



**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

**2021 Joint Committee on Ways & Means  
Public Safety Subcommittee Presentation  
March 29, 2021**



# Mission & Values

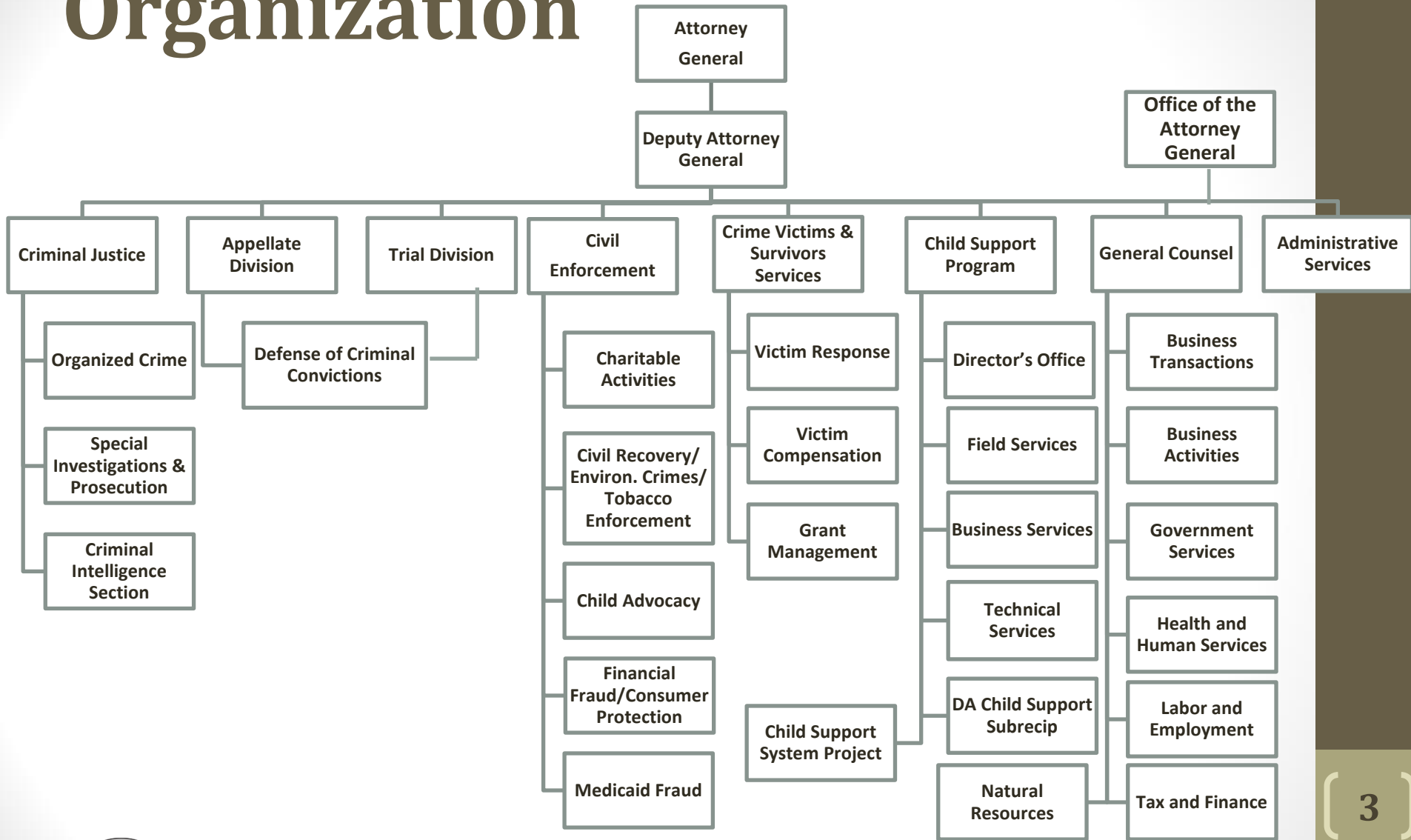
**To serve state government and to support safe and healthy communities throughout Oregon by providing essential justice services.**

We are dedicated to:

- Providing ethical, independent and high-quality legal services to state government;
- Safeguarding consumers from fraud and unfair business practices;
- Fighting crime and helping crime victims;
- Advocating for vulnerable children;
- Supporting families through the collection of child support;
- Enforcing environmental protections;
- Defending the civil rights of all Oregonians; and
- Pursuing justice and upholding the rule of law.

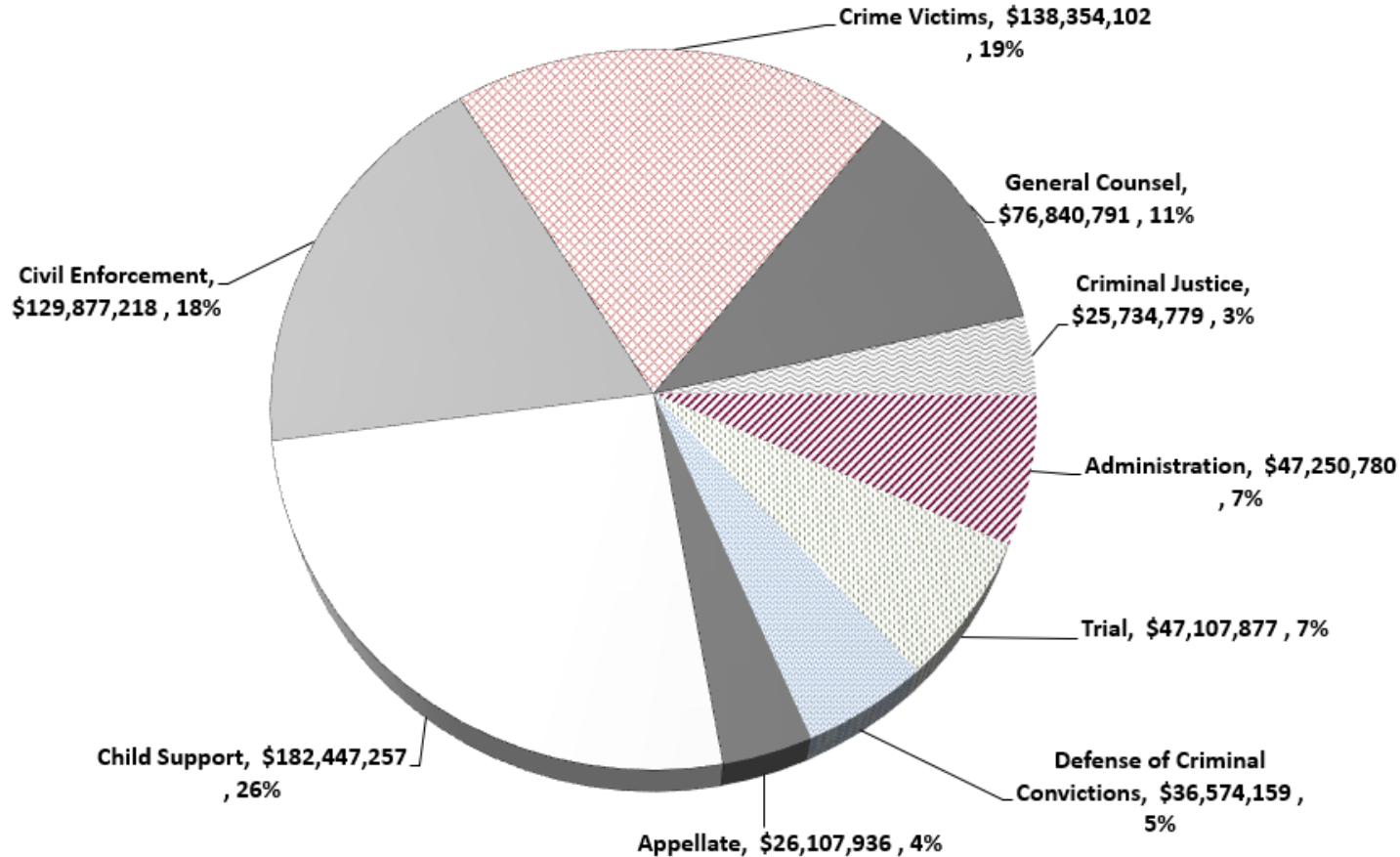


# Organization



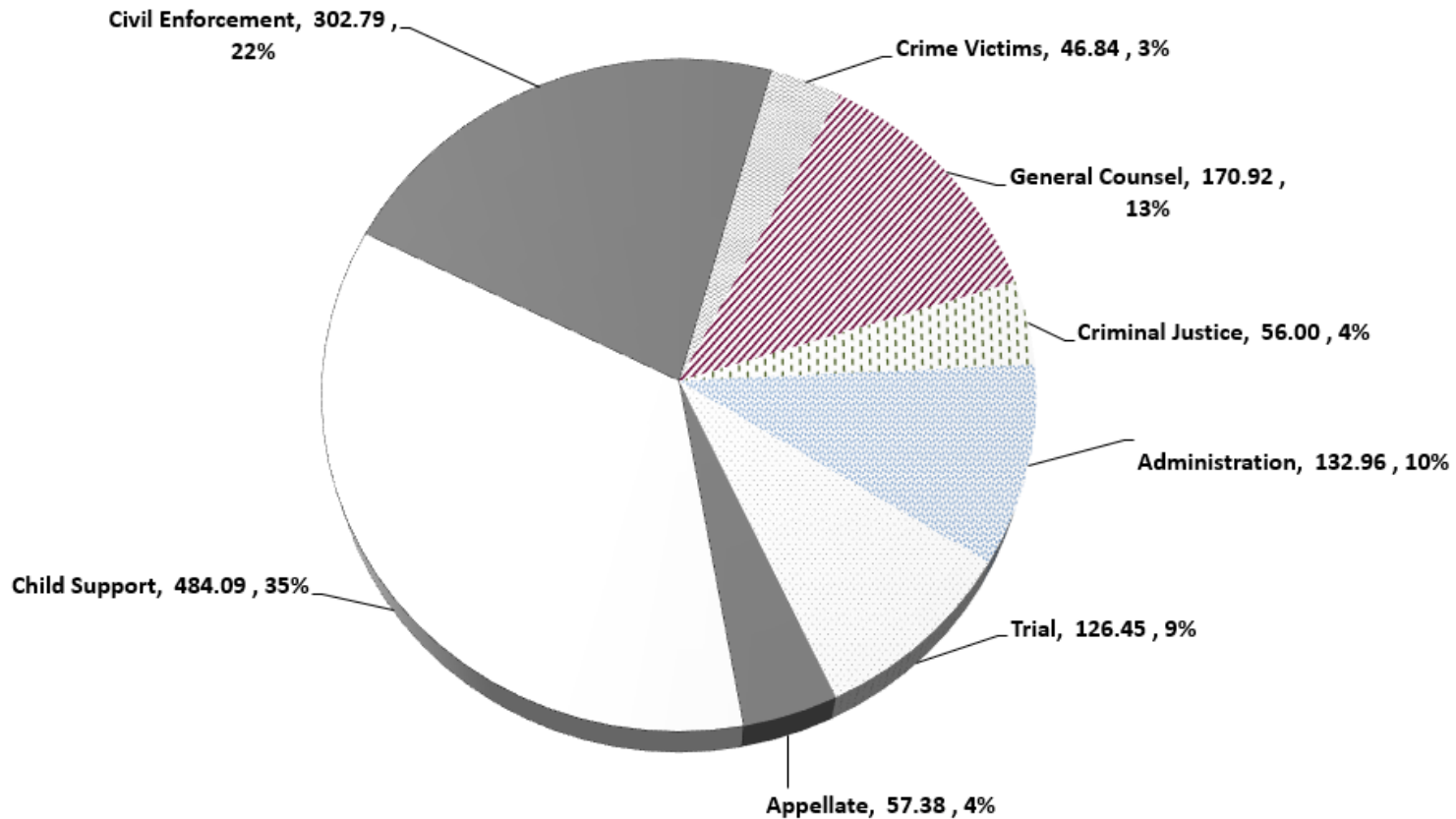
# 2021-23 Governor's Budget

DOJ Expenditures \$710.3 million



# 2021-23 Governor's Budget

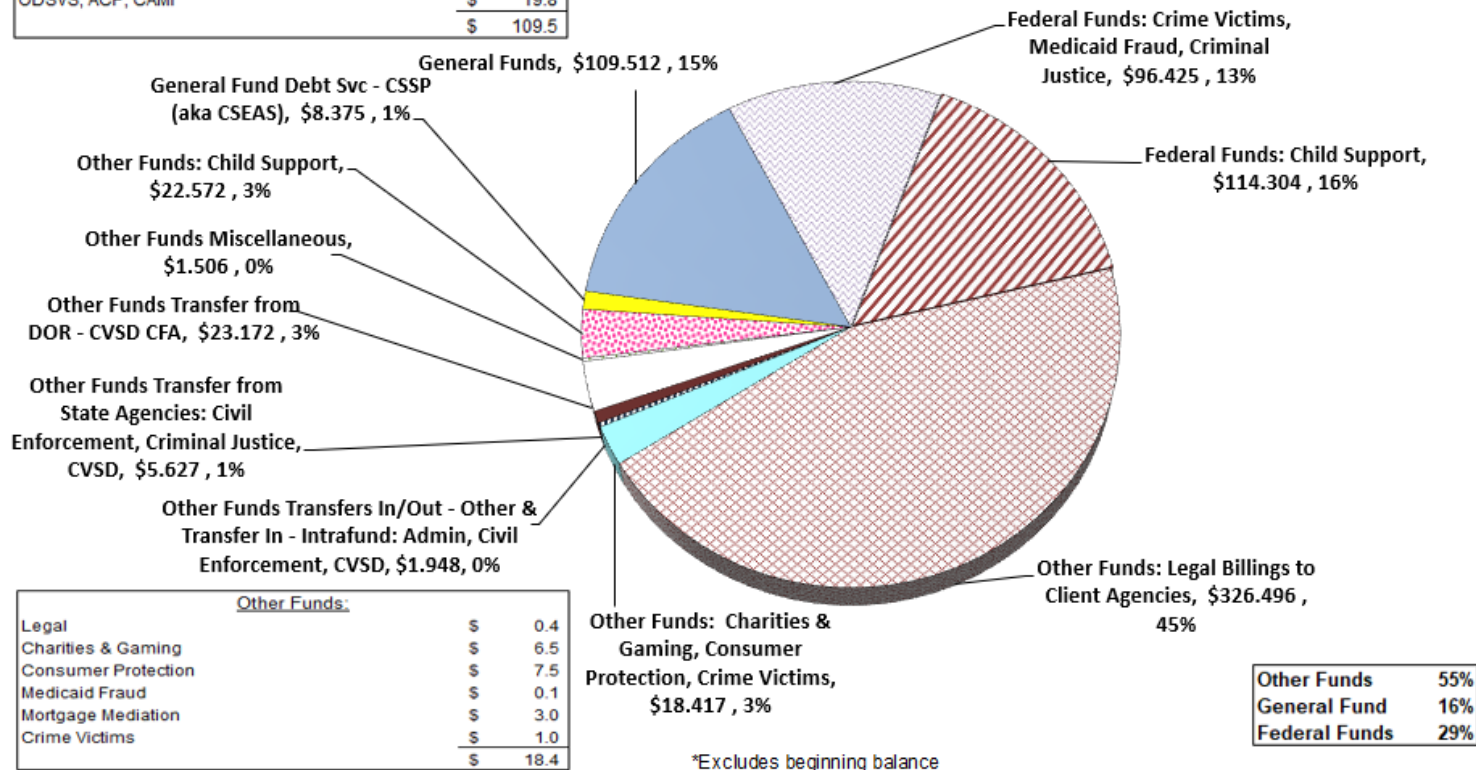
## Full-Time Equivalents



# 2021-23 Governor's Budget

<u>General Fund:</u>	
Child Support	\$ 38.1
Defense of Criminal Convictions	\$ 36.6
Ballot Titles	\$ 0.3
Legal, Civil Rights	\$ -
Administration	\$ 0.5
Criminal Investigation and Prosecution	\$ 14.2
ODSVS, ACP, CAMI	\$ 19.8
	<b>\$ 109.5</b>

**Department of Justice  
2021-23 Governor's Budget  
Total Revenue\*  
\$728.3 (\$ in millions)**



# Budget Priorities for the 2021-23 Biennium

## Included in Governor's Budget:

<b>Package #</b>	<b>Division</b>	<b>Title</b>
311	Crime Victim & Survivor Services	Backfill Punitive Damages Funding
440	Defense of Criminal Convictions	Criminal & Collateral Remedies Section
440	Trial Division	Criminal & Collateral Remedies Section
441	Defense of Criminal Convictions	Non-unanimous Jury Appeals
441	Appellate Division	Non-unanimous Jury Appeals
361	General Counsel Division	Positions to Support State Agencies
310	Crime Victim & Survivor Services	Victims of Crime Act Budget
409	Trial Division	Special Litigation Unit
410	Trial Division	Civil Litigation Section
112	Administration	Procurement Contract Specialist
102	Administration	Payroll Support
105	Administration	Financial Services Support
110	Administration	Permanent Project Manager
482	Division of Child Support	Origin Hosting
122	Administration	Realign IT Staff for Agency's Needs
125	Administration	Legal Tools Replacement 2.0



# Budget Priorities for the 2021-23 Biennium

## Included in Governor's Budget:

<b>Package #</b>	<b>Division</b>	<b>Title</b>
315	Crime Victim & Survivor Services	Human Trafficking Grant
320	Crime Victim & Survivor Services	Bias Crimes Incident Coordinator Position
309	Crime Victim & Survivor Services	Continuance of Appellate Advocacy Position
362	General Counsel	Public Law Conference and Trainings
363	General Counsel	Legal Training for Oregon State Government
120	Administration	Litigation Technology
123	Administration	Essential Security Costs for Information Tech
100	Multiple / Agency Wide	Reconcile Intra-Agency Charges
101	Multiple / Agency Wide	Reclassification of Positions
260	Criminal Justice	Continuation of LD Grant Positions (UASI, SHSG)
120	Administration	Litigation Technology
123	Administration	Essential Security Costs for Information Tech

*\*Partially funded in Governor's Budget*





# Budget Priorities for the 2021-23 Biennium

## Additional Requests:

- Civil Rights Unit Support
- Analytical & Criminal Investigative Support
- Restoration of Positions Cut in Package 070
- Staff Augmentation with Deloitte
- IBM License Renewal Cost Increase
- Transportation Projects Support
- Internet Crimes Against Children
- Appellate Advocacy Program
- AAG & Intra-agency Charge Shortfall
- Anti-Poaching Legal Support
- Specialized Child Support Positions
- Management of Criminal Justice Attorneys
- Capital Case Unit
- Appellate Editing
- Special Counsel & Assistant Communications Director



# Attorney General Billing Rates

<u>Attorney General hourly billing rates</u>	<u>2017-19</u>	<u>2019-21</u>	<u>2021-23 GRB</u>
Assistant Attorney General	\$182	\$214	\$241
Investigator	\$125	\$126	\$134
Paralegal	\$91	\$98	\$110
Law Clerk	\$55	\$55	\$60
Clerical	\$49	\$49	\$52

Rates are intended to cover all legal divisions' projected expenses and leave a sufficient ending balance for working capital.





**Oregon Department of Justice**  
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# Office of the Attorney General

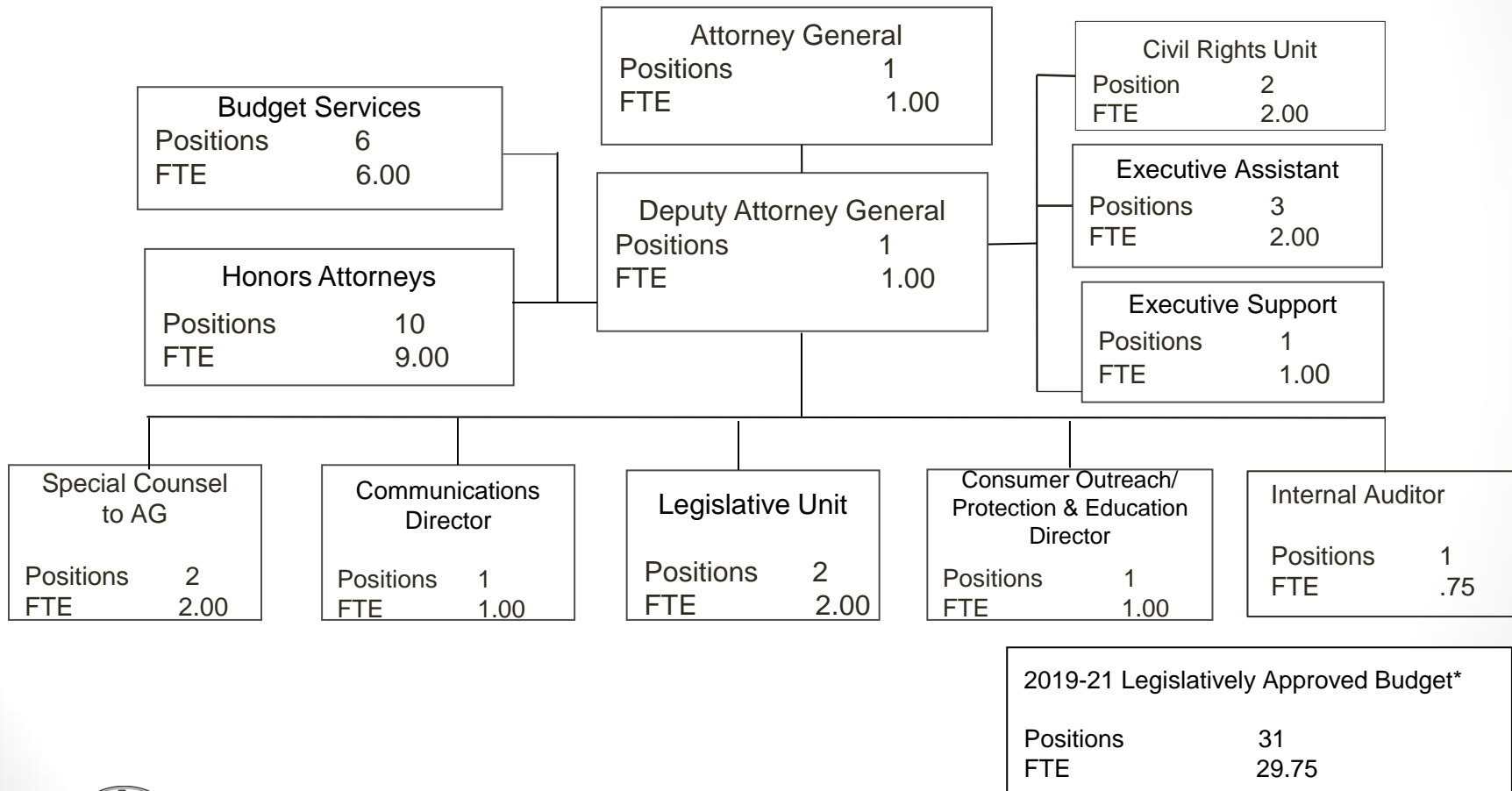


# Office of the Attorney General

- Oversees the operations of the Department of Justice
- Establishes the State's legal policy
- Manages all legislative, media and constituent activities
- Oversees consumer education and civil rights outreach to all Oregonians
- Chairs the internal audit function
- Manages the department's budget
- Issues public records orders
- Oversees ballot title reviews



# Organization



# Policy Packages

## Governor's Budget

Package 090 - Analyst Adjustments	(\$.13M) GF (1) Pos/ (1.00) FTE \$.06M OF
Package 091 - Analyst Adjustments Eliminate S&S Inflation	(\$.002M) GF (\$.61M) OF
Package 092 - Personal Services Adjustment	(\$.016M) GF (\$.17M) OF
Package 096 - Statewide Adjustment DAS Chgs	(\$.003M) GF (\$.13M) OF
Package 099 - Microsoft 365 Consolidation	(\$.001M) GF (\$.02M) OF



# Department Priorities

- Quality legal services to state government
- Providing critical support to state-wide law enforcement agencies
- Preserving benefits for victims of crime
- Defending the State in legal proceedings
- Adequate resources to operate the Child Support Program
- Protecting Oregon consumers
- Protecting Oregonian's civil rights
- Protecting state resources



# AG Office Updates

- In January 2020, the Civil Rights Unit launched the Hate Crimes and Bias Incidents Response Hotline (BRH) pursuant to SB 577 Section 8.
- As of December 2020, the hotline received 1,069 statewide reports of bias & hate that overwhelmingly targeted victims who identify as Black and/or African American. Also reports of bias against Asian and Pacific Islanders during the pandemic. There was a massive spike in hate crimes in June.
- Submitted as an appendix item to our budget presentation is a 2020 DOJ Annual Report listing the highlights of our services, accomplishments and outcomes related to consumer protection, the protection and support for Oregon children, services to victims of crime, protecting the state in legal actions, providing legal services and advice to our client agencies and supporting law enforcement agencies across the state.







**Oregon Department of Justice**  
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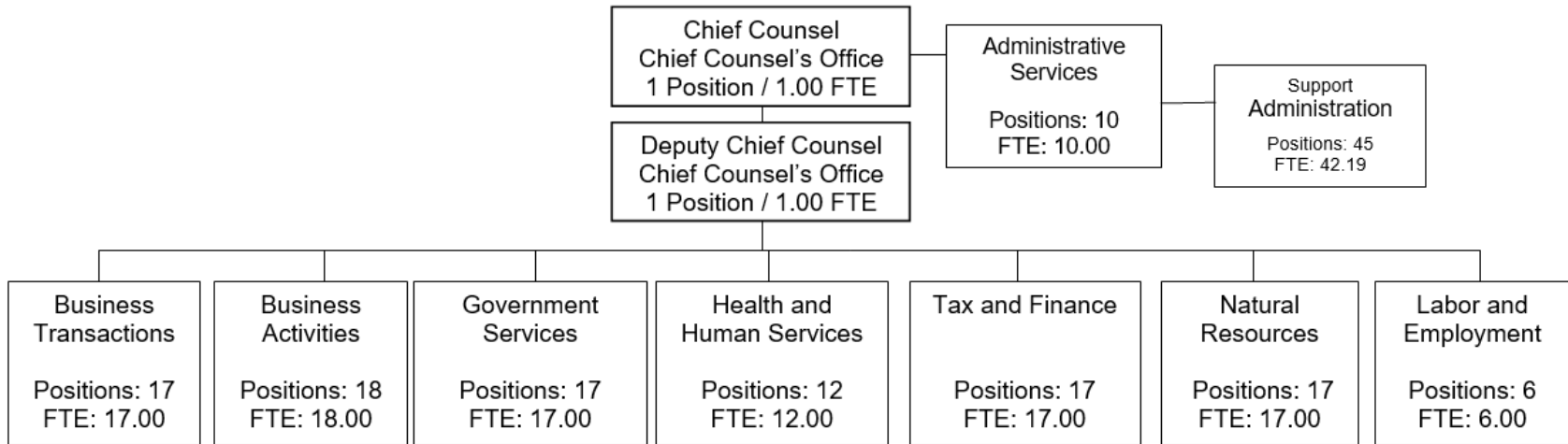
# General Counsel Division



Department of Justice – General Counsel Division

# Organization

## General Counsel



2019-21 Legislatively Approved Budget*	
Positions	161
FTE	158.19

2021-23 Governor's Budget**	
Positions	171
FTE	170.92

Change to 2019-21 Legislatively Approved Budget	
Positions	10
FTE	12.73

\*Reconciliation of .04 for 2019-21 FTE

\*\*Reconciliation of (1.00) FTE



The General Counsel Division provides the day-to-day legal services to our state agency clients to help them effectively and lawfully advance their missions.



# Program Summary

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Centralized legal services at direction of Attorney General for uniformity and enterprise-wide approach

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Provides a broad range of legal services to over 100 state agencies, boards and commissions

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Assigns “contact counsel” to each agency

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Emphasizes preventative law and client education

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Ordinarily provides legal services only at agency request

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# General Counsel Services

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Provides day-to-day legal advice

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Represents agencies in contested case hearings

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Drafts and reviews contracts, including performing mandatory legal sufficiency review

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Issues Letters of Advice and Attorney General Opinions

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Provides legal trainings, tools and resources to agencies, boards and commissions

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# Emergency Response



COVID-19 Pandemic



# COVID-19 Pandemic

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Executive orders

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Emergency Coordination Center

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Congregate care settings

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Labor and Employment

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Pre-litigation/public records

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Cares Act/economic recovery grant programs

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Enforcement of COVID-19 restrictions



# Emergency Response



Civil Unrest



Wildfires





# Civil Unrest/Wildfires

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**Civil Unrest:** Support state law enforcement, military department and Governor to coordinate

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**Wildfires:** Emergency housing and other support

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Clean up

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Recovery grant programs

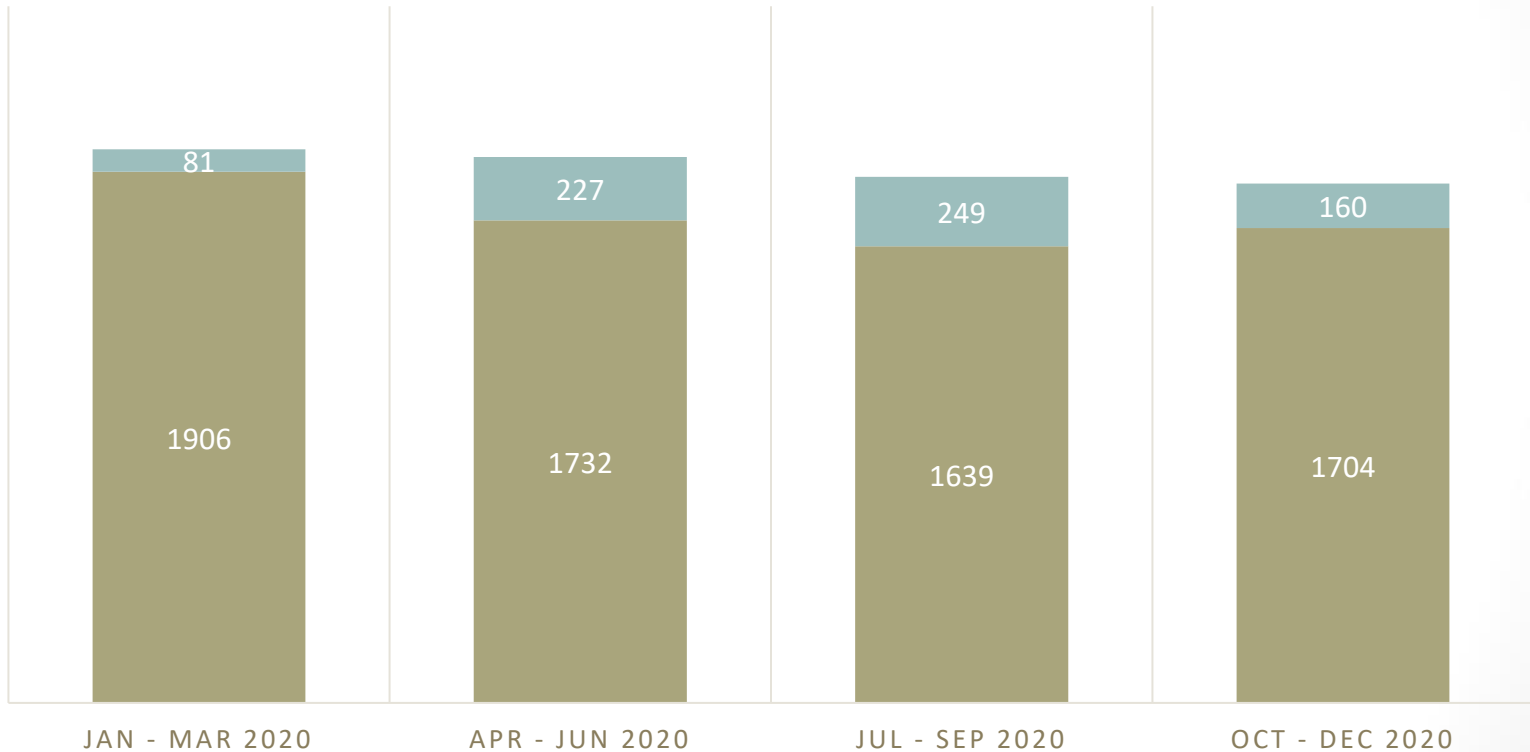
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# Perspective

## OPENED FILES: COVID 19\* VS OTHER

■ Other ■ COVID-19



# Policy Packages

## Governor's Budget

Package 087 -	August 2020 Special Session	\$ .77M OF	2 Pos/ 2.00 FTE
Package 091 -	Statewide Adjustment DAS Chgs – State Government Service Charge adjustment	(\$ .40M) OF	
Package 092 -	Personal Services Adjustment	(\$1.72M) OF	
Package 096 -	Statewide Adjustment DAS Chgs	(\$ .32M) OF	
Package 099 -	Microsoft 365 Consolidation	(\$ .11M) OF	
Package 100 -	Reconcile Intra-Agency Charges	\$1.7M OF	



# Policy Packages

## Governor's Budget

Package 361 -	Positions to Support State Agencies Permanently fund four limited duration positions received in the 2018 session	\$ 2.6M OF	7 Pos/6.16 FTE
Package 362 -	Public Law Conference and Trainings Provide funding for the biannual Public Law Conference as well as three	\$0.52M OF	
Package 363 -	Legal Training for Oregon State Government Fund a Client Legal Training Manager position to provide legal training for Oregon State Agencies to help mitigate risks and improve agency internal risk mitigation efforts.	\$0.31M OF	1 Pos/2.00 FTE



# 10% Legal Fund/Other Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Administration	\$ 41.53	OF	(2.08)	(2.08)	(4.15)
Appellate	\$ 25.70	OF	(1.29)	(1.29)	(2.57)
Civil Enforcement - Legal	\$ 91.64	OF	(4.58)	(4.58)	(9.16)
Criminal Justice - Legal	\$ 3.04	OF	(0.15)	(0.15)	(0.30)
<b>General Counsel</b>	<b>\$ 73.48</b>	<b>OF</b>	<b>(3.67)</b>	<b>(3.67)</b>	<b>(7.35)</b>
Trial	\$ 44.31	OF	(2.22)	(2.22)	(4.43)
Total Legal	\$ 279.71	OF	(13.99)	(13.99)	(27.97)
Consumer Protection and Education	\$ 20.84	OF	(1.04)	(1.04)	(2.08)
Non-Participating Manufacturers	\$ 1.47	OF	(0.07)	(0.07)	(0.15)
Total	\$ 22.31	OF	(1.12)	(1.12)	(2.23)
Combined Budget	\$ 302.02	OF	(15.10)	(15.10)	(30.20)





**Oregon Department of Justice**  
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# Civil Enforcement Division



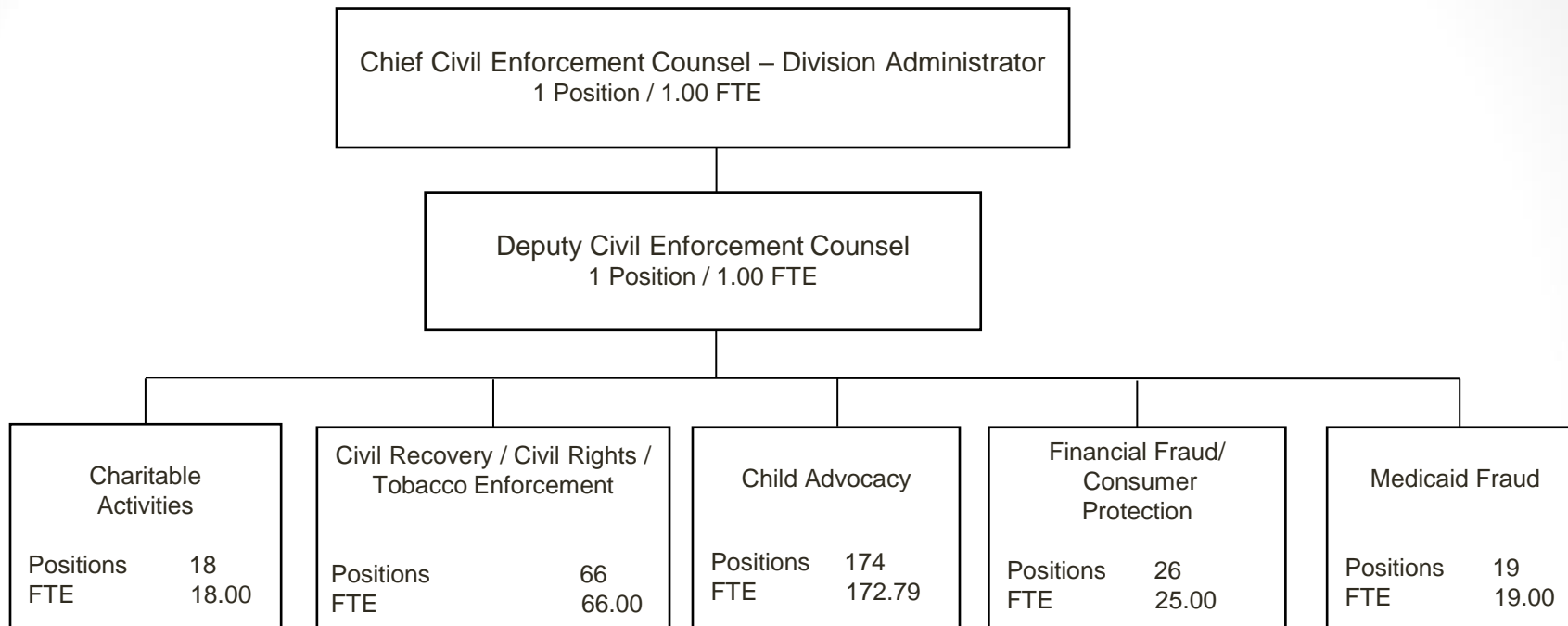
Department of Justice – Civil Enforcement Division

# Civil Enforcement Division Overview

- Preserve state resources
- Advocate for children and families
- Assist Oregonians by providing education, enforcement, and regulation:
  - Consumer Transactions
  - Charitable Giving and Gaming
  - Medicaid Program
  - False Claims and Antitrust



# Organization



2019-21 Legislatively Approved Budget	
Positions	305
FTE	302.79





# Consumer Protection



# Consumer Protection

- Funding: 100% Self-Funded
- Goals:
  - Protect and Assist Oregon Consumers
  - Promote Competition/Protect Marketplace
- Methods:
  - Consumer Hotline: 30,000 calls each year
  - Written Complaints: 7,000+ each year
  - Education and Outreach
  - Enforcement and Litigation
- Workload Factors:
  - Volume
  - Complexity



1-877-877-9392  
CONSUMER HOTLINE



# Consumer Protection – Top Ten List of Consumer Complaints

1. Telecommunications
2. Auto Sales & Repair
3. Imposter Scams
4. Health and Medical
5. Financial, Credit & Lending
6. Grocery, Food and Beverage Industry\*
7. Travel Services and Products\*
8. Real Estate and Property Management
9. Recreation\*
10. Construction Contractors

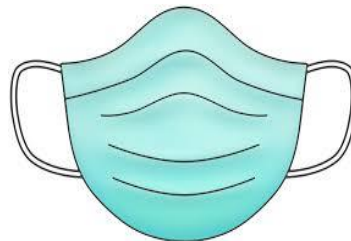
\*Increased complaints driven by pandemic



# Consumer Protection

## Price Gouging

- Conditions for Price Gouging:
  - Abnormal disruption of the market – declaration by Governor
  - Sales at an “unconscionably excessive price”
- Applies to “essential consumer goods or services”
  - Items necessary for health, safety, welfare (food, water shelter)



# Protection and Education Account – Other Work

- Antitrust
  - Price discrimination, price fixing, monopolies
- False Claims
  - Recovery of funds paid by state agency based false or fraudulent information
- Foreclosure Avoidance Program
  - Mediation program to assist homeowners with face-to-face meeting with lender
  - Goal: information sharing and avoidance of foreclosure where possible



# Civil Recovery Section



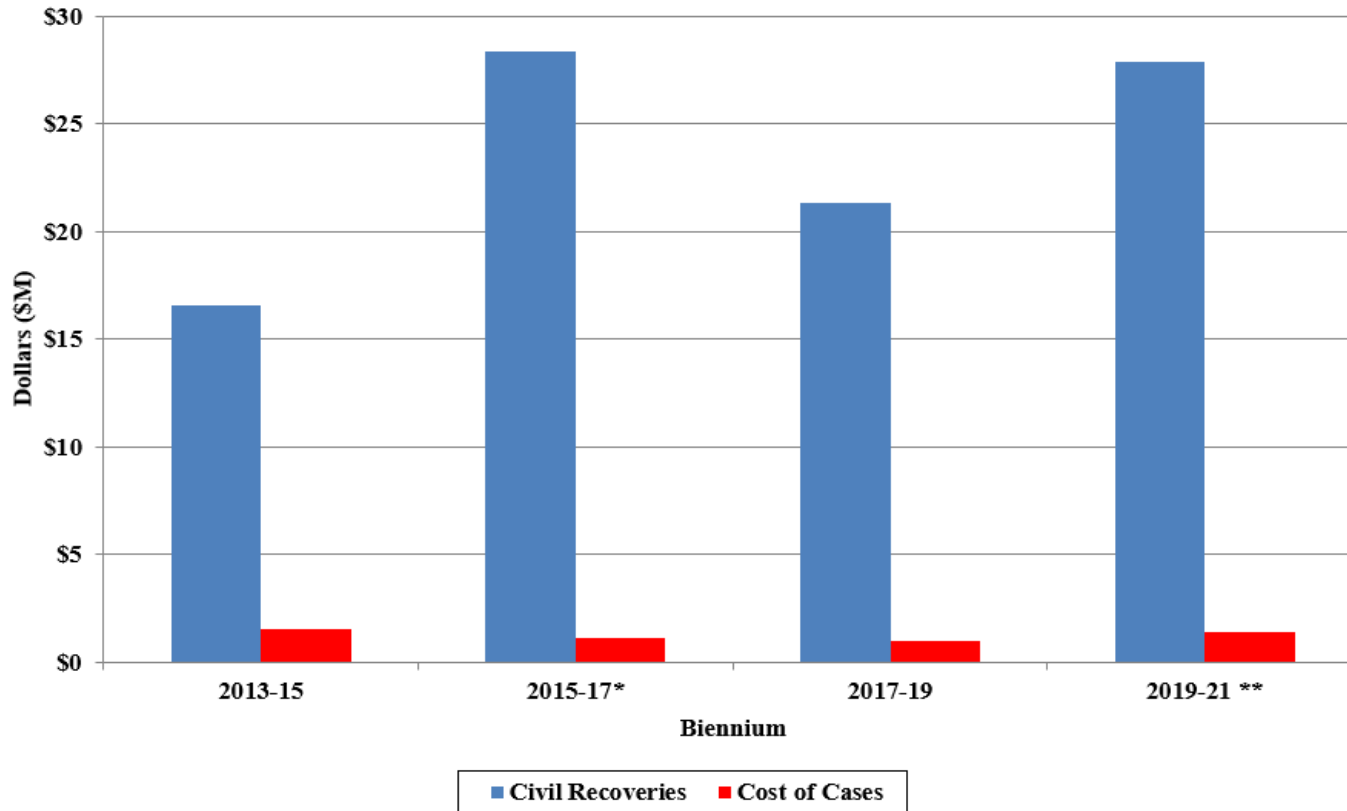
# Civil Recovery

- Plaintiff lawyers for the State
  - Recover money/property owed to state agencies
    - Fire Suppression Costs
    - Overpayment of Benefits
    - Highway Damage
    - Breach of Contract
  - Protect state's interest in bankruptcy/lien foreclosure
  - Handles cases in which state agency seeking relief
    - Civil Commitments
    - Conservatorships/Guardianships
    - Injunctive Relief
  - Workload Factors: Number/Complexity of Cases



# Civil Recovery

## Amount Recovered vs. Cost of Cases



\*2015-17 – This sum reflects \$11 million punitive damages recovered in Schwarz v. Philip Morris.

\*\*2019-21 – Estimated.





# Civil Recovery – Child Support

- Assist Oregon families and children by representing Division of Child Support
  - Establish, modify and enforce child support orders; establish paternity; pursue contempt actions when obligor does not pay required support
  - Training and education:
    - Child Support Bench Book
    - Training to DCS staff, private attorneys, DDAs and OJD
- Recoveries
  - Payments to Oregon families increases after contempt actions are filed
  - Holistic approach – emphasis on payments and job search
  - Responded to pandemic and wildfires with increased flexibility
- Workload Factors: Number of cases, economy



# Civil Recovery – Wildfire

- Wildfire suppression – cost recovery
  - Assist Oregon Department of Forestry
  - Investigate Cause and Origin
  - Recovery from responsible party (if one exists)
- State and Private protected forestland
  - Exceptions include:
    - Federal/County Land
    - Unless Agreement
  - Thus, not all fires
- Complicated Investigations

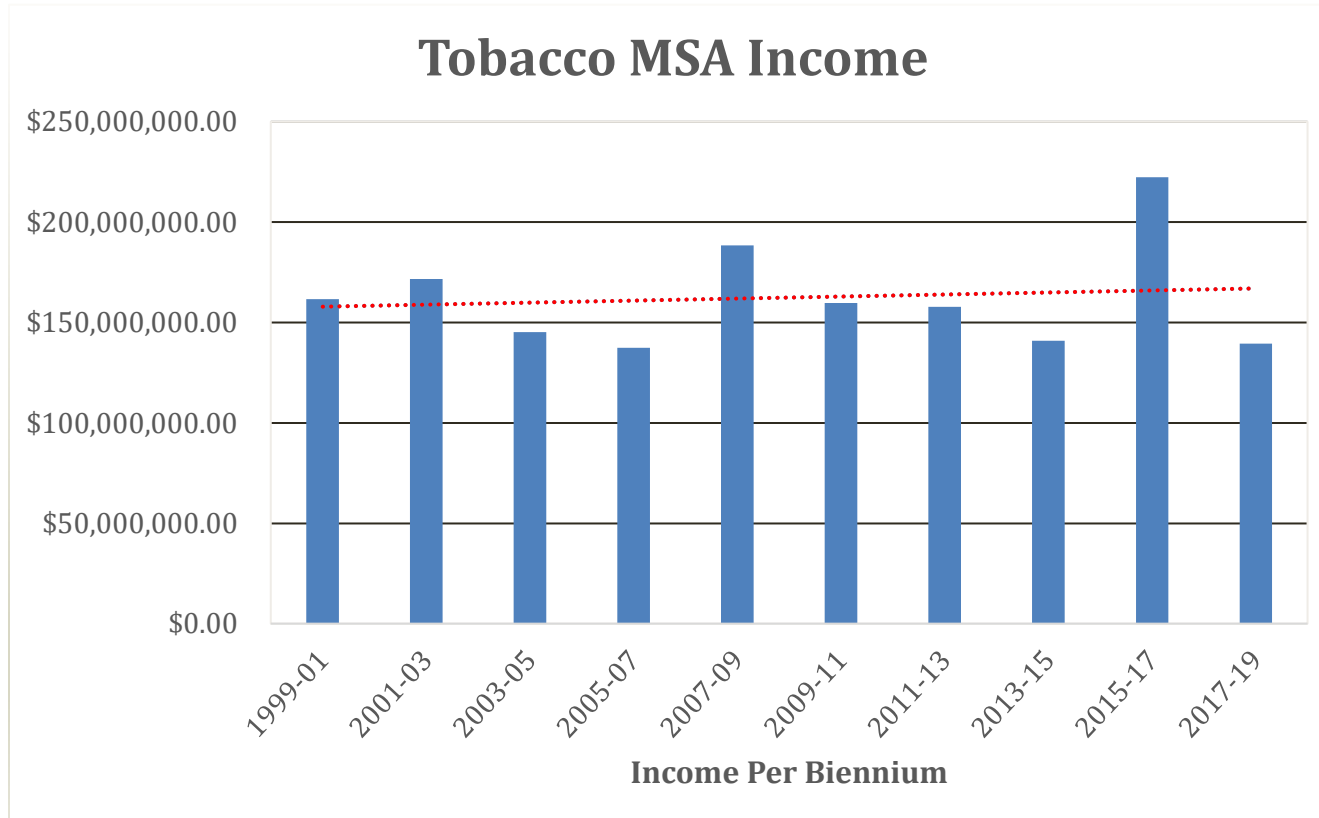


# Civil Recovery - Tobacco

- Protect Tobacco MSA Income Stream
  - \$140-\$160 million to State Treasury each biennium
  - More than \$1.7 Billion to date
  - Payment obligation into perpetuity
  - Prior Litigation: Settled through 2022
- Regulation of Cigarette Sales in Oregon
  - Obligation to enforce “NPM Escrow Statutes”
  - Maintain directory of products approved for sale
- Workload factors: Volume of companies/sales, litigation with MSA participants



# Civil Recovery - Tobacco



# 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 or non-residential Medicaid recipients
- Provide training and education
- Funding:
  - 75% federal match
  - 25% penalties and settlements
- Workload Factors:
  - Federal expansion of role, increased enrollment in Oregon Health Plan (Medicaid)



# Medicaid Fraud

## Oregon MFU's Production over the Last Two Years

(with similarly-sized MFUs comparable for the last-available FFY18 and FFY19 figures)

State	Federal Fiscal Year			
	2018		2019	
	Authorized Staffing (FTE)	Criminal Convictions	Authorized Staffing (FTE)	Criminal Convictions
Alaska	12	8	12	16
Colorado	15	7	16	9
Hawaii	16	4	16	6
Idaho	9	9	9	9
Montana	8	8	7	7
Nevada	16	11	17	18
New Mexico	21	3	21	7
<b>Oregon</b>	<b>17</b>	<b>49</b>	<b>14</b>	<b>26</b>
Utah	13	14	11	15
Washington	36	4	51	16



# Charitable Activities Section





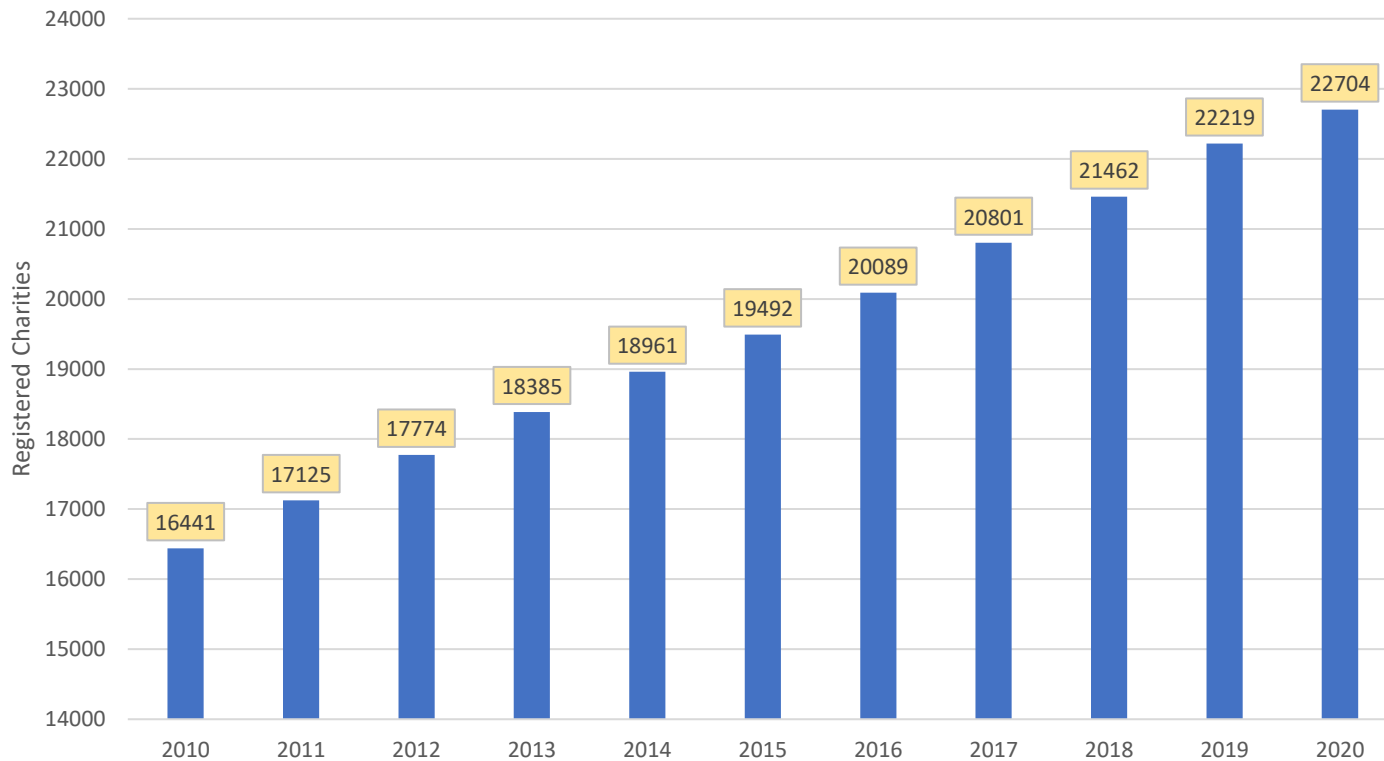
# Charitable Activities

- Protecting Charities and Charitable Giving:
  - Licensing/Regulation
  - Education
  - Enforcement
- Regulate Charitable Gaming
- Funding: 100% supported by fees, sliding scale
  - Revenue Fee: min \$20 – max \$400
  - Net Asset Fee: % of assets, capped at \$2,000
- Workload Factors: Number of registered charities



# Charitable Activities

## Registered Charities at Year End 2010-2020



# Environmental Crimes and Cultural Resources

- Work with tribes to protect cultural history
  - Archaeological objects/Cultural significance
  - Government-to-Government participation
- Criminal Environmental Laws
  - Air, water, hazardous waste
  - DA Assist, coordinate with State and Federal partners
  - Education
- Anti-Poaching
  - Assist Oregon Department of Fish and Wildlife
  - DA Assist, Education



# Environmental – Anti-Poaching



Wildlife is a resource managed for the benefit of all Oregonians

Wildlife poaching has a negative impact on:

- Wildlife population
- Communities that rely on revenue from hunting



# Child Advocacy Section



# Child Advocacy

- Section attorneys represent the Department of Human Services Child Welfare Program (DHS):
  - Provide litigation support and legal advice in all Juvenile Dependency and Termination of Parental Rights cases
  - Appear at administrative hearings regarding foster care certification cases and prepare agency final orders
  - Responsible for general legal advice specific to issues impacting child welfare and child safety
- Workload factors: COVID pandemic, complexity/lengthy history of cases, unpredictable volume of cases, lack of system efficiencies, other statewide emergencies (wildfires, housing)



# Legal Advice to DHS Child Welfare programs

Child Safety &  
Child Abuse Hotline

Child Permanency:  
reunification,  
adoption,  
guardianship

Treatment Services

Foster Care & Youth  
Programs

Child Fatality:  
prevention &  
review

Foster Certification  
& Licensing

Statewide  
emergency advice  
(COVID-19 /  
wildfires)

ICPC – Interstate  
Compact for  
Placement of  
Children

State & Federal  
Policy/Business  
Operations



# Emergency Legal Advice

New: Consultation with  
DHS pre-filing of  
Dependency Petitions

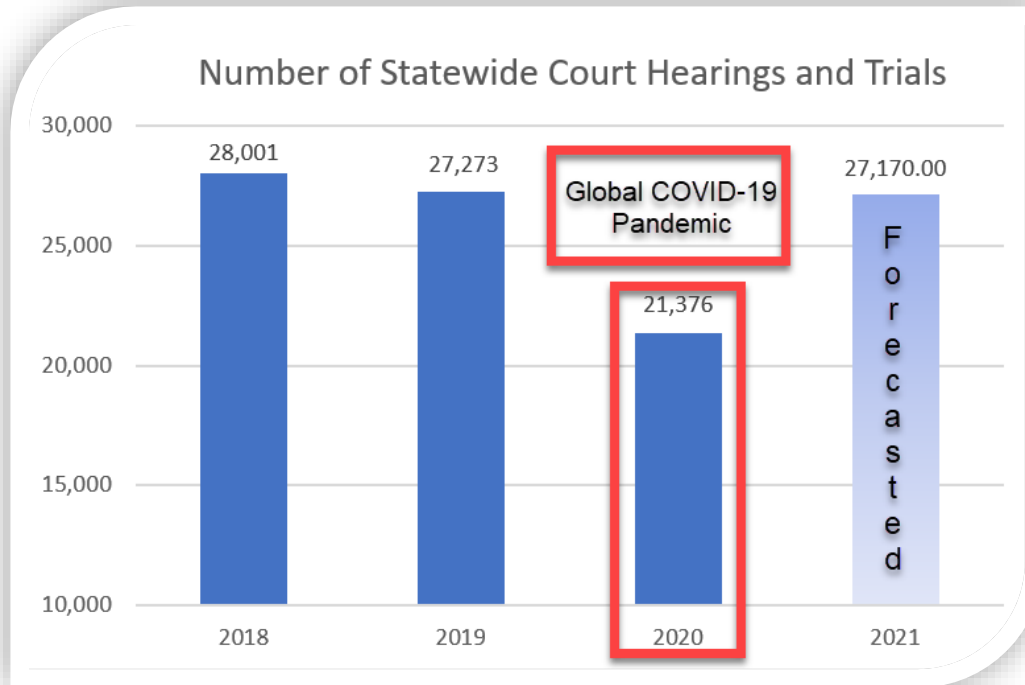


In 2020, ChAS AAGs provided 4,174.4 hours of emergency legal advice to Child Welfare caseworkers in every county to determine whether DHS has legal sufficiency to remove a child and to prevent unnecessary trauma of removal.








# Court Hearings and Trials



- Section AAGs prepared for and appeared on behalf of DHS caseworkers at a significant number of court hearings statewide, including complex multi-day trials.
- Associated AAG & staff workload includes witness and exhibit preparation, subpoenas, legal service, filing pleadings, drafting judgments, reviewing voluminous discovery, and settlement discussions, et al.

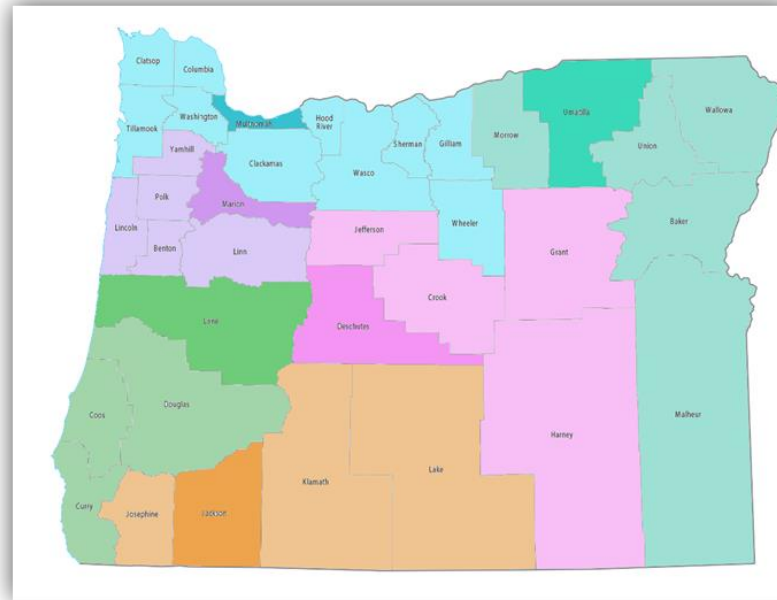


# DHS Child Welfare Case Worker Satisfaction

-  • 68% of Child Welfare case workers report legal issues in their cases are being appropriately addressed in a timely manner compared to their experiences prior to DOJ Full Representation.
-  • 65% of Child Welfare case workers report their overall experience of the court process has been more positive compared to their experiences prior to DOJ Full Representation.
-  • Retention of Child Welfare case workers has increased over time since DOJ Full Representation began.



# Child Advocacy Caseloads & Attorney FTE



ChAS Office	Number of Jurisdiction & TPR Cases	Attorney FTE
Portland	2,118	28.6
Pendleton	333	5.0
Salem	863	12.5
Bend	227	3.0
Eugene	1,269	15.5
Medford	573	9
<b>Statewide Totals</b>	<b>5,383</b>	<b>73.6</b>



# Policy Packages

## Governor's Budget

- Package 091 – Statewide Adjustment DAS Chgs – State Government Service Charge adjustment (\$\$.993M) OF (\$\$.035M) FF
- Package 092 – Personal Services Adjustments (\$2.3M) OF (\$\$.10M) FF
- Package 096 – Statewide DAS Charges Adjustment (\$\$.66M) OF (\$\$.03M) FF
- Package 097 – Statewide AG Adjustment – Reduces Attorney General Rate (\$\$.60M) OF
- Package 099 – Microsoft 365 Consolidation (\$\$.20M) OF (\$\$.01M) FF



# Policy Packages

		<u>Governor's Budget</u>
• Package 100 –	Reconcile Intra-Agency Charges	\$2.02M OF \$.034K FF
• Package 101 –	Reclassification of Positions	\$.39M OF \$.022M FF
• Package 093 –	Transfers to General Fund	(\$6.3M) OF



# 10% Legal Fund/Other Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Administration	\$ 41.53	OF	(2.08)	(2.08)	(4.15)
Appellate	\$ 25.70	OF	(1.29)	(1.29)	(2.57)
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**Oregon Department of Justice**  
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# Division of Child Support



Department of Justice – Division of Child Support

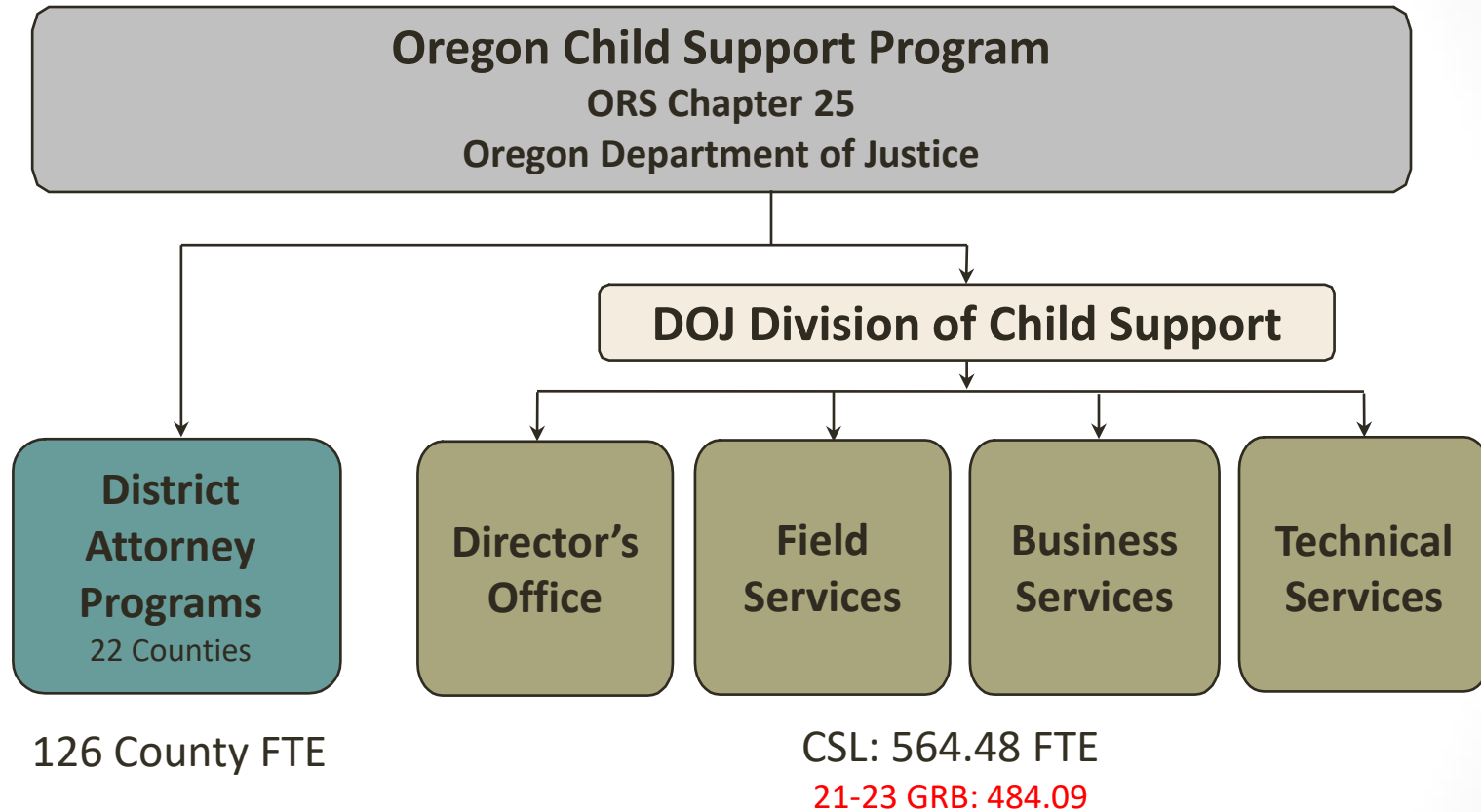
**What we're about:**

**Supporting parents  
to  
support children**





# Oregon's Federal Title IV-D Program



# Whom do we serve?

## Oregon's program provides services for all families

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

**There is no “means test” for services**

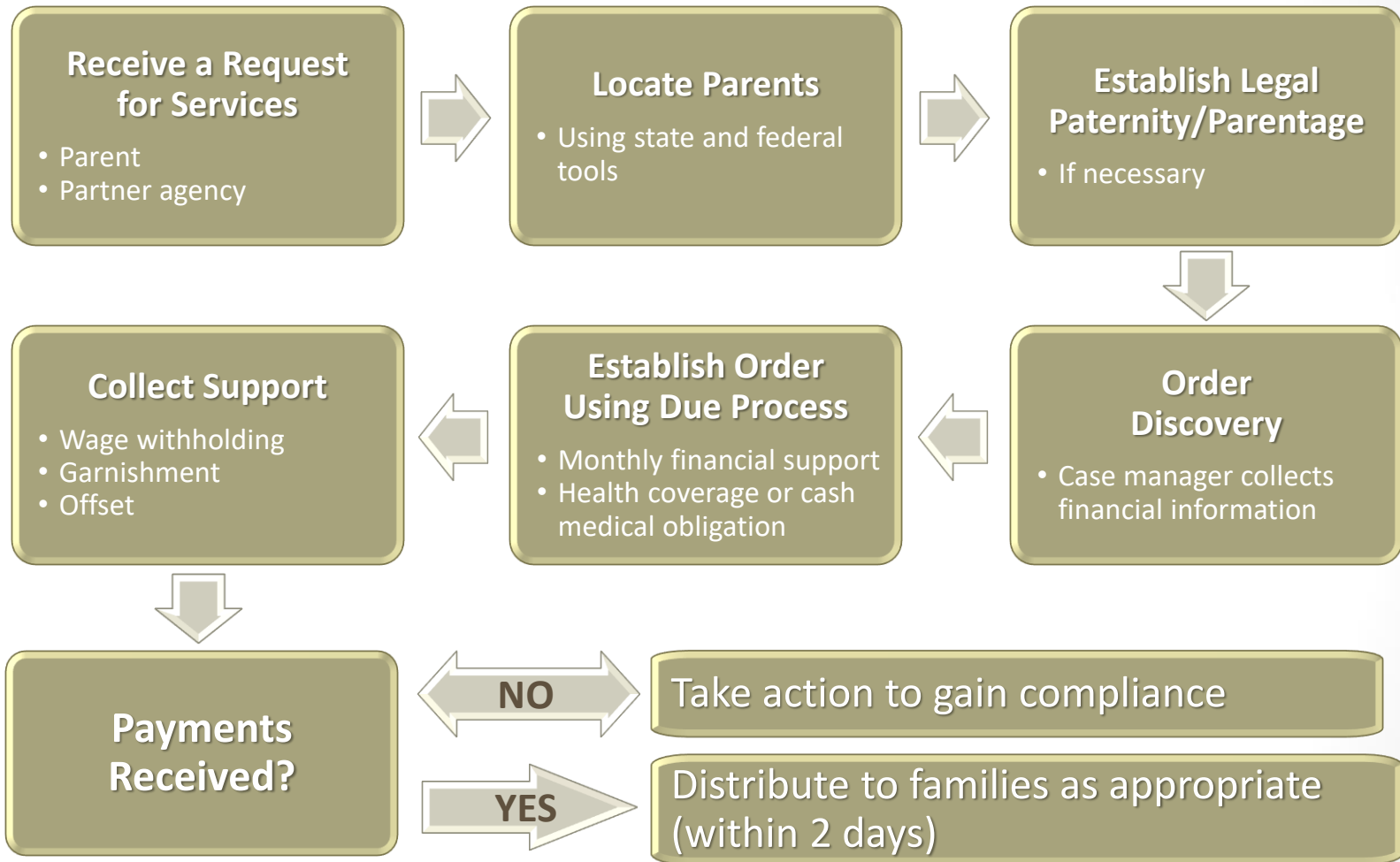


# What do we do?

- Locate parents and assets
- Establish paternity/parentage
- Establish child and medical support orders
- Ensure compliance with orders
- Collect payments
- Modify and adjust child support orders
- Manage accounting and recordkeeping
- Receive and distribute collections



# The Life of a Case



# Compliance & Collection

## Some of the proverbial “tools in the tool box”

- Income withholding and mandated new hire reporting
- Employer health insurance or cash medical
- Unemployment and workers compensation withholding
- Interception of federal disbursements, state and federal tax refunds, and lottery winnings
- Compliance agreements
- Bank data matches and garnishments
- License restriction (occupational, recreational, driver, etc.)
- Federally mandated passport restriction
- Liens on property and money awards



# BY THE NUMBERS

**14** million child support cases nationally  
**1 in 4** children



## Public programs in Oregon with the most child participants:

1. Public Schools
2. Oregon Health Plan
3. SNAP (food stamps)
4. Oregon Child Support Program

**167,398** child support cases

**164,857** children 21 and younger

**163,304** children 18 and younger

**19%** of children in Oregon



**\$367.4** million  
annual collections

**\$1.4** million  
daily collections

**75%** collected through  
income withholding



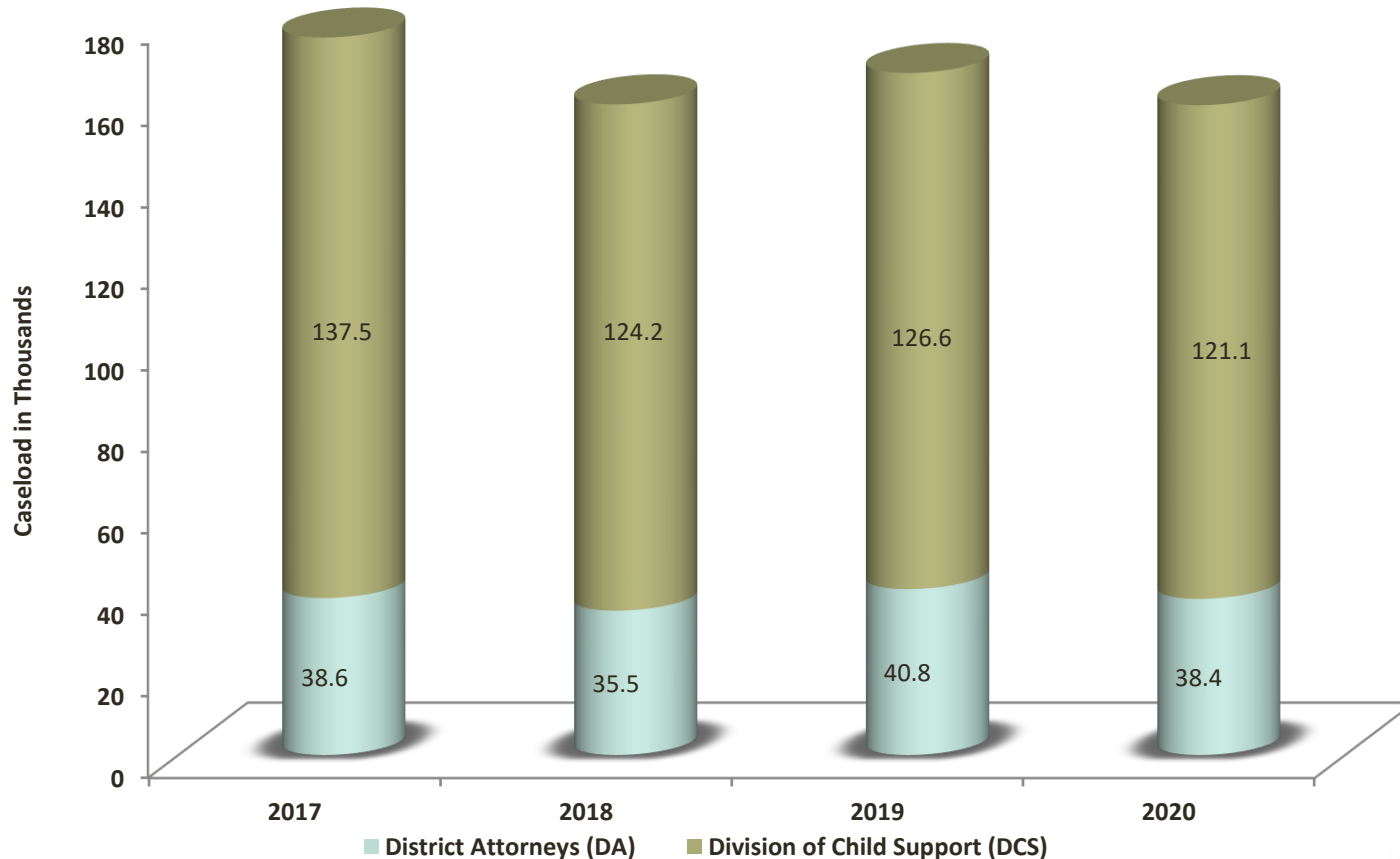
**93%** goes to  
families

**7%**

reimbursed  
public assistance

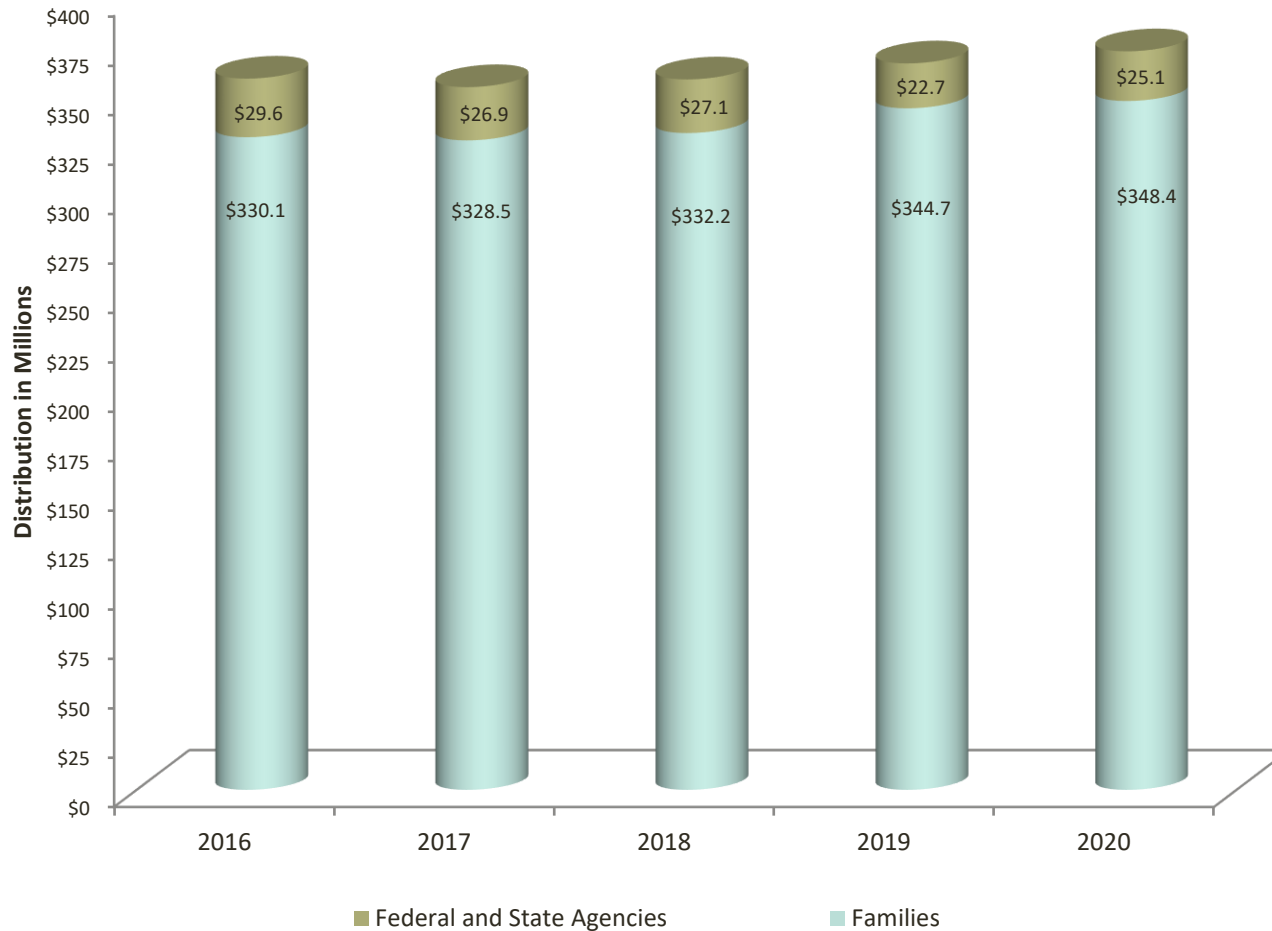


# Program Caseload





# Total Child Support Collections Distributed in Oregon



# Support during Crisis

## Pandemic ♦ Wildfire ♦ Economic

### Customer service

- Expanded hours, staff for Customer Service (phone, online)
- Email campaign with crisis message and to promote online account
- Website announcements, frequently updated topical FAQs

### CARES Act

- Budget impact from increase of federal share of recoupments (FMAP)
- Stimulus payments offset for past-due child support
  - IRS, OCSE errors, confusion – mixing payment types, joint returns
  - Accounting complications

### Subsequent relief acts

- Stimulus payments *not* offset for past-due child support
- Shifting changes in unemployment compensation
- Recovery Rebate Credit



# Support during Crisis

## Pandemic ♦ Wildfire ♦ Economic

### Policy and practice temporary changes

- Family-first distribution of stimulus payment offsets
- Suspended non-cooperation referrals to ODHS for TANF sanctions
- Hardship request process
- Raised garnishment threshold
- License suspension, credit reporting, contempt
- New system allowed nimble change requests for systematic approach
- Periodic review of temporary changes
- Paternity practice changes – DNA tests, Vital Records, hospitals

### Workforce and workplace changes

- Formerly brick-and-mortar operations
- Quickly moved 80% of staff out of 15 buildings statewide, full or part time
- Flexible in-office coordination of schedules, tasks
- Few laptops – adapted securely with cobbled-together pieces
- Soft phones, flip phones



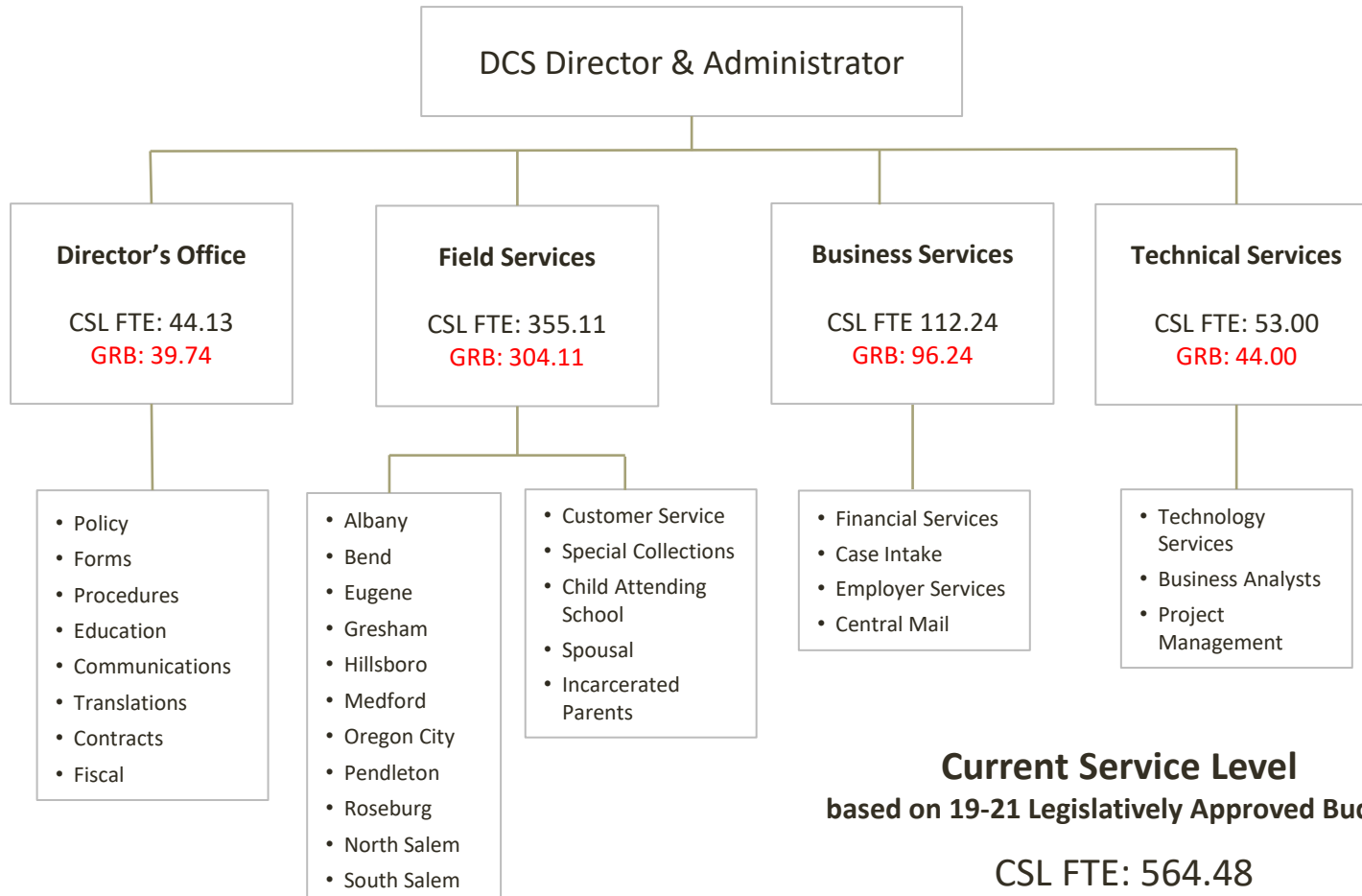
# Leveraged Funds

Investing state funds in the Oregon 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 2020, the Oregon Child Support Program collected \$373 million, including **\$348 million for families**, reducing the need for public assistance, helping lift families out of poverty, and avoiding additional costs for taxpayers
- In FFY 2020, the Oregon Child Support Program recovered **\$25 million for state agencies**



# DOJ Division of Child Support



**Current Service Level**  
based on 19-21 Legislatively Approved Budget

CSL FTE: 564.48  
GRB: 484.09



# Unfunded Budget Priorities

2019-21 budget underfunded by \$2.8 million

2021-23 GRB further underfunded by \$22.7 million

- Backfill lost revenue
  - Declining “welfare recovery” revenue stream
  - Backfilled for last several biennia
  - Matched at 66% with federal funds
  - 66 positions
- AAG costs & intra-agency charges shortfall
  - Large client of DOJ, 11 AAGs in Civil Recovery Section alone
  - AG costs underfunded in 2019-21 by \$1 million
  - Necessary to operate legal-based program in judicial, administrative forums
  - Agency services not optional—accounting, payroll, human resources, IT
  - Matched at 66% with federal funds



# Unfunded Budget Priorities

## Modern system, modern program

- Specialized child support positions (POP 484)
  - Project concluding – DOJ taking on operations
  - New technical support for both technology and business processes
  - 14 positions, phased in over biennium
- Reclassify positions (POP 101)
  - As program becomes more complex, higher level positions warranted
  - No additional FTE
- Reconcile intra-agency charges (POP 100)
  - Funding adjustments for enough federal matching funds/limitation
  - Necessary to support non-optional services, such as HR, payroll, IT



# Unfunded Budget Priorities

## What's needed to maintain services

	GF	OF	FF	Total	Positions	FTE	
<b>Governor's Budget</b>	<b>\$38,059,784</b>	<b>\$21,706,321</b>	<b>\$114,078,554</b>	<b>\$173,844,659</b>	<b>486</b>	<b>484.09</b>	
				-13.33%	-14.29%	-14.24%	Reduction
<b>Needed to Maintain Services</b>							
Revenue Shortfall restoration (Pkg 070)	\$5,342,622		\$10,370,972	\$15,713,594	66	65.39	<b>POP 480</b>
AAG Charges Short	\$403,863		\$783,969	\$1,187,832			<b>POP 481</b>
Intraagency Charges - Prior Biennia	\$2,399,009		\$1,170,036	\$3,569,045			<b>POP 481</b>
Intraagency Charges for new positions / POPs for Admin Services	\$274,025		\$531,931	\$805,956			<b>POP100</b>
Analyst Adjustments (restore 090)	\$1,493,312	\$318,536	\$2,491,674	\$4,303,522	15	15.00	<b>Restore Positions</b>
<b>Maintain Services subtotal</b>	<b>\$9,912,831</b>	<b>\$318,536</b>	<b>\$15,348,582</b>	<b>\$25,579,949</b>	<b>81</b>	<b>80.39</b>	
<b>Maintain Services Request</b>	<b>\$47,972,615</b>	<b>\$22,024,857</b>	<b>\$129,427,136</b>	<b>\$199,424,608</b>	<b>567</b>	<b>564.48</b>	
<b>Other POP's</b>							
Specialized Child Support Positions	\$252,318		\$489,796	\$742,114	14	12.25	<b>POP 484</b>
Reclassification of Positions	\$45,622		\$88,561	\$134,183			<b>POP 100</b>

- Oregon Child Support Program cut more than 13%
- 81 positions, \$15.3M in federal funds lost
- Impact to families – diminished collections (\$53.4M), loss of service
- Bare “maintain services” budget: \$199.4M total funds
- CSL: \$200.5M total funds ♦ GRB: \$173.8M total funds





# Policy Packages

## Governor's Budget

Package 087	August 2020 Special Session	(\$0.152M) GF (\$0.073M) OF (\$0.453M) FF	
Package 090	Analyst Adjustments	(\$1.493M) GF (\$0.319M) OF (\$2.492M) FF	(15) Pos/(15.00) FTE
Package 091	Elimination of S&S Inflation	(\$0.367M) GF (\$0.443M) OF (\$1.277M) FF	
Package 092	Personal Services Adjustments	(\$0.559M) GF (\$0.100M) OF (\$1.285M) FF	



# Policy Packages

## Governor's Budget

Package 096	Statewide Adjustment DAS Charge	(\$.268M) GF (\$.123M) OF	
Package 099	Microsoft 365 Consolidation	(\$.143M) GF (\$.277M) FF	
Package 482	Origin System Hosting	\$0.30M GF \$0.390M FF	
Package 070	Revenue Shortfall	(\$6.04M) OF (\$10.4M) FF	(66) Pos/(65.39) FTE



# 10% General Fund / Criminal Fine Account Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Crime Victims Law Center	\$ 0.34	GF	(0.02)	(0.02)	(0.04)
Address Confidentiality Program	\$ 0.14	GF	(0.14)	-	(0.14)
Appellate	\$ 0.35	GF	(0.02)	(0.02)	(0.04)
Civil Legal	\$ 0.74	GF	(0.04)	(0.04)	(0.07)
Child Abuse Multidisciplinary Intervention Program	\$ 1.39	GF	(0.08)	(0.08)	(0.17)
Other Crime Victims Assistance and Compensation	\$ 1.86	GF	-	-	-
Oregon Domestic and Sexual Violence Services	\$ 10.16	GF	(0.48)	(0.61)	(1.09)
District Attorney Assistance/Organized Crime & Other	\$ 15.45	GF	(0.77)	(0.77)	(1.55)
Defense of Criminal Convictions	\$ 26.24	GF	(1.31)	(1.31)	(2.62)
<b>Division of Child Support</b>	<b>\$ 28.00</b>	<b>GF</b>	<b>(1.40)</b>	<b>(1.40)</b>	<b>(2.80)</b>
Sexual Assault Victims Emergency	\$ 0.45	GF	-	-	-
<b>Total</b>	<b>\$ 85.13</b>	<b>GF</b>	<b>(4.26)</b>	<b>(4.26)</b>	<b>(8.51)</b>
Child Abuse Multidisciplinary Intervention	\$ 11.99	CFA	(0.60)	(0.60)	(1.20)
Crime Victims Assistance (DA VAP)	\$ 5.57	CFA	(0.28)	(0.28)	(0.56)
Crime Victims Compensation Program	\$ 4.59	CFA	(0.23)	(0.23)	(0.46)
<b>Total</b>	<b>\$ 22.15</b>	<b>CFA</b>	<b>(1.11)</b>	<b>(1.11)</b>	<b>(2.22)</b>
<b>Combined Budget</b>	<b>\$ 107.28</b>		<b>(5.36)</b>	<b>(5.36)</b>	<b>(10.73)</b>



# Reduction Impact

A 10% reduction would result in drastic program impacts

Loss of **62** positions throughout the Division of Child Support

## Cascading Effect

- Collections for families reduced by \$41 million per biennium
- Pass-through funds to families reduced by \$223,710 per biennium
- Other agency collections reduced by \$488,267 per biennium
- Program recoveries used for operating would be reduced by \$1.4 million per biennium, reducing federal funding by \$2.4 million, for an additional loss of \$3.8 million

## Families Suffer

- Caseload per FTE would increase by 12%
- Modifications and order establishments decline by 12.8% each





**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

**2021 Joint Committee on Ways & Means  
Public Safety Subcommittee Presentation  
March 31, 2021**





**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

# Criminal Justice Division

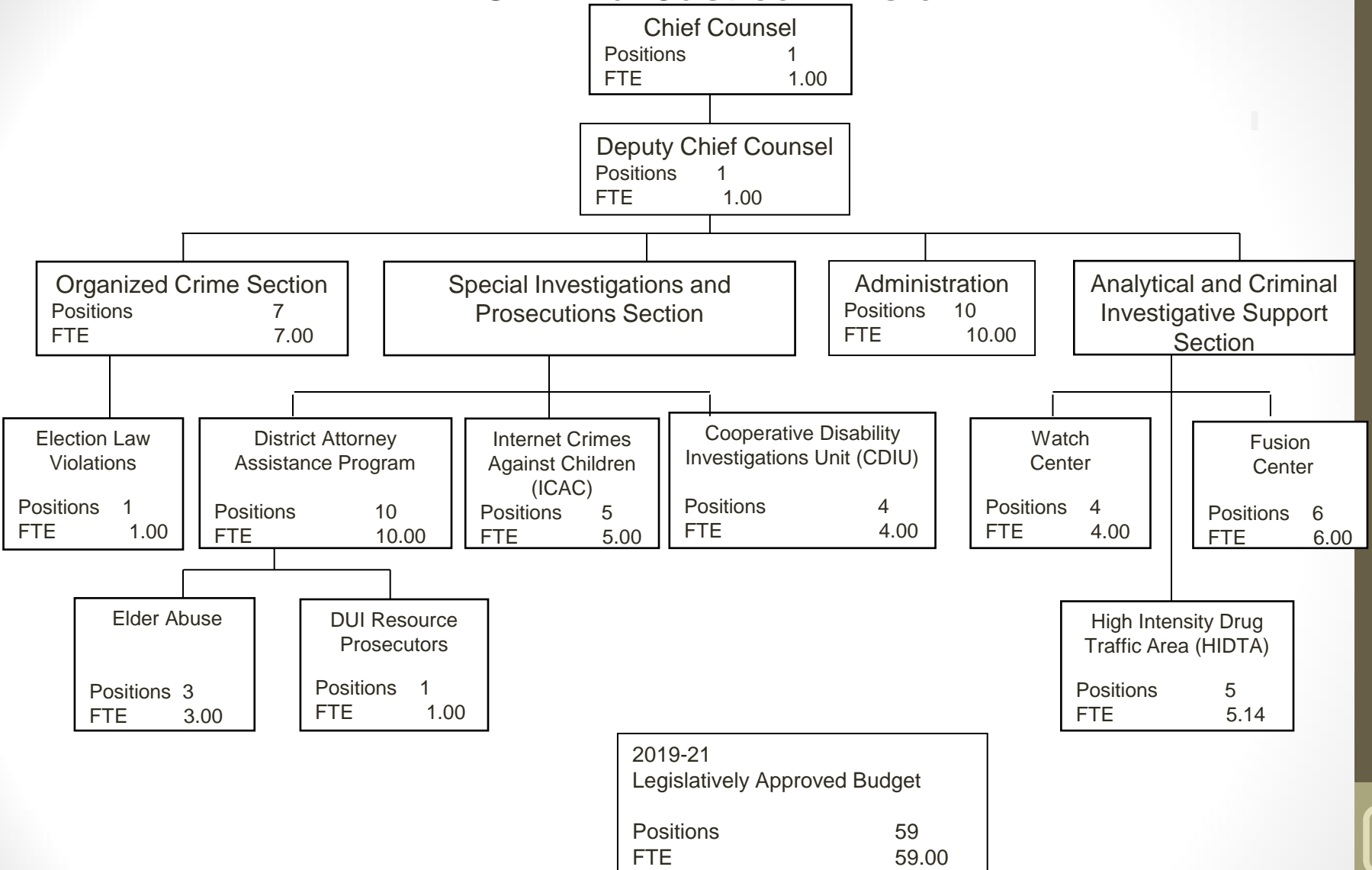


# Criminal Justice Division

**Our mission is to enhance the safety and well-being of all Oregonians by utilizing our unique structure of prosecutors, sworn investigators, and criminal analysts to provide statewide expert trial and investigative services, combat organized crime and public corruption, and to facilitate information sharing and cooperation among local, state, tribal, and federal law enforcement agencies.**



# Criminal Justice Division





# Program Summary

- Prosecute criminal cases at request of district attorney or governor
- Conduct criminal investigations
- Assist and advise the district attorneys
- Promote information sharing and cooperation among law enforcement agencies
- Investigate and prosecute criminal violations of the election laws



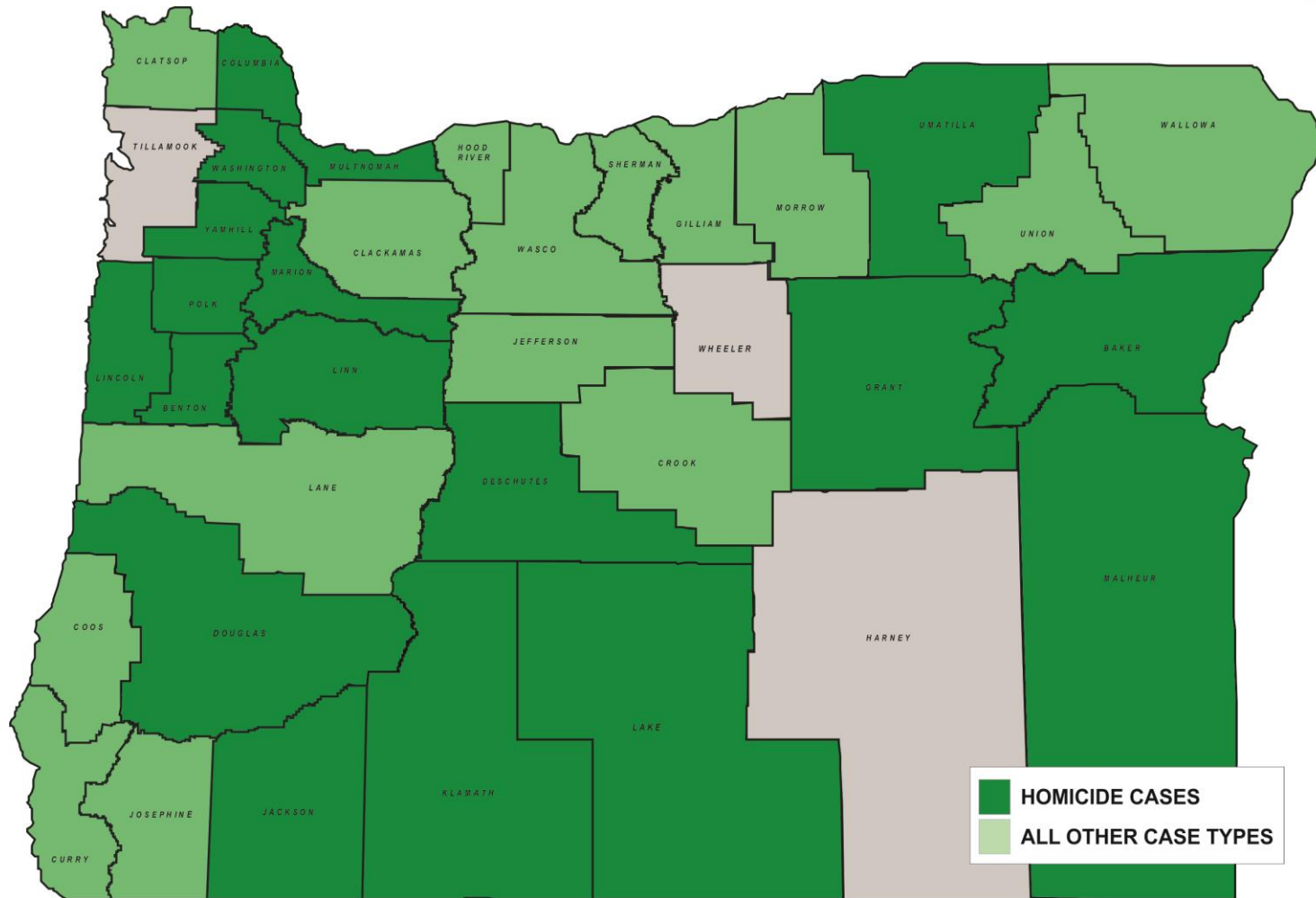
# District Attorney Assistance Program

- **Investigative and Trial Services**
  - Major felonies
  - Financial crimes
  - Resource prosecutors
  - Gubernatorial appointment
- **Around the clock legal advice**
  - The uniform application of state law and criminal procedure aids in ensuring the integrity of convictions and in protecting the rights of defendants.
- **Training**
  - 271 trainings conducted (July 1, 2019- March 1, 2021)
  - Week-long training for new or incoming prosecutors (51 years)
  - Advanced training for seasoned prosecutors (51 years)



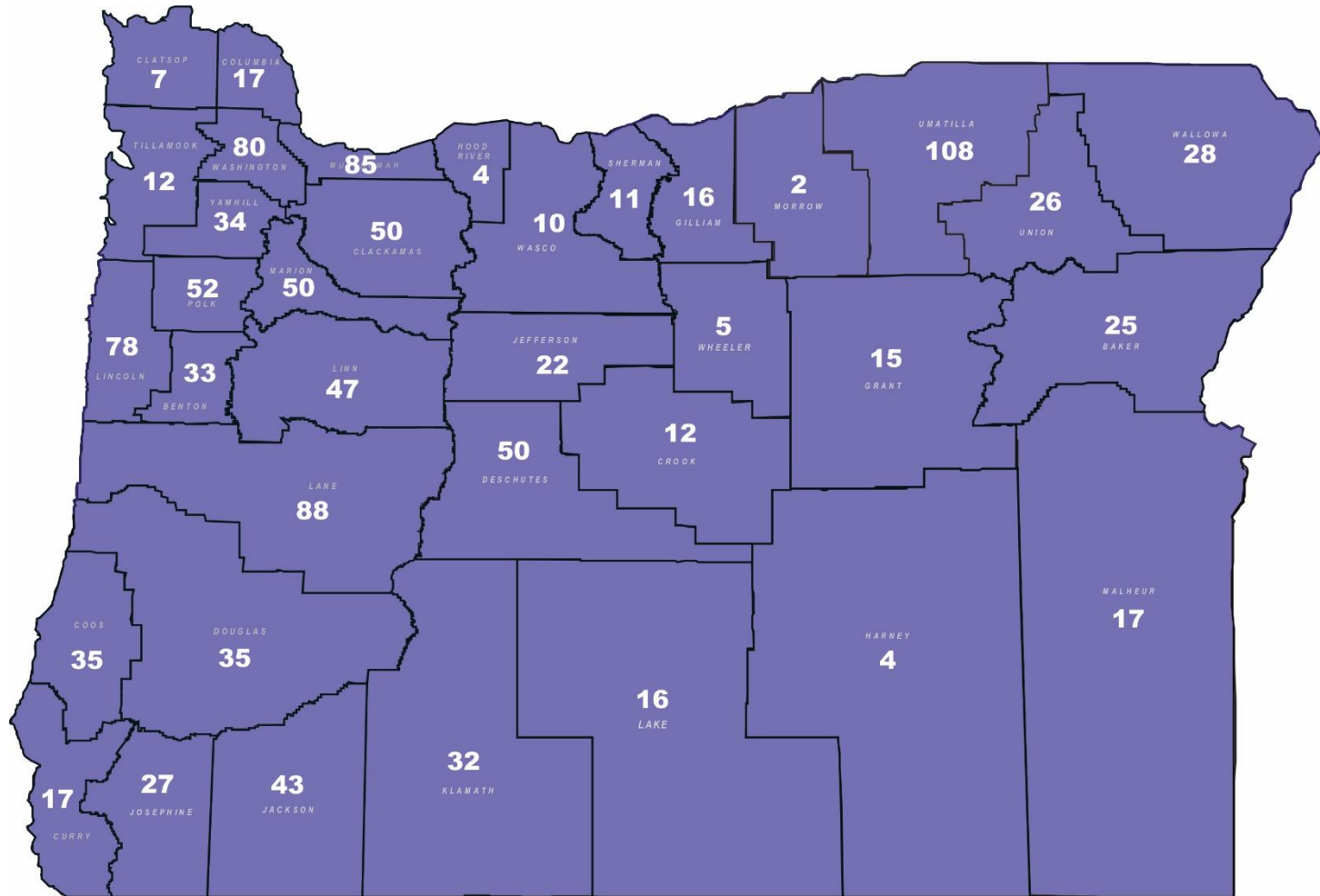
# District Attorney Assistance Program

## Investigation/Prosecution Cases



# District Attorney Assistance Program

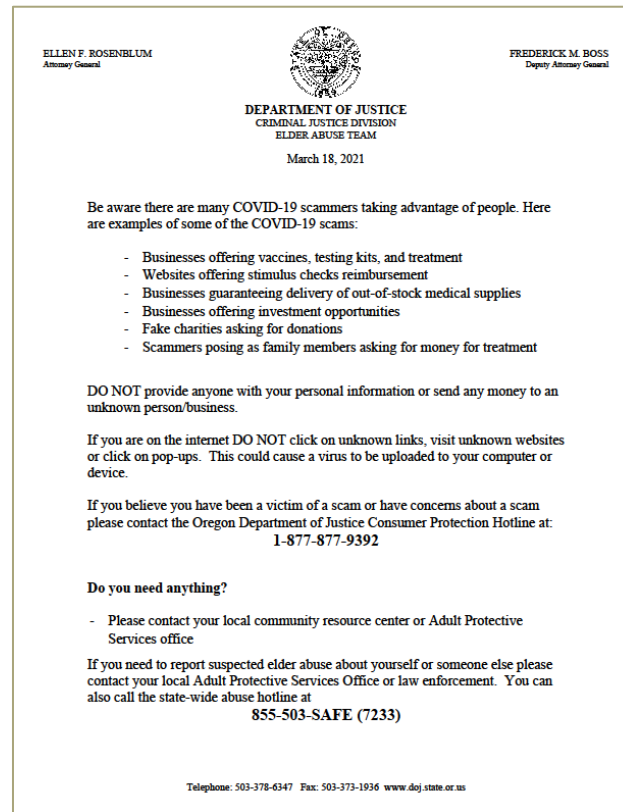
## Case Advice and Assistance



# District Attorney Assistance Program

## Resource Prosecutors

- **Driving Under the Influence of Intoxicants (DUII)**
  - Resource Prosecutor
- **Domestic Violence**
  - Resource Prosecutor
- **Elder Abuse**
  - Resource Prosecutor
  - Financial Special Agent
  - Special Agent

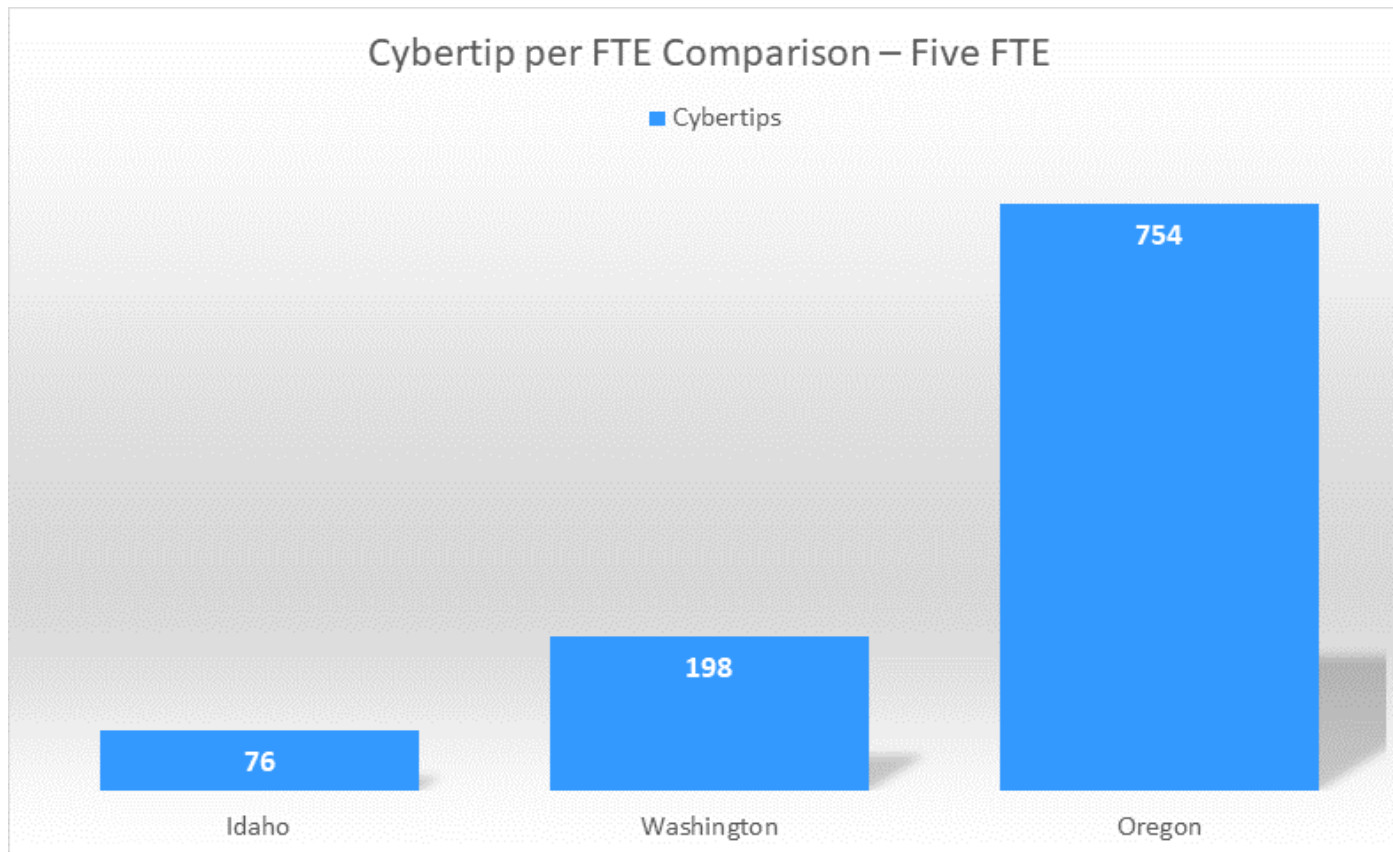


# Internet Crimes Against Children (ICAC)

- Nationwide law enforcement network engaged in investigating the online sexual exploitation of children
- From July 1, 2019, through March 1, 2021, ICAC was responsible for 5,556 Cybertips
- 1 in 6 DOJ ICAC investigations resulted in identification of unknown victim
- 2020 Staffing Comparison
  - *Idaho*: 1361 Cybertips/18 FTE
  - *Washington*: 5,973 Cybertips/31 FTE
  - ***Oregon*: 3,771 Cybertips/5 FTE**

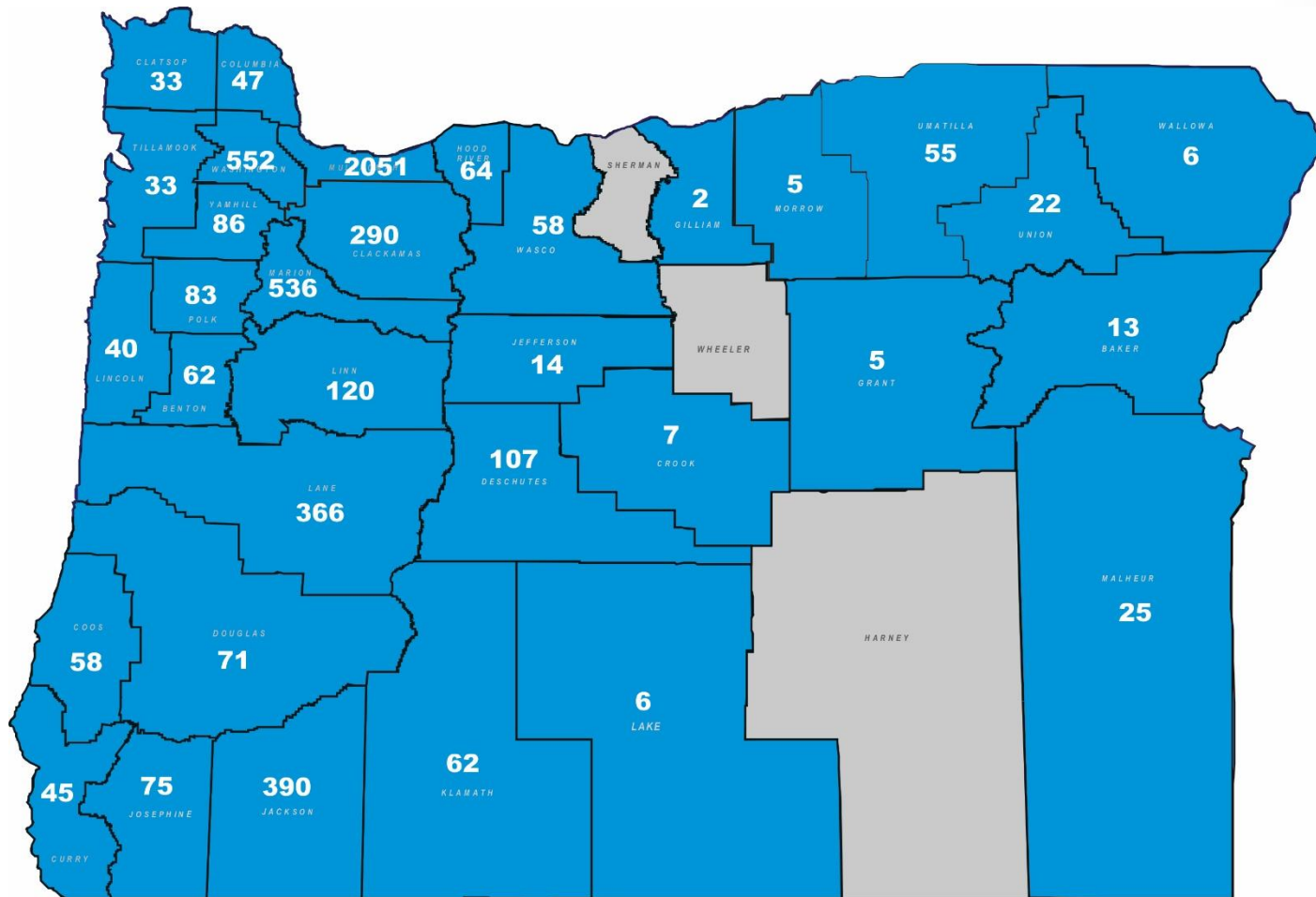


# Internet Crimes Against Children (ICAC)



# Internet Crimes Against Children (ICAC)

Cybertips





# District Attorney Assistance Program

## *State v. Alexander Salterio (Douglas County)*

- Defendant posed as a teenage boy on Facebook to solicit sexually explicit images from teen girls
- Defendant threatened to share images to induce girls to send more
- Defendant was a Myrtle Creek Police Officer
- Defendant sexually abused his 10-year-old foster child
- Defendant was convicted of multiple sex offenses and sentenced to 32 years in prison



# Organized Crime Section

- Investigate long-term, complex cases involving multiple counties
  - Racketeering
  - Complex financial/investment schemes
  - Advanced electronic surveillance techniques
- Investigate allegations of public corruption and malfeasance
- Election Law Crimes
- OSP Forfeiture Counsel



# Organized Crime Section: Racketeering

## *Criminal Organizations/Associations*

- Jefferson County Investigation
  - 17 Wiretap Orders
  - Charges include Racketeering, Delivery of Methamphetamine, Money Laundering, and Conspiracy to Commit Murder.
- Josephine County Investigation
  - 7 Wiretap Orders
  - Charges include Racketeering, Delivery of Methamphetamine and Heroin, Robbery, Theft, and Firearm Offenses.



# Analytical & Criminal Information Services Section (ACISS)

## ACISS supports law enforcement agencies by:

- Ensuring critical public-safety information is shared in a timely and informative manner
- Providing strategic and tactical criminal analytical services



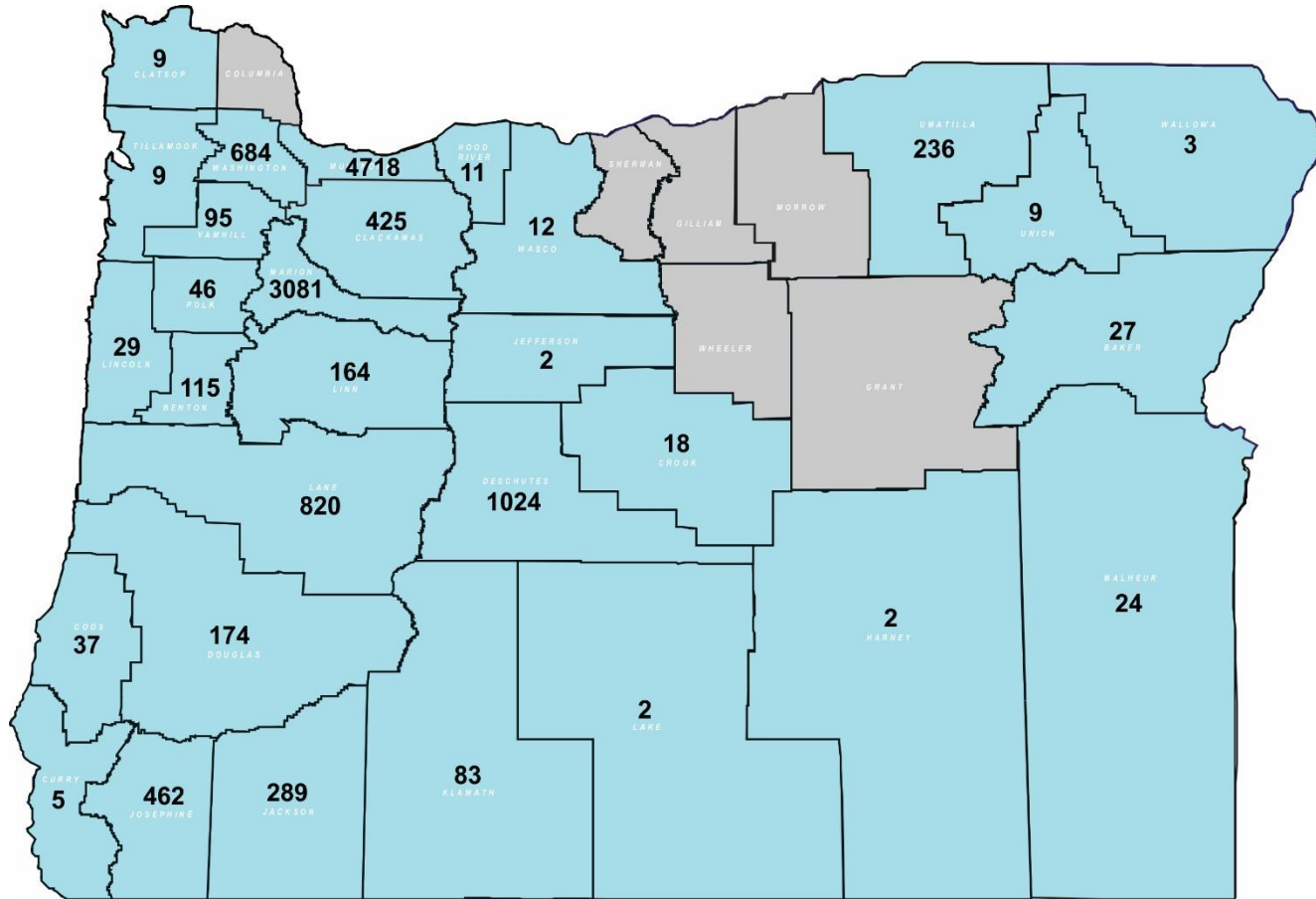
# Analytical and Criminal Investigative Support Section (ACISS)

- **Watch Center (Funded through June 2021)**
  - Investigation-related inquiries
  - Deconfliction of law enforcement operations
- **High Intensity Drug Trafficking Area (HIDTA)**
  - Strategic analysis and information sharing regarding drug trafficking trends
  - Analytical case support (HIDTA counties only)
- **Fusion Center**
  - Criminal and terrorism-related information sharing among local, state, and federal law enforcement agencies.
  - Risk and vulnerability assessments and threat assessments
  - Analytical case support (statewide)



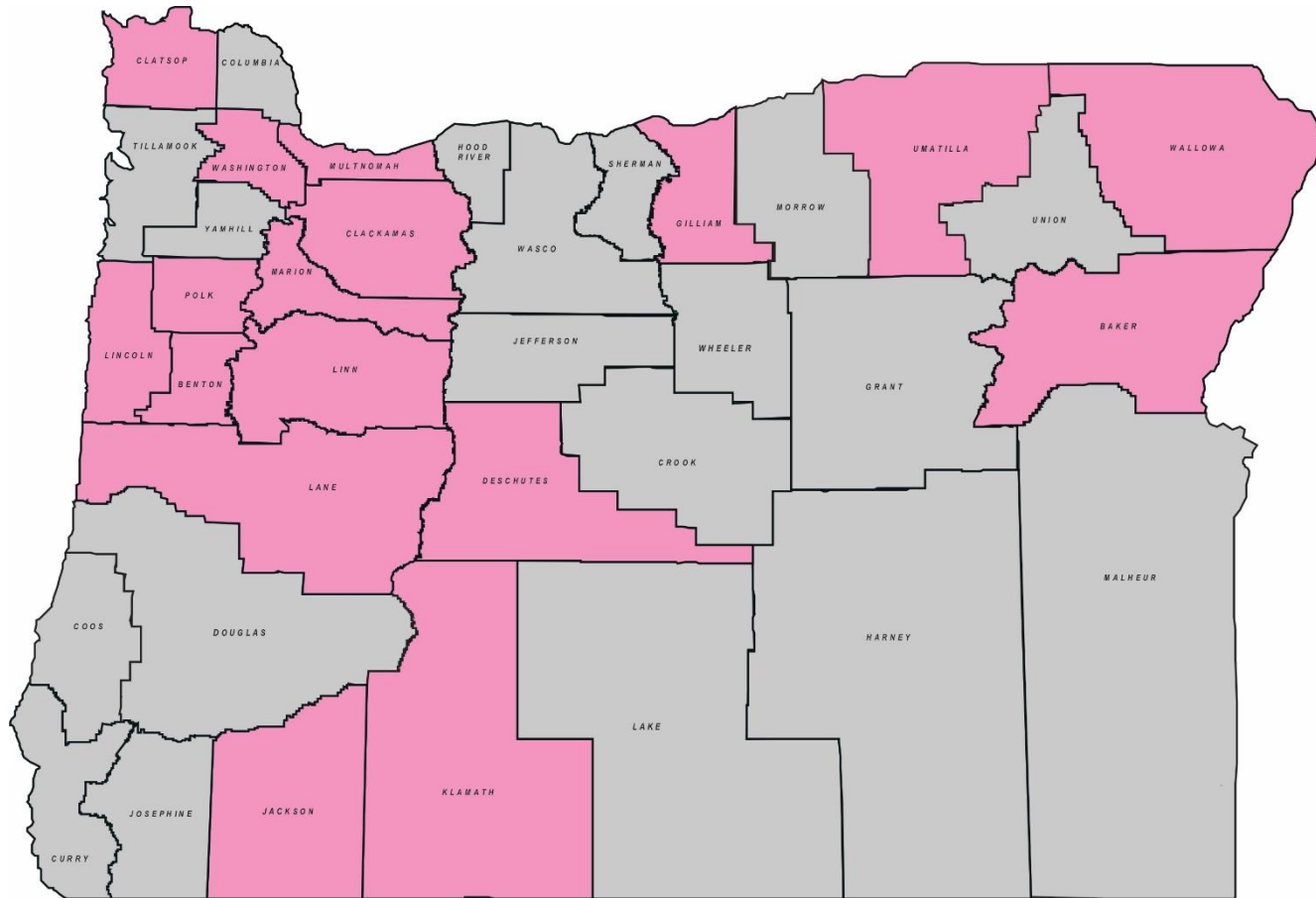
# Analytical and Criminal Investigative Support Section (ACISS)

## Watch Center Calls for Assistance



# Analytical and Criminal Investigative Support Section (ACISS)

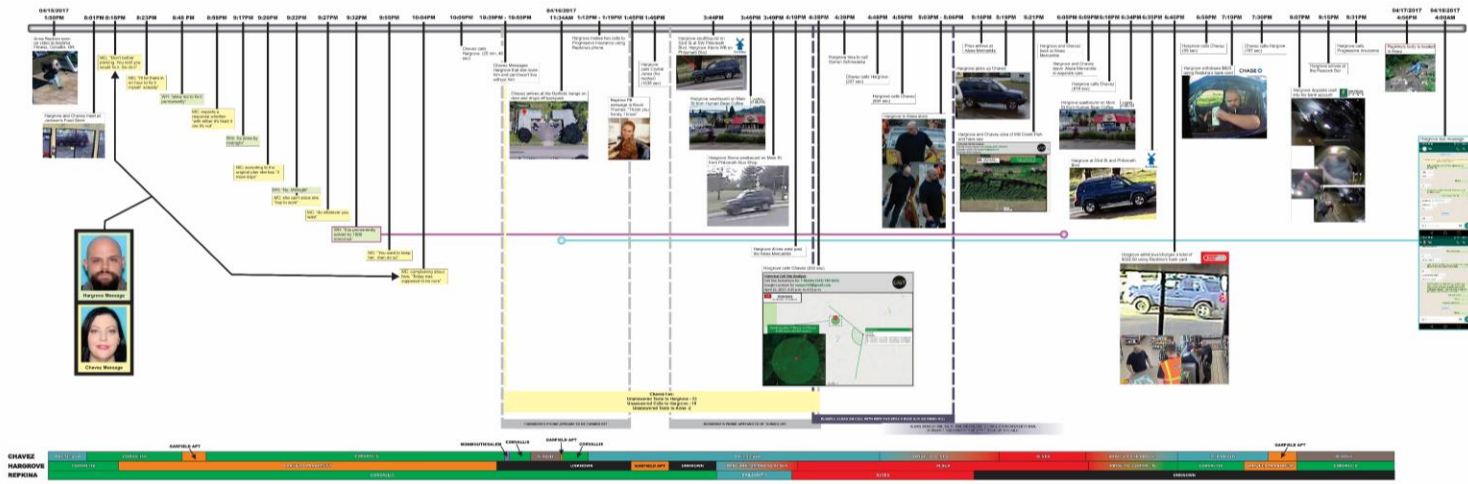
Fusion Center—Case Support



# Analytical and Criminal Investigative Support Section (ACISS)

## *State v. William Hargrove (Linn County)*

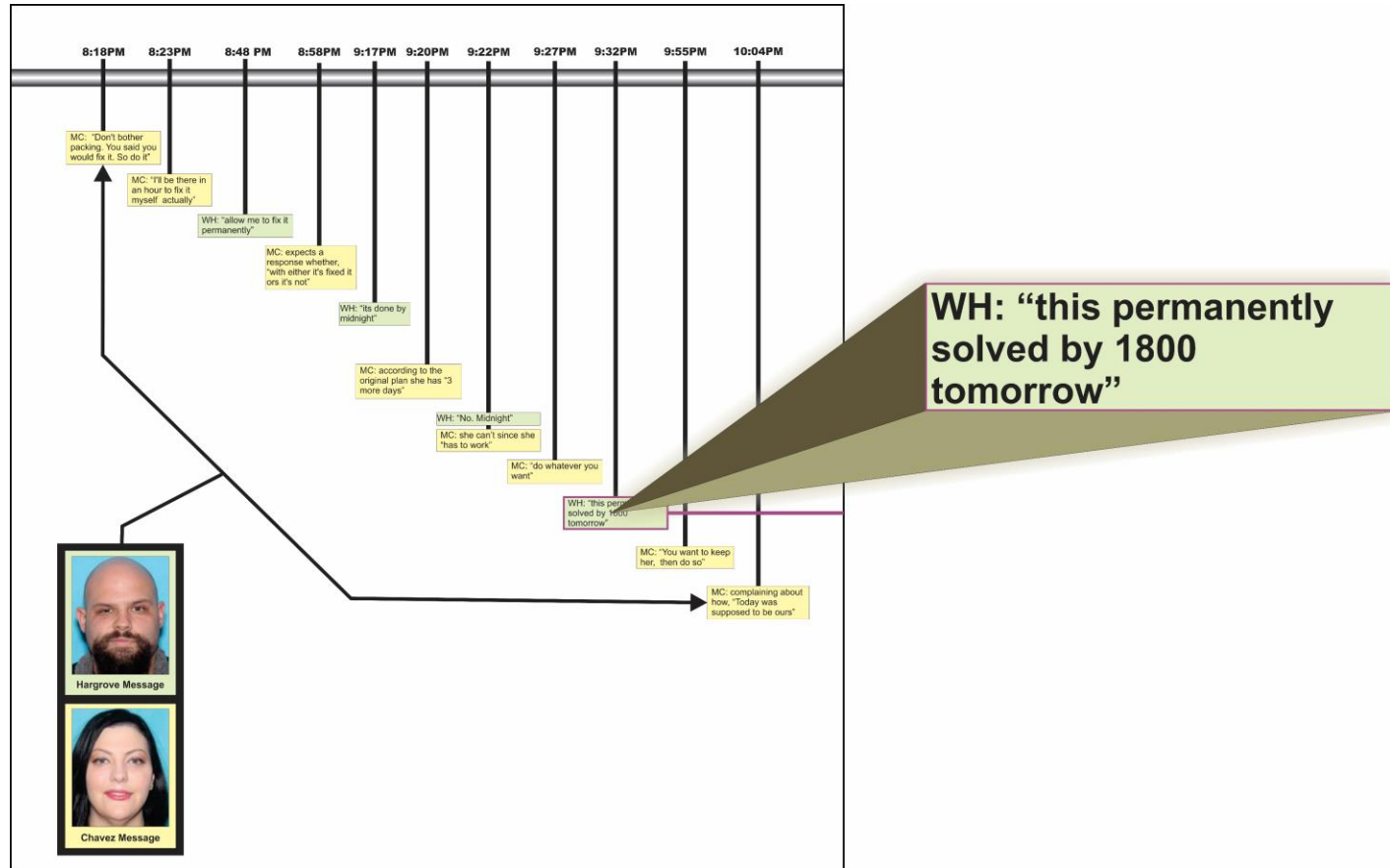
- In 2017, Anna Repkin was found murdered at a remote location in Linn County.
- Anna had travelled from Russia after meeting William Hargrove on a dating website.
- Hargrove claimed his fiancé murdered Anna.





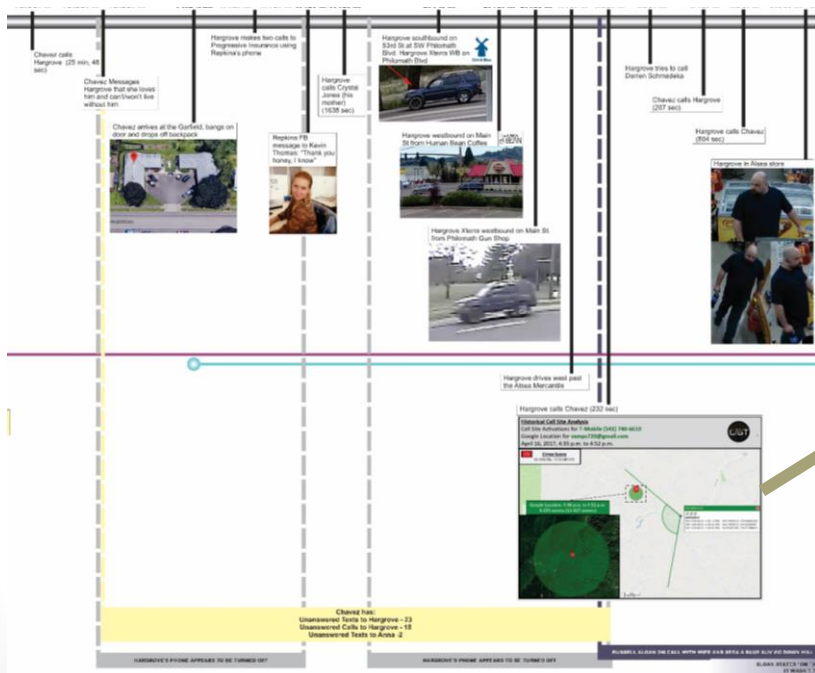
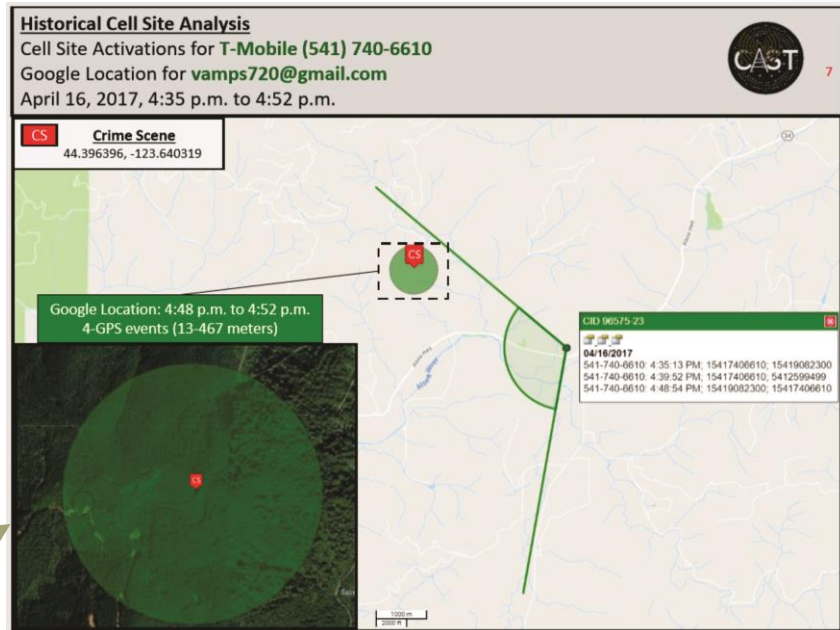
# Analytical and Criminal Investigative Support Section (ACISS)

## State v. William Hargrove (Linn County)



# Analytical and Criminal Investigative Support Section (ACISS)

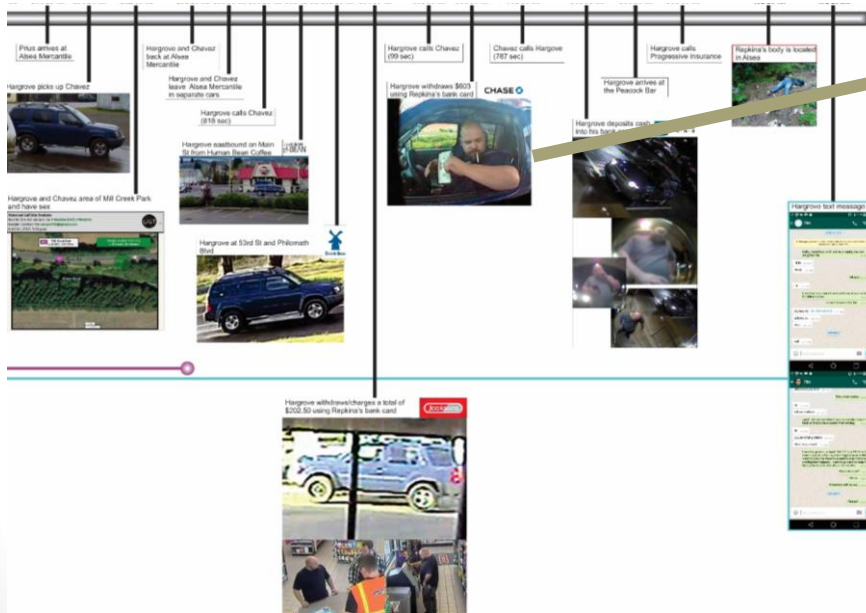
## State v. William Hargrove (Linn County)



# Analytical and Criminal Investigative Support Section (ACISS)

## State v. William Hargrove (Linn County)

Site: JPMorgan Chase/OR/Corvallis/OR Corvallis 2055 NW Circle Blvd  
Camera Name: 2.2 DU ATM Transaction  
4/16/2017 7:11:56 PM (Pacific Daylight Time)



Capture Size: 352 x 240 pixels  
Device Network Name: MNGS1038U885  
Device Serial Number: GS1038U885  
Device Station ID: 8993



# Policy Packages

## Governor's Budget

- Package 090 – Analyst Adjustments (\$1.08M) GF (3) Pos/(3.00) FTE
- Package 091 – Statewide Adjustment DAS Chgs (\$0.12M) OF (\$0.03M) FF
- Package 092 – Personal Services Adjustments (\$0.37M) GF (\$0.12M) OF (\$0.02M) FF
- Package 096 – Statewide DAS Charges Adjustment (\$0.07M) GF (\$0.12M) OF (\$0.190) FF
- Package 099 – Microsoft 365 Consolidation (\$0.02M) GF (\$0.17M) OF (\$0.001M) FF





# 10% General Fund/Criminal Fine Account Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Crime Victims Law Center	\$ 0.34	GF	(0.02)	(0.02)	(0.03)
Address Confidentiality Program	\$ 0.12	GF	(0.01)	(0.01)	(0.01)
Appellate	\$ 0.40	GF	(0.02)	(0.02)	(0.04)
Child Abuse Multidisciplinary Intervention Program	\$ 1.45	GF	(0.07)	(0.07)	(0.14)
Other Crime Victims Assistance and Compensation	\$ -	GF	-	-	-
Oregon Domestic and Sexual Violence Services	\$ 10.62	GF	(0.53)	(0.53)	(1.06)
District Attorney Assistance/Organized Crime & Other	\$ 14.46	GF	(0.72)	(0.72)	(1.45)
Defense of Criminal Convictions	\$ 34.44	GF	(1.72)	(1.72)	(3.44)
Division of Child Support - Director's Office	\$ 3.41	GF	(0.17)	(0.17)	(0.34)
Division of Child Support - Field Services	\$ 20.27	GF	(1.01)	(1.01)	(2.03)
Division of Child Support - Business Services	\$ 7.52	GF	(0.38)	(0.38)	(0.75)
Division of Child Support - Technical Services	\$ 7.05	GF	(0.35)	(0.35)	(0.70)
Division of Child Support - District Attorney Child Support Subrecip.	\$ 2.59	GF	(0.13)	(0.13)	(0.26)
Sexual Assault Victims Emergency	\$ -	GF	-	-	-
	Total \$ 102.66	GF	(5.13)	(5.13)	(10.27)
Child Abuse Multidisciplinary Intervention	\$ 12.58	CFA	(0.63)	(0.63)	(1.26)
Crime Victims Assistance (DA VAP)	\$ 5.81	CFA	(0.29)	(0.29)	(0.58)
Crime Victims Compensation Program	\$ 1.48	CFA	(0.07)	(0.07)	(0.15)
	Total \$ 19.87	CFA	(0.99)	(0.99)	(1.99)
	Combined Budget \$ 122.53		(6.13)	(6.13)	(12.25)



# 10% Legal Fund/Other Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Administration	\$ 41.53	OF	(2.08)	(2.08)	(4.15)
Appellate	\$ 25.70	OF	(1.29)	(1.29)	(2.57)
Civil Enforcement - Legal	\$ 91.64	OF	(4.58)	(4.58)	(9.16)
<b>Criminal Justice - Legal</b>	<b>\$ 3.04</b>	<b>OF</b>	<b>(0.15)</b>	<b>(0.15)</b>	<b>(0.30)</b>
General Counsel	\$ 73.48	OF	(3.67)	(3.67)	(7.35)
Trial	\$ 44.31	OF	(2.22)	(2.22)	(4.43)
	Total Legal \$ 279.71	OF	(13.99)	(13.99)	(27.97)
Consumer Protection and Education	\$ 20.84	OF	(1.04)	(1.04)	(2.08)
Non-Participating Manufacturers	\$ 1.47	OF	(0.07)	(0.07)	(0.15)
	Total \$ 22.31	OF	(1.12)	(1.12)	(2.23)
	Combined Budget \$ 302.02	OF	(15.10)	(15.10)	(30.20)





**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

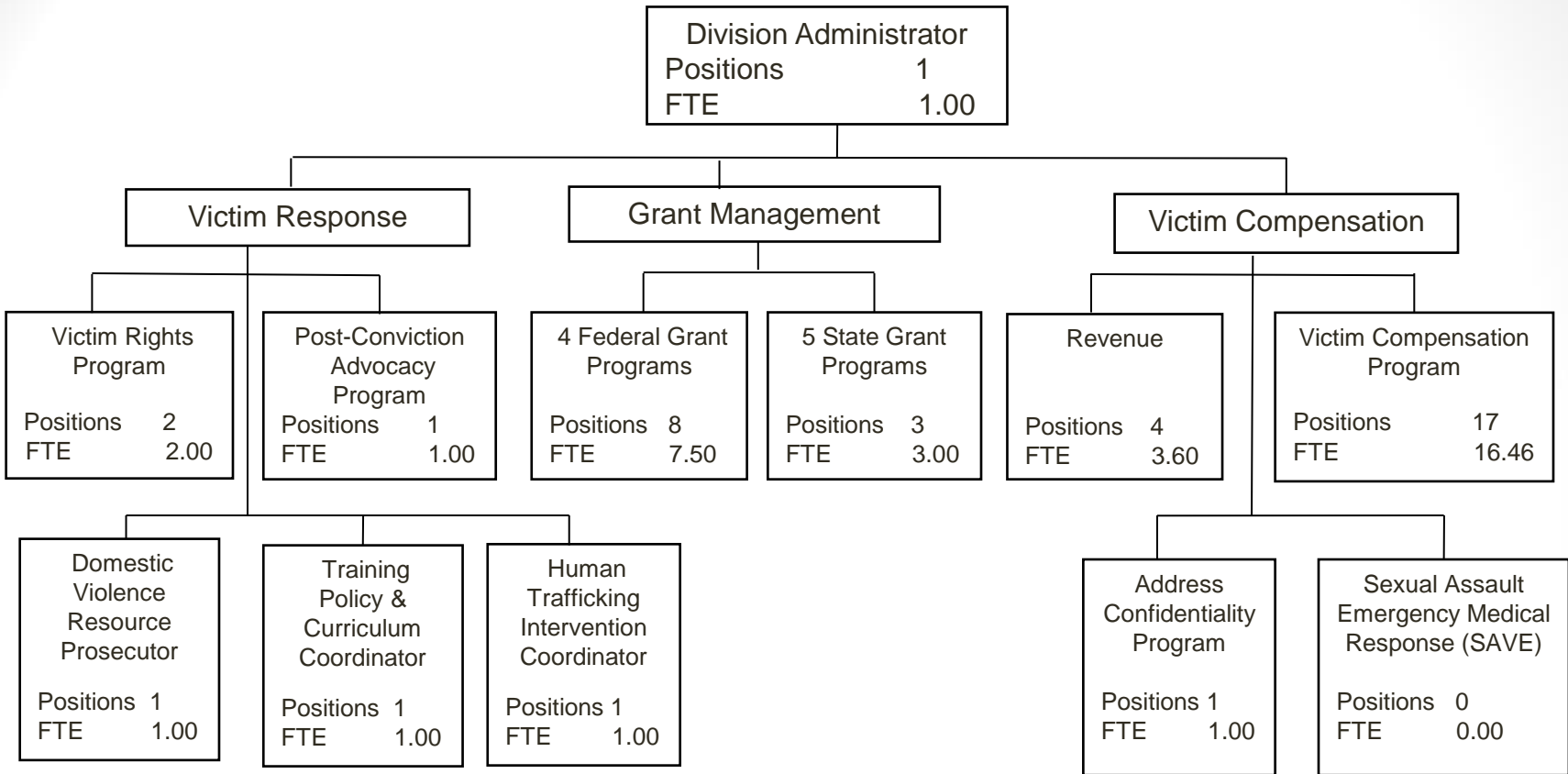
# **Crime Victim and Survivor Services Division**



Department of Justice – Crime Victim and Survivor Services Division



# Crime Victim and Survivor Services Division



2019-21 Legislatively Approved Budget

Positions	48
FTE	44.42



# Compensation Section

Crime Victim Compensation Program

Revenue

Address Confidentiality

SAVE program



# Crime Victims' Compensation Program

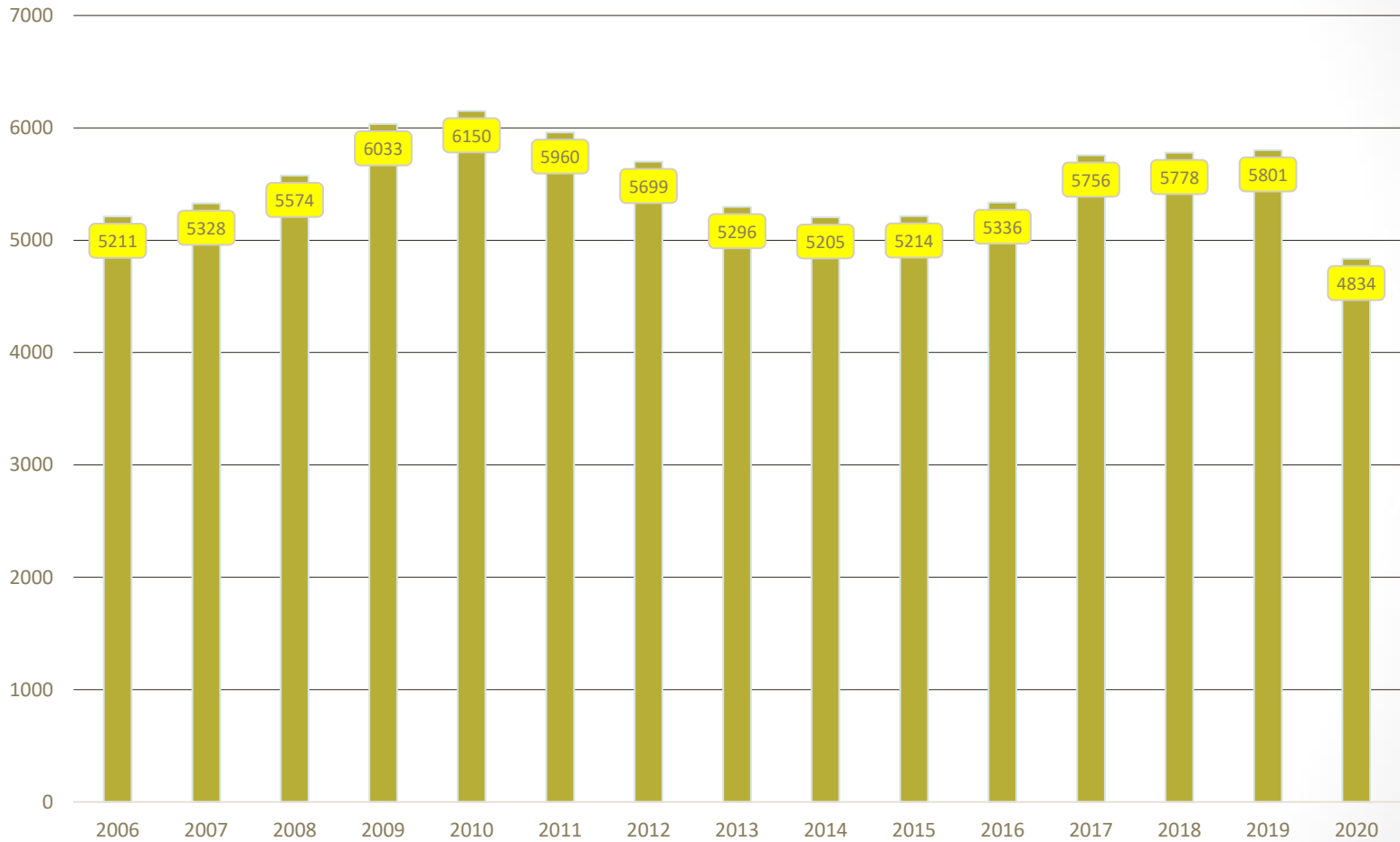
Financial compensation to victims of violent crime

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



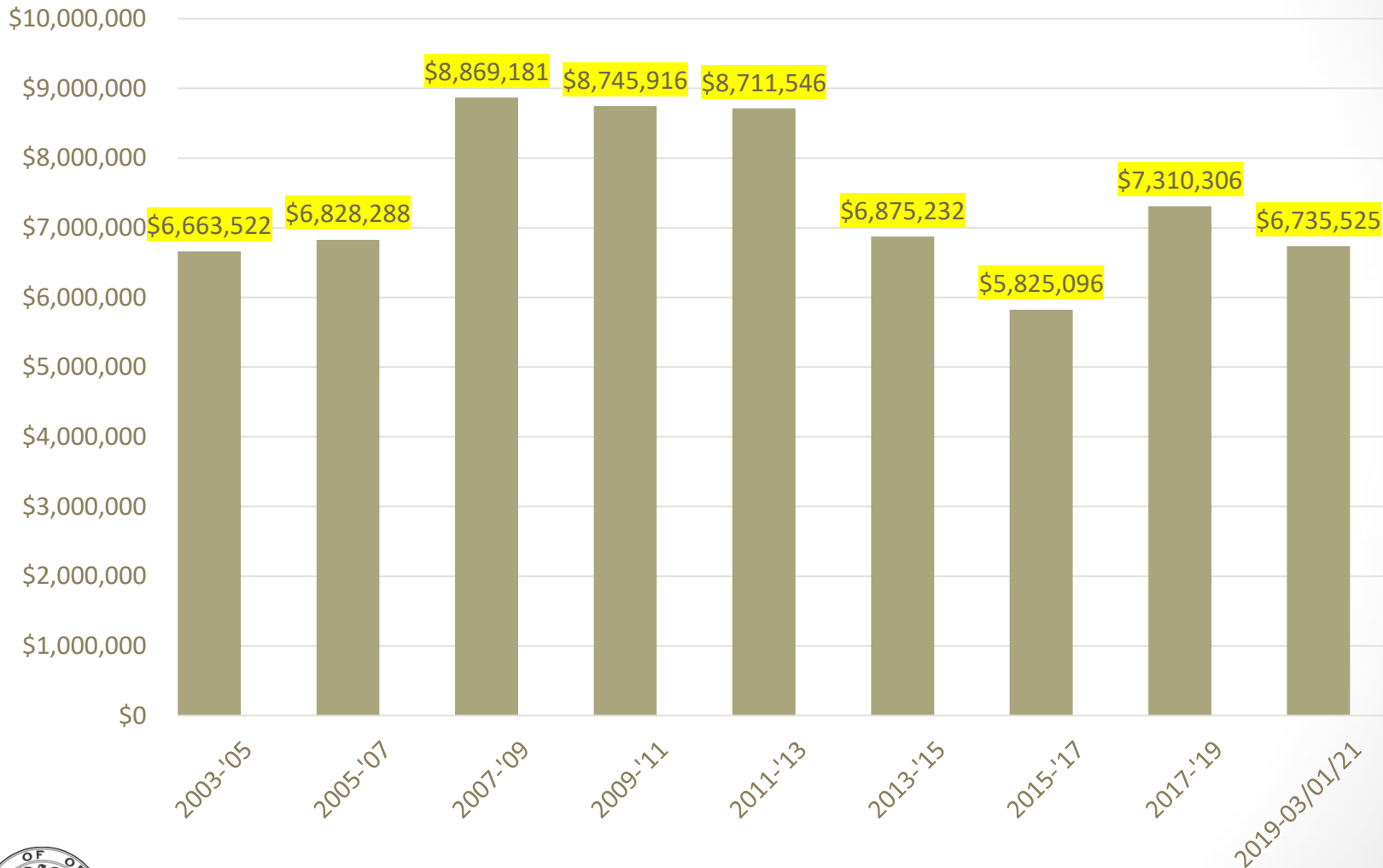
# Total Compensation Claims Received

## Total Applications 2006 - 2020



# Compensation Payments

Payments 2003-2021



# Revenue Collection

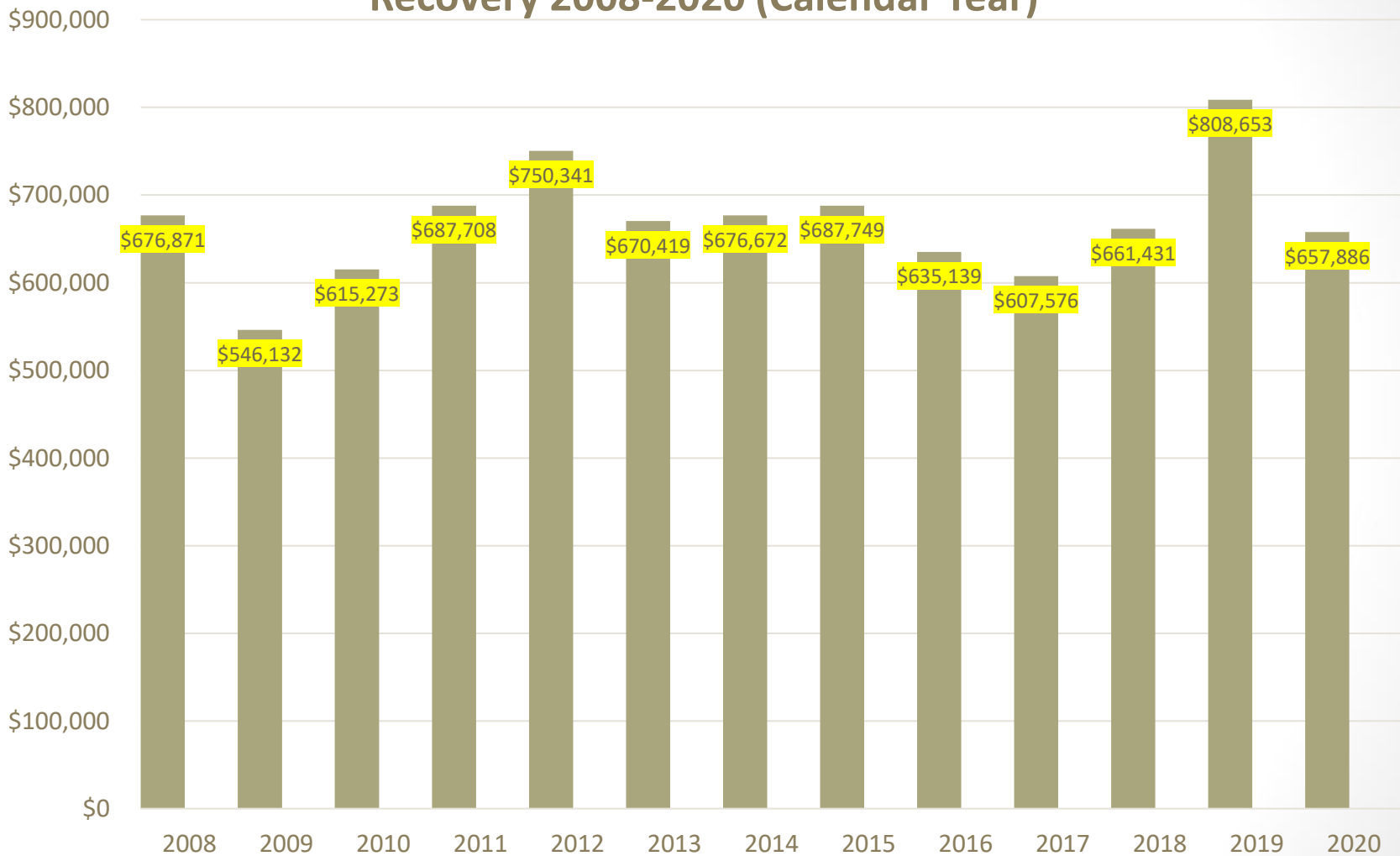
3 revenue agents collect \$1.3 million each biennium

- Restitution
- Court fees
- Compensatory fines



# Revenue Collection

Recovery 2008-2020 (Calendar Year)



# Address Confidentiality Program

## Services include:

- Mail and legal service forwarding
- Over 575 households with 2,279 participants
- 2,300 pieces of mail forwarded a month





# Victim Response Section

## Direct Services to Victims

- Victims' Rights Program
- Appellate Advocacy Program
- Domestic Violence Resource Prosecutor
- Human Trafficking Intervention Program



# Grant Management Section

- **Victim of Crime Act Grants (VOCA)**
- **Violence Against Women Act Grants (VAWA)**
- **Sexual Assault Services Program (SASP)**
- **Children's Justice Act Grant (CJA)**
- **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)**  
244 grants, \$64.73 million
- **Violence Against Women Act Grants (VAWA)**  
56 grants, \$4.94 million
- **Sexual Assault Services Program (SASP)**  
10 grants, \$756,629
- **Children's Justice Act Grant (CJA)**  
20 grants, \$ 210,000
- **J.R. Justice Grant**  
8 grants, \$69,691



# 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

40 Grants: \$5.3 million allocated in 2019-2021

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



# Child Abuse Multidisciplinary Intervention (CAMI) Grants

**36 Multidisciplinary Team (MDT) Grants:  
\$11.5 million granted in 2019-2021**

**5 Regional Service Provider (RSP) Grants:  
\$1.18 million granted in 2019-2021**

## **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

**58 grants totaling \$9.96 million for 2019-2021**

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



# Survivor Housing Funds

**41 grants totaling \$3 million for 2019-2021**

**Services include:** housing stabilization assistance; advocacy and assistance maintaining and accessing safe permanent housing.

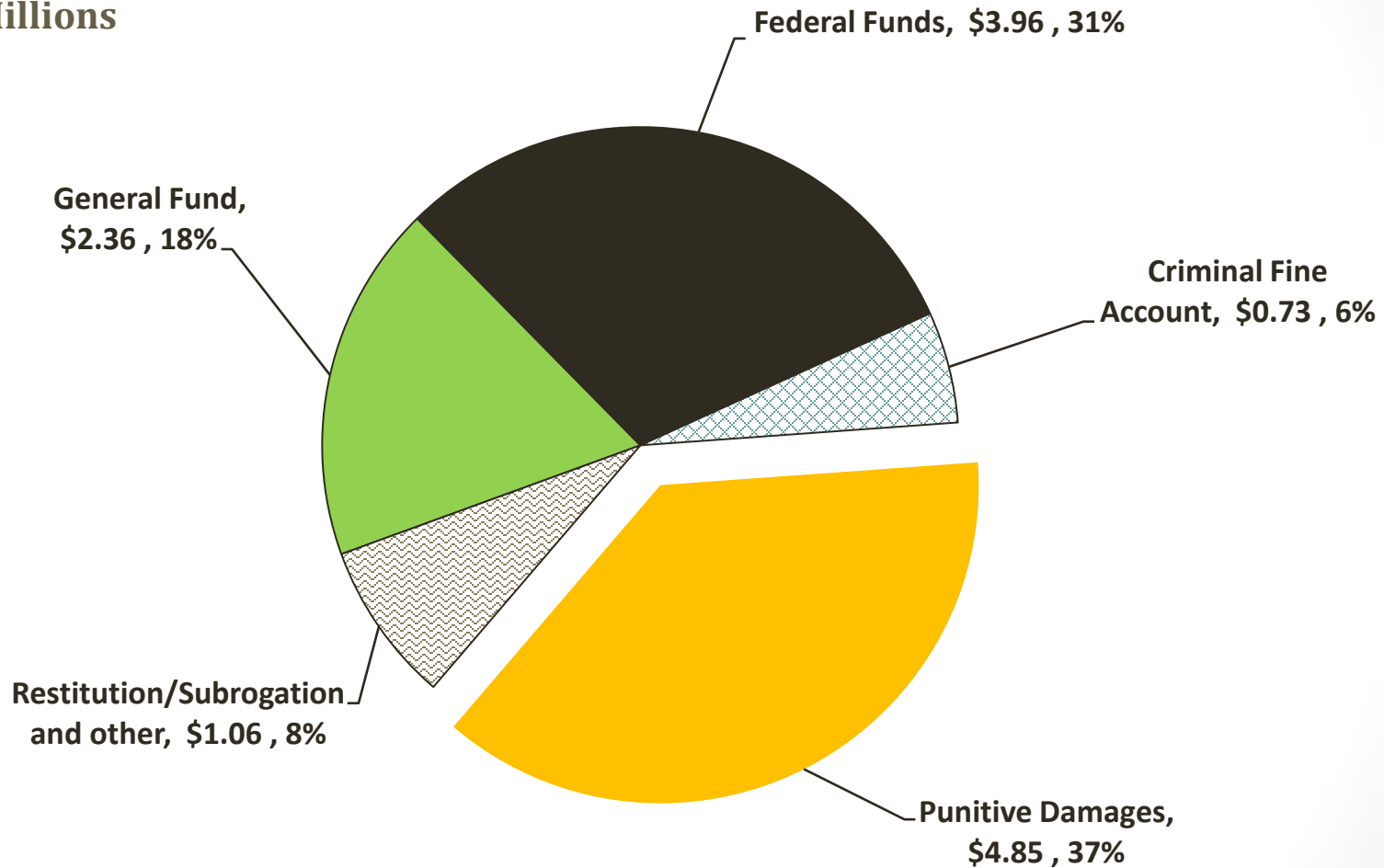




# CVSSD Staff Funding

## Current Service Level Budget

\$ Millions



# COVID – 19 Response

- **COVID Relief Funds**

  - **\$7 million allocated**

    - **Need deadline extended for remaining \$1 million to be spent.**

- **Staffing Response**

  - **4,787 claims processed**
  - **7,717 payments processed**
  - **\$3.9 million in compensation payments**



# Governor's Recommended Budget POP #311: Backfill Punitive Damages

- **\$4.88 million**
  - **19 positions**
  - **Victim Rights Program**
  - **Human Trafficking Intervention Program**
  - **30% of Crime Victim Compensation Funding**



# 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 CVSSD 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



# Policy Packages

## Governor's Budget

- Package 091 – Statewide Adjustment DAS Chgs – State Government Service Charge adjustment (\$\$.008M) GF (\$\$.55M) OF (\$\$.34M) FF
- Package 092 – Personal Services Adjustments (\$\$.46M) GF (\$\$.002M) OF (\$\$.92M) FF
- Package 096 – Statewide DAS Charges Adjustment (\$\$.32M) GF (\$\$.72M) OF (\$\$.62M) FF
- Package 097 – Statewide AG Adjustment – Reduces Attorney General Rate (\$\$.56) GF (\$\$.22M) OF
- Package 099 – Microsoft 365 Consolidation (\$\$.19M) GF (\$\$.09M) OF (\$\$.01M) FF



# Policy Packages

## Governor's Budget

- |                                                             |                         |                       |
|-------------------------------------------------------------|-------------------------|-----------------------|
| • Package 100 – Reconcile Intra-Agency Charges              | \$ .11M OF<br>\$.05M FF |                       |
| • Package 101 – Reclassification of Positions               | \$.007M OF              |                       |
| • Package 070 – Revenue Reduction – Budget Re-balance       | (\$4.1M) OF             | (16) Pos/ (15.06) FTE |
| • Package 311 – Backfill Punitive Damages Funding           | \$4.8M GF               | 19 Pos/ 17.70 FTE     |
| • Package 309 – Continuance of Appellate Advocacy Program   | \$.30M OF               | 1 Pos/1.00 FTE        |
| • Package 310 – Victims of Crime Act                        | \$68.5M FF              | 3 Pos/ 2.64 FTE       |
| • Package 313 – Fund Shift                                  | \$.5M OF<br>(\$ .5M) FF |                       |
| • Package 315 – Human Trafficking Grant                     | \$.64M FF               | 2 Pos/ 2.00 FTE       |
| • Package 320 – Biased Crimes Incident Coordinator Position | \$.40M OF               | 1 Pos/ 1.00 FTE       |



# 10% General Fund/Criminal Fine Account Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Crime Victims Law Center	\$ 0.34	GF	(0.02)	(0.02)	(0.03)
Address Confidentiality Program	\$ 0.12	GF	(0.01)	(0.01)	(0.01)
Appellate	\$ 0.40	GF	(0.02)	(0.02)	(0.04)
Child Abuse Multidisciplinary Intervention Program	\$ 1.45	GF	(0.07)	(0.07)	(0.14)
Other Crime Victims Assistance and Compensation	\$ -	GF	-	-	-
Oregon Domestic and Sexual Violence Services	\$ 10.62	GF	(0.53)	(0.53)	(1.06)
District Attorney Assistance/Organized Crime & Other	\$ 14.46	GF	(0.72)	(0.72)	(1.45)
Defense of Criminal Convictions	\$ 34.44	GF	(1.72)	(1.72)	(3.44)
Division of Child Support - Director's Office	\$ 3.41	GF	(0.17)	(0.17)	(0.34)
Division of Child Support - Field Services	\$ 20.27	GF	(1.01)	(1.01)	(2.03)
Division of Child Support - Business Services	\$ 7.52	GF	(0.38)	(0.38)	(0.75)
Division of Child Support -Technical Services	\$ 7.05	GF	(0.35)	(0.35)	(0.70)
Division of Child Support - District Attorney Child Support Subrecip.	\$ 2.59	GF	(0.13)	(0.13)	(0.26)
Sexual Assault Victims Emergency	\$ -	GF	-	-	-
<b>Total</b>	<b>\$ 102.66</b>	<b>GF</b>	<b>(5.13)</b>	<b>(5.13)</b>	<b>(10.27)</b>
Child Abuse Multidisciplinary Intervention	\$ 12.58	CFA	(0.63)	(0.63)	(1.26)
Crime Victims Assistance (DA VAP)	\$ 5.81	CFA	(0.29)	(0.29)	(0.58)
Crime Victims Compensation Program	\$ 1.48	CFA	(0.07)	(0.07)	(0.15)
<b>Total</b>	<b>\$ 19.87</b>	<b>CFA</b>	<b>(0.99)</b>	<b>(0.99)</b>	<b>(1.99)</b>
<b>Combined Budget</b>	<b>\$ 122.53</b>		<b>(6.13)</b>	<b>(6.13)</b>	<b>(12.25)</b>





**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

# Appellate Division



Department of Justice – Appellate Division



# Mission

Represent the State's interests in appellate courts:

- Oregon Supreme Court
- Oregon Court of Appeals
- Federal Courts of Appeals
- U.S. Supreme Court

Decisions from these courts set statewide (or nationwide) precedent



# Program Summary

## Write briefs and argue cases in:

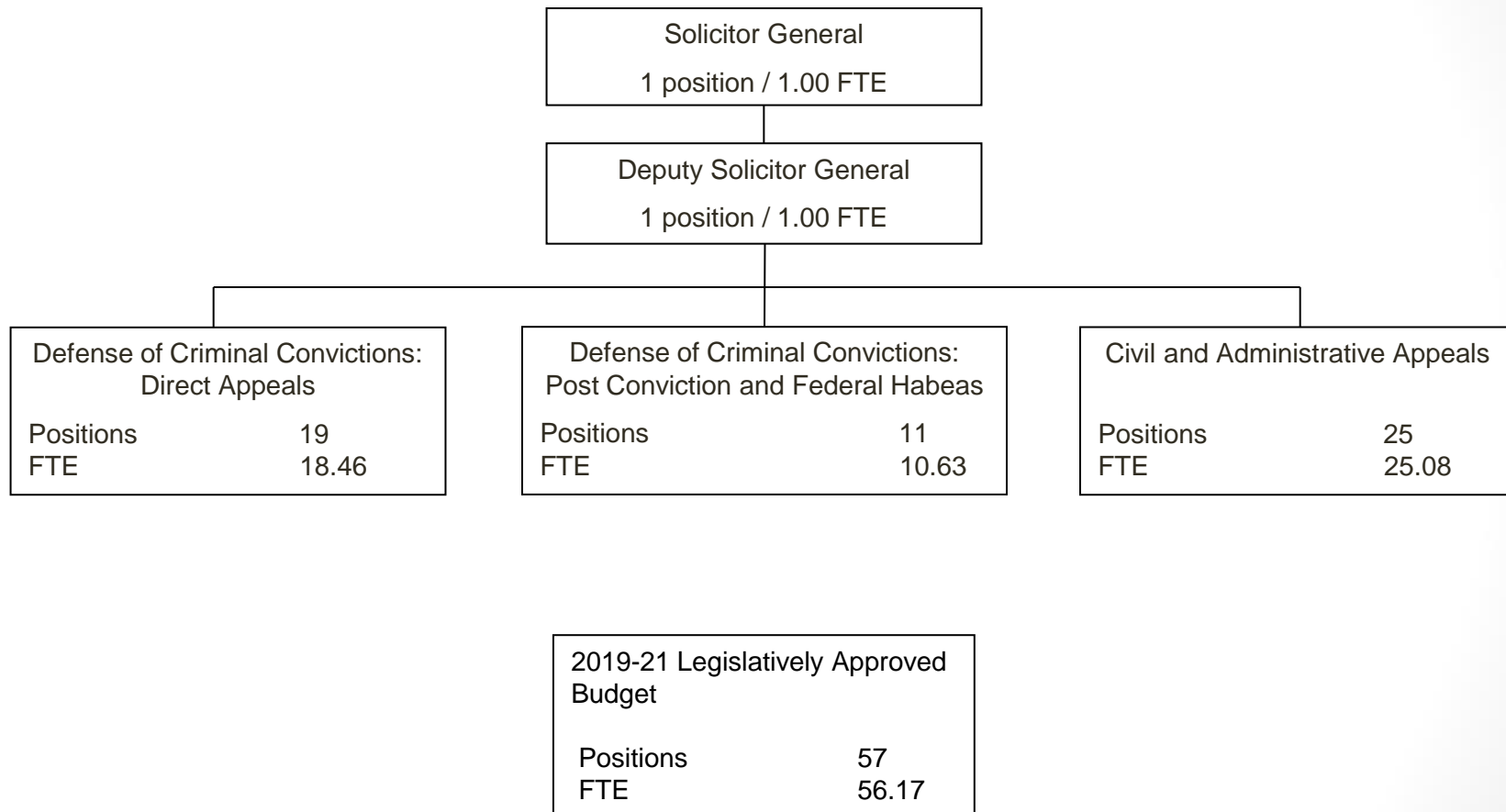
- Oregon Court of Appeals
  - State is a party in every criminal and post-conviction case and more than half of the civil cases
- Oregon Supreme Court
  - State is a party in about two-thirds of cases
- Federal appellate courts

**Conduct trials** in capital post-conviction cases

**Prepare ballot titles** for legislative referrals and initiatives



# Organization



# Types of Cases

- **Defense of criminal convictions**
- **Civil**
  - Tax, contracts, torts, civil commitment, juvenile dependency, challenges to statutes
- **Administrative**
  - Professional and other licenses, regulatory decisions that impose fines or other penalties, benefits decisions, rule challenges



# Recent Highlights

- *James v. State* (Oregon Supreme Court)  
Are 2019 amendments to PERS statutes valid?
- *People Not Politicians v. Clarno* (9<sup>th</sup> Cir. & U.S. Supreme Ct.)  
Can proponents put an initiative on the ballot without collecting the number of required signatures?
- *Linn County v. Brown* (Oregon Supreme Court)  
Is the paid sick leave law valid?
- *Oregon v. Azar* (9<sup>th</sup> Circuit & Supreme Court)  
Are the federal rules for reproductive healthcare clinics valid?



# Workload

## Average number of cases each year:

- Criminal appeals: 1,300
- Post-conviction appeals: 150
- Civil/administrative: 500
  - Juvenile dependency/termination: 200
- Ballot titles: 30-50 per biennium

We are the respondent in almost all of these cases:  
The other side has appealed and we must respond.



# Effect of Pandemic

## Our work continues on track:

- Almost all appellate staff are teleworking
- More videoconferencing
- Court appearances by video
- Technological challenges
- **Slowdowns in trial courts have not affected our work**



# Policy Packages

		<u>Governor's Budget</u>	
•	Package 087 – <b>August 2020 Special Session</b> – Reduces GF for ballot titles & eliminates two (2.00 FTE) vacant attorney positions and the associated S&S.	(\$.03M) GF (\$.66M) OF	(2) Pos/2.00 FTE
•	Package 090 – <b>Analyst Adjustments</b> – Reduces GF for ballot titles and restores portion of package 087 with two (2.00 FTE) vacant attorney positions and the associated S&S.	(\$.05M) GF \$.56M OF	2 Pos/2.00 FTE
•	Package 091 – Elimination of S&S Inflation	(\$.14M) OF	
•	Package 092 – Personal Services Adjustments	(\$.59M) OF	
•	Package 096 – Statewide Adjustment DAS Charges	(\$.053M) OF	





# Policy Packages

## Governor's Budget

- Package 097 – Statewide AG Adjustment (\$\$.023M) GF
- Package 099 – Microsoft 365 Consolidation (\$\$.040M) GF
- Package 100 – Reconcile Intra-Agency Charges \$.69M OF  
\$.038M OF
- Package 101 – Reclassification of Positions
- Package 441 – Non-unanimous Jury Appeals \$.031M OF 1 Pos/.88 FTE



# 10% General Fund/Criminal Fine Account Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Crime Victims Law Center	\$ 0.34	GF	(0.02)	(0.02)	(0.03)
Address Confidentiality Program	\$ 0.12	GF	(0.01)	(0.01)	(0.01)
<b>Appellate</b>	<b>\$ 0.40</b>	<b>GF</b>	<b>(0.02)</b>	<b>(0.02)</b>	<b>(0.04)</b>
Child Abuse Multidisciplinary Intervention Program	\$ 1.45	GF	(0.07)	(0.07)	(0.14)
Other Crime Victims Assistance and Compensation	\$ -	GF	-	-	-
Oregon Domestic and Sexual Violence Services	\$ 10.62	GF	(0.53)	(0.53)	(1.06)
District Attorney Assistance/Organized Crime & Other	\$ 14.46	GF	(0.72)	(0.72)	(1.45)
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Sexual Assault Victims Emergency	\$ -	GF	-	-	-
<b>Total</b>	<b>\$ 102.66</b>	<b>GF</b>	<b>(5.13)</b>	<b>(5.13)</b>	<b>(10.27)</b>
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<b>Combined Budget</b>	<b>\$ 122.53</b>		<b>(6.13)</b>	<b>(6.13)</b>	<b>(12.25)</b>



# 10% Legal Fund/Other Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Administration	\$ 41.53	OF	(2.08)	(2.08)	(4.15)
<b>Appellate</b>	<b>\$ 25.70</b>	<b>OF</b>	<b>(1.29)</b>	<b>(1.29)</b>	<b>(2.57)</b>
Civil Enforcement - Legal	\$ 91.64	OF	(4.58)	(4.58)	(9.16)
Criminal Justice - Legal	\$ 3.04	OF	(0.15)	(0.15)	(0.30)
General Counsel	\$ 73.48	OF	(3.67)	(3.67)	(7.35)
Trial	\$ 44.31	OF	(2.22)	(2.22)	(4.43)
	<b>Total Legal</b>	<b>\$ 279.71</b>	<b>OF</b>	<b>(13.99)</b>	<b>(13.99)</b>
Consumer Protection and Education	\$ 20.84	OF	(1.04)	(1.04)	(2.08)
Non-Participating Manufacturers	\$ 1.47	OF	(0.07)	(0.07)	(0.15)
	<b>Total</b>	<b>\$ 22.31</b>	<b>OF</b>	<b>(1.12)</b>	<b>(2.23)</b>
	<b>Combined Budget</b>	<b>\$ 302.02</b>	<b>OF</b>	<b>(15.10)</b>	<b>(30.20)</b>





**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

# Defense of Criminal Convictions



Department of Justice – Defense of Criminal Convictions

# Program Summary

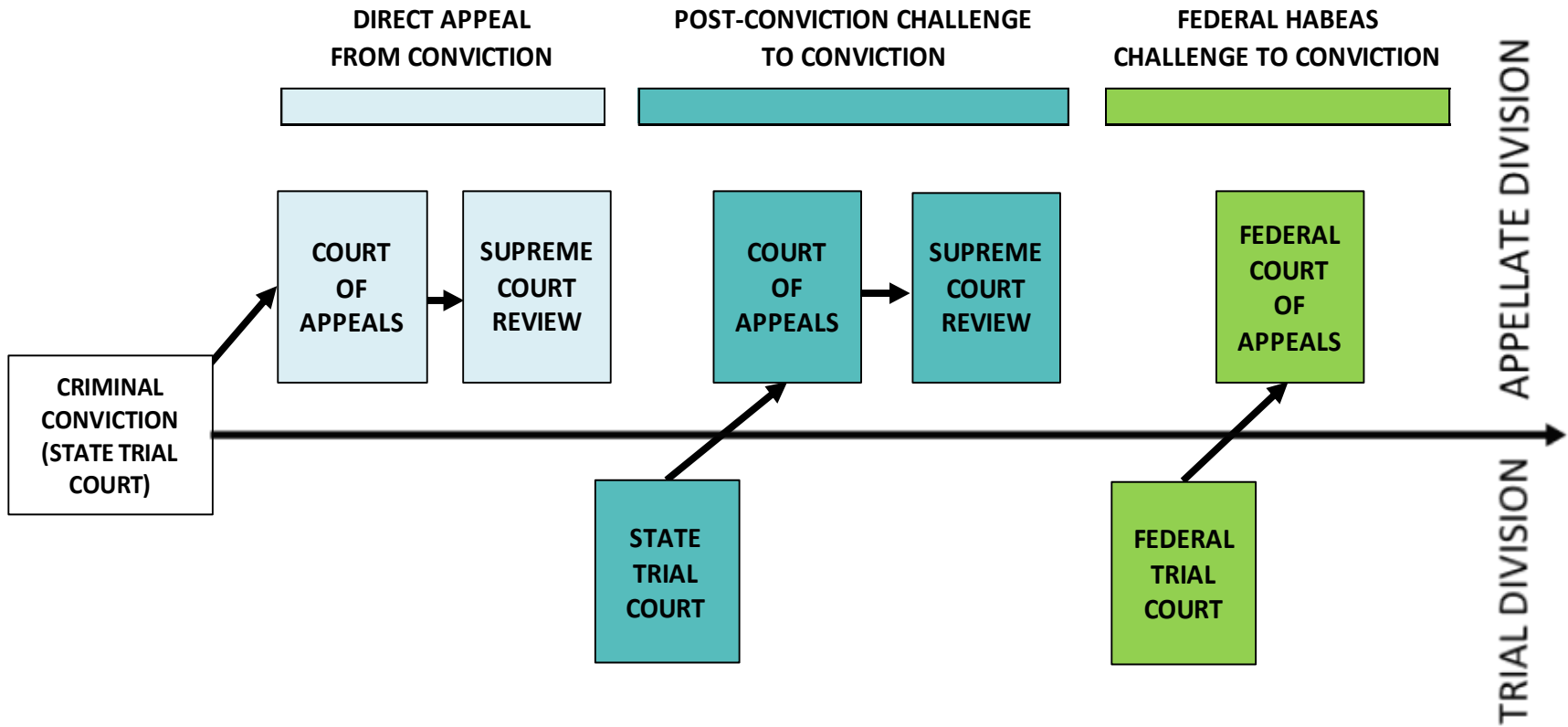
## Mission

- Defend convictions and sentences that state's prosecutors properly obtained
- Work to secure just outcomes when challenges have merit

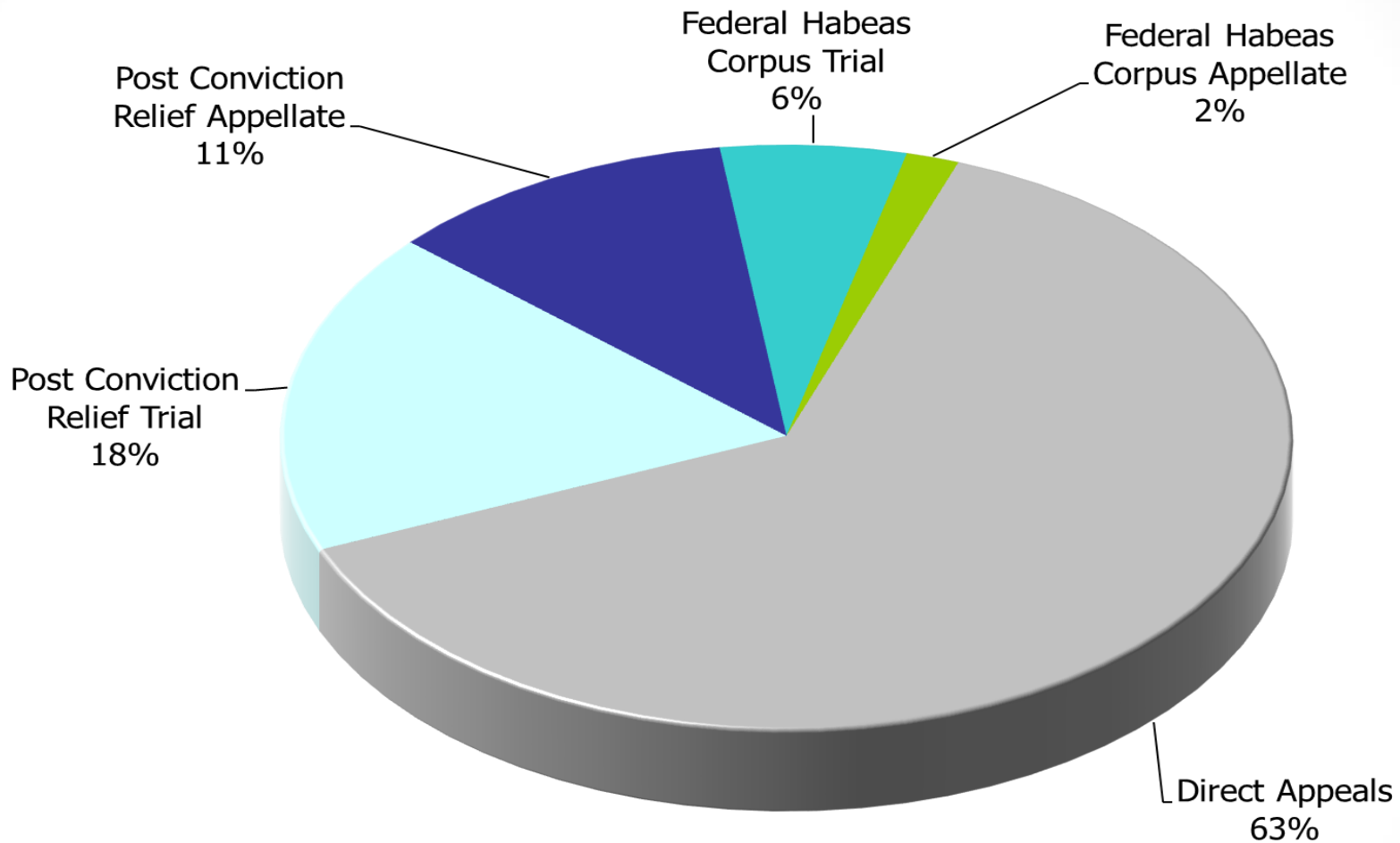
**This is a mandated caseload**



# Overview of the Process



# Caseload



Includes approximately 1,400 cases/year



# Nonunanimous Juries

## Change in the law

- ***Apodaca v. Oregon*** (1972): Sixth Amendment allows nonunanimous juries in state court
- ***Ramos v. Louisiana*** (2020): Sixth Amendment requires unanimous jury

## Aftermath

- Cases with nonunanimous verdicts on appeal reversed
- Follow-up litigation over unanimous verdicts, retroactivity, other issues
- Hundreds of post-conviction proceedings already filed





# Policy Packages

## Governor's Budget

- Package 090 – Analyst Adjustments (\$\$.42M) GF
- Package 091 – Elimination of S&S Inflation (\$\$.014M) GF
- Package 097 – Statewide AG Adjustment (\$2.01M) GF
- Package 440 – Criminal & Collateral Remedies Section \$3.51M GF
- Package 441 – Non-unanimous Jury Appeals. \$.70M GF



# 10% General Fund/Criminal Fine Account Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Crime Victims Law Center	\$ 0.34	GF	(0.02)	(0.02)	(0.03)
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<b>Total</b>	<b>\$ 19.87</b>	<b>CFA</b>	<b>(0.99)</b>	<b>(0.99)</b>	<b>(1.99)</b>
<b>Combined Budget</b>	<b>\$ 122.53</b>		<b>(6.13)</b>	<b>(6.13)</b>	<b>(12.25)</b>





**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

# **Trial Division**

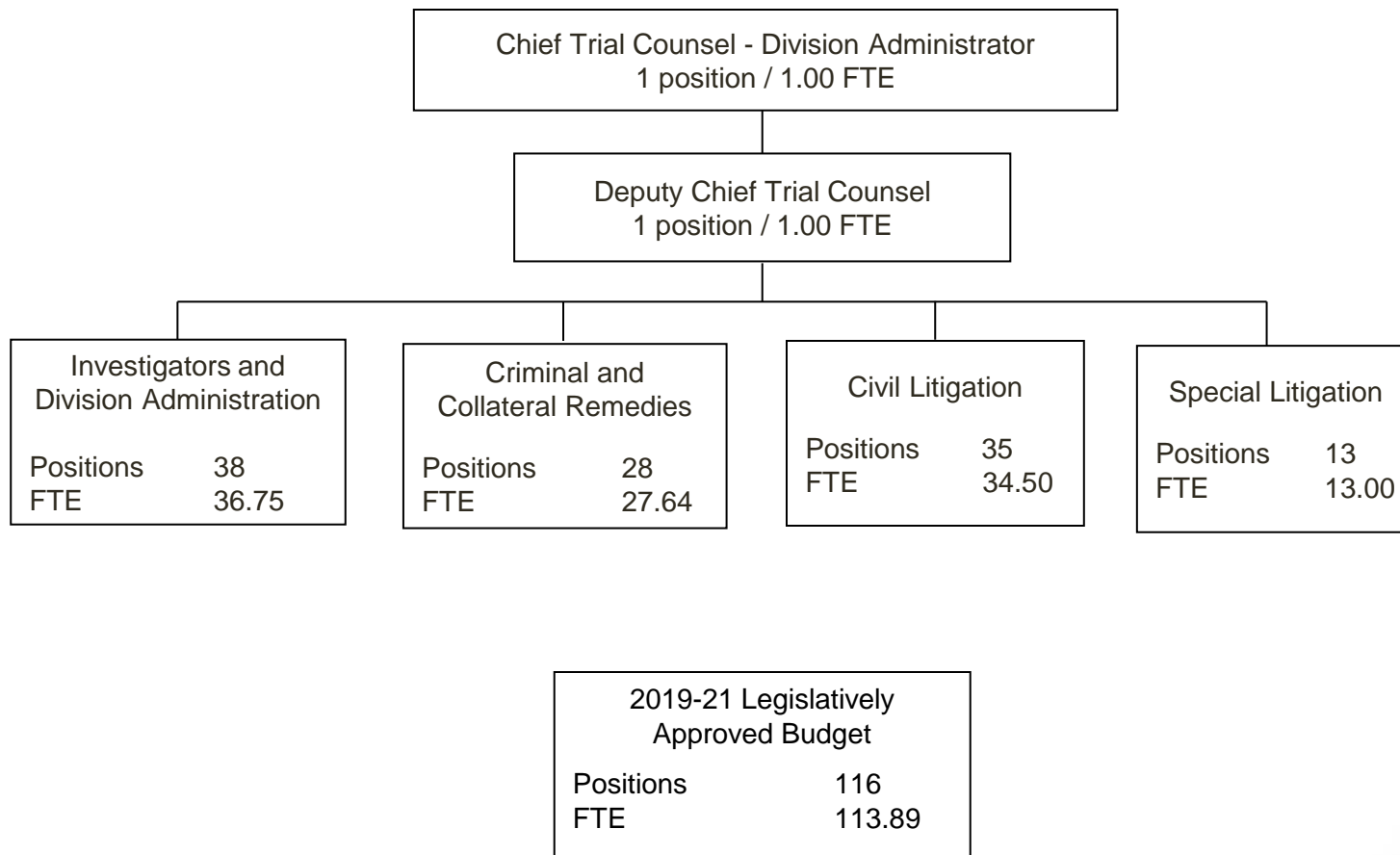


# Program Summary

- The Trial Division defends the State when it is sued for money damages or someone petitions the court to order the State to take or refrain from action.
- **If the State does not appear in the case, or fails to respond to a motion, a judgment can be entered in favor of the opposing party.**



# Organization



# Trial Division Sections

## Civil Litigation:

- Employment
- Civil rights
- Highway projects
- Defense of administrative orders
- Torts: personal injury, property damage, malicious prosecution, abuse

## Special Litigation:

- Environmental
- Elections
- Constitutional challenges
- Water law
- Disputes between Oregon and the Federal Government



# Trial Division Sections

## **Criminal and Collateral Remedies:**

- Post-conviction Relief
- Federal Habeas Corpus
- Psychiatric Security Review Board



# Workload

## Civil Litigation/Special Litigation Unit

- Average: 1,229 new cases each biennium (2011-2019)
- Current biennium: 1,427 new cases thru 2/28/21

## Criminal and Collateral Remedies

- Average: 847 new cases each biennium (2011-2019)
- Current biennium: 893 thru 2/28/21





# Factors Affecting Workload

- Pandemic:
  - State habeas corpus:
    - Average pending: 40 cases
    - Current pending: 260 cases
  - Inmate Covid 19 Cases
    - 3,300 contracted
    - 180 hospitalized
    - 42 deaths
- Ramos v. Louisiana (nonunanimous verdicts)
  - Average annual new PCR cases: 250
  - Since July 1, 2020: 422 (633 projected for FY21)



# Factors Affecting Workload

## Caseload Entirely Dependent Upon Others

- Lawsuits for money damages or to compel state action
- Convicted criminals (usually Measure 11) suing to overturn their convictions
- Licensees/others attempt to overturn agency orders
- Public records requests
- Oregon Department of Transportation highway improvement projects



# Policy Packages

## Governor's Budget

- Package 087 – August 2020 Special Session – Reduces OF Expenditures and three (3.00 FTE) vacant attorney positions and associated S&S. (\$1.21M) OF
- Package 090 – Analyst Adjustments – Restores package 087 OF Expenditures and three (3.00 FTE) vacant attorney positions and associated S&S. \$1.21M OF
- Package 091 – Elimination of S&S Inflation \$.32M) OF
- Package 092 – Personal Services Adjustments (\$.93M) OF
- Package 096 – Statewide Adjustment DAS Charges (\$.29M) OF
- Package 099 – Microsoft 365 Consolidation (\$.08M) OF



# Policy Packages

## Governor's Budget

- Package 100 – Reconcile Intra-Agency Charges \$1.03M OF
- Package 409 – Special Litigation Unit – \$.78M OF 2 Pos/1.76 FTE
- Package 410 – Civil Litigation Section \$.52M OF 2 Pos/1.76 FTE
- Package 440 – Criminal & Collateral Remedies Section \$2.07M OF 8 Pos/7.04 FTE



# 10% Legal Fund/Other Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Administration	\$ 41.53	OF	(2.08)	(2.08)	(4.15)
Appellate	\$ 25.70	OF	(1.29)	(1.29)	(2.57)
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General Counsel	\$ 73.48	OF	(3.67)	(3.67)	(7.35)
<b>Trial</b>	<b>\$ 44.31</b>	<b>OF</b>	<b>(2.22)</b>	<b>(2.22)</b>	<b>(4.43)</b>
Total Legal	\$ 279.71	OF	(13.99)	(13.99)	(27.97)
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Non-Participating Manufacturers	\$ 1.47	OF	(0.07)	(0.07)	(0.15)
Total	\$ 22.31	OF	(1.12)	(1.12)	(2.23)
Combined Budget	\$ 302.02	OF	(15.10)	(15.10)	(30.20)





**Oregon Department of Justice**  
Ellen F. Rosenblum, Attorney General

# **Administrative Services Division**



Department of Justice – Administrative Services Division

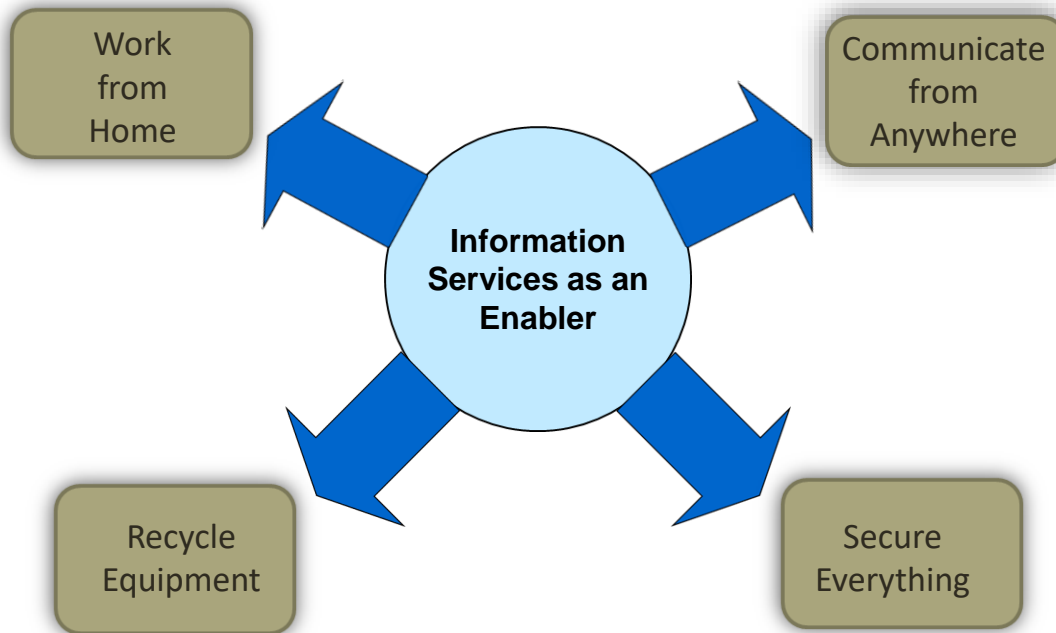
# Primary Responsibilities

## Provide business support functions:

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



# COVID Response





# COVID Response



## Information Services

- **COVID-19** and our near overnight transition to a mobile workforce
  - **Increased system capacity** to support DOJ's 1,400 employees to work remotely
  - **Built and deployed over 250 laptops and 525 desktop computers** for remote work
  - **Implemented and trained** staff to use WebEx and Microsoft Teams collaboration tools
  - **Office of Emergency Management COVID-19 and wildfire website support**



# COVID Response



## Accounting

- **Transitioned to Electronic processing** allowing us to compile, review, and release payables remotely
  - **Allowed more staff** to work remotely and safely
- **Provided cross-training** opportunities across functions
- **Sought COVID Relief Funds** – Approx. \$800k recovered, so far



# COVID Response



## Human Resources

- **Communicated statewide COVID-related information**, including new labor union letters of agreement (LOAs) and FMLA/OFLA info
- **Interpreted and communicated** several state and federal leave changes
- **Tracked employee COVID exposure and responded** to numerous requests for assistance concerning leave and quarantine
- **Transitioned to Electronic filing** allowing HR staff to receive, address, and transmit employee requests securely and remotely



# COVID Response

## Operations

- **Upgraded building HVAC** filtration to MERV-13
- **Ensured facilities cleaned** regularly IAW CDC COVID-19
- **Ensured COVID-19 signage and instructions** were posted in all general building areas and installed plexiglass sneeze-guard barriers
- **Procured and tracked all PPE** items for DOJ facilities
- **Assembled ready-to-go, start-up PPE supplies** for each facility in preparation for re-entry



# Other Accomplishments



# Information Services



- **Implemented Business Processes** for Bias Crime reporting and tracking
- **Implemented Multifactor Security and Federated Identity** on all DOJ external authentication sites for DOJ staff including Outlook Web Access, SharePoint, and third-party solutions such as Smartsheet and KnowBe4
- **Implemented Advanced Posture Checking** on DOJ VPN connections supporting remote work for DOJ, District Attorney Child Support, and Partner staff
- **Implemented Automated Security and Patch Management Assessments** of all DOJ servers, laptops, network hardware, and computers
- **Implemented Quarterly Phishing** assessments and training through KnowBe4
- **Upgraded** all of DOJ to Office 365 productivity suite



# Accounting



- **Streamlined manual processes** such as travel reimbursement and accounts receivable collection
  - Reduced errors and processing time
  - Increased efficiency
  - Improved security and privacy of information
- **Financial Audits**
  - Secretary of State audits
    - Legal Fund audit and General Counsel audit
  - Grant Audits
    - Crime Victims Desk audit and Federal Forfeiture audit



# Human Resources



- **Transitioned** entire Department to Workday
  - Currently migrating FMLA/OFLA to Workday
  - Participating on statewide Workday Payroll project
- **Provided trainings regarding Sexual Harassment and Implicit Bias** to all DOJ employees
- **Updated Recruitment process** to attract diverse candidates
- **Organized and trained** attorney personnel
  - Conducted 30 CLE trainings
  - Training is required by labor contract and Oregon State Bar





# Operations



- **Downsized warehouse space** in Salem as rent costs have increased. Consolidated all storage locations into one facility
- **Performed remodels and location moves** per lease agreements
- **Facility Safety and Security**
  - Installing cameras on the exterior of All DOJ buildings
  - Joint effort to upgrade our current solution and expand cameras to facility entry and exit points
- **Procurement**
  - Digitized/Automated ASD procurement processes to 95%
  - Working with DAS Procurement Services on ORPIN replacement project to begin using the new OregonBuys system



# Factors Affecting Workload

- **COVID-19** shift to remote work for most of the agency
- **DOJ Program needs and priorities** based on both client needs and state/federal regulations
- **Staffing levels** to respond to project and technology needs
- **Rapid rate of technology change** and constantly morphing information security requirements
- **Regulatory requirements** – Leave Laws, Affordable Care Act, Internal Revenue Service (IRS Safeguards), Office of Child Support Enforcement (OCSE), Automated Clearing House (ACH), Criminal Justice Information System (CJIS), Health Insurance Portability and Accountability Act (HIPAA), and Payment Card Industry (PCI)



# Program Efficiencies

- **DOJ warehouse:**
  - Smaller foot print resulting in savings on rent costs
  - Storage now under one roof
  - Property staff working in the same location
  - All warehouse items now delivered and distributed from the same location
- **Closed an office lease** nine months early
  - Reduced Department space footprint by 10,000 sq/ft
  - Created costs savings



## Program Efficiencies (Cont.)

- **Automated and streamlined** key systems by moving to web-based applications. (Going digital wherever possible.)
- **Implemented new security technologies** and processes to improve security management, alerting, and automation
- **Implemented Remote Desktop Infrastructure** in Azure to scale and support DOJ staff working remotely
- **Continually Updating Technology Systems** to provide confidentiality, integrity, and availability
- **Developed Conflict Management System** to automate manual processes for identifying potential conflicts for legal staff



# Policy Packages

			<u>Governor's Budget</u>
Package 090 -	Analyst Adjustments		\$209K OF
Package 091 -	Eliminate S&S Inflation		(\$216K) OF
Package 092 -	Vacancy Rate and Inflation		(\$610K) OF
Package 096 -	Statewide Adjustment DAS Chgs		(\$106K) OF
Package 099 -	365 Consolidation		(\$65K) OF
Package 101 -	Reclassification of Positions		\$155K OF
Package 102 -	Payroll Specialist	1 pos/0.88 FTE	\$192K OF
Package 105 -	Financial Services Support	1 pos/0.88 FTE	\$163K OF
Package 110 -	Permanent Project Manager	1 pos/1.00FTE	\$270K OF



# Policy Packages

			<u>Governor's Budget</u>
Package 112 -	Procurement Contract Specialist	1 pos/0.88 FTE	\$311K OF
Package 120 -	Technology	4 pos/3.52 FTE	\$1,184K OF
Package 122 -	Realign IT Staff for Agency's Needs	5 pos/4.40 FTE	\$1,046K OF
Package 123 -	Essential Costs for Information Technology		\$140K OF
Package 125 -	Legal Tools Replacement 2.0	6 pos/5.25 FTE	\$2,591K OF
Package 130 -	Grand Jury Recordation	1 pos/0.22 FTE	\$155K OF



# 10% Legal Fund/Other Reductions

Program	CSL Budget (in millions)	Source	1st 5%	2nd 5%	Total
Administration	\$ 41.53	OF	(2.08)	(2.08)	(4.15)
Appellate	\$ 25.70	OF	(1.29)	(1.29)	(2.57)
Civil Enforcement - Legal	\$ 91.64	OF	(4.58)	(4.58)	(9.16)
Criminal Justice - Legal	\$ 3.04	OF	(0.15)	(0.15)	(0.30)
General Counsel	\$ 73.48	OF	(3.67)	(3.67)	(7.35)
Trial	\$ 44.31	OF	(2.22)	(2.22)	(4.43)
	Total Legal \$ 279.71	OF	(13.99)	(13.99)	(27.97)
Consumer Protection and Education	\$ 20.84	OF	(1.04)	(1.04)	(2.08)
Non-Participating Manufacturers	\$ 1.47	OF	(0.07)	(0.07)	(0.15)
	Total \$ 22.31	OF	(1.12)	(1.12)	(2.23)
	Combined Budget \$ 302.02	OF	(15.10)	(15.10)	(30.20)

