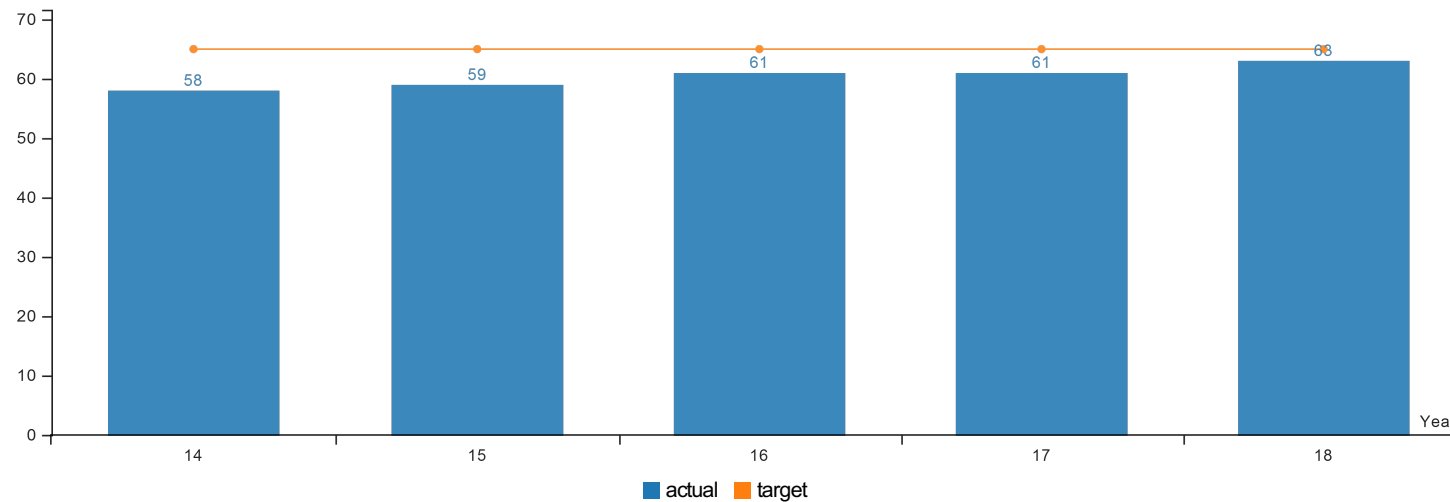
For the federal fiscal year ending September 30, 2018, the Child Support Program's performance is 64%.

Factors Affecting Results

The amount collected depends in part on the effectiveness and efficiency of the tools available to DOJ under state and federal law for non-custodial parents who are able but unwilling to meet their obligations. Oregon is generally well equipped with the tools required to persuade obligors to fulfill their obligations and to compel them to do so when necessary. The results for KPM 11 are also affected by the reality that a few obligors are willing but unable to pay and the size of this group increased when job losses increased and the economy struggled. This measure tends to lag economic recovery. DOJ's effectiveness in collecting funds from obligors who have the ability to pay depends to a great extent on the resources invested to carry out collection activities. Timing of payments is also a factor. Payments received even one day into the following month do not count as a current support payment.

KPM #12	Percentage of Child Support Program cases paying towards arrears relative to total Program cases with arrears due -
	Data Collection Period: Oct 01 - Sep 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
% OF CSP CASES PAYING TOWARDS ARREARS RELATIVE TO TOTAL CSP CASES WITH ARREARS DUE					
Actual	58%	59%	61%	61%	63%
Target	65%	65%	65%	65%	65%

How Are We Doing

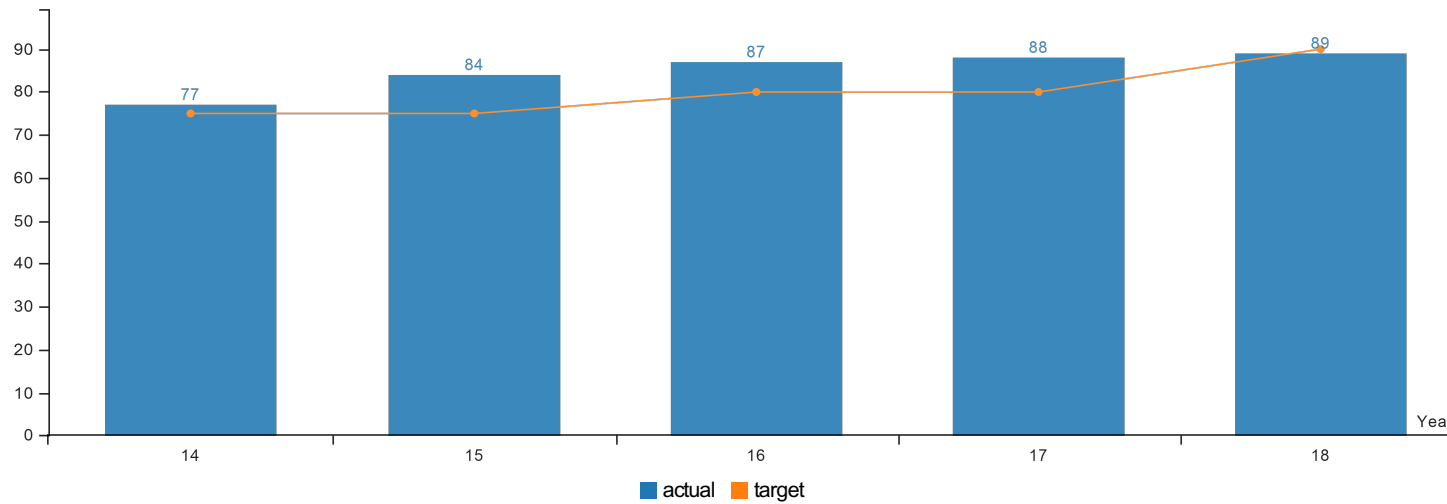
For the federal fiscal year ending September 30, 2018, the Child Support Program's performance is 63%.

Factors Affecting Results

Results for KPM 12 are affected by the same factors that affect KPM 11. The number of cases that carry arrears increases when the economy struggles. The number of parents who cannot pay all or part of the support due increases as well. This equates to additional work needed just to maintain current percentages. Conversely, good economic conditions in general contribute to increased child support collections as noncustodial parents have improved employment opportunities.

KPM #13	Percentage of Child Support Program cases with support orders relative to total Program cases -
	Data Collection Period: Oct 01 - Sep 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
PERCENTAGE OF CSP CASES WITH SUPPORT ORDERS RELATIVE TO TOTAL CSP CASES					
Actual	77%	84%	87%	88%	89%
Target	75%	75%	80%	80%	90%

How Are We Doing

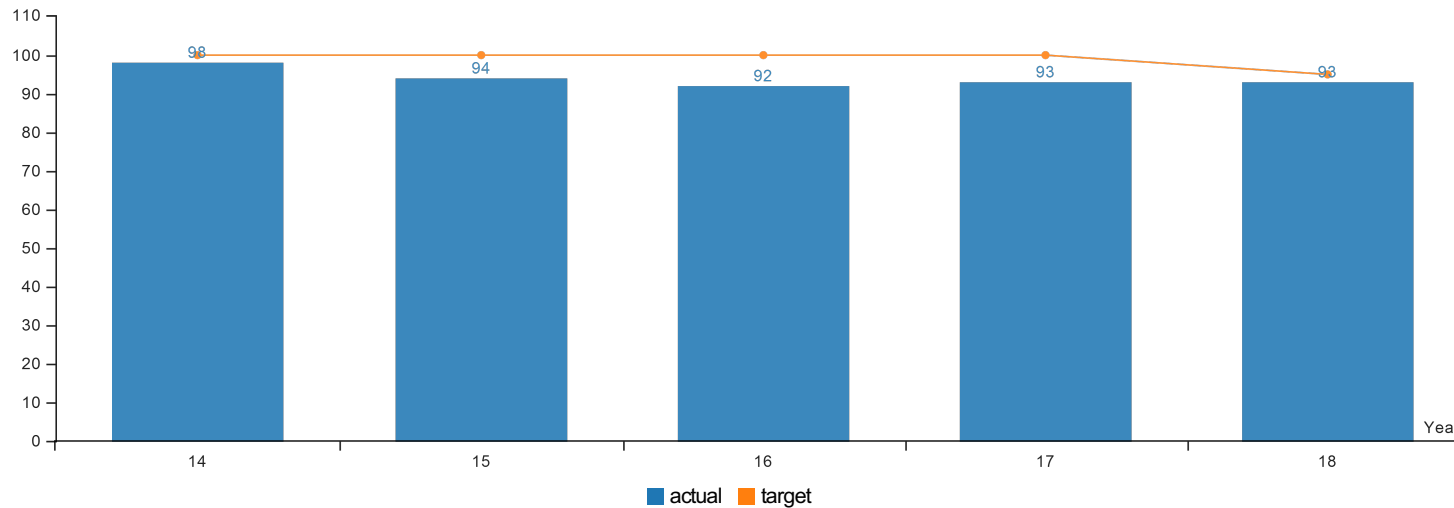
For the federal fiscal year ending September 30, 2018, the Child Support Program's performance is 90%.

Factors Affecting Results

Efforts to enhance and streamline the order establishment process will have a positive impact on this measure. Working more closely with customers to establish fair and equitable orders in a collaborative effort will assist as well. The Child Support Program continues to close cases in which no services are required. All of these factors will affect future results for KPM 13.

KPM #14	Percentage of adult victims leaving domestic violence shelters with a safety plan after a stay of five days or more -
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
% OF ADULT VICTIMS LEAVING DV SHELTERS WITH A SAFETY PLAN AFTER STAY OF 5 DAYS OR MORE					
Actual	98%	94%	92%	93%	93%
Target	100%	100%	100%	100%	95%

How Are We Doing

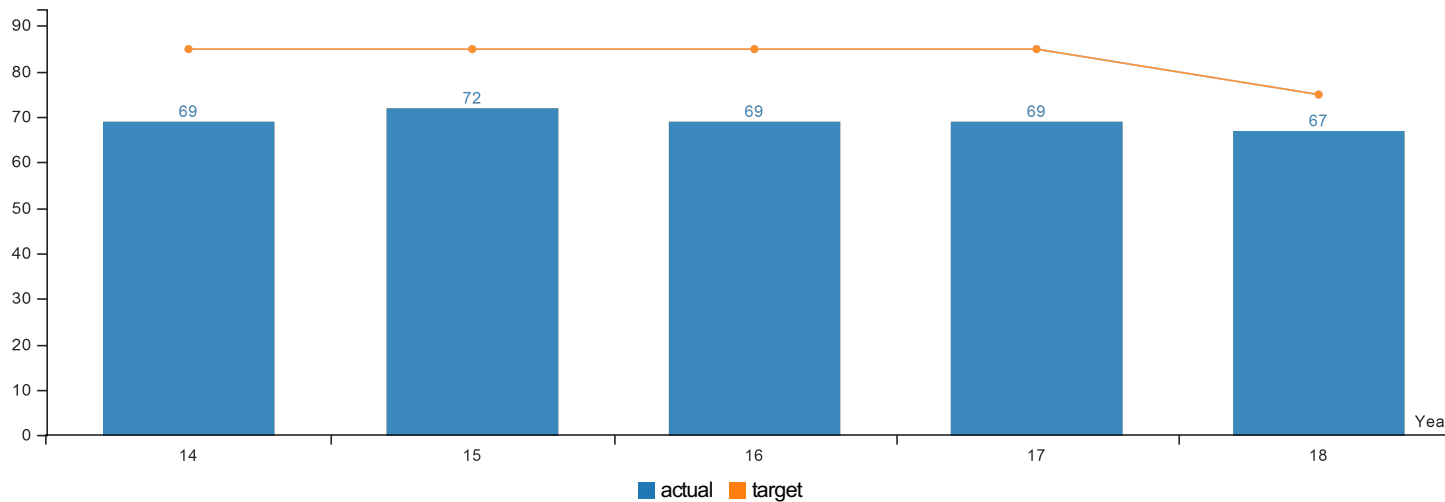
The results (93%) for the state fiscal year ending June 30, 2017, are short of meeting the target of 95% but are in the same range as the last several years.

Factors Affecting Results

DOJ makes grants to support domestic violence shelters. The shelters are operated by private nonprofit agencies, not DOJ personnel. The result measured by KPM 14 may be affected by several outside factors including staffing levels at shelters. DOJ along with other statewide partners provides training and technical assistance to these organization but DOJ is not directly responsible or involved in day-to-day operations of shelters.

KPM #15	Percentage of sexual assault exams conducted by specially trained Sexual Assault Nurse Examiners (SANE)
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
% OF SEXUAL ASSAULT EXAMS CONDUCTED BY SPECIALLY TRAINED SANES					
Actual	69%	72%	69%	69%	67%
Target	85%	85%	85%	85%	75%

How Are We Doing

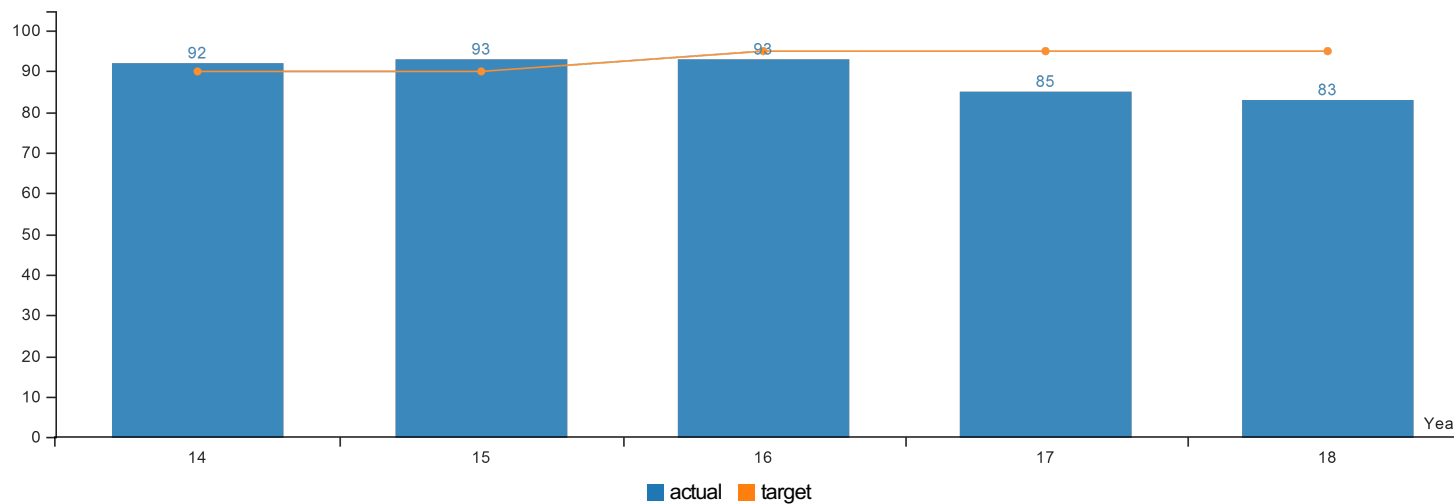
The results for state fiscal year ending June 30, 2018 were below the target level but consistent with prior years results.

Factors Affecting Results

DOJ administers the Sexual Assault Victims Emergency Medical Response (SAVE) Fund. The SAVE Fund helps offset costs arising from SANE training and from the examination of victims of sexual assault by trained SANES. The SANES are employed by health care providers; they are not DOJ personnel. The result measured by KPM 15 is, therefore, affected directly by personnel who do not serve under the Attorney General's direction or control. The availability of SANES is still an issue in some areas of the state, due to both geographic challenges and lack of funding for 24/7 hour coverage. The ongoing training provided by the Attorney General's Sexual Assault Task Force to certify more SANES is a critical element contributing to this measure. There are approximately 135 trained SANES in Oregon. There will always be a need for ongoing training as SANE certifications expire after 3 years.

KPM #16	Percentage of Defense of Criminal Convictions (DCC) cases briefed within 210 days.
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2014	2015	2016	2017	2018
Percentage of Defense of Criminal Convictions (DCC) Cases Briefed within 210 days					
Actual	92%	93%	93%	85%	83%
Target	90%	90%	95%	95%	95%

How Are We Doing

The results for the state fiscal year ending June 30, 2018, did not meet the target.

Factors Affecting Results

This KPM represents how efficiently we are briefing cases and keeping up with the number of cases coming in. We categorize cases in terms of difficulty and then set a target time for attorneys to spend briefing cases in each of the categories. We have no control over the number of cases that we respond to, but we can control our productivity by adjusting the time we devote to each case. This year, four factors contributed to a decrease in efficiency: (1) We continued to have some vacancies among our support staff responsible for processing these cases, which led to a backlog of cases not being closed, which skewed the data upon which this KPM is based. (2) As of January 2018, we had four unfilled attorney positions. We filled two of those positions in late June, but we are not yet up to full strength to maximize briefing efficiency. (3) One particularly significant matter consumed significant resources for preparation for and participation in a three-week trial in April. This trial took three attorneys off of DCC briefing for approximately two months. (4) We had an unusually high number of attorneys on extended OFLA/FMLA leave during portions of this fiscal year. This decreased the number of attorneys we had available to decrease the backlog of DCC cases.