

State of Oregon
Department of Justice
Proposed Listing of Policy Option Packages

[Yellow Box] = revised data

Est Legal Hours 920,646
Legal Rate at CSL includes 30 days working capital.

DOJ Rank	Pkg #	Div.	Title	Total Request	General Fund	Other Funds	Federal Funds	Positions	FTE	Comments	Legal Rate Impact	Legal Rate @ CSL \$238	Billable Revenue	Billable Hours
1	311	CVSSD	Backfill Punitive Damages Funding	\$ 4,881,459	4,881,459			19	17.70		NA		NA	
2A	440	Defense of Criminal Convictions	Criminal and Collateral Remedies Section (CCR)	\$ 3,510,413	3,510,413			-	-		NA		NA	
2B	440	Trial Division	Criminal and Collateral Remedies Section (CCR)	\$ 2,075,917		2,075,917		8	7.02		\$ (1.56)		\$ 3,510,413	13,606
3A	441	Defense of Criminal Convictions	Non-unanimous Jury Appeals	\$ 702,083	702,083			-	-		NA		NA	
3B	441	Appellate Division	Non-unanimous Jury Appeals	\$ 316,789		316,789		1	0.88		\$ (0.42)		\$ 702,083	2,737
4	361	General Counsel Division	Positions to Support State Agencies	\$ 1,573,143		1,573,143		5	3.75		\$ (1.02)	\$ (1.02)	\$ 2,514,479	11,290
5	310	CVSSD	Victims of Crime Act Budget	\$ 68,510,087			68,510,087	3	2.64		NA		NA	
6	None	AG Office - Admin Serv Division	Civil Rights Augmentation	\$ 676,388	676,388									
7	465	Defense of Criminal Convictions	Capital Case Unit	\$ 2,610,837	2,610,837						NA		NA	
8	466	Defense of Criminal Convictions	Appellate Editing	\$ 1,872,220	1,872,220						NA		NA	
9	409	Trial Division	Special Litigation Unit	\$ 788,801		788,801		2	1.76		\$ (0.52)	\$ (0.52)	\$ 1,263,749	4,914
10	410	Trial Division	Civil Litigation Section	\$ 528,072		528,072		2	1.76		\$ (0.42)	\$ (0.42)	\$ 913,628	4,908
11	112	ASD-Operations	Procurement Contract Specialist	\$ 311,455		311,455		1	0.88		\$ 0.34		\$ -	
12	102	ASD-HR	Payroll Support	\$ 191,597		191,597		1	0.88		\$ 0.21		\$ -	
13	105	ASD-Financial Services	Financial Services Support	\$ 162,571		162,571		1	0.88	Travel processor	\$ 0.18		\$ -	
14	110	ASD-Operations	Permanent Project Manager	\$ 270,229		270,229		1	1.00		\$ 0.29		\$ -	
15	261	Criminal Justice	Analytical and Criminal Investigative Support	\$ 1,364,509	2,080,642	(716,133)		8	8.00		NA		NA	
16	480	Division of Child Support	Restoration of Positions Cut in Package 070	\$ 15,714,870	5,342,622		10,372,248	66	65.39		NA		NA	
17	None	Division of Child Support	Staff Augmentation with Deloitte	\$ 3,639,636	1,237,476		2,402,160	-	-		NA		NA	
18	None	Division of Child Support	IBM License Renewal Cost Increase	\$ 1,090,000	370,600		719,400							
19	482	Division of Child Support	Origin Hosting	\$ 590,349	200,719		389,630	-	-		NA		NA	
20	122	ASD-Information Services	Realign IT Staff for Agency's Needs	\$ 1,046,414		1,046,414		5	4.40		\$ 1.14		\$ -	
21	125	ASD-Information Services	Legal Tools Replacement 2.0	\$ 2,591,423		2,591,423		6	5.25	One-time Leg Fnd	\$ 2.81		\$ -	
22	360	General Counsel Division	Transportation Projects Support	\$ 1,394,486		1,394,486		4	3.52		\$ (1.00)		\$ 2,317,793	10,350
23	265	Criminal Justice	Internet Crimes Against Children (ICAC)	\$ 214,439	214,439			1	1.00					
24	308	CVSSD	Appellate Advocacy Program	\$ 218,003	218,003			1	0.88		NA		NA	

25	481	Division of Child Support	AAG and Intra-agency Charge Shortfall	\$ 4,756,877	2,802,872	1,954,005	-	-		NA	NA		
26	315	CVSSD	Human Trafficking Grant	\$ 644,166		644,166	2	2.00	\$1,094,354 - 450,1	NA	NA		
27	309	CVSSD	Continuance of an Appellate Advocacy Position	\$ 303,894	303,894		1	1.00		NA	NA		
28	320	CVSSD	Bias Crimes Incident Coordinator Position	\$ 401,461	401,461		1	1.00	Johanna Costa	NA	NA		
29	260	Criminal Justice	Continuation of LD Grant Positions (UASI, SHSG)	\$ 673,173	673,173		2	2.00		NA	NA		
30	362	General Counsel Division	Public Law Conference and Trainings	\$ 520,387	520,387		-	-	Reg Fees \$149,500	\$ 0.40	\$ 149,500	-	
31	363	General Counsel Division	Legal Training for Oregon State Government	\$ 312,554	312,554		1	1.00		\$ 0.34	\$ -	-	
32	120	ASD-Information Services	Litigation Technology	\$ 1,184,798	1,184,798		4	3.52		\$ 1.06	\$ 211,200	1,920	
33	205	Civil Enforcement Division	Anti-Poaching Legal Support	\$ 549,106	549,106		2	1.76		\$ (0.17)	\$ 702,083	2,737	
34	484	Division of Child Support	Specialized Child Support Positions	\$ 3,151,331	1,073,365	2,077,966	14	12.25					
35	123	ASD-Information Services	Essential Security Costs for Information Technology	\$ 140,000	140,000		-	-		\$ 0.15	\$ -		
36	100	Multiple	Reconcile Intra-Agency Charges	\$ 6,943,639	783,153	5,628,557	531,929	-	-	Amounts are varia	\$ 6.11	\$ -	
37	101	Multiple	Reclassification of Positions	\$ 830,179	32,995	664,902	132,282	-	-		\$ 0.72	\$ -	
38	465	Appellate Division	Capital Case Unit	\$ 1,762,134	1,762,134		6	5.28		\$ (0.92)	\$ 2,610,837	12,689	
39	466	Appellate Division	Appellate Editing	\$ 1,577,604	1,577,604		4	3.52		\$ (1.34)	\$ 2,808,330	10,885	
40	264	Criminal Justice	Mgmt of Criminal Justice Attorneys	\$ 403,129	403,129		1	0.88					
41	115	ASD - AG Office	Special Counsel & Assistant Communications Director	\$ 1,019,798	1,019,798		3	2.64		\$ 1.11	\$ -		
42	130	ASD-Information Services	Grand Jury Recordation	\$ 680,000	680,000		1	0.22		NA	NA		
43	262	Criminal Justice	Compliance with State Labor Agreement	\$ 313,315	232,839	48,034	32,442	-	-		NA	NA	
44	313	CVSSD	Fund Shift	\$ -	508,723	(508,723)	2	2.00		NA	NA		

Background

In 2014, the Department embarked on a project to replace the technology that supports our legal work. The project, known as the Legal Tools Replacement Project (“LTR” or “LTR 1.0”), sought to update services in 4 core areas: Document Management, Billing Management, Case Information, and Time Management. The Department conducted a procurement and chose a solution based on representations that it was a comprehensive product that would meet our legal technology needs in the 4 core areas. Unfortunately, during testing, the Department discovered that the procured solution was not meeting contractual requirements. Therefore, in September 2018, the Department terminated the LTR 1.0 Project.

In January of 2019, the Department restructured LTR 1.0 taking into consideration contingency plans and incorporating lessons learned in LTR 1.0. As a result, the Department launched the Legal Tools Replacement Project 2.0 (“LTR 2.0”), which consisted of a Document Management Project (DMP) to address Document Management and a Case Management Project (CMP) to address Billing Management, Case Information, and Time Management core areas. The Department submitted their High Level Business Case for this effort in March 2019, and received Stage Gate 1 approval for CMP in January 2020.

The Project Team presented an evaluation of risk for each core area under CMP to the Project’s Executive Steering Committee (ESC), including the Project Sponsor, the Department’s CIO, and a representative from each legal division. This presentation analyzed operational risks posed by the delayed implementation date of the CMP project. The Billing Management system (Elite), the Case Information System (MatMan), and their related ancillary systems, face a risk of complete failure that increases with time. The most critical risk found was living with a Billing Management system (Elite) that is already experiencing significant errors which prevent staff from performing their work, for years beyond what was expected at initiation of the CMP project. Complete failure for these system(s) would result in the Department having to revert fully to manual processing for the functions those systems served. This would lead to the necessity to hire additional positions, loss of data, inability to bill and collect revenue, substantially increased overhead, inability to provide reporting or justify positions, and increased errors, among other things. The Department estimates the cost would be \$2 million per year for a failed Billing Management system, and \$6.5 million per year for a failed Case Information system. The magnitude of cost to the Department would increase the longer the failure persists with no replacement implemented. The Department estimates the LTR 2.0 program will result in a possible cumulative savings of \$40 million¹ over a period of 15 years.² The Department used The Gunter Group’s findings in their Cost Analysis (based on the holistic “CMP” approach), incorporated findings from a Market Survey for BMP, and final costs from DMP to estimate the LTR 2.0 Program will cost approximately \$18.6 million in project costs. Further, the total program duration is expected to run from April 2018 – Q3 2027.

The ESC determined it was necessary to accelerate the timeline for replacing unstable programs to avoid potential breaks in service to the systems. As a result, the Department developed a path forward that uses a segmented approach breaking each core area into an individual project under the LTR 2.0 program: keeping the Document Management Project (DMP), but breaking the Case Management Project into 3 projects. There is a project for each core area that was in CMP: the Billing Management Project (BMP), the Case Information Project (CIP), and the Time Management Project (TMP). This approach allows the Department to prioritize systems based on their relative risk to

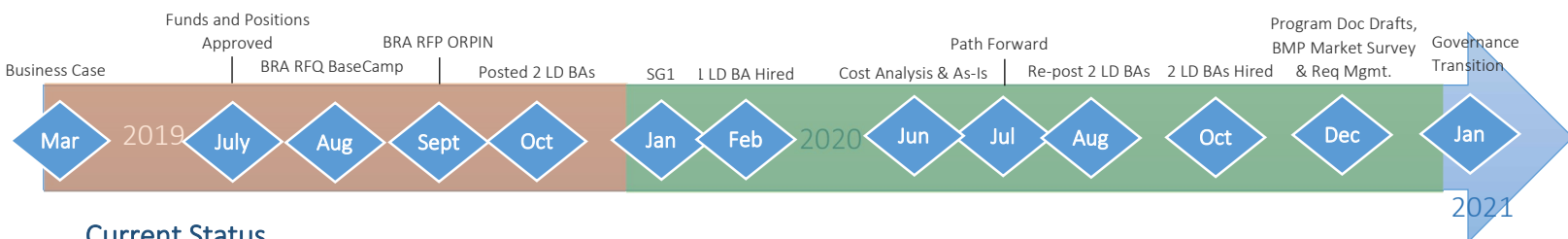
¹ This number incorporates the \$18.6 in project costs associated with the Program, as well as recurring costs after a system has been replaced, and overhead contributed by the Department.

² For more detail on this analysis, please reference the LTR 2.0 Business Case.

the Department, while still facilitating a departure from silos by managing them together under a modernization program. This approach was outlined in a “Path Forward” document in July 2020. The Department, Legislative Fiscal Office (LFO), and Enterprise Information Services (EIS) agreed to break the program down from 2 projects into 4 through review and discussion of this path forward in August 2020.

Because the Department’s document management system (DM) was in danger of imminent failure, the Department focused first on transitioning to a new document management system, the Alfresco platform. The Department performed a Proof of Concept with Alfresco in February of 2019 to validate it met our requirements and went live in November 2020. The Department also upgraded the timekeeping system to a more modern version so that legal billers would have a stable platform on which to record their time during the life of LTR 2.0. The next critical need is to address the Billing Management system (Elite) which is experiencing significant errors and putting the Department’s ability to bill our clients at risk. Once significant progress has been made toward acquiring a new Billing Management system, the Department will focus on the Case Information Project (i.e. Matter Management replacement), and the Time Management Project.

The chart below outlines major accomplishments for CMP accomplished during the timeframe discussed above, through today. For more detail on these accomplishments and program history, the Department is developing a companion document “LTR 2.0 History”. Further, of critical note during the 19-21 biennium is the impact of COVID-19 on both projects and operations. Due to the pandemic, DOJ rapidly adjusted to a huge increase in operational support requirements to ensure that over 1,000 legal and child support staff could work remotely while remaining functional and productive. The impact of COVID-19 continues to consume significant staff resources in supporting and keeping our agency operational on a day-to-day basis and thus, has had a necessary impact on the pace at which The Department is able to complete projects. Despite these challenges DOJ has continued to work on this project pragmatically and responsibly in order to be good custodians of state funds.



Current Status

The Department has been working closely with EIS to finalize foundational Program documentation to reflect the new segmented approach to its modernization program, and submitted drafts in December 2020. This approach for the LTR 2.0 program allows the Department to prioritize replacing systems based on their relative risk to the Department, while still managing each project cohesively under shared objectives within the LTR 2.0 program: eliminating information silos between departments, facilitating integration between systems, reducing overhead, and reducing redundancy. This approach also allows us to streamline governance by facilitating committees that will meet consistently and evaluate progress against these objectives for the duration of the program. However, this approach will likely take slightly longer and cost slightly more as The Department takes the time to evaluate and plan implementation for each solution independently. The Department strongly feels the benefits outweigh these weaknesses.

Document Management Project (DMP)

DMP achieved Stage Gate 1, 2, and 3 approval from EIS, went live in November 2020, and is currently working on post live cleanup and project closure activities that will be reviewed as part of Stage Gate 4.

2018			2019				2020			
Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Jun	Sept	Dec	Mar	Jun	Sept	Dec	Mar	Jun	Sept	Dec
		Workshops, POC, Sol'n Selection		Documentation		SI Selection & Onboarding				Implementation
Initiation & Planning									Execution	

Billing Management Project (BMP)

The project team has completed a Project Charter for BMP and is working through initiation and planning activities. The Department hired 2 LD BAs in October 2020, completed a Requirements Management Plan, and is beginning to work on requirements gathering activities. The project team is currently developing additional project documentation including a Business Case and Project Management Plan. The Department expects to be ready to release procurement and select a new Billing Management solution by summer of 2021. Implementation activities would then begin in the 21/23 biennium and go live in Q4 of 2021.

2020		2021			
Q4	Q1	Q2	Q3	Q4	
Dec	Mar	Jun	Sept	Dec	
Requirements Gathering	Release Procurement	Vendor Onboard			Lessons Learned
Initiation & Planning			Execution		Closing

Case Information Project (CIP)

CIP has not yet started, but the Department has completed a high-level Project Charter based on what is currently known. The Department estimates this project will last roughly 5 years, will kick off Requirements Gathering in Q4 of 2021, and go live in late 2026. These estimates will be refined as more is known during the Initiation & Planning phase, projected to complete in 2023. The Department will be requesting additional resources and contracted support in each biennium as The Department learns more about project needs and finalize our resourcing plans.

2021		2022				2023				2024				2025				2026			
Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Sept	Dec	Mar	Jun	Sept	Dec	Mar	Jun	Sept	Dec	Mar	Jun	Sept	Dec	Mar	Jun	Sept	Dec	Mar	Jun	Sept	Dec
Hiring				Release Procurements		Vendor Onboard															Lessons Learned
	Requirements Gathering									Implementation											
Initiation & Planning									Execution											Closing	

Time Management Project (TMP)

TMP has not yet started, but the Department has completed a high-level Project Charter based on what is currently known. The Department anticipates it will be similar in scope and complexity to BMP and have modeled our estimates off of BMP's projections. The Department expects TMP will start following CIP's go live, will take roughly 9-12 months to complete, go live in 2027, and leverage resources requested during CIP.

2026		2027		
Q3	Q4	Q1	Q2	Q3
Sept	Dec	Mar	Jun	Sept
Req Gathering	Release Procurement	Implementation		
	Vendor Onboard			Lesson Learned
Initiation & Planning		Execution & Closing		

Next Steps

With foundational Program Documentation near completion, the Department will continue working with EIS to establish Stage Gate oversight expectations for both the Program and Projects under the Segmented Approach, focusing efforts first on aligning and progressing the Billing Management Project. With the approval of the funds requested in our Business Case, including \$2,543,920.00 for BMP Execution and CIP Initiation & Planning, The Department will then implement our selected Billing Management solution and begin CIP Initiation & Planning work in late 2021.

Finally, The Department will schedule regular committee meetings to align with the new Program Governance structure, including a new standalone steering committee, and will continue working heavily with EIS to manage progress and ensure all relevant parties have access to Program and Project materials. This structure will facilitate engagement from all parties to ensure the Department is operating under the Segmented Approach but still as one modernization program to prioritize system replacement based on risk and eliminating silos.

Oregon Department of Justice

POP 120 Litigation Technology

What is eDiscovery?



The process by which parties involved in a legal case preserve, collect, review, and exchange information in electronic formats for the purpose of using it as evidence.



eDiscovery combines both legal and technical disciplines and requires close partnership between legal and IT teams.

Types of Electronically Stored Information (ESI)



EMAIL



DOCUMENTS



SOCIAL MEDIA



INSTANT
MESSAGING



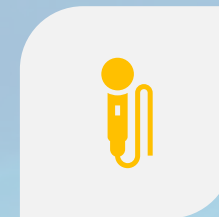
SMARTPHONE
APPLICATIONS



DATABASE
FILES



VIDEO

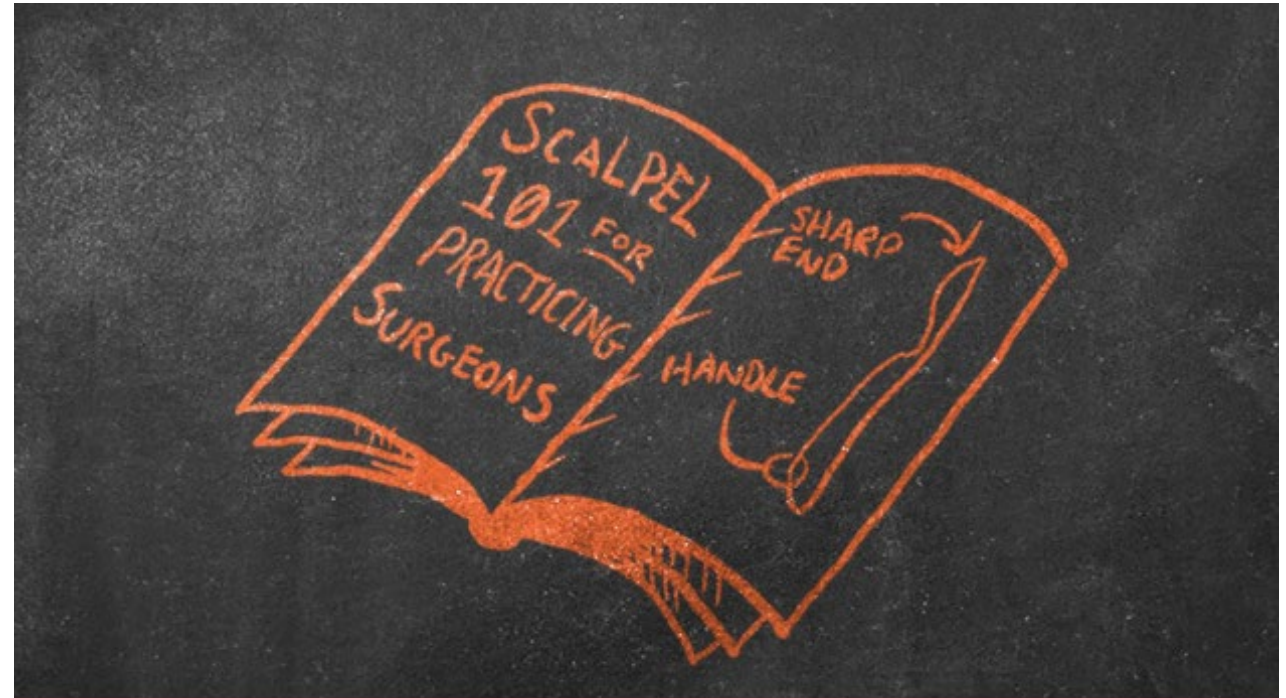


AUDIO

... AND MORE!

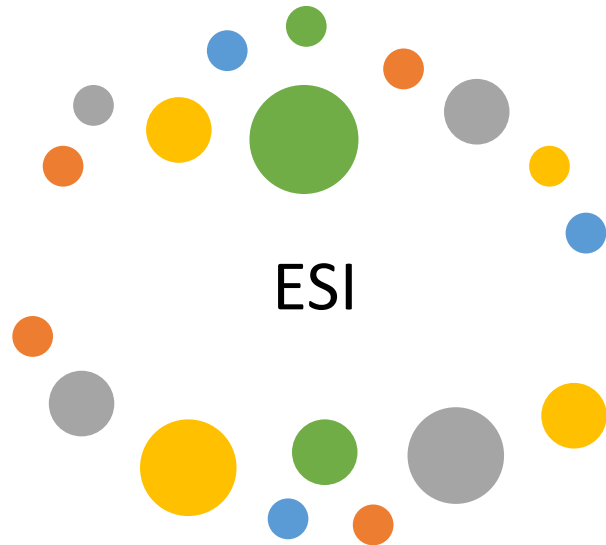
Why is eDiscovery Important?

- Vast sums and a ruling can hinge on a single “smoking gun”
- Compliance with The Federal Rules of Civil Procedure
- Ethical duty
- Technical competence requirements
- ESI is growing exponentially and becoming more diverse
- Necessary to be on a level playing field



E-discovery is as fundamental to legal process as a scalpel is to a surgeon - but it isn't currently treated as such.

What is the process of eDiscovery in a nutshell?



Collection of Various ESI:

Emails
Document Formats
Audio and Video



System of Review:

Searchable and Categorized
Identify for Privilege and Responsive
Retrieval and Review of Metadata
Redaction

In other words...

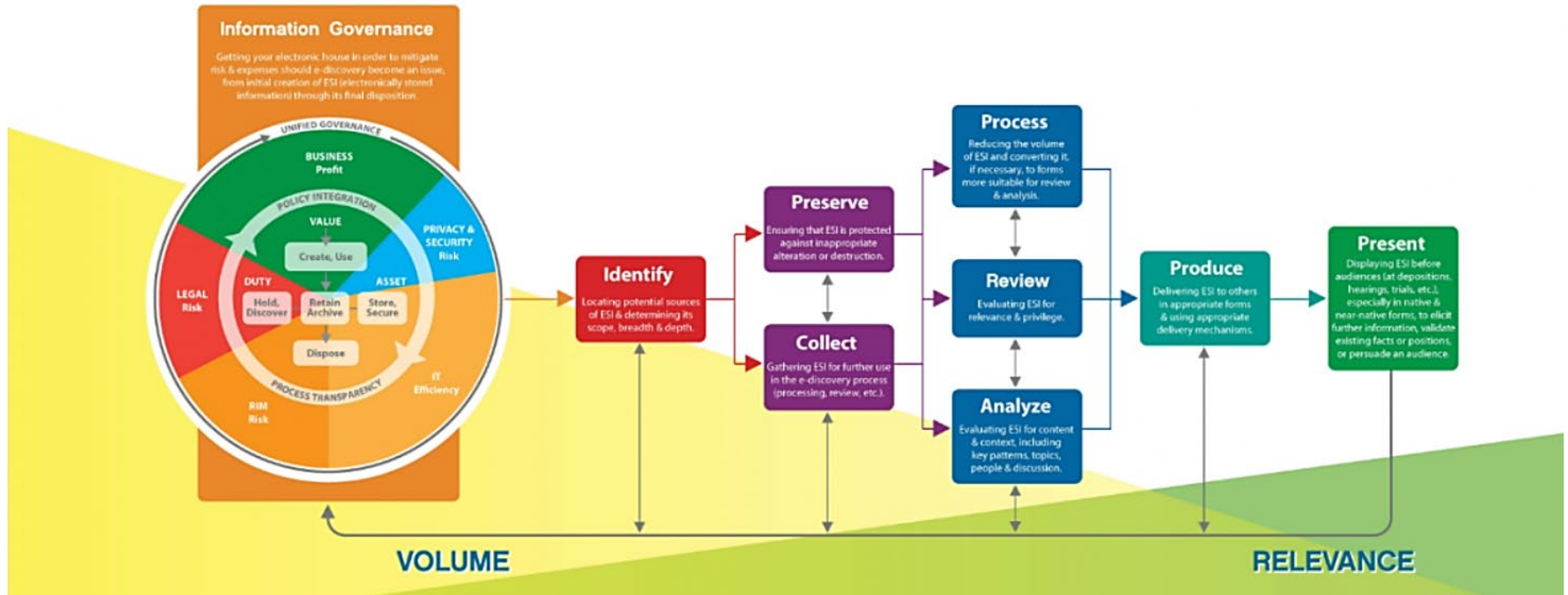
eDiscovery is helping lawyers figure out which documents to use in court. Did you hear about how Apple sued Samsung for patent infringement? That case involved a lot of electronic evidence in the form of emails. Let's say Abby works for Apple, and Sammy for Samsung. Since Apple is suing Samsung, Abby is going to ask Sammy for all emails that might prove there was infringement. That's when Sammy calls me in, to figure out which emails are relevant enough to hand over to Abby. Now Abby needs me too, to figure out which of those emails she can use to make her case strong enough for Apple to win in court.

In other words...

How do you find relevant files? Have you ever used Pandora or Spotify to search for music and make playlists? You enter a song you like, the software finds it, and based on that song, it makes suggestions for other music you might like. You can like or dislike each suggestion, and over time, the software uses those ratings to make the music more and more accurate to your taste. It's the same with technology-assisted review, except you search for and rate documents instead of music. Eventually, the computer can accurately and precisely figure out what documents you want.

Electronic Discovery Reference Model

Standards, Guidelines, and Practical Resources for Legal Professionals and E-Discovery Practitioners



Most eDiscovery has been Outsourced



COSTLY



SECURITY RISKS



51% OF LEGAL DEPARTMENTS ARE
NOW PERFORMING THE MAJORITY
OF THIS WORK IN-HOUSE

In-House eDiscovery & Litigation Support



Collect

Scanned Paper Files
Emails
Video
Social Media
Audio
Native Electronically Stored Information (ESI)



Review

Process and Upload Data
Early Case Assessment (ECA) to Reduce Volume
Coding for Responsive and/or Privilege
Alias and Key Word Searches
Tag for Timelines, Key Patterns, Topics, People



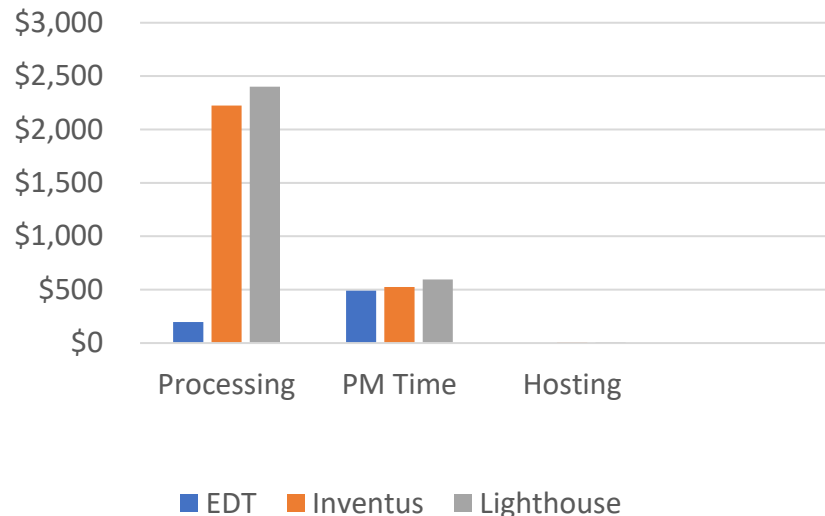
Present

Export Productions of Data to Opposing Counsel
Depositions, Hearings, Trials
Persuade with Facts and Evidence

In-house eDiscovery & Litigation Support staff partner with the legal team at every step, managing the project, supporting technology-assisted review (TAR), and may even accompany the legal team in the courtroom if needed; and in-house services cost a fraction of what third party vendors cost.

Example 1: Small Case In-House vs. 3rd Party Vendors

Small Case Cost Comparison



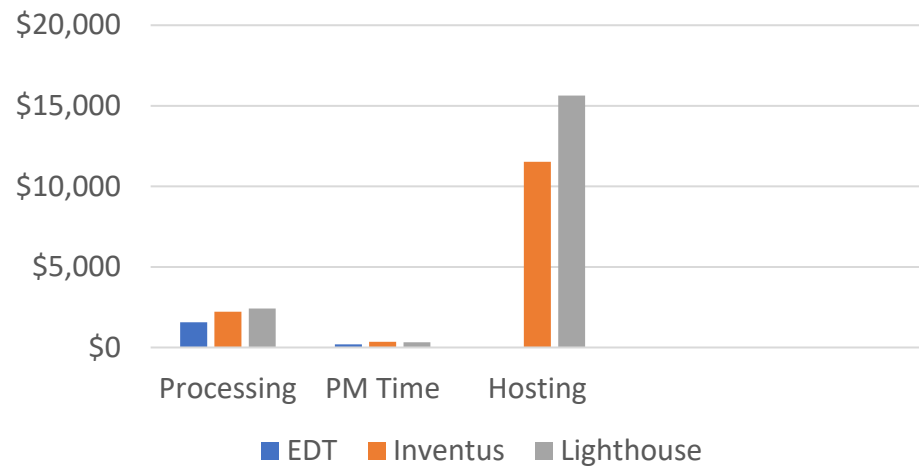
DOJ IN-HOUSE (EDT)				
Task	Rate	Quantity	Measure	Cost
Review, organize and upload data to platform	\$98	2	Hours	\$196
Create custom fields and organization	\$98	1.5	Hours	\$147
Trouble shoot searching and review workflows	\$98	2.5	Hours	\$245
Export Production	\$98	1	Hours	\$98
Hosting	\$0	1	GB	\$0
TOTAL				\$686

INVENTUS (3 rd Party Vendor)				
Task	Rate	Quantity	Measure	Cost
Full processing	\$139	2	Hours	\$278
PM-custom layouts	\$175	2	Hours	\$350
PM-export production	\$175	1	Hours	\$175
Hosting (per month)	\$7	1	GB	\$7
TOTAL				\$810

LIGHTHOUSE (3 rd Party Vendor)				
Task	Rate	Quantity	Measure	Cost
Full processing	\$150	2	Hours	\$300
OCRing	\$0.01	1	GB	\$0
PM-custom layouts	\$160	2	Hours	\$320
Production	\$275	1	Hours	\$275
User Fee	\$75	1	Fee	\$75
Hosting (per month)	\$10	1	GB	\$10
TOTAL				\$980

Example 2: Medium Case In-House vs. 3rd Party Vendors

Medium Case Cost Comparison

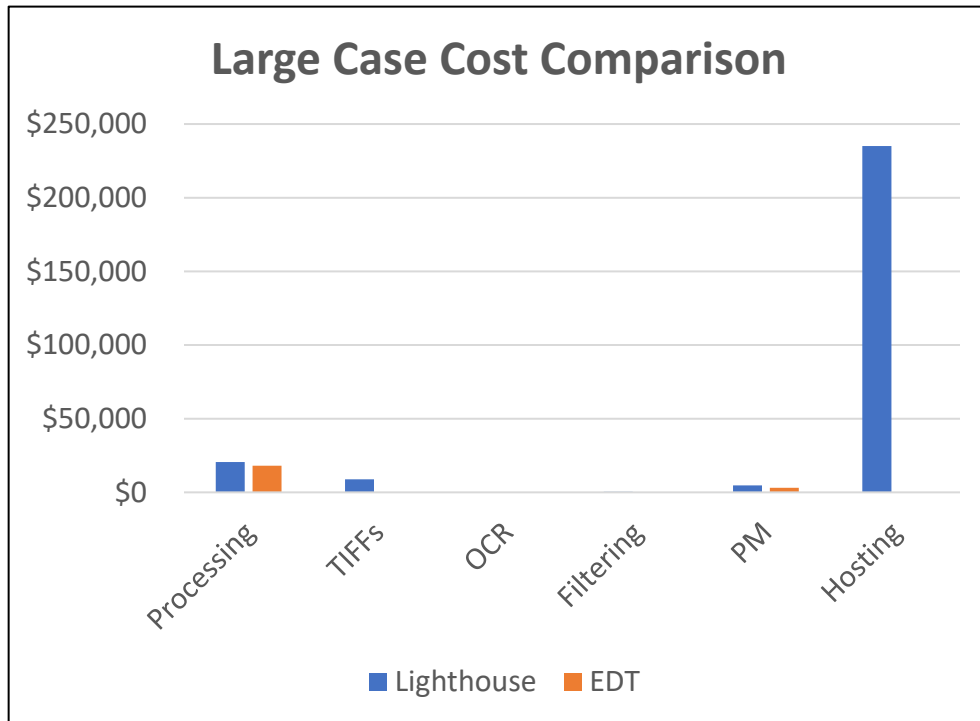


DOJ IN-HOUSE (EDT)				
Task	Rate	Quantity	Measure	Cost
Review, organize and upload data	\$98	16	Hours	\$1,568
PM-custom layouts and search terms	\$98	2	Hours	\$196
Hosting	\$0	1646	GB	\$0
TOTAL				\$1,764

INVENTUS (3 rd Party Vendor)				
Task	Rate	Quantity	Measure	Cost
Full processing	\$139	16	Hours	\$2,224
PM-custom layouts	\$175	2	Hours	\$350
Hosting (per month)	\$7	1646	GB	\$11,522
TOTAL				\$14,096

LIGHTHOUSE (3 rd Party Vendor)				
Task	Rate	Quantity	Measure	Cost
Full processing	\$150	16	Hours	\$2,400
OCRing	\$0.01	1646	GB	\$16
PM-custom layouts	\$160	2	Hours	\$320
User Fee	\$75	1	Fee	\$75
Hosting (per month)	\$10	1646	GB	\$15,637
TOTAL				\$18,448

Example 3: Large Case 3rd Party Vendor vs. In-House



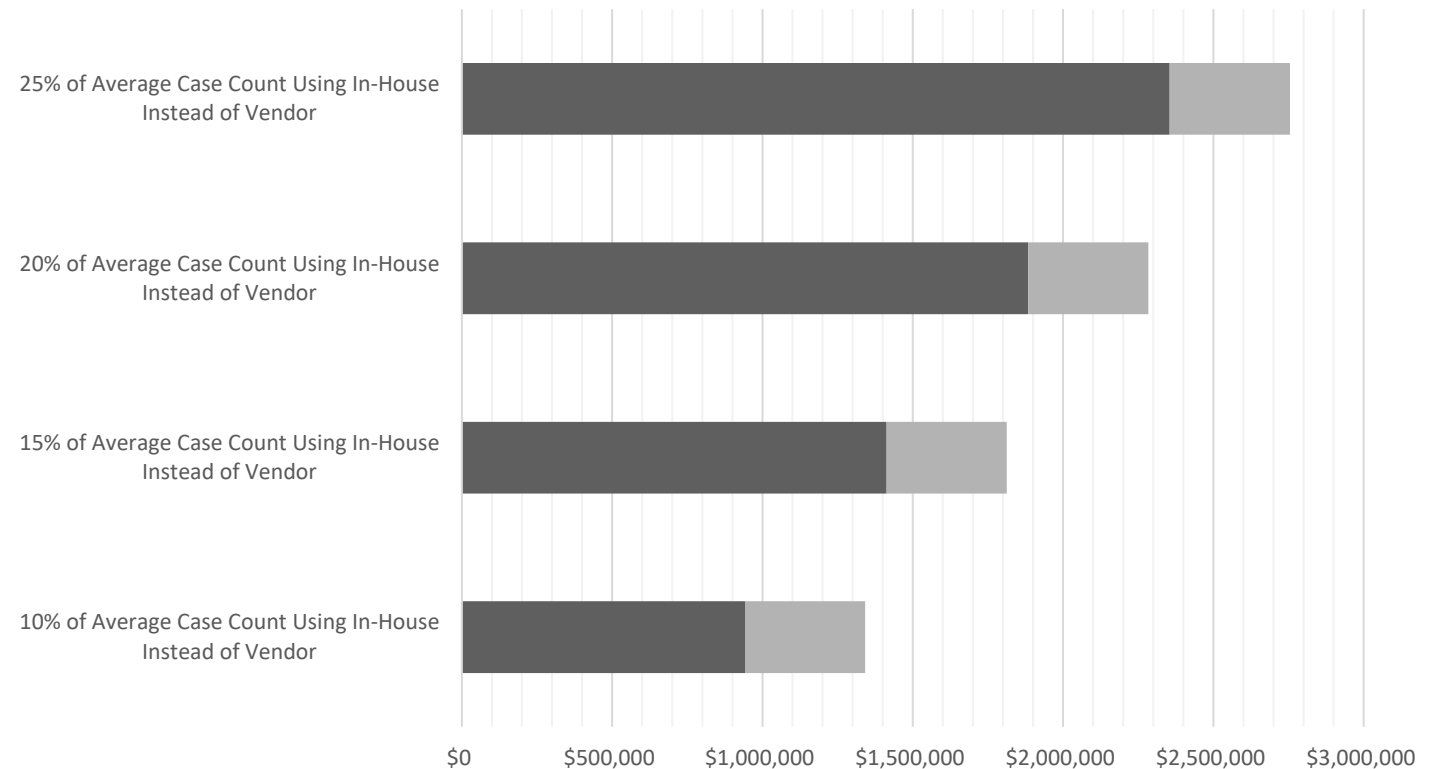
LIGHTHOUSE (3 rd Party Vendor)				
Task	Rate	Quantity	Measure	Cost
Process & Promote to Review	\$111	184.47	GB	\$20,544
Create TIFF Images	\$0.01	890,533	Page	\$8,905
OCR Conversion	\$0.02	4,805	Page	\$96
PDF from TIFF	\$0.01	417,781	Page	\$4,178
Ingestion & Filtering	\$18	22	GB	\$377
Project Management	\$150	22.65	Hours	\$3,398
Technical Analyst/Litigation Support	\$150	8.5	Hours	\$1,275
Hosting (per month)	\$15	7119.55	GB	\$103,447
Hosting (per month)	\$12	11,026	GB	\$131,650
TOTAL				\$273,871

DOJ IN-HOUSE (EDT)				
Task	Rate	Quantity	Measure	Cost
Process & Promote to Review	\$98	184.47	GB	\$18,078
Create TIFF Images	\$0	890,533	Page	\$0
OCR Conversion	\$0	4,805	Page	\$0
PDF from TIFF	\$0	417,781	Page	\$0
Ingestion & Filtering	\$0	22	GB	\$0
Project Management	\$98	22.65	Hours	\$2,220
Technical Analyst/Litigation Support	\$98	8.5	Hours	\$833
Hosting	\$0	7119.55	GB	\$0
Hosting	\$0	11,026	GB	\$0
TOTAL				\$21,131

Forecasted Savings

- Average annual case count is approximately 800
- Average savings for in-house eDiscovery for the small case example is \$209 and for the medium example is \$14,508
- Large cases, like the example case, are expected to add an additional \$200,000+ in savings *annually*

Estimated Biennial Savings of In-House eDiscovery & Litigation Support



	10% of Average Case Count Using In-House Instead of Vendor	15% of Average Case Count Using In-House Instead of Vendor	20% of Average Case Count Using In-House Instead of Vendor	25% of Average Case Count Using In-House Instead of Vendor
■ Biennial Savings for Small & Medium Cases	\$941,887	\$1,412,831	\$1,883,774	\$2,354,718
■ Biennial Savings for Large Cases	\$400,000	\$400,000	\$400,000	\$400,000

★ Key insight – even the most conservative estimate of savings would fund the program, i.e. if only 10% of cases move to in-house services, the program would be funded from the estimated savings alone

Justice, Department of

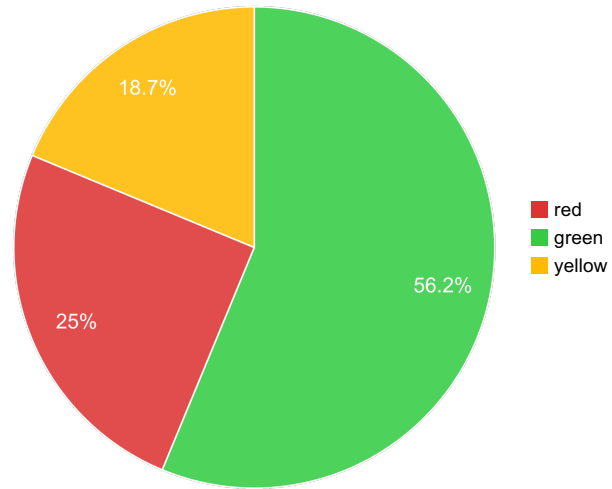
Annual Performance Progress Report

Reporting Year 2020

Published: 9/29/2020 1:59:47 PM

KPM #	Approved Key Performance Measures (KPMs)
1	Percentage of legal cases in which the state's position is upheld or partially upheld -
2	Percentage of appropriate litigation resolved through settlement -
2	Percentage of Defense of Criminal Convictions (DCC) cases briefed within 182 days. -
4	Amount of monies recovered for the state (excluding punitive damage recoveries) divided by the cost of recovery -
5	Percent of delinquent annual filers notified within 160 days of late filing -
7	Average working days from receipt of contracting document to first substantive response to agency. -
8	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
9	Percentage of legal billings receivables collected within 30 days -
10	Percentage of Criminal Justice Division cases resolved successfully -
10	Percentage of support collected by the Child Support Program that is distributed to families -
11	Percentage of child support cases with support orders during the federal fiscal year. -
12	Percentage of dollars collected for current support in the child support cases -
13	Percentage of eligible child support cases paying toward arrears -
14	Percentage of crime victims' compensation orders issued within 90 days of claim receipt -
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) -

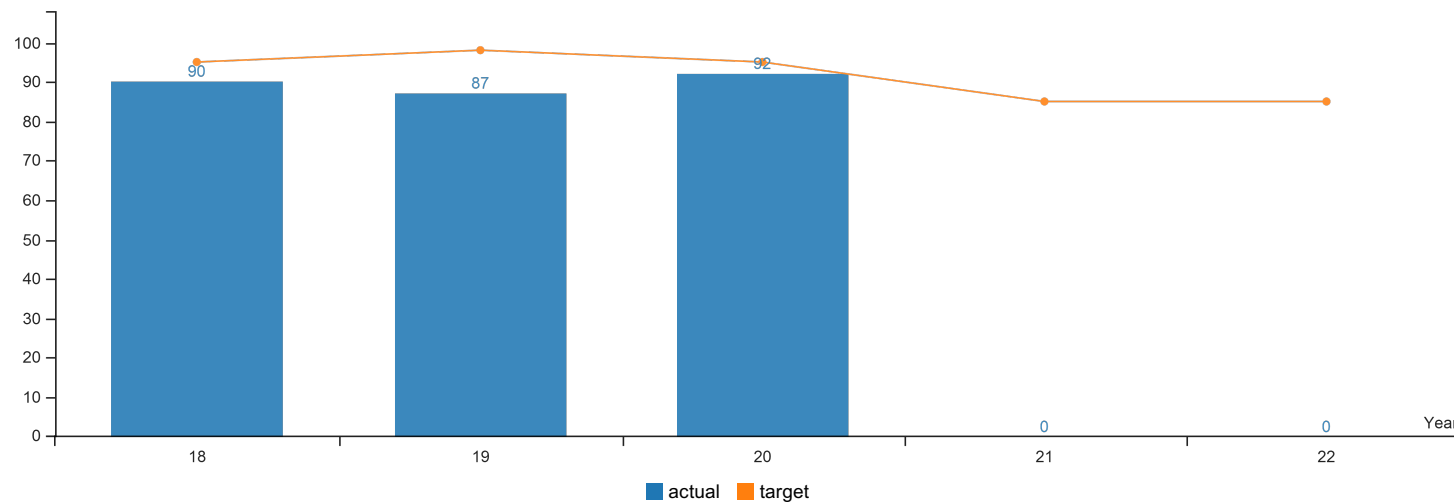
Proposal	Proposed Key Performance Measures (KPMs)
Delete	Percentage of appropriate litigation resolved through settlement -
New	Percentage of juvenile dependency appeals cases briefed within 42 days. - This is a proposed new KPM for the Appellate Division to measure responsiveness and timeliness in addressing these important cases related to juvenile dependency.
New	Number of permanency hearings in which the state agency's (DHS) position is upheld or partially upheld. - This is a proposed new KPM for the Civil Enforcement - Child Advocacy program. A significant child advocacy program was funded by the 2019 Legislature and so this KPM is to provide a measure of performance success in representing our client agency.
Delete	Percentage of Criminal Justice Division cases resolved successfully -
Delete	Percentage of support collected by the Child Support Program that is distributed to families -
New	Percentage of cases referred to the Criminal Justice Division in which a decision whether to investigate is made within two weeks of receiving a request for an investigation. - This KPM is meant to measure and track the responsiveness to state law enforcement agencies when requests for an investigation are submitted to the division.
Delete	Percentage of adult victims leaving domestic violence shelters with a safety plan after a stay of five days or more -
Delete	Percentage of sexual assault exams conducted by specially trained Sexual Assault Nurse Examiners (SANE) -
New	The completion of onsite compliance reviews of grant recipients to ensure compliance with internal control procedures, policies, uses of funds and accurate reporting. - The receipt of federal funds requires the monitoring of sub-recipients of the federal funds to ensure the funds are used in accordance with grant purposes and that procedures are in place to ensure compliance with federal regulations.



Performance Summary	Green	Yellow	Red
	= Target to -5%	= Target -5% to -15%	= Target > -15%
Summary Stats:	56.25%	18.75%	25%

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

* Upward Trend = positive result



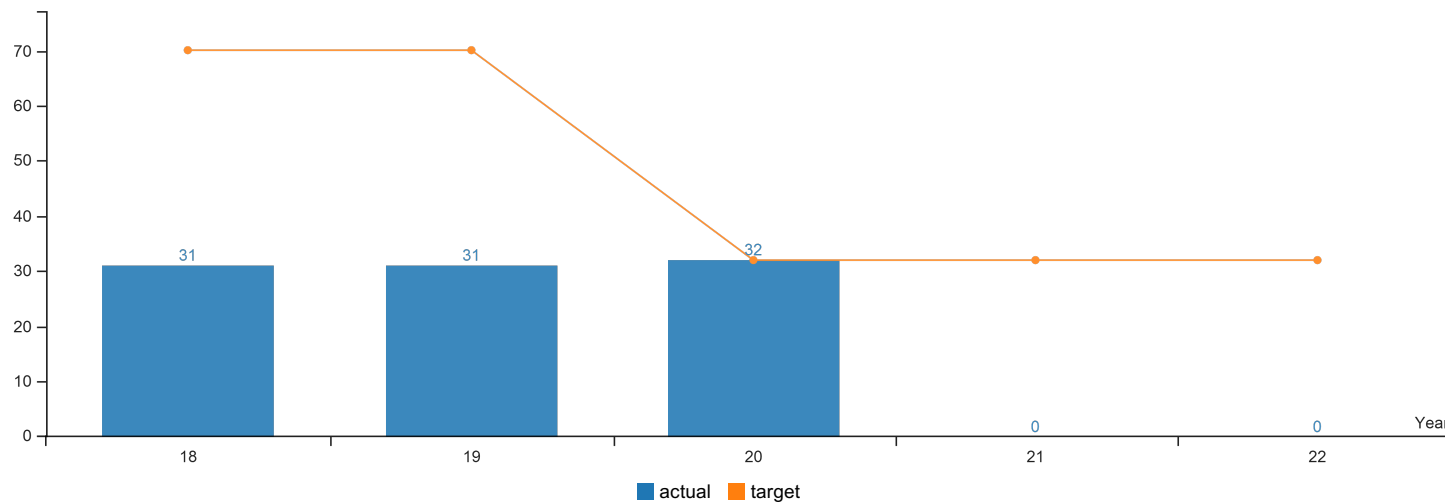
Report Year	2018	2019	2020	2021	2022
PERCENTAGE OF LEGAL CASES IN WHICH THE STATE'S POSITION IS UPHELD					
Actual	90%	87%	92%	No Data	No Data
Target	95%	98%	95%	85%	85%

How Are We Doing

Factors Affecting Results

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

* Upward Trend = positive result



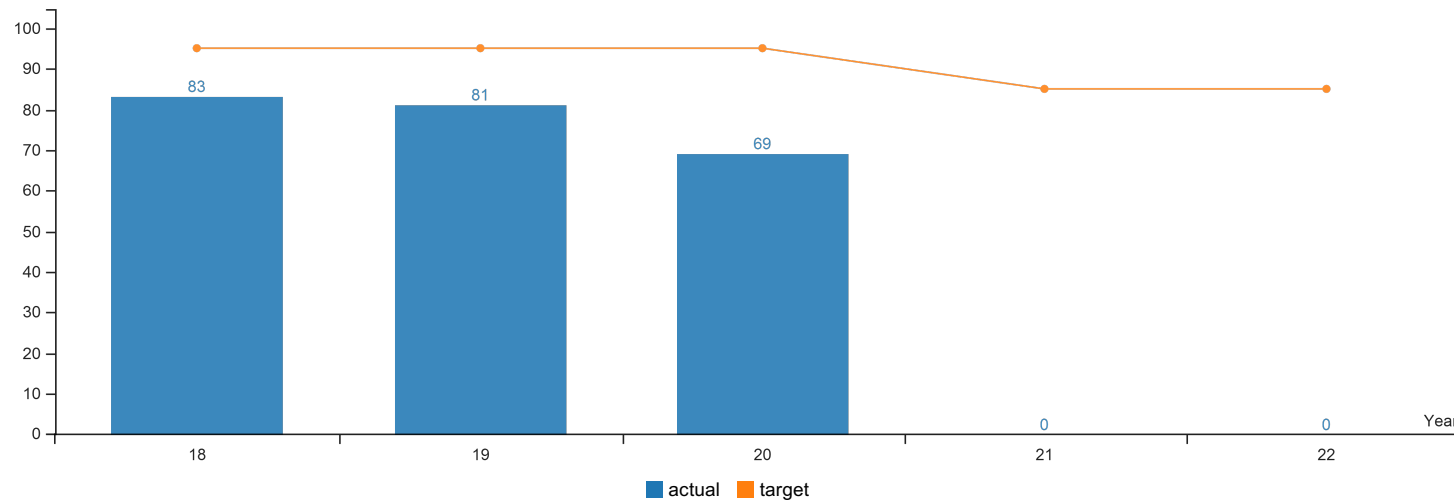
Report Year	2018	2019	2020	2021	2022
PERCENTAGE OF APPROPRIATE LITIGATION RESOLVED THROUGH SETTLEMENT					
Actual	31%	31%	32%	No Data	No Data
Target	70%	70%	32%	32%	32%

How Are We Doing

Factors Affecting Results

KPM #2	Percentage of Defense of Criminal Convictions (DCC) cases briefed within 182 days. -
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
Percentage of Defense of Criminal Convictions (DCC) Cases Briefed within 210 days					
Actual	83%	81%	69%	No Data	No Data
Target	95%	95%	95%	85%	85%

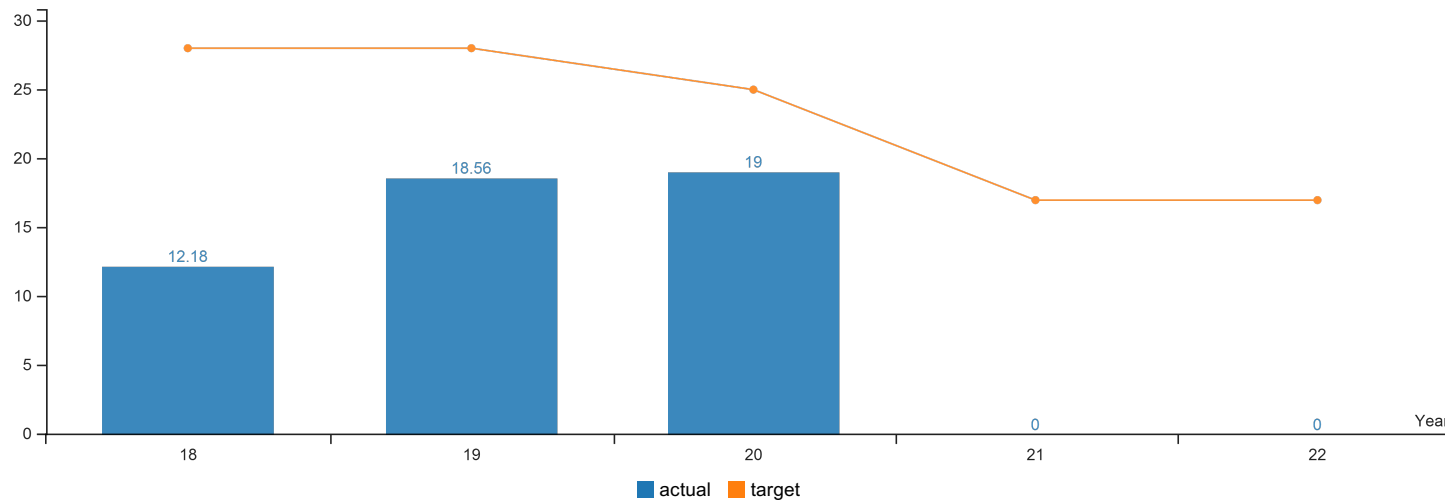
How Are We Doing

The change in this KPM from 210 days to 182 days represents a significant change from last year where the Appellate Division briefed 82% of cases within 210 days. For an apples to apples comparison, this year, the Appellate Division briefed 78% of cases within 210 days. So, there is a decline from last year's number but not as significant of a decline as what is reflected in this revised KPM.

Factors Affecting Results

KPM #4	Amount of monies recovered for the state (excluding punitive damage recoveries) divided by the cost of recovery -
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
AMOUNT OF MONIES RECOVERED FOR THE STATE DIVIDED BY THE COST OF RECOVERY					
Actual	\$12.18	\$18.56	\$19.00	No Data	No Data
Target	\$28.00	\$28.00	\$25.00	\$17.00	\$17.00

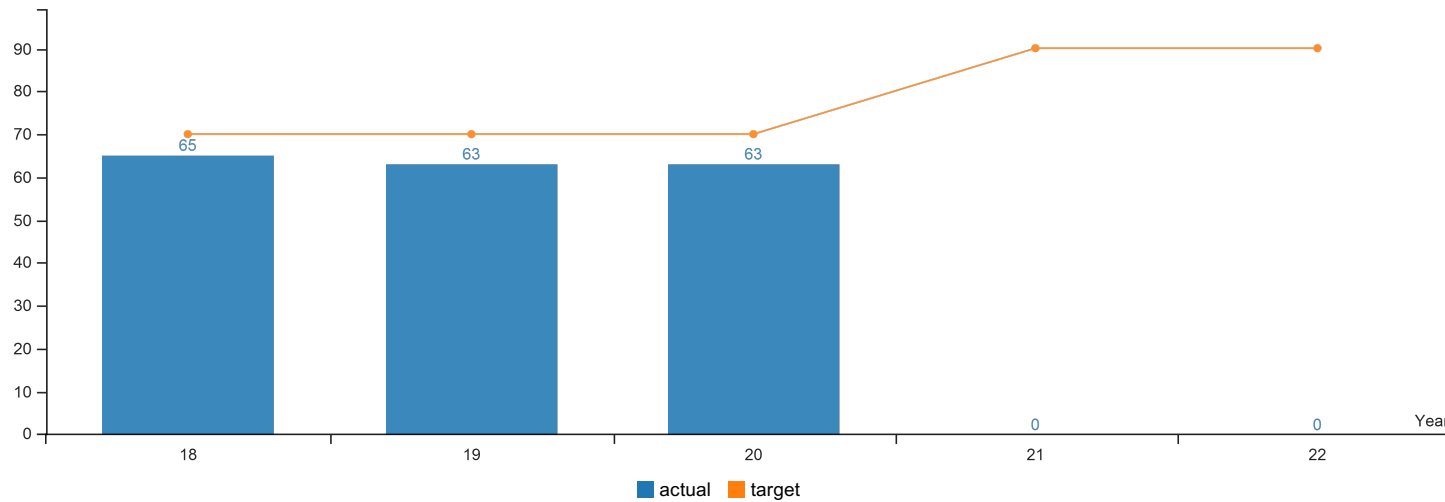
How Are We Doing

Amount of monies recovered for the state was \$13,907,383 at a cost of \$740,358.

Factors Affecting Results

KPM #5	Percent of delinquent annual filers notified within 160 days of late filing -
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
% TIMELY & COMPLETE CHARITIES' REPORTS SUBMITTED RELATIVE TO TOTAL REGISTERED					
Actual	65%	63%	63%	No Data	No Data
Target	70%	70%	70%	90%	90%

How Are We Doing

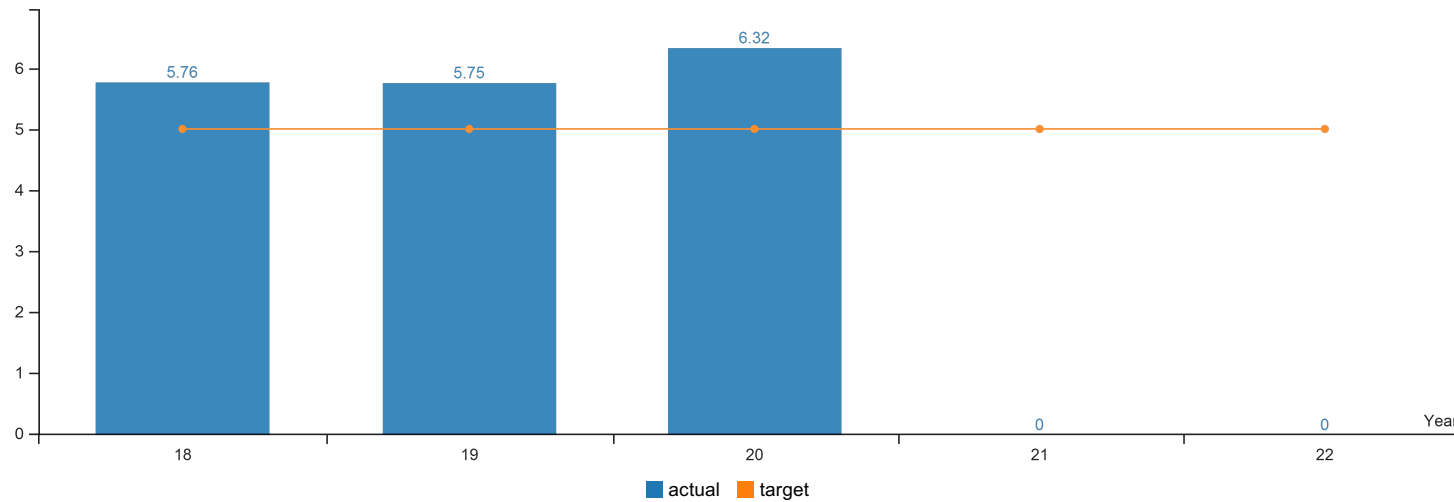
The results remained slightly below the target for the state fiscal year ending June 30, 2020.

Factors Affecting Results

This KPM measures the receipt of timely and complete reports received by the Charitable Activities Section. This KPM does not measure activities done by staff in the Charitable Activities Section, but rather measures whether a charitable entity voluntarily complied in the first instance. DOJ has little to no control over initial compliance by a charitable entity. When an entity fails to comply, staff send reminder letters and take other actions to enforce the reporting requirement, but those efforts are not included in this measure. DOJ tries to make compliance as easy as possible by publishing reporting forms, training the personnel of charitable organizations, and answering technical assistance questions. Additionally, for this reporting period the number of charitable organizations in Oregon continued to increase with over 20,00 charities required to file reports.

KPM #7	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



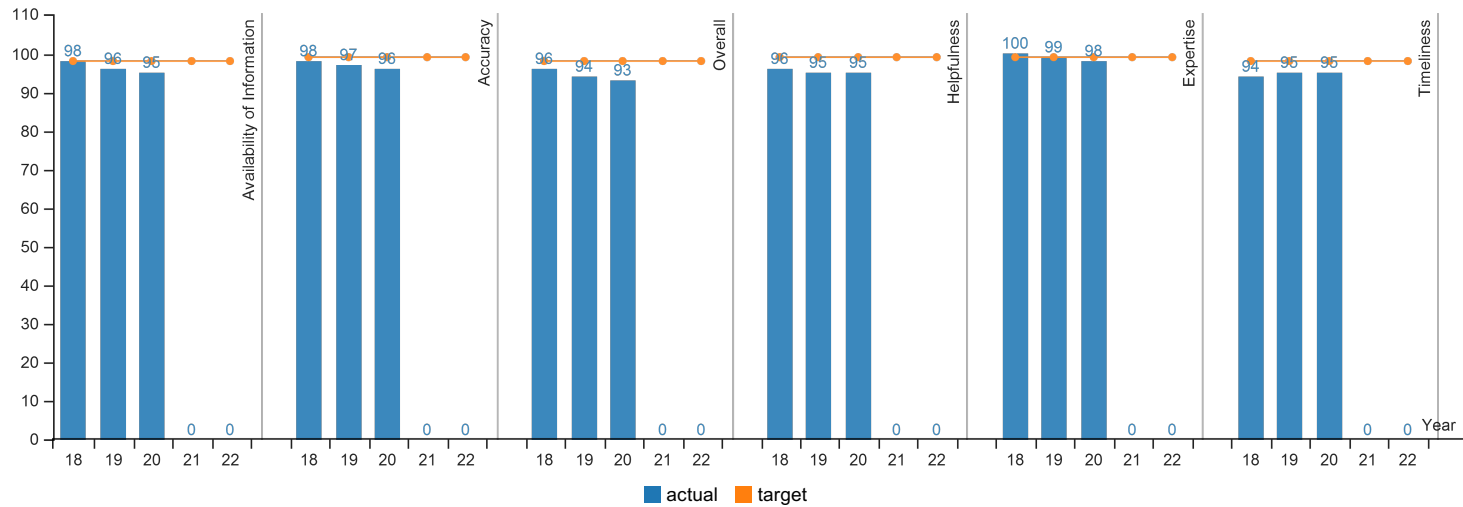
Report Year	2018	2019	2020	2021	2022
AVERAGE WORKING DAYS FROM RECEIPT OF CONTRACTING DOCUMENT TO 1ST SUBSTANTIVE RESPONSE					
Actual	5.76	5.75	6.32	No Data	No Data
Target	5	5	5	5	5

How Are We Doing

Factors Affecting Results

The Coronavirus pandemic created a very significant amount of additional work for the General Counsel Division during the fiscal year ended June 30, 2020 which negatively impacted the response time for our client agencies.

KPM #8 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	2018	2019	2020	2021	2022
Availability of Information					
Actual	98%	96%	95%	No Data	No Data
Target	98%	98%	98%	98%	98%
Accuracy					
Actual	98%	97%	96%	No Data	No Data
Target	99%	99%	99%	99%	99%
Overall					
Actual	96%	94%	93%	No Data	No Data
Target	98%	98%	98%	98%	98%
Helpfulness					
Actual	96%	95%	95%	No Data	No Data
Target	99%	99%	99%	99%	99%
Expertise					
Actual	100%	99%	98%	No Data	No Data
Target	99%	99%	99%	99%	99%
Timeliness					
Actual	94%	95%	95%	No Data	No Data
Target	98%	98%	98%	98%	98%

How Are We Doing

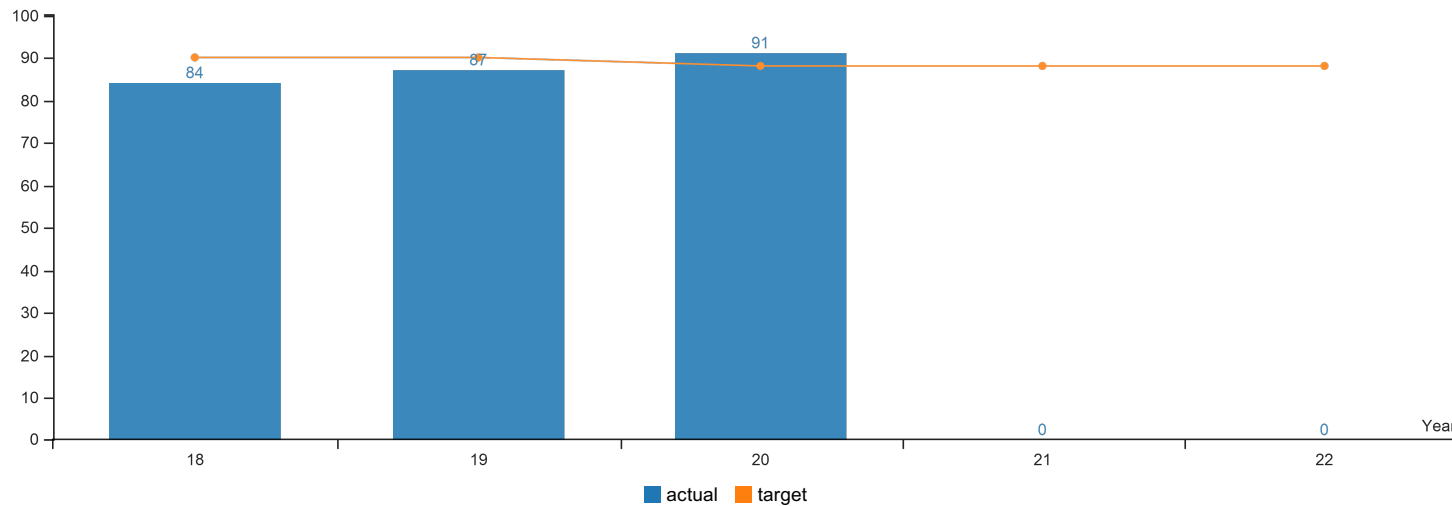
The aggregate average of the six categories was 95.48% for fiscal year ending June 30, 2020, which did not meet the target level average of 98.50%. The targets had all recently increased from 95%. One of the six individual categories was just 1% from the target, three of the five categories were 3% from the target, one category was 4% from the target and one category was 5% from the target.

Factors Affecting Results

The coronavirus pandemic created a significant amount of additional work for the General Counsel Division making it challenging to keep up with the regular work of serving our agency clients.

KPM #9	Percentage of legal billings receivables collected within 30 days -
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
PERCENTAGE OF LEGAL BILLING RECEIVABLES COLLECTED WITHIN 30 DAYS					
Actual	84%	87%	91%	No Data	No Data
Target	90%	90%	88%	88%	88%

How Are We Doing

The results for the state fiscal year ending June 30, 2020 are above the target.

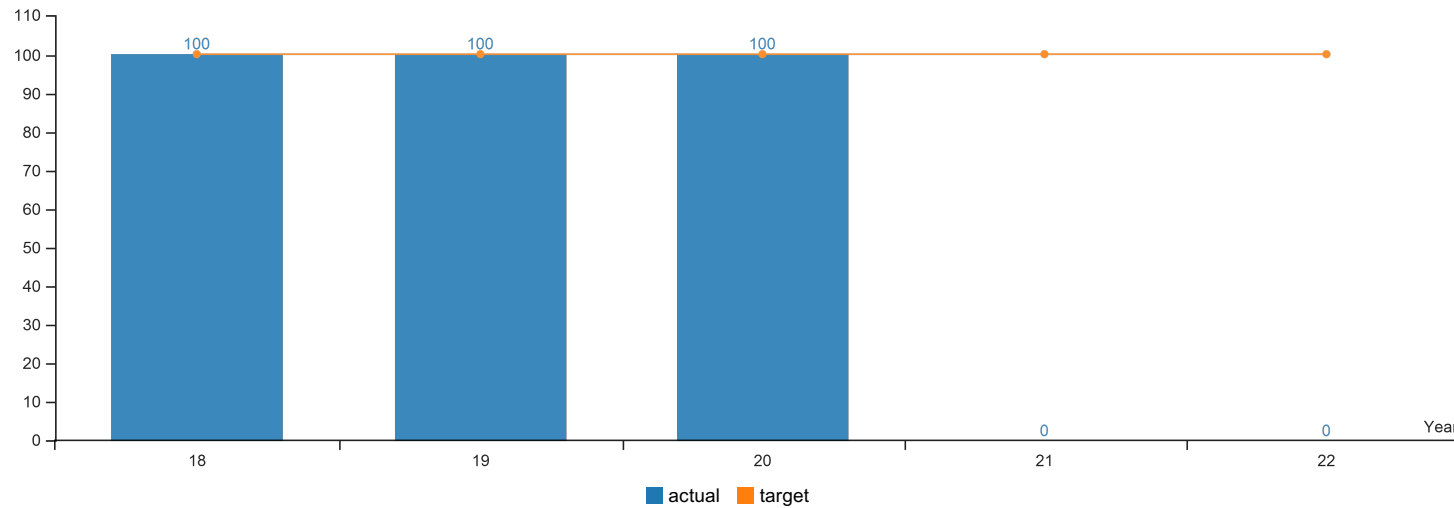
Factors Affecting Results

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.

Note: The reporting cycle is the Oregon fiscal year. All attorneys and other legal services personnel routinely enter data into the automated system on billable hours worked. All billing and receivable processing is done centrally through DOJ's Administrative Services Division. Policies are in place to ensure accuracy and appropriateness of billings resulting from the time capture system for legal services personnel. Additionally, monthly reports are shared with Executive Staff on billing trends and any client agency payment or collection issues to allow for timely corrections.

KPM #10	Percentage of Criminal Justice Division cases resolved successfully -
	Data Collection Period: Jul 01 - Jun 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
PERCENTAGE OF CRIMINAL JUSTICE DIVISION CASES RESOLVED SUCCESSFULLY					
Actual	100%	100%	100%	No Data	No Data
Target	100%	100%	100%	100%	100%

How Are We Doing

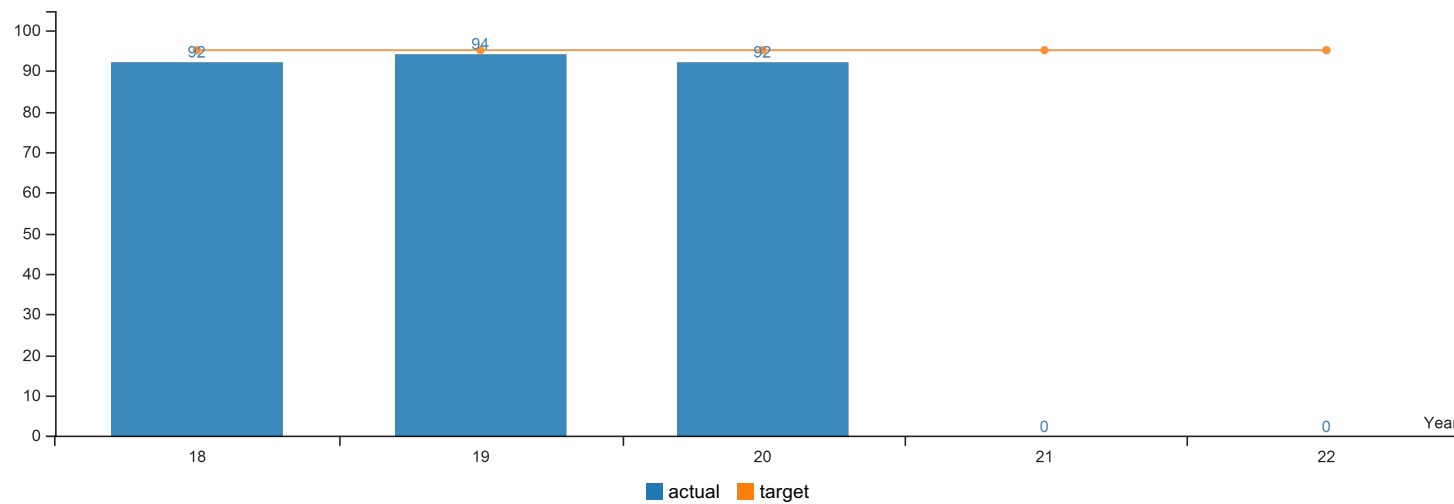
The result for fiscal year ending June 30, 2020 met the target.

Factors Affecting Results

The number of cases for which the division has provided assistance has grown significantly in recent years. 2017 = 245. 2018 = 270. 2019 = 574. 2020 = 533. Budget reductions for this division will negatively impact the division in the ability to provide assistance in as many cases and/or to successfully resolve the cases.

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	2018	2019	2020	2021	2022
% OF SUPPORT COLLECTED BY THE CSP, WHICH IS DISTRIBUTED TO FAMILIES					
Actual	92%	94%	92%	No Data	No Data
Target	95%	95%	95%	95%	95%

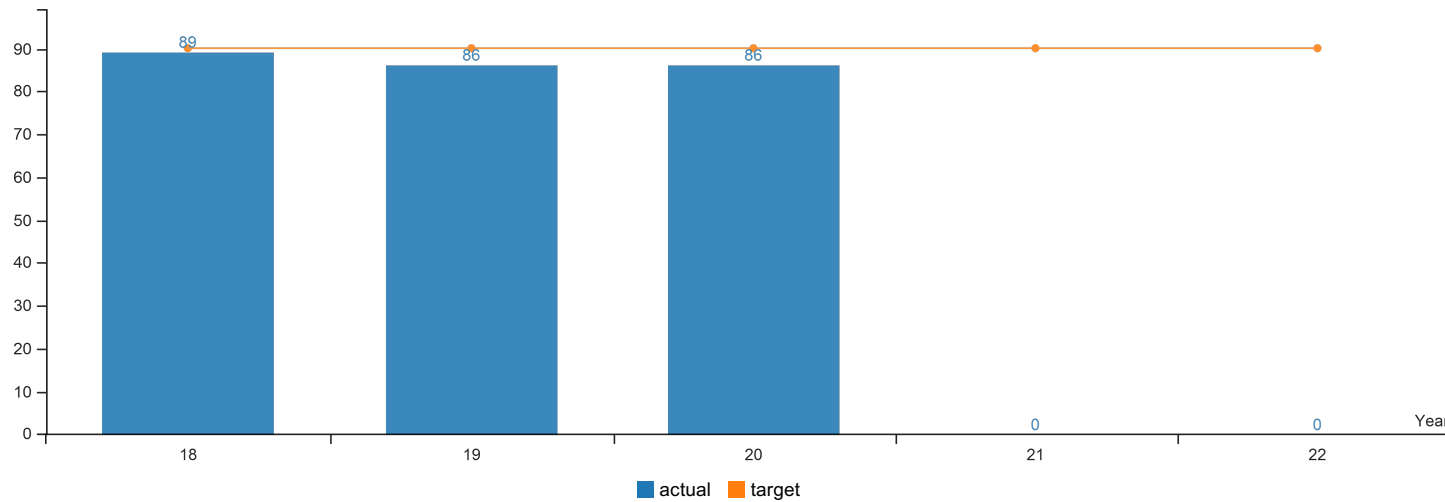
How Are We Doing

This KPM is on a federal fiscal year basis. Therefore, data for the federal fiscal year ended September 30, 2020 will not be available until November 2020. For reporting purposes, estimated data is listed and will be updated when final, actual data become available.

Factors Affecting Results

KPM #11	Percentage of child support cases with support orders during the federal fiscal year. -
	Data Collection Period: Oct 01 - Sep 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
PERCENTAGE OF CSP CASES WITH SUPPORT ORDERS RELATIVE TO TOTAL CSP CASES					
Actual	89%	86%	86%	No Data	No Data
Target	90%	90%	90%	90%	90%

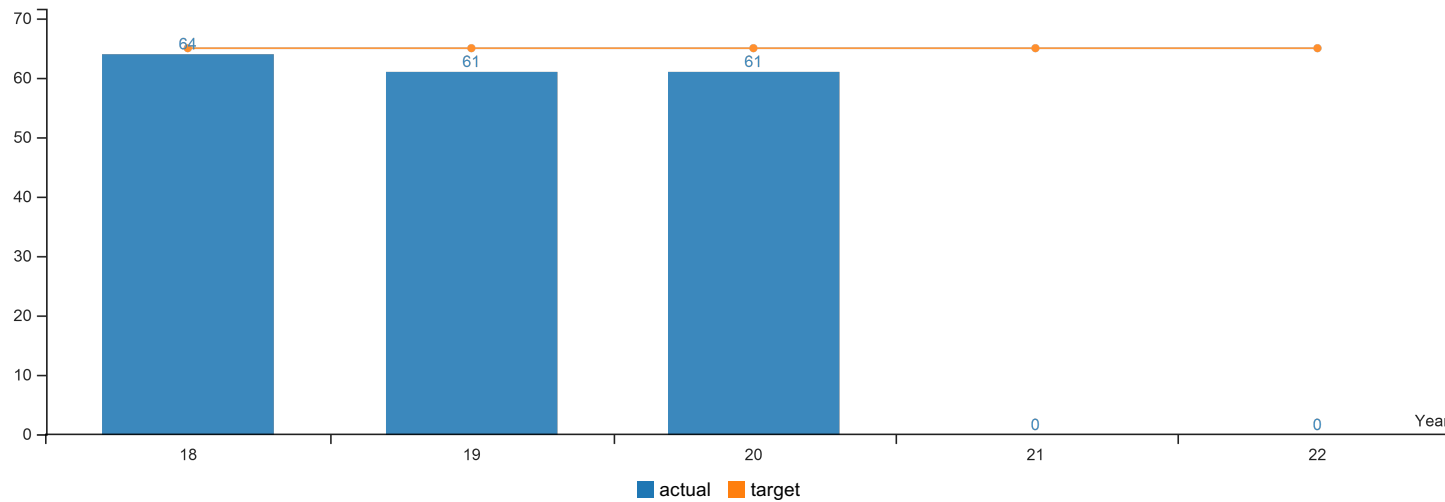
How Are We Doing

This KPM is on a federal fiscal year basis. Therefore, data for the federal fiscal year ended September 30, 2020 will not be available until November 2020. For reporting purposes, an estimated percentage will be used for FY 2020.

Factors Affecting Results

KPM #12	Percentage of dollars collected for current support in the child support cases -
	Data Collection Period: Oct 01 - Sep 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
% OF CURRENT CHILD SUPPORT COLLECTED RELATIVE TO TOTAL CHILD SUPPORT OWED					
Actual	64%	61%	61%	No Data	No Data
Target	65%	65%	65%	65%	65%

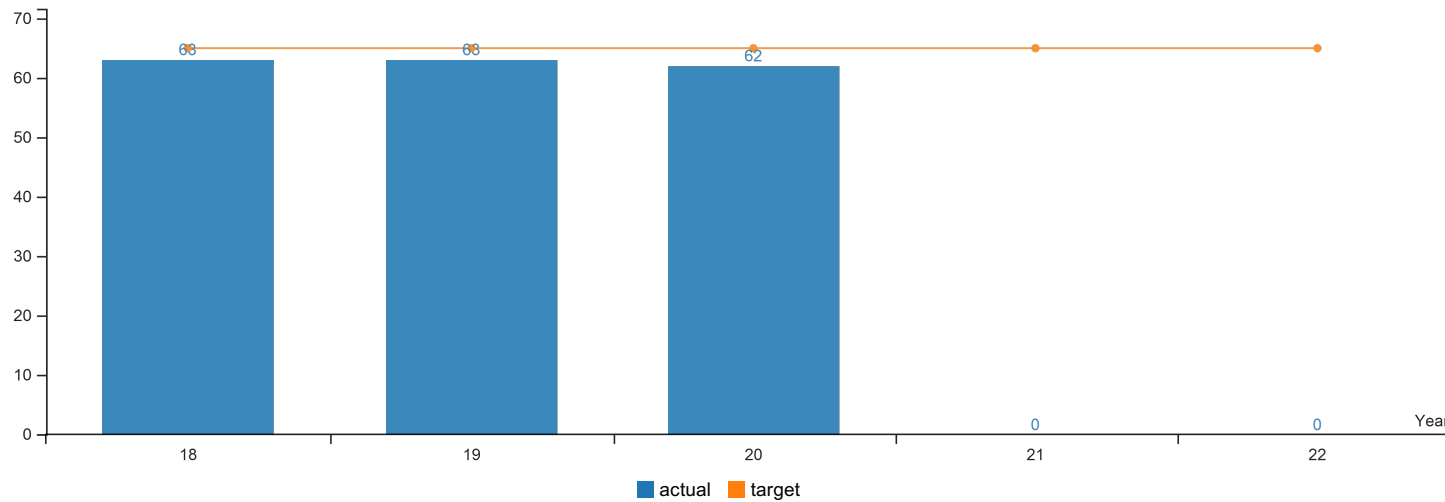
How Are We Doing

This KPM is on a federal fiscal year basis. The data for the federal fiscal year ending September 30, 2020 will not be available until November 1, 2020. For reporting purposes, estimated data is being reported and will be updated when final actual data is available.

Factors Affecting Results

KPM #13	Percentage of eligible child support cases paying toward arrears -
	Data Collection Period: Oct 01 - Sep 30

* Upward Trend = positive result



Report Year	2018	2019	2020	2021	2022
% OF CSP CASES PAYING TOWARDS ARREARS RELATIVE TO TOTAL CSP CASES WITH ARREARS DUE					
Actual	63%	63%	62%	No Data	No Data
Target	65%	65%	65%	65%	65%

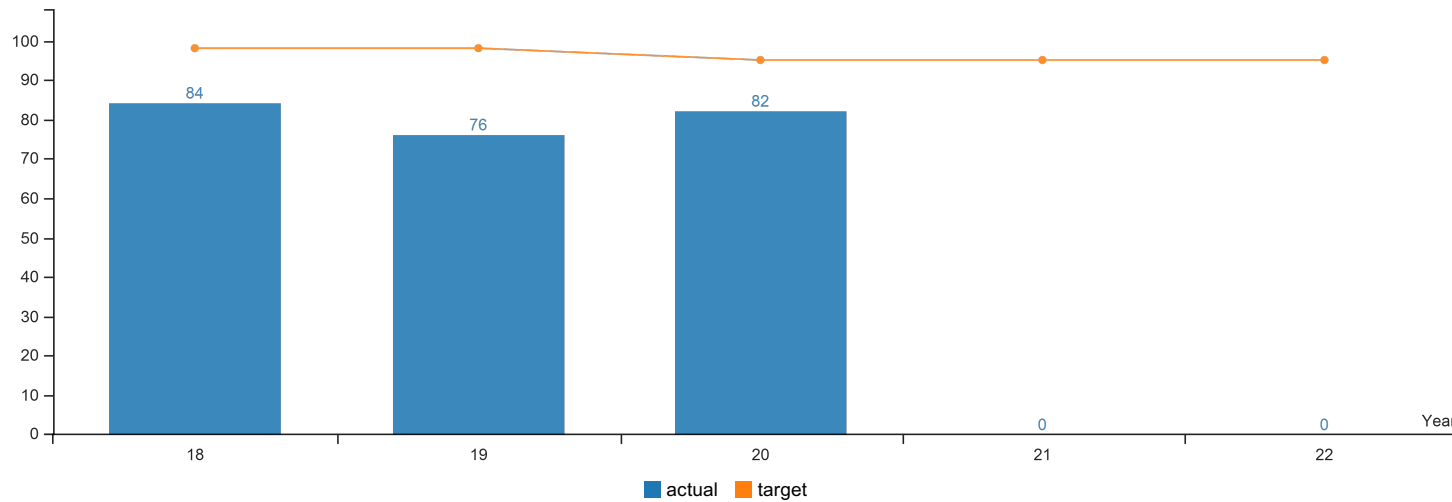
How Are We Doing

This KPM is on a federal fiscal year basis. Therefore, the results for the federal fiscal year ending September 30, 2020 will not be available until around November 2020. For reporting purposes, estimated data is listed and will be updated when final actual data becomes available.

Factors Affecting Results

KPM #14	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	2018	2019	2020	2021	2022
PERCENTAGE OF VICTIMS' COMPENSATION ORDERS ISSUED WITHIN 90 DAYS OF CLAIM RECEIPT					
Actual	84%	76%	82%	No Data	No Data
Target	98%	98%	95%	95%	95%

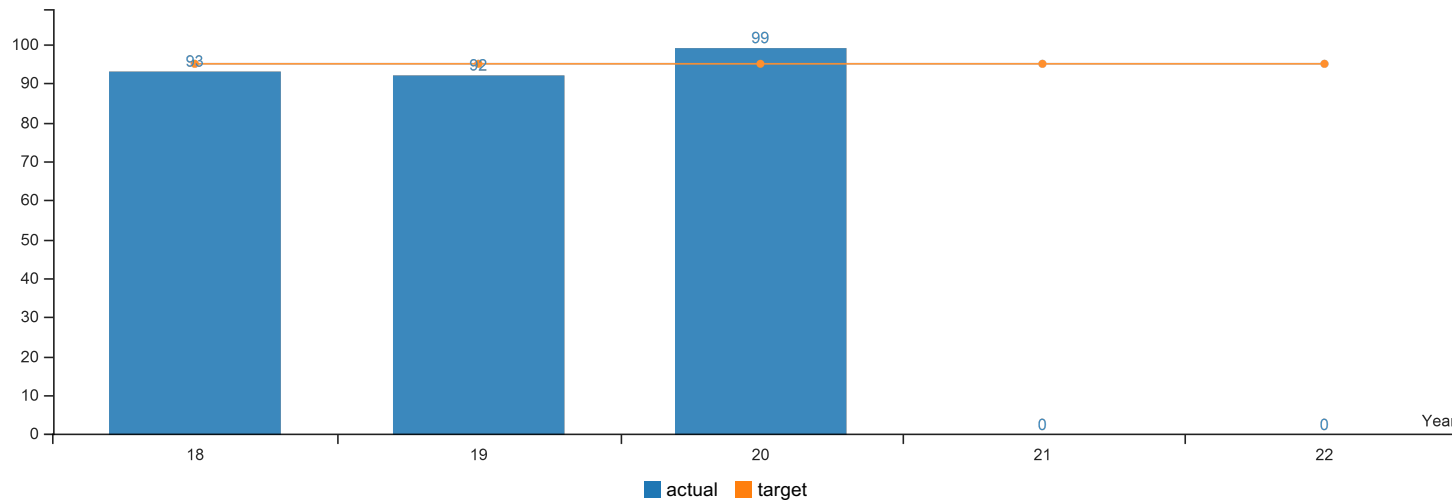
How Are We Doing

The percentage for the fiscal year ended June 30, 2020 are below the target percentage. This years percentage is consistent with FY 2017 and FY 2018 and six percentage points above FY 2019.

Factors Affecting Results

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	2018	2019	2020	2021	2022
% OF ADULT VICTIMS LEAVING DV SHELTERS WITH A SAFETY PLAN AFTER STAY OF 5 DAYS OR MORE					
Actual	93%	92%	99%	No Data	No Data
Target	95%	95%	95%	95%	95%

How Are We Doing

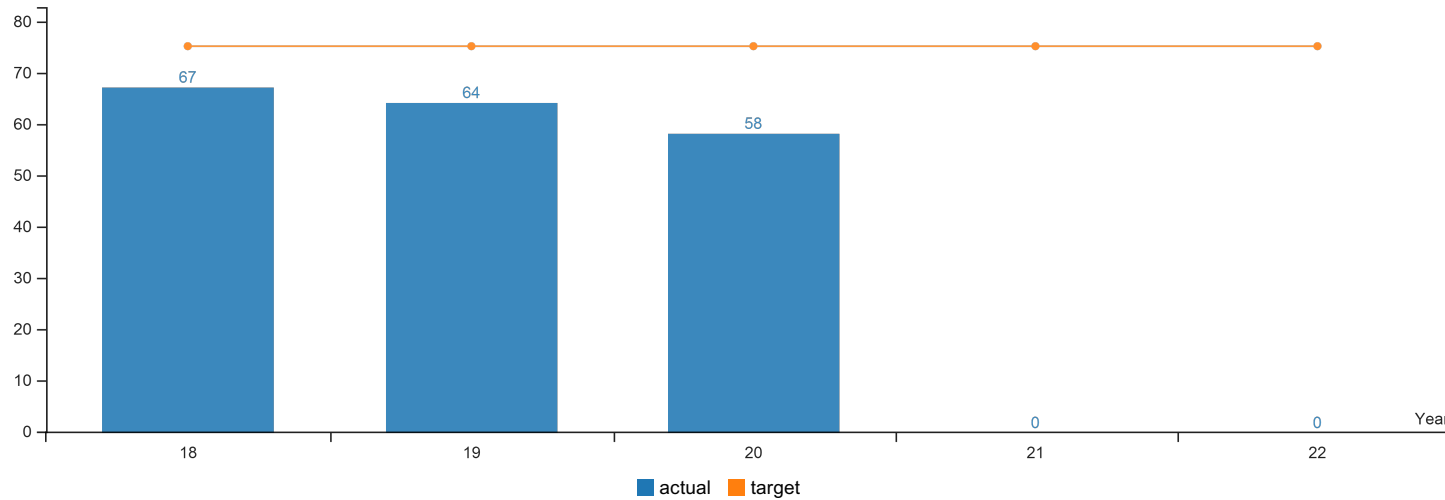
The results for the state fiscal year ending June 30, 2020 is 1,478 safety plans in 1,493 cases of individuals staying five days or more which is 99%.

Factors Affecting Results

DOJ makes grants to support domestic violence shelters. The shelters are operated by private non-profit 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. Since DOJ does not have any managerial control over this KPM, the KPM has been proposed for deletion.

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	2018	2019	2020	2021	2022
% OF SEXUAL ASSAULT EXAMS CONDUCTED BY SPECIALLY TRAINED SANES					
Actual	67%	64%	58%	No Data	No Data
Target	75%	75%	75%	75%	75%

How Are We Doing

The result for the state fiscal year ending June 30, 2020 are below the target percentage.

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 Sexual Assault Nurse Examiners - (SANE). 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 DOJ'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 hour / 7 day 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.

Department of Justice
Listing of Pending Legislation that may affect the Civil Enforcement Division

Bill No.	Topic
Unlawful Trade Practices Act (UTPA) Amendments	
HB 3312	Makes it a UTPA violation to mail solicitations to file the SOS annual report for a business for a fee absent specific disclosures; AG-only enforcement
SB 749	Makes it a UTPA violation to fail to comply with new requirements for residential care facilities
HB 3151	Makes it a violation of the UTPA for a reverse mortgage lender to enforce the requirement to sell or transfer property on death for 12 months following the COVID emergency period if the deceased's relatives occupy the property
SB 208/HB 3171/HB 3074/	Adds insurance code violations to the UTPA; subordinates AG authority to DCBS similarly to 646.633 for state-regulated lenders; moves and modifies the provision excluding ORS 90 (landlord-tenant) from the UTPA
HB 2016	Strengthens the negative option statute and eliminates certain exemptions; enforced under the UTPA
HB 2344	Creates detailed labeling requirements for flushable wipes; AG-only enforcement
HB 3284	DOJ's contact tracing bill; AG-only enforcement under the UTPA
HB 3017	Makes it a UTPA violation to sell COVID vaccines for more than 1% over cost
HB 2636	Makes it a UTPA violation to violate a rule issued by the AG under this provision; AG-only enforcement
SB 797	Requires online providers or any business in Oregon open to the public that has any depiction of graphic sexual activity on the premises to verify that any user or person entering is 18+; requires AG to issue rules to determine how online providers and businesses should meet the requirements; provides AG-only enforcement under the UTPA
Oregon Foreclosure Avoidance Program (OFAP) Bills	
HB 2009	Permanently reduces OFAP exemption threshold from 175 to 30 foreclosures; permits remote communication in OFAP; imposes a foreclosure moratorium through September 2021; requires payment deferral for borrowers with a COVID-related hardship
HB 3212	Permanently reduces OFAP exemption threshold from 175 to 30 foreclosures
Consumer Other	
HB 3285	Makes it a violation of the Abuse of Vulnerable Persons Act to make telephonic solicitations to vulnerable person in violation of ORS 646.563 (prohibits call to person who asked not to be called again) and ORS 646.569 (do-not-call)
SB 28	Prohibits solicitations to businesses falsely stating or implying a governmental affiliation and requires notices; enforced by SOS and AG
HB 2698	Requires OEMs to make available parts, tools and documents to independent repair shops at same terms as authorized repair shops; creates private right of action
HB 2205	PAGA
SB 300/SB 472	Creates a State Board of Towing within ODOT to enforce towing statutes (concurrent with our UTPA authority)

SB 485/HB 2175	DOJ's student loan servicing bill; DCBS enforcement
HB 3031	Creates statewide caps on towing fees for nonconsensual tows
Civil Commitments	
SB 187	Defines "dangerous to self or others" for purpose of taking person with mental illness into custody.
Antitrust	
SB 764	Pay-for-Delay - treats drug patent resolution agreements as anticompetitive
Child Welfare	
SB 2424	Amends the definition of substantiated and unsubstantiated for abuse investigations and creates a new finding of substandard care
SB 2751	Prohibits Department of Human Services from disclosing records and reports related to child abuse investigations to certain entities unless court finds report of abuse is founded. This is the house version of SB 663.
HB 2768	Modifies juvenile court dependency procedure to require DOJ to bear responsibility for certain expenses arising out of summonses issued by DHS.
HB 2909	Requires DOJ to study and make recommendations on provisions of state law related to limits on awarding custody of children to a parent who has a history of domestic violence. Also requires DOJ to submit a report on its findings to the Legislature.
HB 2926	Directs DOJ to study issues related to prosecuting crimes of custodial interference in the first degree and custodial interference in the second degree and to provide results of study Legislature.
HB 3077	Expands the category of caregivers that can apply for intervention and removes requirement that person seeking intervention in juvenile dependency proceeding or rights of limited participation in juvenile dependency proceeding prove that existing parties cannot adequately present case.
HB 3120	Authorizes unsealing and amending of birth record post-adoption
SB 279	Directs Department of Human Services, to extent practicable, to avoid scheduling meetings and appointments involving child in foster care during school day. – Prohibits DHS from requiring foster child to miss more than 2 days of school per semester for visits and appointments, except for emergency.
SB 415	Directs DHS to develop written materials describing how adult who was involved in child welfare matter as a child can obtain access to child welfare records.
SB 517	Directs Department of Human Services to provide person having legal custody of child with explanation for child's removal and description of expected remedial steps person must take for child's return. Bill purports to modify the protective custody, the mandatory filing of a report when child taken into PC and the shelter hearing statutes. Requires DHS to provide the basis for PC and the steps a parent must take to have child returned
SB 568	Directs DOJ to adopt procedures for payment of crime victims' counsel for representation of child crime victims and requires entities to provide records, some of which are confidential under state and federal law, to crime victims' counsel concerning the child crime victim and the specific offense. It also authorizes the court to order production of records to assist in the representation of child crime victims.

SB 578	Amends ORS 125.080 to require courts to hold hearings on a protective proceeding petition or motion if the respondent or protected person makes or files an objection. Requires court to appoint legal counsel for respondent or protected person in protective proceeding
SB 663	Prohibits DHS from disclosing records and reports related to child abuse investigations to certain entities unless court finds report of abuse is founded. This is the senate version of HB 2751.
SB 710	Modifies allowed and prohibited uses of restraint of children in care by child-caring agencies, proctor foster homes, and developmental disabilities residential facilities. Modifies definition of child-caring agency to include “center-based applied behavior analysis” and a private organization providing transportation or escort services for children.

Department of Justice
Listing of Program Priorities

DOJ		
Rank	Division	Program
1	DCC	Legal Services
2	Trial	Legal Services
3	Appellate	Legal Services
4	General Counsel	Legal Services
5	CVSSD	Victim Compensation Program
6	Child Support	Field Services
7	Child Support	Technical Services
8	Criminal Justice	Specially Funded Programs
9	ASD	Central Administration Costs
10	Child Support	Business Services
11	Child Support	Director's Office
12	Criminal Justice	Special Investigation & Prosecutions Unit
13	Civil Enforcement	Child Advocacy
14	Civil Enforcement	Civil Recovery
15	Criminal Justice	Legal
16	Civil Enforcement	Non-Participating Manufacturers (NPM)
17	Civil Enforcement	Medicaid Fraud
18	CVSSD	Crime Victims Assistance Program
19	Civil Enforcement	Consumer Protection
20	Civil Enforcement	Charitable Trust and Gaming
21	Civil Enforcement	Mortgage Mediation

Program Prioritization for 2021-23

Agency Name: Department of Justice		Program Priorities																		Agency Number: 13700		
2021-23 Biennium		Program/Division Priorities for 2021-23 Biennium																				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performa nce Measure(s)	Primary Purpose Program- Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request		
Agcy	Prgm/ Div																					
3	1	AP	LS	Legal Services - Appellate	1,2	5	401,704			25,702,553				\$ 26,104,257	57	56.50	Y	Y	C/FM/S	14th Amendment, Due Process Clause; 28 USC Section 2254; ORS 180.060; ORS 138.012; 138.040; ORS 138.650	<p>Criminal defendants have multiple opportunities to challenge their convictions. In addition to the right to appeal currently provided in Oregon statutes, defendants have a due process right to file an appeal of a criminal conviction. Prisoners also have a federal statutory right, and a federal constitutional due process right, to file for habeas corpus relief in federal court. Although the right to post-conviction review in state court is currently a creature of statute, if the ability to appeal a criminal conviction was taken away, defendants could avail themselves of the Oregon Supreme Court's original habeas jurisdiction under the Oregon Constitution, Article VII (amended), section 2. Eliminating the state's ability to appear in the appellate cases means that more work and costs will be shifted to the state courts, we will lose more appeals, and some convictions will be reversed unnecessarily.</p> <p>The Appellate Division represents the state in any appellate case in which the state is a party. In many cases a party has the legal right to seek appellate review. These cases typically involve a challenge to some action or decision by a state official or employee; they may involve state labor-relations issues, challenges to the constitutionality of a state statute, or claims that the state engaged in wrongful conduct for which the state can be liable under the Oregon Tort Claims Act. Cases that appeal termination of parental rights involving neglected or abused children are another area with a substantial and time-consuming caseload. Other cases include defense of mental-commitment orders, challenges to decisions of the Board of Parole and Post-Prison Supervision, ballot titles, and challenges to orders denying correctional inmates' claims that their conditions of confinement are unconstitutional, interpretation of sentences or right to hearing.</p>	<p>Pkg #100 - Reconcile Intra-Agency Charges 0 pos / 0.00 FTE / \$690,498 OF</p> <p>Pkg #101 - Reclassification of Positions 0 pos / 0.00 FTE / \$38,274 OF</p> <p>Pkg #441 - Non-Unanimous Jury Appeals 1 pos / 0.88 FTE / \$316,789 OF</p> <p>Pkg #465 - Capital Case Unit 6 pos / 5.28 FTE / \$1,762,134 OF</p> <p>Pkg #466 - Appellate Editing 4 pos / 3.52 FTE / \$1,577,604 OF</p>

Agency Name: Department of Justice					Program Priorities (continued)													Agency Number: 13700			
2021-23 Biennium					Program/Division Priorities for 2021-23 Biennium																
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
13	1	CE	LS	Civil Legal Child Advocacy	1,2,3				65,719,941				\$ 65,719,941	175	173.79	Y	Y	C/F/M/S	ORS 419.010 et seq (ORS 419B.875); 42 USC § 67 et seq; 42 USC § 621-629; regs. 45 CRF § 1356; 25 USC § 1901 et seq; 42 USC § 670 et seq; ORS 25.010 et seq; ORS 180.010 et seq; Eighth Amendment,	State law (ORS 419B.875) dictates that both "the state" and The Department of Human Services are parties to proceedings in Juvenile Court. DOJ represents DHS in complying with state and federal mandates cited above by representing the agency in the following proceedings: Administrative Hearings, Juvenile Court proceedings concerning children placed in the legal and/or physical custody of DHS, Termination of Parental Rights trials and Circuit Court hearings where parties challenge agency action in other than contested case proceedings. DOJ attorneys also advise the agency on policy questions and administrative rules to ensure compliance with state and federal mandates.	Pkg. #100 Reconcile Intra-Agency Charges \$1,415,364 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions (\$4,290) OF 0 Positions / 0 FTE
14	1	CE	LS	Civil Legal Civil Recovery	1,2,3				25,922,132				\$ 25,922,132	63	61.40	Y	Y	C/F/M/S	ORS 419.010 et seq (ORS 419B.875); 42 USC § 67 et seq; 42 USC § 621-629; regs. 45 CRF § 1356; 25 USC § 1901 et seq; 42 USC § 670 et seq; ORS 25.010 et seq; ORS 180.010 et seq; Eighth Amendment,	ORS 180.220 dictates that the DOJ has general control and supervision of all legal proceedings in which the State is a party or has an interest and full control of al legal business of all departments of the state which require the services of an attorney.	Pkg. #100 Reconcile Intra-Agency Charges \$500,049 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$168,364 OF 0 Positions / 0 FTE
15	1	CJ	LS	CJ Legal	1,2,7,8	1,5			3,044,145				\$ 3,044,145	8	8.00	Y	Y	S	ORS 180.060; ORS 180.070; ORS 180.080; ORS 180.090; ORS 180.120; ORS 180.240; ORS 180.610		Pkg #100 Reconcile Intra-Agency Charges 0 Positions / 0 FTE \$236,925 OF

Agency Name: Department of Justice				Program Priorities (continued)																		
2021-23 Biennium																			Agency Number: 13700			
Program/Division Priorities for 2021-23 Biennium																						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
4	1	GC	LS	Legal Services - General Counsel	1,2,4,7	1,9			73,475,724				\$ 73,475,724	161	160.76	Y	Y	S	ORS 180.060 (2), (6), (8). ORS 180.100. ORS 180.220 (1)(b). ORS 192.450. ORS 291.047.	Provisions of ORS chapter 180 require the Attorney General to issue legal opinions at the request of state officers and agencies, to assign to each state agency "counsel responsible for ensuring the performance of the legal services requested by the agency," and, at the request of legislators, to prepare bills for introduction to the Legislative Assembly. ORS 291.047 requires the Attorney General to perform legal sufficiency review of public contracts. ORS 192.450 requires the Attorney General to receive and issue orders on petitions for disclosure of public records. The Attorney General has assigned primary responsibility for those mandatory functions to the General Counsel Division.	Pkg # 100 - Reconcile Intra-Agency Charges 0 Pos. / 0 FTE \$1,748,320 Pkg # 360 - Transportation Projects Support 4 Pos. / 3.52 FTE \$1,394,486 OF Pkg# 361 - Positions to Support State Agencies 7 Pos. / 6.16 FTE \$2,577,689 Pkg # 362 - Public Law Conference and Trainings 0 Pos. / 0 FTE \$520,387 Pkg# 363 - Legal Training for Oregon State Gov't 1 Pos / 1.00 FTE \$312,554 OF Pkg# 365 - Space Rent 0 Pos. / 0 FTE \$2,481,694	

Agency Name: Department of Justice				Program Priorities (continued)										Agency Number: 13700									
2021-23 Biennium																							
Program/Division Priorities for 2021-23 Biennium																							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22		
11	4	DCS	DCS	Director's Office	10,11,12,13	1	3,410,168		1,365,200		9,445,826		\$ 14,221,194	45	44.13	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE. \$360,542 GF / \$701,348 FF Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$287,736 GF / \$232,753 FF Pkg #484 This package provides funding for business and technology teams for child support automated system Origin \$128,789 GF / \$249,317 FF Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$21,423 GF / \$41,584 FF Pkg #101 Reclassification of Positions \$45,622 GF / \$88,561 FF		
6	1	DCS	DCS	Field Services	10,11,12,13	1	20,268,120		14,223,302		64,791,436		\$ 99,282,858	356	355.11	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE. \$3,049,444 GF / \$5,919,373 FF Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$1,772,058 GF / \$1,324,467 FF Pkg #484 This package provides funding for business and technology teams for child support automated system Origin \$256,529 GF / \$496,700 FF Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$172,387 GF / \$334,633 FF		
10	3	DCS	DCS	Business Services	10,11,12,13	1	7,516,321		5,348,197		19,786,162		\$ 32,650,680	113	112.24	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE. \$947,240 GF / \$1,838,715 FF Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$443,027 GF / \$250,446 FF Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$54,486 GF / \$105,768 FF		
7	2	DCS	DCS	Technical Services	10,11,12,13	1	7,049,217		2,968,901		18,925,238		\$ 28,943,356	53	53.00	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE and services and supply funding. \$985,396 GF / \$1,912,812 FF Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$300,051 GF / \$146,339 FF Pkg #482 This package provides funding for hosting Origin outside of the DAS State Data Center in 2021-23 \$200,719 GF / \$389,630 Pkg #484 This package provides funding for business and technology teams for child support automated system Origin \$688,047 GF / \$1,331,949 FF Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$25,729 GF / \$49,944 FF		
N/A	5	DCS	DCS	DA Subrecipients	10,11,12,13	1	2,592,944		4,951,991		17,920,745		\$ 25,465,680			N - DCR is new; function is not	Y	S	ORS 180.345 and ORS 25.080				
N/A	1	CSEAS	CSEAS	Replacement of Child Support Enforcement Automated System with modern computer system	10,11,12,13	1			0		0		\$ -	0	0.00	N	Y	FM/FO/S/D	Title IV-D of the Social Security Act(SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The State Statute reference is ORS 419c3597 creating an assignment as in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate child support program (csp) requirements. If not met, DCS is not recognized as a csp and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the csp and compliance with the citations above.			
12	1	CJ	DA	Special Investigation and Prosecutions Unit/Racketeering and Public Corruption Unit	1,2,7,8	8	14,460,849						\$ 14,460,849	28	28.00	Y	Y	S	ORS 180.060; ORS 180.070; ORS 180.080; ORS 180.090; ORS 180.120; ORS 180.240; ORS 180.610.		Pkg #100 Reconcile Intra-Agency Charges 00 Positions / 0 FTE \$66,508 GF Pkg #262 Compliance with State Labor Agreement 0 Positions / 0 FTE \$232,839 GF Pkg #264 Management of Criminal Justice Attorneys 1 Pos / .88 FTE \$403,129 GF		

Agency Name: Department of Justice				Program Priorities (continued)													Agency Number: 13700								
2021-23 Biennium				Program/Division Priorities for 2021-23 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22				
17	1	CE	MF	Medicaid Fraud	1,2	3			1,852,477		5,442,675		\$ 7,295,152	19	19.00	N	Y	FM	14th Amendment Due process Clause	Federal law REQUIRES any state that receives Medicaid funds to have a Medicaid Fraud Unit to prosecute fraud and oversee the Medicaid funds, and the Medicaid Fraud Unit must be separate and apart from the Department of Human Services and the Oregon Health Plan.	Pkg. # 100 Reconcile Intra-Agency Charges \$6,574 OF \$35,063 FF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$7,327 OF \$21,980 FF 0 Positions / 0 FTE				
16	1	CE	NPM	Non-Participating Manufacturers	1,2	1			1,471,305				\$ 1,471,305	4	4.20	N	Y	S	ORS 323.800-806; 180.400-455		Pkg. #100 Reconcile Intra-Agency Charges \$9,204 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$51,262 OF 0 Positions / 0 FTE				
5	1	CVSSD	CVC	Crime Victims Compensation Program	9,14,15	1	1,347,237		11,097,633		1,762,854		\$ 14,207,724	20	19.56	Y	Y	C/S	Or Const Art 1 § 42. ORS 419C.450	The Oregon Constitution requires that a victim has the right to receive prompt restitution from the convicted criminal or youth offender who caused the victim's loss or injury. Or Const Art 1 § 42. ORS 419C.450. However, many offenders do not pay restitution and those that do, typically pay in small increments over many years. As a result, victims are responsible to the financial expenses associated with their victimization. The Crime Victims' Compensation Program is the only program available to victims to assist them in covering their out-of-pocket crime related expenses. The Program covers medical, funeral and counseling expenses as well as loss of earnings. This program is essential for supporting victims in their physical and emotional recovery.	Pkg# 070 - Revenue Shortfall (15) Pos. / (14.06) FTE (\$3,879,383) OF Pkg# 311 - Backfill Punitive Damages Funding 15 Pos. / 14.06 FTE \$3,879,383 GF				
																					Pkg# 100 - Reconcile Intra-Agency Charges 0 Pos. / 0 FTE \$29,565 GF, \$86,088 OF Pkg# 101 - Reclassification of Positions 0 Pos. / 0 FTE \$16,288 GF Pkg.# 320 - Bias Crimes Incident Coordinator Position 1 Pos. / 1.00 FTE \$401,461 OF				
18	2	CVSSD	CVA	Crime Victims Assistance Program	9,14,15	1	12,223,726		18,971,642		15,555,385		\$ 46,750,753	19	18.00	Y	Y	C/S	Or Const Art 1 § 42. ORS 419C.450	The Federal Office of Victims' of Crime Act (VOCA) has increased over five fold since 2014. These positions are necessary to efficiently administer and monitor these funds to victim services programs throughout the state.	Pkg# 100 - Reconcile Intra-Agency Charges 0 Pos. / 0 FTE \$21,050 GF, \$26,254 OF, \$53,217 FF Pkg# 101 - Reclassification of Positions 0 Pos. / 0 FTE \$8,970 GF, \$7,107 OF Pkg.# 308 - Appellate Advocacy Program 1 Pos. / .88 FTE \$218,003 GF Pkg# 309 - Continuance of an Appellate Advocacy Position 1 Pos. / 1.00 FTE \$303,894 OF Pkg# 310 - Victims of Crime Act Budget 3 Pos. / 2.64 FTE \$68,510,087 FF Pkg #313 - Fund Shift 0 Pos. / 0 FTE \$508,723 OF, (\$508,723) FF Pkg# 315 - Human Trafficking Grant 2 Pos. / 2.00 FTE \$644,166 FF				
																					Pkg# 070 - Revenue Shortfall (1) Pos. / (1.00) FTE (\$291,318) OF Pkg# 311 - Backfill Punitive Damages Funding 4 Pos. / 3.64 FTE \$1,002,076 GF				
19	1	CE	CP&E	Consumer Protection	1,2	3,9			20,841,367				\$ 20,841,367	26	25.80	Y	Y	S	ORS 180.010 et seq.; ORS 646.605 et seq.; ORS 646.705 et seq.; ORS 646.990; ORS 180.750 et seq.		Pkg. #100 Reconcile Intra-Agency Charges \$56,539 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$168,364 OF 0 Positions / 0 FTE Pkg. #205 Anti-Poaching Legal Support \$549,106 2 Positions/ 1.76 FTE				
21	1	CE	MM	Mortgage Mediation	1,2	1			3,871,530				\$ 3,871,530	0	0.50	Y	Y	S			Pkg.#100 Reconcile Intra-Agency Charges \$1,095 OF 0 Positions / 0 FTE				
20	1	CE	CA	Charitable Trust and Gaming	1,2,6	3			7,263,457				\$ 7,263,457	18	18.10	Y	Y	S	ORS 128.610 seq.; ORS 128.801 et seq.; and ORS 646.250-464.995		Pkg.#100 Reconcile Intra-Agency Charges \$39,665 OF 0 Positions / 0 FTE				

Agency Name: Department of Justice				Program Priorities (continued)													Agency Number: 13700				
2021-23 Biennium				Program/Division Priorities for 2021-23 Biennium																	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
8	2	CJ	SP	Specially Funded Programs	7,8	7,8	1,299,310		6,503,653		1,467,163		\$ 9,270,126	21	21.00	Y	Y	FOI/S/FM/C	ORS180 630; ORS 180.640.	These programs are funded with federal grant(s) with mandatory requirements per the grant award document; with pass through funding from another state agency originating from a Federal grant; user fees, etc.	<p>Pkg #100 Reconcile Intra-Agency Charges 0 Pos / 0 FTE \$8,314 GF, \$36,817 OF, \$4,751 FF</p> <p>Pkg #260 Continuation of LD Grant Positions (UASI, SHSG) 2 Pos / 2.00 FTE \$673,173 OF</p> <p>Pkg #261 Analytical and Criminal Investigator 4 Pos / 3.64 \$2,080,642 GF, (\$716,133) OF</p> <p>Pkg #262 - Compliance with State Labor Agreement 0 Pos / 0 FTE \$48,034 OF, \$32,413 FF</p> <p>Pkg #265 - Internet Crimes Against Children 1 Pos / 1.00 FTE \$214,439 GF</p>
9	1	ADMIN	ADMIN	Central Administration Costs	5	4	682,039		41,531,067				\$ 42,213,106	118	116.75	Y	Y	S	ORS 180	Administrative services are essential to the operations of all department programs.	<p>POP 101. Reclass. \$124K OF, 0 positions</p> <p>POP 102. Payroll Support: \$0.2 M OF, 1 position (.88 FTE)</p> <p>POP 105. Financial Services Support: \$0.2 M OF, 1 position (.88 FTE)</p> <p>POP 110. Permanent Project Manager 1: \$.03 M OF, 1 position (1.00 FTE).</p> <p>POP 112. Procure Contract Specialist 2: \$.03 M OF, 1 position (.88 FTE).</p> <p>POP 115. Special Counsel and Deputy Communications Director: \$1 M OF, 3 positions (2.64 FTE)</p> <p>POP 120. Litigation Technology: \$1.2 M OF, 4 positions (3.52 FTE)</p> <p>POP 122. Recalibrate IT Staffing Levels to Match Agency Business Support: \$1.1 M OF 5 positions (4.40 FTE)</p> <p>POP 123. Essential Costs for Information Technology: \$140 K OF, 0 positions</p> <p>POP 125. Legal Tools Replacement 20 / Elevate Legal Administration (ELA): \$262 K GF, \$2.3 M OF, 6 positions (5.28 FTE)</p> <p>POP 130. Grand Jury Recordation Expenses: \$680 K OF, 1 position (.22 FTE)</p>

Agency Name: Department of Justice																			Program Priorities (continued)			Agency Number: 13700		
2021-23 Biennium																								
Program/Division Priorities for 2021-23 Biennium																								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22			
n/a	n/a	DS	DS	Debt Service	n/a	4	8,375,250						\$ 8,375,250	0	0.00	N	N	D						

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

19 Legal Requirement Code

- C Constitutional
- D Debt Service
- FM Federal Mandatory
- FO Federal - Optional (once you choose to participate, certain requirements exist)
- S Statutory

Document criteria used to prioritize activities:

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular

114,064,678	63	380,437,988	77	155,097,568	91	649,600,122	1,526	1,524
12,895,673	63	54,135,720	77	16,599,875	91	83,631,156		

Agency Name: Department of Justice																						
2021-23 Biennium																			Agency Number: 13700			
Administration																						
Program/Division Priorities for 2021-23 Biennium																						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request		
Agcy	Prgm/Div																					
n/a	n/a	ADMIN	ADMIN	Central Administration Costs	5	4	682,039		41,531,067			\$ 42,213,106	118	116.75	Y	Y	S	ORS 180	Administrative services are essential to the operations of all department programs.	<p>POP 101. Reclass. \$124K OF, 0 positions</p> <p>POP 102. Payroll Support: \$0.2 M OF.</p> <p>POP 105. Financial Services Support: \$0.2 M OF, 1 position (.88 FTE)</p> <p>Pkg# 110 Permanent Project Manager 1: \$.03 M OF, 1 position (1.00 FTE).</p> <p>Pkg# 112 Procure Contract Specialist 2: \$.03 M OF, 1 position (.88 FTE).</p>		

Agency Name: Department of Justice																						
2021-23 Biennium																			Agency Number: 13700			
Administration																						
Program/Division Priorities for 2021-23 Biennium																						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request		
Agcy	Prgm/Div																					
																					Pkg# 120 Litigation Technology: \$1.2 M OF, 4 positions (3.52 FTE) Pkg# 122 Recalibrate IT Staffing Levels to Match Agency Business Support: \$1.1 M OF 5 positions (4.40 FTE) Pkg# 123 Essential Costs for Information Technology: \$140 K OF, 0 positions Pkg # 125 Legal Tools Replacement 20 / Elevate Legal Administration (ELA): \$262 K GF, \$2.3 M OF, 6 positions (6.28 FTE)	
																					Pkg# 130 Grand Jury Recordation Expenses: \$680 K OF, 1 position (.22 FTE)	
						682,039	-	41,531,067	-	-	-	\$ 42,213,106	118	116.75							Total: \$262,500 GF, \$7,490,381 OF 23 positions / 20.48 FTE	

- 7 Primary Purpose Program/Activity Exists**
- 1 Civil Justice
 - 2 Community Development
 - 3 Consumer Protection
 - 4 Administrative Function
 - 5 Criminal Justice
 - 6 Economic Development
 - 7 Education and Skill Development
 - 8 Emergency Services
 - 9 Environmental Protection
 - 10 Public Health
 - 11 Recreation, Heritage, or Cultural
 - 12 Social Support

- 19 Legal Requirement Code**
- C Constitutional
 - D Debt Service
 - FM Federal Mandatory
 - FO Federal - Optional (once you choose to participate, certain requirements exist)
 - S Statutory

Document criteria used to prioritize activities:

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular programs or activities.

Agency Name: Department of Justice																					
2021-23 Biennium																					
Appellate Division																					
Program/Division Priorities for 2021-23 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
Agcy	Prgm/Div																				
1	1	AP	LS	Legal Services - Appellate	1,2	5	401,704	25,702,553				\$ 26,104,257	57	56.50	Y	Y	C/FMS	14th Amendment, Due Process Clause; 28 USC Section 2254; ORS 180.060; ORS 138.012; 138.040; ORS 138.650	Criminal defendants have multiple opportunities to challenge their convictions. In addition to the right to appeal currently provided in Oregon statutes, defendants have a due process right to file an appeal of a criminal conviction. Prisoners also have a federal statutory right, and a federal constitutional due process right, to file for habeas corpus relief in federal court. Although the right to post-conviction review in state court is currently a creature of statute, if the ability to appeal a criminal conviction was taken away, defendants could avail themselves of the Oregon Supreme Court's original habeas jurisdiction under the Oregon Constitution, Article VII (amended), section 2. Eliminating the state's ability to appear in the appellate cases means that more work and costs will be shifted to the state courts, we will lose more appeals, and some convictions will be reversed unnecessarily.	<p>Pkg #100 - Reconcile Intra-Agency Charges 0 pos / 0.00 FTE / \$690,498 OF</p> <p>Pkg #101 - Reclassification of Positions 0 pos / 0.00 FTE / \$38,274 OF</p> <p>Pkg #441 - Non-Unanimous Jury Appeals 1 pos / 0.88 FTE / \$316,789 OF</p> <p>Pkg #465 - Capital Case Unit 6 pos / 5.28 FTE / \$1,762,134 OF</p> <p>Pkg #466 - Appellate Editing 4 pos / 3.52 FTE / \$1,577,604 OF</p> <p>The Appellate Division represents the state in any appellate case in which the state is a party. In many cases a party has the legal right to seek appellate review. These cases typically involve a challenge to some action or decision by a state official or employee; they may involve state labor-relations issues, challenges to the constitutionality of a state statute, or claims that the state engaged in wrongful conduct for which the state can be liable under the Oregon Tort Claims Act. Cases that appeal termination of parental rights involving neglected or abused children are another area with a substantial and time-consuming caseload. Other cases include defense of mental-commitment orders, challenges to decisions of the Board of Parole and Post-Prison Supervision, ballot titles, and challenges to orders denying correctional inmates' claims that their conditions of confinement are unconstitutional, interpretation of sentences</p>	
							401,704	-	25,702,553	-	-	\$ 26,104,257	57	56.50							

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

19 Legal Requirement Code

- C Constitutional
- D Debt Service
- FM Federal Mandatory
- FO Federal - Optional (once you choose to participate, certain requirements exist)
- S Statutory

Document criteria used to prioritize activities:

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose

Agency Name: Department of Justice																				Agency Number: 13700	
2021-23 Biennium																					
Trial Division																					
Program/Division Priorities for 2021-23 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
Agcy	Prgm/Div																				
1	1	TR	LS	Legal Services - Trial	1,2	1,5,9		44,311,701				\$ 44,311,701	117	115.89	Y	Y	C/FM/S	U.S. Const, 14th Amendment; 28 USC Section 2254; ORS 180.060; ORS 138.570.	Criminal and Collateral Remedies Section (CCR): Following an unsuccessful appeal of their conviction, criminal defendants have statutory rights to challenge the conviction in state civil court with a Petition for Post Conviction Relief (PCR). Following an unsuccessful PCR challenge, including an appeal, one can file a Petition for Habeas Corpus in federal court arguing his or her conviction violate the US constitution or federal law, again with a right to appeal. Should the state fail to appear in any of these cases, usually Measure 11 crimes, many convictions likely would be overturned resulting in new trials or re-sentencing. The cost of those later actions would be borne at the court level by district attorneys who would have to re-prosecute the matter. The CCR section also represents the state's interest in hearings before the Psychiatric Security Review board. Criminal defendants who are in custody of the state hospital because they were found guilty except for insanity may seek to be released or stepped down to a community placement by showing they are no longer a danger to themselves or others due to a mental disease or defect. If the state did not appear in those hearings, there is a risk that persons still suffering from mental disease or defect could be released when they are still a danger to themselves or others.	Pkg #040 Mandated Caseload - to provide necessary resources to meet the anticipated growth in DCC cases for 2021-23. 3 Pos /2.64 FTE / \$989,245 OF Pkg #100 Reconcile Intra-Agency Charges for 21-23 CSL. 0 pos / 0.00 FTE / \$1,037,402 OF Pkg #409 - Special Litigation Unit 2 pos / 1.75 FTE / \$788,801 OF Pkg #410 - Civil Litigation Section 2 pos / 1.75 FTE / \$528,072 OF	
																	C/F/S	ORS Ch. 180; ORS 30.260 et seq.; ORS Ch. 659A; ORS 456.145; ORS 183.480; U.S. Const. 1st, 8th, 14th Amendments	The Civil Litigation Section (CLS) defends a variety of cases filed against the state for money damages or for a court order requiring the state to act of to stop action of some kind. Those cases include allegations of civil rights violations, wrongful termination, personal injuries, property damage, interference with business, breach of contract and others. The section also represents the state in condemnation proceedings to obtain land needed for highway construction. It also defends state agency orders when those affected challenge the validity of the order in state court. Failure to appear in these cases would result in a judgment against the state for money damages, a state agency order being overturned, or the inability to acquire land for highway construction.	Pkg #440 - Criminal & Collateral Remedies Section 8 Pos / 7.04 FTE / \$2,075,917 OF	
																	C/FM/S	ORS Ch. 180; ORS 28.110; ORS 30.260 et seq.; ORS 183.480; ORS 246.910; ORS 251.235; U.S. Const. 14th Amendment;	The Special Litigation Unit (SLU) defends the state in cases challenging the constitutionality of state statutes, challenges to ballot titles and election results, class actions and in cases involving the environment or natural resources. This section also represents the state in actions involving measures taken by the federal government that adversely affects Oregonians. Failure to appear in any of these cases would result in the invalidation of state statutes or elections results, damage to Oregon's environment and natural resources, money damages against the state and federal action affecting the rights and interests of Oregonians.		
								44,311,701				\$ 44,311,701	117	115.89							

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

19 Legal Requirement Code

- C Constitutional
- D Debt Service
- FM Federal Mandatory
- FO Federal - Optional (once you choose to participate, certain requirements exist)
- S Statutory

Document criteria used to prioritize activities:

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular programs or activities.

Agency Name: Department of Justice		Agency Number: 13700																			
2019-21 Biennium		Defense of Criminal Convictions																			
Program/Division Priorities for 2019-21 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
Agcy	Prgm/Div																				
1	1	DCC	LS	Legal Services - Defense of Criminal Convictions	16	5	34,437,737					\$ 34,437,737	0	0.00	Y	Y	C/FM/S	14th Amendment, Due Process Clause; 28 USC Section 2254; ORS 180.060; ORS 138.012; 138.040, ORS 138.650	Criminal defendants have multiple opportunities to challenge their convictions. In addition to the right to appeal currently provided in Oregon statutes, defendants have a due process right to file an appeal of a criminal conviction. Prisoners also have a federal statutory right, and a federal constitutional due process right, to file for habeas corpus relief. Although the right to post-conviction review in state court is currently a creature of statute, if the ability to appeal a criminal conviction was taken away, defendants could avail themselves of the Oregon Supreme Court's original habeas jurisdiction under the Oregon Constitution, Article VII (amended), section 2. Eliminating the state's ability to appear in the appellate, state post-conviction, or federal habeas corpus cases means that more work and costs will be shifted to the state courts, we will lose more appeals and some convictions will be reversed unnecessarily.	Pkg #040 Mandated Caseload - to provide necessary resources to meet the anticipated growth in DCC cases for 2021-23. 0 pos / 0.00 FTE / \$3,510,413 GF Pkg #441 - Non-Unanimous Jury Appeals for 2021-23. 0 pos / 0.00 FTE / \$702,083 GF Pkg #465 - Capital Case Unit for 2021-23. 0 pos / 0.00 FTE / \$2,610,837 GF Pkg #466 - Appellate Editing for 2021-23. 0 pos / 0.00 FTE / \$1,872,220 GF	
							34,437,737	-	-	-	-	\$ 34,437,737	0	0.00							

- 7 Primary Purpose Program/Activity Exists**
- 1 Civil Justice
 - 2 Community Development
 - 3 Consumer Protection
 - 4 Administrative Function
 - 5 Criminal Justice
 - 6 Economic Development
 - 7 Education and Skill Development
 - 8 Emergency Services
 - 9 Environmental Protection
 - 10 Public Health
 - 11 Recreation, Heritage, or Cultural
 - 12 Social Support

- 19 Legal Requirement Code**
- C Constitutional
 - D Debt Service
 - FM Federal Mandatory
 - FO Federal - Optional (once you choose to participate, certain requirements exist)
 - S Statutory

Document criteria used to prioritize activities:
 The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular programs or activities.

Agency Name: Department of Justice																				Agency Number: 13700	
2021-23 Biennium																					
Civil Enforcement Division																					
Program/Division Priorities for 2021-23 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL Included in Agency Request	
Agcy	Prgm/Div																				
1	1 CE	LS	Civil Legal Child Advocacy	1,2,3				65,719,941				\$ 65,719,941	175	173.79	Y	Y	C/FM/S	ORS 419.010 et seq (ORS 419B.875); 42 USC § 67 et seq; 42 USC § 621-629; regs. 45 CRF § 1356; 25 USC § 1901 et seq; 42 USC § 670 et seq; ORS 25.010 et seq; ORS 180.010 et seq; Eighth Amendment.	State law (ORS 419B.875) dictates that both "the state" and The Department of Human Services are parties to proceedings in Juvenile Court. DOJ represents DHS in complying with state and federal mandates cited above by representing the agency in the following proceedings: Administrative Hearings, Juvenile Court proceedings concerning children placed in the legal and/or physical custody of DHS, Termination of Parental Rights trials and Circuit Court hearings where parties challenge agency action in other than contested case proceedings. DOJ attorneys also advise the agency on policy questions and administrative rules to ensure compliance with state and federal mandates.	Pkg. #100 Reconcile Intra-Agency Charges \$1,415,364 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions (\$4,290) OF 0 Positions / 0 FTE	
1	1 CE	LS	Civil Legal Civil Recovery	1,2,3				25,922,132				\$ 25,922,132	63	61.40	Y	Y	C/FM/S	ORS 419.010 et seq (ORS 419B.875); 42 USC § 67 et seq; 42 USC § 621-629; regs. 45 CRF § 1356; 25 USC § 1901 et seq; 42 USC § 670 et seq; ORS 25.010 et seq; ORS 180.010 et seq; Eighth Amendment.	ORS 180.220 dictates that the DOJ has general control and supervision of all legal proceedings in which the State is a party or has an interest and full control of all legal business of all departments of the state which require the services of an attorney.	Pkg. #100 Reconcile Intra-Agency Charges \$500,049 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$168,364 OF 0 Positions / 0 FTE	
1	1 CE	MF	Medicaid Fraud	1,2		3		1,852,477		5,442,675		\$ 7,295,152	19	19.00	N	Y	FM	14th Amendment Due process Clause	Federal law REQUIRES any state that receives Medicaid funds to have a Medicaid Fraud Unit to prosecute fraud and oversee the Medicaid funds, and the Medicaid Fraud Unit must be separate and apart from the Department of Human Services and the Oregon Health Plan.	Pkg. # 100 Reconcile Intra-Agency Charges \$6,574 OF \$35,063 FF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$7,327 OF \$21,980 FF 0 Positions / 0 FTE	
1	1 CE	NPM	Non-Participating Manufacturers	1,2		1		1,471,305				\$ 1,471,305	4	4.20	N	Y	S	ORS 323.800-806; 180.400-455		Pkg. #100 Reconcile Intra-Agency Charges \$9,204 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$51,262 OF 0 Positions / 0 FTE	
3	1 CE	CP&E	Consumer Protection	1,2		3,9		20,841,367				\$ 20,841,367	26	25.80	Y	Y	S	ORS 180.010 et seq, ORS 646.605 et seq.; ORS 646.705 et seq; ORS 646.990; ORS 180.750 et seq.		Pkg. #100 Reconcile Intra-Agency Charges \$56,539 OF 0 Positions / 0 FTE Pkg. # 101 Reclassification of Positions \$168,364 OF 0 Positions / 0 FTE Pkg. #205 Anti-Poaching Legal Support \$549,106 2 Positions/ 1.76 FTE	
3	1 CE	CA	Charitable Trust and Gaming	1,2,6		3		7,263,457				\$ 7,263,457	18	18.10	Y	Y	S	ORS 128.610 seq; ORS 128.801 et seq; and ORS 646.250-464.995		Pkg. #100 Reconcile Intra-Agency Charges \$39,665 OF 0 Positions / 0 FTE	
2	1 CE	MM	Mortgage Mediation	1,2		1		3,871,530				\$ 3,871,530	0	0.50	N	Y	S			Pkg. #100 Reconcile Intra-Agency Charges \$1,095 OF 0 Positions / 0 FTE	
								126,942,209		5,442,675		\$ 132,384,884	305	302.79							

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

19 Legal Requirement Code

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- D Debt Service
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- S Statutory

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular programs or activities.

Legal Services to State Government : Core Mission - Services to Victims - Programs to Protect and Enhance State Resources - Self-Funded Regulatory Programs

Agency Name: Department of Justice																						
2021-23 Biennium																			Agency Number: 13700			
Criminal Justice Division																						
Program/Division Priorities for 2021-23 Biennium																						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request		
Agcy	Prgm/Div																					
1	1	CJ	LS	CJ Legal	1,2,7,8	1,5		3,044,145				\$ 3,044,145	8	8.00	Y	Y	S	ORS 180.060; ORS 180.070; ORS 180.080; ORS 180.090; ORS 180.120; ORS 180.240; ORS 180.610.		Pkg #100 Reconcile Intra-Agency Charges 0 Positions / 0 FTE \$236,925 OF		
1	1	CJ	DA	Special Investigation and Prosecutions Unit/Racketeering and Public Corruption Unit	1,2,7,8	8	14,460,849					\$ 14,460,849	28	28.00	Y	Y	S	ORS 180.060; ORS 180.070; ORS 180.080; ORS 180.090; ORS 180.120; ORS 180.240; ORS 180.610.		Pkg #100 Reconcile Intra-Agency Charges 00 Positions / 0 FTE \$66,508 GF Pkg #262 Compliance with State Labor Agreement 0 Positions / 0 FTE \$232,839 GF Pkg #264 Management of Criminal Justice Attorneys 1 Pos / .88 FTE \$403,129 GF		
4	2	CJ	SP	Specially Funded Programs	7,8	7,8	1,299,310		6,503,653	1,467,163		\$ 9,270,126	21	21.00	Y	Y	FO/S/FM/C	ORS180.630; ORS 180.640.	These programs are funded with federal grant(s) with mandatory requirements per the grant award document, with pass through funding from another state agency originating from a Federal grant; user fees, etc.	Pkg #100 Reconcile Intra-Agency Charges 0 Pos / 0 FTE \$8,314 GF, \$36,817 OF, \$4,751 FF Pkg #260 Continuation of LD Grant Positions (UASI, SHSG) 2 Pos / 2.00 FTE \$673,173 OF Pkg #261 Analytical and Criminal Investigator 4 Pos / 3.64 \$2,080,642 GF, (\$716,133) OF Pkg #262 - Compliance with State Labor Agreement 0 Pos / 0 FTE \$48,034 OF, \$32,413 FF Pkg #265 - Internet Crimes Against Children 1 Pos / 1.00 FTE \$214,439 GF		
							15,760,159	-	9,547,798	-	1,467,163	\$ 26,775,120	57	57.00								

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

19 Legal Requirement Code

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- FM Federal Mandatory
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- S Statutory

Document criteria used to prioritize activities:

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular programs or activities.

Agency Name: Department of Justice																				Agency Number: 13700	
2019-21 Biennium																					
Crime Victim and Survivors Services Division																					
Program/Division Priorities for 2019-21 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
Agcy	Prgm/Div																				
2	1	CVSSD	CVC	Crime Victims Compensation Program	9,14,15	1	1,347,237	11,097,633		1,762,854		\$ 14,207,724	20	19.56	Y	Y	C/S	Or Const Art 1 § 42. ORS 419C.450	The Oregon Constitution requires that a victim has the right to receive prompt restitution from the convicted criminal or youth offender who caused the victim's loss or injury. Or Const Art 1 § 42. ORS 419C.450. However, many offenders do not pay restitution and those that do, typically pay in small increments over many years. As a result, victims are responsible to the financial expenses associated with their victimization. The Crime Victims' Compensation Program is the only program available to victims to assist them in covering their out-of-pocket crime related expenses. The Program covers medical, funeral and counseling expenses as well as loss of earnings. This program is essential for supporting victims in their physical and emotional recovery.	Pkg# 070 - Revenue Shortfall (15) Pos. / (14.06) FTE (\$3,879,383) OF Pkg# 311 - Backfill Punitive Damages Funding 15 Pos. / 14.06 FTE \$3,879,383 GF	
																				Pkg# 100 - Reconcile Intra-Agency Charges 0 Pos. / 0 FTE \$29,565 GF, \$86,088 OF Pkg# 101 - Reclassification of Positions 0 Pos. / 0 FTE \$16,288 GF Pkg# 320 - Bias Crimes Incident Coordinator Position 1 Pos. / 1.00 FTE \$401,461 OF	
2	2	CVSSD	CVA	Crime Victims Assistance Program	9,14,15	1	12,223,726	18,971,642		15,555,385		\$ 46,750,753	19	18.00	Y	Y	C/S	Or Const Art 1 § 42. ORS 419C.450	The Federal Office of Victims' of Crime Act (VOCA) has increased over five fold since 2014. These positions are necessary to efficiently administer and monitor these funds to victim services programs throughout the state.	Pkg# 100 - Reconcile Intra-Agency Charges 0 Pos. / 0 FTE \$21,050 GF, \$26,254 OF, \$53,217 FF Pkg# 101 - Reclassification of Positions 0 Pos. / 0 FTE \$8,970 GF, \$7,107 OF Pkg# 308 - Appellate Advocacy Program 1 Pos. / .88 FTE \$218,003 GF Pkg# 309 - Continuance of an Appellate Advocacy Position 1 Pos. / 1.00 FTE \$303,894 OF Pkg# 310 - Victims of Crime Act Budget 3 Pos. / 2.64 FTE \$68,510,087 FF Pkg #313 - Fund Shift 0 Pos. / 0 FTE \$508,723 OF, (\$508,723) FF Pkg# 315 - Human Trafficking Grant 2 Pos. / 2.00 FTE \$644,166 FF	
																				Pkg# 070 - Revenue Shortfall (1) Pos. / (1.00) FTE (\$291,318) OF Pkg# 311 - Backfill Punitive Damages Funding 4 Pos. / 3.64 FTE \$1,002,076 GF	
							13,570,963	-	30,069,275	-	17,318,239	-	\$ 60,958,477	39	37.56						

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

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Document criteria used to prioritize activities:

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular programs or activities.

Agency Name: Department of Justice																					
2019-21 Biennium																					
Agency Number: 13700																					
General Counsel Division																					
Program/Division Priorities for 2019-21 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
Agcy	Prgm/Div																				
1	1	GC	LS	Legal Services - General Counsel	1,2,4,7	1,9		73,475,724				\$ 73,475,724	161	160.76	Y	Y	S	ORS 180.060 (2), (6), (8). ORS 180.100. ORS 180.220 (1)(b). ORS 192.450. ORS 291.047.	Provisions of ORS chapter 180 require the Attorney General to issue legal opinions at the request of state officers and agencies, to assign to each state agency "counsel responsible for ensuring the performance of the legal services requested by the agency," and, at the request of legislators, to prepare bills for introduction to the Legislative Assembly. ORS 291.047 requires the Attorney General to perform legal sufficiency review of public contracts. ORS 192.450 requires the Attorney General to receive and issue orders on petitions for disclosure of public records. The Attorney General has assigned primary responsibility for those mandatory functions to the General Counsel Division.	Pkg # 100 - Reconcile Intra-Agency Charges 0 Pos. / 0 FTE \$1,748,320 Pkg # 360 - Transportation Projects Support 4 Pos. / 3.52 FTE \$1,394,486 OF Pkg # 361 - Positions to Support State Agencies 7 Pos. / 6.16 FTE \$2,577,689 Pkg # 362 - Public Law Conference and Trainings 0 Pos. / 0 FTE \$520,387 Pkg # 363 - Legal Training for Oregon State Gov't 1 Pos / 1.00 FTE \$312,554 OF Pkg # 365 - Space Rent 0 Pos. / 0 FTE \$2,481,694	
								73,475,724				\$ 73,475,724	161	160.76							

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
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- FO Federal - Optional (once you choose to participate, certain requirements exist)
- S Statutory

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose values are unknown, including the magnitude of the shortfall in comparison to the then-existing demand for particular programs or activities.

Agency Name: Department of Justice																				Agency Number: 13700	
2019-21 Biennium																					
Division of Child Support																					
Program/Division Priorities for 2019-21 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
Agcy	Prgm/Div																				
1	1	DCS	DCS	Director's Office	10,11,12,13	1	3,410,168	1,365,200		9,445,826		\$ 14,221,194	45	44.13	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE. \$360,542 GF / \$701,348 FF 5 Positions / 4.39 FTE Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$287,736 GF / \$232,753 FF Pkg #484 This package provides funding for business and technology teams for child support automated system Origin \$128,789 GF / \$249,317 FF 2 Positions/ 1.75 FTE Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$21,423 GF / \$41,584 FF Pkg #101 Reclassification of Positions	
		DCS	DCS	Field Services	10,11,12,13	1	20,268,120	14,223,302		64,791,436		\$ 99,282,858	356	355.11	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE. \$3,049,444 GF / \$5,919,373 FF 41 Positions / 41.00 FTE Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$1,772,058 GF / \$1,324,467 FF Pkg #484 This package provides funding for business and technology teams for child support automated system Origin \$256,529 GF / \$496,700 FF 4 Positions/ 3.50 FTE Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$172,387 GF / \$221,622 FF	
		DCS	DCS	Business Services	10,11,12,13	1	7,516,321	5,348,197		19,786,162		\$ 32,650,680	113	112.24	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE. \$947,240 GF / \$1,838,715 FF 13 Positions / 13.00 FTE Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$443,027 GF / \$250,446 FF Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$54,486 GF	
		DCS	DCS	Technical Services	10,11,12,13	1	7,049,217	2,968,901		18,925,238		\$ 28,943,356	53	53.00	N - DCR is new; function is not	Y	FM/FO/S/D	Title IV-D of the Social Security Act (SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The state statute is ORS 419C.597, creating an assignment as provided in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate requirements for state Title IV-D child support programs. If not met, the Oregon Child Support Program is not recognized as a IV-D program and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the IV-D program and compliance with federal and state requirements.	Pkg #480 This package provides General Fund/Federal Fund replacing the projected TANF Other Funds revenue shortfall shown in Package 070 and restores positions/FTE and services and supply funding. \$985,396 GF / \$1,912,812 FF 7 Positions / 7.00 FTE Pkg #481 This package provides funding for the shortfall in funding from 2019-21 aligning services with charges. \$300,051 GF / \$146,339 FF Pkg #482 This package provides funding for hosting Origin outside of the DAS State Data Center in 2021-23 \$200,719 GF / \$389,630 Pkg #484 This package provides funding for business and technology teams for child support automated system Origin \$688,047 GF / \$1,331,949 FF 8 Positions/ 7.00 FTE Pkg #100 Reconcile Intra-Agency Charges with DOJ Administration policy option packages requested \$25,729 GF	
		DCS	DCS	DA Subrecipients	10,11,12,13	1	2,592,944	4,951,991		17,920,745		\$ 25,465,680			N - DCR is new; function is not	Y	S	ORS 180.345 and ORS 25.080			

Agency Name: Department of Justice																						
2019-21 Biennium																				Agency Number: 13700		
Child Support Enforcement Automated System																						
Program/Division Priorities for 2019-21 Biennium																						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request		
Agcy	Prgm/Div																					
1	1	CSEAS	CSEAS	Replacement of Child Support Enforcement Automated System with modern computer system	10,11,12,13	1		0		0		\$ -	0	0.00	N	Y	FM/FO/S/D	Title IV-D of the Social Security Act(SSA), 45 CFR (Code of Federal Regulations) parts 301, 302, and 303. The State Statute reference is ORS 419c3597 creating an assignment as in ORS 412.024 (for OYA non-eligible case work).	The SSA and CFR mandate child support program (csp) requirements.If not met, DCS is not recognized as a csp and IV-A (DHS) is penalized. All funds (GF, OF, FF) are used for administration of the csp and compliance with the citations above.	POP # 475 This Package provides continued funding necessary for the replacement of the state child support system. \$2,911,241 GF / \$2,740,635 OF / \$10,971,224 FF 27 positions / 21.54 FTE		
								-		-		\$ -	0	0.00								

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
- 11 Recreation, Heritage, or Cultural
- 12 Social Support

19 Legal Requirement Code

- C Constitutional
- D Debt Service
- FM Federal Mandatory
- FO Federal - Optional (once you choose to participate, certain requirements exist)
- S Statutory

Document criteria used to prioritize activities:

The Attorney General's prioritization of program units/activities does not necessarily reflect the order in which reductions would be taken; actual reductions in service would depend on variables whose

Agency Name: Department of Justice																				Agency Number: 13700	
2019-21 Biennium																					
Debt Service																					
Program/Division Priorities for 2019-21 Biennium																					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Priority (ranked with highest priority first)	Agency Initials	Program or Activity Initials	Program Unit/Activity Description	Identify Key Performance Measure(s)	Primary Purpose Program-Activity Code	GF	LF	OF	NL-OF	FF	NL-FF	TOTAL FUNDS	Pos.	FTE	New or Enhanced Program (Y/N)	Included as Reduction Option (Y/N)	Legal Req. Code (C, D, FM, FO, S)	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)	Comments on Proposed Changes to CSL included in Agency Request	
Agcy	Prgm/Div																				
n/a	n/a	DS	DS	Debt Service	n/a	4	8,375,250					\$ 8,375,250	0	0.00	N	N	D				
							8,375,250	-	-	-	-	\$ 8,375,250	0	0.00							

7 Primary Purpose Program/Activity Exists

- 1 Civil Justice
- 2 Community Development
- 3 Consumer Protection
- 4 Administrative Function
- 5 Criminal Justice
- 6 Economic Development

- 7 Education and Skill Development
- 8 Emergency Services
- 9 Environmental Protection
- 10 Public Health
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**Department of Justice
2021-23 Priorities CSL at ARB**

Funds

		Priority
Administration	OF	n/a
Appellate	GF, OF	1
Trial	OF	1
DCC	GF	1
Civil Legal - Child Advocacy	OF	1
Civil Legal - Civil Recovery	OF	1
Civil Medicaid Fraud	OF, FF	1
Civil Consumer Protection	OF	2
Civil Mortgage Mediation	OF	2
Civil Charitable Trust	OF	4
Civil Gaming (preferably combined with Trust)	OF	4
Civil Rights	GF	4
Civil NPM	OF	1
CJ Legal	OF	
CJ Spec Inv & Pros/Racketeering & Corruption & CJ Legal	GF	1
CJ ICAC	FF	5
CJ CDIU	OF	5
CJ HIDTA	OF, FF	5
CJ DUUI	OF	5
CJ RICO	OF	5
CJ FUSION CENTER	GF	5
CJ Marijuana	FF	5
CJ Federal Asset Forfeiture	FF	5
CJ RAIN	OF	5
CJ UASI	OF	5
CJ Revolving	OF	5
CVSD Compensation	GF, OF, FF	3
Save	GF, OF, FF	3
Collections	OF	3
CVSD Assistance	GF, OF, FF	3
Victim's Rights	GF, OF	3
VAWA	FF	3
CAMI	GF, OF	3
ODSVS	GF, OF	3
Address Conf.	GF, OF	3
General Counsel	OF	1
DCS - Director's Office	GF, OF, FF	2



DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

January 29, 2021

Dear DOJ Colleagues,

I think it is safe to say we all exhaled a long breath of relief when last year came to an end—not quite expecting the surprises 2021 has brought already.

No matter how difficult 2020 was, you rose to the challenges and performed a tremendous amount of good work and service for Oregonians. We assembled this report to document our many achievements—and to make it possible to share some of these accomplishments with each other and with others who are less familiar with our work.

Your work lives have been made all the more challenging by the fact that most of us have been working largely from home since last March 16. Many of your daily routines have become much more complicated due to the nature and circumstances of the pandemic we are living through. Thank you for being flexible, patient, creative, and dedicated public servants—even in the face of these challenges.

I am extremely proud of all we've achieved—and equally grateful for the examples you set. You truly provide the gold standard of service to our state's agencies and people. Congratulations to each and every one of you! Your achievements, both large and small, have unquestionably improved the circumstances—and the lives—of others.

A report like this cannot possibly capture all we have done, but I hope it provides at least an insight into the true value and meaning of our work.

All of us at the Oregon Department of Justice strive to be true public servants—something our nation desperately needs more of. Thank you for leading by example—and for your continued hard work and commitment to our truly transformative mission.

Here's to better times ahead—for Oregon and for all of us!

Fred and I cannot thank you enough.

Ellen Rosenblum

Oregon Department of Justice

2020 Highlights

Introduction

As the People’s Law Firm, the Oregon Department of Justice (DOJ) defends the rights and interests of all Oregonians while also serving the legal needs of state government. Over the past year, our work has been shaped by a global pandemic, devastating wildfires, urgent calls for racial justice and police reform, an alarming rise in brazen acts of hate and bias, and a national election marred by divisiveness and suspicion. In short, by the same events that have shaped the daily lives of the people of our state.

In every one of these matters, the lawyers and staff at Oregon DOJ have had important roles to play. We have been nimble in responding to each emerging crisis, while remaining steady and consistent in carrying out our regular responsibilities. In the process, we have: helped defend our democracy; fought efforts to diminish environmental protections; protected Oregonians’ healthcare; provided excellent crisis-response work; and generally looked out for the legal well-being of the agencies of state government and the people of our state.

What follows are highlights from a challenging year, organized by the various divisions within our department. As you can see, we all had a lot on our plates—and accomplished an amazing amount of exceptional work on behalf of our state and its people.

Office of the Attorney General (AGO)

Headed by Attorney General Ellen Rosenblum and Deputy Attorney General Fred Boss, with a total staff of 15 people, the AGO has met virtually as a team every day since March 16, 2020. The AGO guides the Department in daily operations and coordinates legal and policy work on priority issues. Directors or Special Legal Counsels lead teams within the AGO to advance Civil Rights, Consumer Outreach and Education, Legislative Policy, Finance and Budget, External Communications, and a variety of priority issues ranging from protecting the environment to expanding healthcare access for vulnerable populations. In addition to working closely with DOJ attorneys in other Divisions, AGO staff collaborate with counterparts located in other states, in the offices of Oregon’s elected officials, and with external stakeholder groups. The AGO had quite a year in 2020 standing up a vital bias incident reporting hotline, educating the public about COVID-19- and wildfire-related scams and frauds, protecting the state’s interests against egregious federal policing, and ensuring voting integrity and confidence in the General Election, to name a few.

Federal Multistate Litigation and Issue Highlights

Over the past four years, AG Rosenblum has joined numerous federal multistate lawsuits in defense of federal laws, regulations, and polices that protect our civil rights, health care, environment, and the most vulnerable Oregonians.

Please see the **Appendix of AGO Federal Multistate Lawsuits** for a list of multistate cases our office led or joined since January 2017. Here are some highlights of AGO cases and projects from 2020:

Deferred Action for Childhood Arrival (DACA)

- After the Supreme Court ruled that the federal government had acted unlawfully in ending the DACA program, the administration renewed its attack. Our coalition won again in the trial court, effectively ending the four-year effort to remove protections for Dreamers.

U.S. Postal Service (USPS)

- This lawsuit challenged the alarming changes occurring at the USPS that resulted in significant mail delays prior to the 2020 General Election, which had the potential to impact vote-by-mail deadlines in Oregon and elsewhere. Our coalition secured a nationwide injunction against the nonsensical changes (including disassembly of mail sorting machines prior to the General Election) and the judge later ordered USPS to conduct nightly sweeps for ballots in areas of the country where mail was reportedly slow.

AG's Voter Protection Hotline

- In response to a flood of public concern spurred by the U.S. Postal Service slowdown and other threats to the integrity of the 2020 General Election, the AGO launched the AG's Voter Protection Hotline in mid-October, that ran for several weeks before and after Election Day. Over 150 Oregonians called the hotline with questions or concerns. Our hotline team returned calls promptly, alleviating a range of voter questions and concerns.
- The AGO also issued an educational flyer in five languages on voting rights and options under Oregon law: <https://www.doj.state.or.us/oregon-department-of-justice/office-of-the-attorney-general/spotlight-oregon-votes-2020/>

"Separate Billing" Rule

- This lawsuit challenged a federal rule that required insurers operating on health care exchanges to bill people separately for any coverage of abortion services. The goal of the rule, apparently, was that insurers would not want to deal with the expense and hassle of sending two bills, so they would stop offering coverage, or that people who purchased insurance would be confused about the double bill and not pay correctly, inadvertently losing coverage. A federal judge in California agreed that the rule was arbitrary and capricious and unlawful.

International Student Visas

- The Department of Homeland Security (DHS) announced that international students who attended colleges and universities that declined to hold in-person classes due to

COVID-19 concerns would have their visas revoked. In response to our lawsuit and several others, DHS quickly reversed course and withdrew the policy.

Public Charge

- We won a Ninth Circuit ruling against the federal government’s attempt to redefine a decades-old provision of immigration law in order to disqualify immigrants who receive any amount of short-term government assistance.

United States Census

- The federal administration wanted to add a question about citizenship status to the census, with the likelihood of suppressing responses. Our coalition won that case at every level, including the U.S. Supreme Court. Later, President Trump signed a memo in July directing that undocumented immigrants be excluded from apportionment calculations. A federal judge in New York ruled that the directive is unlawful. The U.S. Supreme Court ruled that the dispute over Trump’s Executive Order was premature, but it has been reported that the Census Bureau has stopped all work on the unlawful directive.

Federal Use of Force on Portland Protestors

- In July of 2020, we filed a lawsuit against federal law enforcement agencies in response to the egregious policing tactics they deployed against racial justice protesters in downtown Portland. We simultaneously opened a criminal inquiry related to the federal agents’ use of force. Portlanders were being snatched off downtown streets and forced into unmarked cars without explanation, and a number of peaceful protesters suffered injuries at the hands of federal officers. We voluntarily dismissed the case after the federal officers left town. The criminal matters remain open.

Title X

- The Title X program funds grants to states and other entities to provide family-planning services and reproductive healthcare to underserved patients. We filed a lawsuit, *Oregon v. Azar*, challenging two significant regulatory changes that undermine essential access to women’s health services, and secured a preliminary injunction to stop the rules from going into effect. The federal government appealed, and the Ninth Circuit reversed the injunction. We asked the Supreme Court to grant review to resolve a split of authority on the issue (Fourth Circuit struck down the rules).

Net Neutrality

- The Federal Communications Commission (FCC) eliminated “net neutrality” requirements that prevent internet service providers from playing favorites with content or apps that they like (or that can afford to pay a premium). The FCC also said that its rule would override any contrary state laws. Although the elimination of net neutrality requirements was ultimately upheld, the court rejected the idea that the FCC could categorically pre-empt net neutrality laws, like the one in Oregon. Our law takes a creative approach by requiring state agencies to obtain internet service only from

providers who adhere to net neutrality principles for everyone. Thanks to our legal action, it remains valid.

Call to Action

- In April 2020, AG Rosenblum spearheaded the [COVID-19 Call to Action](#) in response to anti-Asian bias that spewed from the highest office in the nation, blaming and targeting Asians for the global health pandemic.
- We asked Oregonians to sign onto a public statement denouncing COVID-19 misnaming, blaming, and harassment, and resolutely supporting Asian, Asian-American, and Pacific Islander communities and community members.
- The Call to Action has been signed by nearly 2,000 community members and is still open for signatures at [StandAgainstHate.Oregon.gov](#). This was a swift and decisive statement to stand against hate and protect the rights and dignity of Asian, Asian-American, and Pacific Islander communities.

Environmental and Climate Action Highlights

AG Rosenblum is part of a coalition of state Attorneys General that has spent the last four years defending and promoting our nation's most fundamental environmental laws, pollution and chemical regulations, and climate protections. Together with the coalition, Oregon has engaged in hundreds of actions—210 to date—in the form of rulemaking comments, letters to heads of federal agencies, amicus briefs in federal court, and multistate litigation.

The 210 environmental actions are catalogued here, with a few 2020 highlights included below: <https://www.law.nyu.edu/centers/state-impact>

Environmental Protection Agency (EPA) Non-Enforcement Policy

- This lawsuit involved a challenge to EPA's "COVID-19 non-enforcement policy." EPA's policy allowed industries to stop monitoring emissions and eliminated reporting requirements (and adequate documentation) necessary to support industry assertions that pollution violations were unavoidable and caused by the pandemic. Besides being in violation of law, the policy allowed increased air pollutant emissions that exacerbate respiratory health at the very same time the nation was battling a global pandemic that attacks the human respiratory system. The coalition put serious pressure on the EPA to reevaluate its course, and ultimately influenced EPA's decision to let the policy expire quickly at the end of August.

Migratory Birds Treaty Act

- "It is not only a sin to kill a mockingbird, it is also a crime," wrote federal Judge Valerie Caproni in her August 11, 2020 opinion, siding with our AG coalition that sued the U.S. Department of Interior over its new interpretation of the Migratory Bird Treaty Act, which said the Act only applied to the "intentional" killing of birds. The federal statute has long been understood to prohibit the killing, hunting, taking, capturing, or selling of nearly 1,100 species of birds, with no intent requirement. That essential interpretation was upheld.

CAFÉ Automaker Penalties

- The AG coalition challenged a National Highway Traffic Safety Administration (NHTSA) rule that reduced the penalty for automobile manufacturers that violate fuel efficiency standards. The court agreed with our arguments and threw out the 2019 rule that sought to freeze penalties for automakers violating such standards at 1970s levels, which would have resulted in zero deterrent effect in 2020.

Hydrofluorocarbons (HFCs)

- HFCs are greenhouse gases that are far more potent than carbon dioxide. Since the United States phased out the use of ozone-depleting substances, HFCs have been used as substitutes in certain products. The EPA tried to completely gut a rule that restricted the use of hydrofluorocarbons, but the AG coalition lawsuit was successful in convincing the D.C. Circuit to vacate EPA's flawed guidance.

Select Multistate Letters and Comments We Joined in 2020

- Joined comments filed with the Small Business Administration (SBA) urging SBA to afford borrowers in the Paycheck Protection Program (PPP) a full and fair opportunity to secure a PPP loan or appeal an adverse decision.
- Joined comments filed with the Office of the Comptroller of the Currency (OCC) strongly objecting to a proposed rule that would legitimize “rent-a-bank” schemes.
- Joined a letter asking the U.S. Senate to provide parity in pandemic relief for all federal student loans, including privately held Federal Family Education Loan (FFEL) and Perkins loans.
- Joined comments filed with the Consumer Financial Protection Bureau (CFPB) urging the CFPB to reconsider a proposed rule on time-barred debt that does not adequately protect consumers.
- Joined comments filed with the Federal Communications Commission (FCC) about the importance of traceback technology for combatting unwanted and deceptive robocalls.
- Joined a letter to U.S. Housing and Urban Development urging the agency to ensure that older adults with reverse mortgages are given a fair opportunity to retain their homes during the pandemic.
- Joined a letter urging U.S. Treasury to reduce fees and address issues consumers were experiencing with the Economic Impact Payment cards (prepaid cards used to distribute COVID-19 stimulus funds).
- Joined comments filed with the Federal Trade Commission (FTC) urging the Commission to strengthen the funeral rule, which protects consumers purchasing pre-need funeral arrangements.
- Joined letters to Amazon, Ebay, and other major online retailers calling on them to be more proactive about stopping price gouging on their platforms during the pandemic.
- Oregon DOJ undertook many, many more such actions. Overall, the benefit to Oregonians—and to the general public—was substantial.

AGO Legislative Policy Team

We have much very important work ahead of us in 2021, including our policy advocacy role in the 2021 Legislative Session. 2020 marked the end of Aaron Knott's eight years with DOJ as our Legislative Director. His work (and work ethic!) is legendary and he is missed. But the new team, headed by Kimberly McCullough, is hitting the ground running.

Administrative Services Division (ASD)

With COVID-19 and the sudden transition to working from home, 2020 was an especially busy and challenging year for the administration of DOJ. Headed by Division Administrator, Marc Williams, ASD is responsible for leading the delivery of all business services, including information technology, accounting, operations and human resources. The team works closely with department leaders in formulating policy, facilitating decision-making processes, determining projects, and setting and managing priorities.

ASD Operations

- Procured and tracked all PPE items for DOJ facilities, ensuring all essential staff working in DOJ offices during the pandemic had adequate supplies throughout the year. Assembled ready-to-go, start-up PPE supplies for each facility in preparation for when re-entry occurs.
- Ensured each DOJ facility was cleaned regularly according to CDC COVID-19 cleaning standards for high touch areas.
- Ensured COVID-19 signage and instructions were posted in all general building areas, and installed plexiglass sneeze-guard barriers in certain offices.
- Upgraded HVAC filters to MERV-13 (ASHRAE and the CDC recommend MERV-13 filters to reduce virus transmission) in most DOJ facilities.
- Digitized ASD procurement processes to 95%.

ASD Fiscal Services

- Met FY2020 Year-End reporting deadlines with minimal onsite staffing.
- Automated a number of paper-reliant processes to remote and paperless methods for staff who predominantly work remotely.

Human Resources

- Created a FMLA/OFLA COVID-19 response team to handle pandemic-related matters, including support for the AG's DOJ-wide Face Covering Policy and COVID-19 Health Screening Tool.
- Adapted and implemented state and federal safety protocols and procedures for COVID-19 across the agency.

Information Services

The COVID-19 pandemic required a primarily on-site workforce to go fully remote within a matter of days and weeks. Under the leadership of Chief Information Officer, Richard Rylander, our IS Team rose to the occasion with flying colors in 2020, making possible a remarkably smooth transition from working in offices all over the state to working from home.

To support this substantial transition, IS successfully:

- Increased system capacity to support DOJ's 1,300-plus employees working remotely;
- Built and set up over 250 laptop and 525 desktop computers for remote work;
- Rolled out Microsoft Teams for DOJ employees to stay connected during COVID-19; and
- Upgraded all of DOJ to Office 365 productivity software.

The IS Team's work would be the envy of other same-sized—and larger—organizations.

Appellate Division

Within days of the Governor's first stay-at-home orders, the Appellate Division, under the leadership of Solicitor General Ben Gutman and Deputy Solicitor General Paul Smith, was able to modify job duties and processes to make it possible for almost everyone to work from home, including working collaboratively with the Oregon and federal courts to shift all appellate oral arguments to video. The Appellate Division had a remarkable record in a series of important cases. Among them:

Elkhorn Baptist Church v. Brown (Oregon Supreme Court)

- The Baker County Circuit Court preliminarily enjoined Governor Brown's stay-at-home order on the ground that her emergency powers are limited to 28 days. Appellate filed a mandamus petition with the Supreme Court on the same day and obtained a stay, and then followed with full briefing. The Supreme Court unanimously vacated the preliminary injunction. This was likely the fastest mandamus petition Appellate has ever filed. More important for Oregonians, it succeeded.

People Not Politicians v. Clarno (9th Cir. and SCOTUS)

- The federal district court ordered the Secretary of State to place an initiative on the ballot even though its sponsors had obtained less than half of the required signatures, on the theory that the signature requirement was unconstitutional during the COVID-19 pandemic. We immediately appealed and sought a stay. When the Ninth Circuit declined to do so immediately, we petitioned the U.S. Supreme Court, which granted a stay by a 7-2 vote. The Ninth Circuit expedited the appeal, but ultimately concluded that the stay mooted the case.

Oregon AFSCME Council 75 v. OJD (Oregon Court of Appeals)

- The Employment Relations Board (ERB) certified a bargaining unit in Oregon Judicial Department (OJD), which runs our state courts. The bargaining unit consisted solely of

OJD employees in Yamhill County. This would have created real practical problems for OJD in managing its workforce statewide. In a lengthy opinion, the Court of Appeals reversed ERB, and the Supreme Court denied review.

Linn County v. Brown (Oregon Supreme Court)

- The Supreme Court upheld the constitutionality of Oregon’s paid sick leave law against a serious challenge mounted by several counties. Potentially at stake was the constitutionality of the increase to Oregon’s minimum wage.

James v. State (Oregon Supreme Court)

- The Supreme Court upheld the constitutionality of the recent amendments to the PERS statutes.

Mooney v. OHA (Oregon Court of Appeals)

- The Court of Appeals denied emergency motions to stay OHA’s face-covering guidance. The case involved several issues, including whether OHA can change its guidance without promulgating a rule. The Appellate Commissioner issued a lengthy order denying a stay, and the Chief Judge denied reconsideration. The underlying case remains pending, and the guidance has been updated but remains in place.

Multnomah County v. Mehrwein (Oregon Supreme Court)

- The Supreme Court overruled a free-speech precedent and upheld part of Multnomah County’s campaign-finance law. The state of Oregon was not a party, but we filed an amicus brief on behalf of Governor Brown advocating for the approach the court took; the court quoted our brief in its opinion.

Ramos v. Louisiana Implications

- Appellate quickly digested the U.S. Supreme Court’s decision in *Ramos v. Louisiana* and provided rapid, accurate advice to prosecutors around the state. We also worked with Office of Public Defense Services (OPDS) and Oregon appellate courts to identify and categorize cases for appropriate dispositions post-*Ramos*, and teamed up with our Trial Division to categorize post-conviction relief and habeas cases post-*Ramos*.

Division of Child Support (DCS)

The Oregon Child Support Program and DCS, under the leadership of Director Kate Richardson and Deputy Director Dawn Marquardt, were successful in responding to the COVID-19 pandemic quickly and incorporating several communication tools to assist child support customers and staff. Because the pandemic brought increased and urgent need for child support services, these efforts were essential for supporting Oregon’s families.

In 2020, the Oregon Child Support program:

- Served 141,157 of Oregon’s children;

- Distributed nearly one million dollars every business day in child support to Oregon families;
- All of this was accomplished while getting 400 of 505 division employees (79% of the DCS workforce) working remotely at least part-time—many full-time.

New Communication Tools Developed

- Implemented COVID-19 websites with clear and comprehensive information.
- Implemented COVID-19 intranet pages.
- Created email campaign to customers.
- Created COVID-19 Task Force.

ORIGIN System

- 2020 marked ORIGIN’s (the new child support system) first full year as a federally certified system. Thanks to ORIGIN’s modern architecture, the Oregon Child Support Program was able to continue to provide its valuable services throughout the pandemic.
- DCS implemented a new, enhanced online account service to help Oregonians and customers dealing with the pandemic, unemployment, wildfires, changes to school and work environments, and more.
- DCS developed and started implementing a marketing strategy to get more customers signed up and using their online accounts.
- Given the sophistication and complexity of the new ORIGIN system and the challenges governments often experience when implementing new computer systems, this was a special achievement.

Case Highlight

- In August, the Oregon Child Support Program received a tip concerning a parent who owed \$50,000 in past-due support to both the other parent and to the state. The tip said the parent had inherited a house. Case Managers worked together through many obstacles to place a lien on the property and were able to secure a check for \$38,704.05. The family received \$16,704.05, which covered the arrears they were owed. The remaining \$21,725 was applied to the debt to the state.

Civil Enforcement Division

Consumer Protection Outreach and Education (in partnership with the Director of Consumer Outreach and Education, Ellen Klem, and the AGO)

- 31,868 total calls were received by DOJ’s Consumer Protection Hotline in 2020.
- DOJ was able to return nearly \$650,000 in refunds to consumers who filed complaints in 2020.
- Our enforcement officers came to the rescue to help the Consumer Hotline stay afloat. Staff went from a team of nearly 30 volunteers (who are mostly seniors who need to be in the office to take and answer calls) to only six people handling everything—without losing a single day of Hotline service!

- Produced numerous Consumer Protection flyers for the general public, with topics including how to avoid and report price gouging, COVID-19 and wildfire scams, and IT security breaches while working remotely.
- 14 presentations were made to the public, with a focus on older adults, legal aid recipients, and tribal members.
- Consumer Protection conducted numerous tele-town-hall events that reached up to 200 attendees at a time, with AG Rosenblum presenting.
- 14 scam alerts were issued—concerning wildfire scams, imposter contact tracers, and other COVID-19 testing and vaccination scams.
- Find consumer protection materials here: <https://www.doj.state.or.us/consumer-protection/sales-scams-fraud/consumer-protection-materials-order-form/>

Consumer Protection and Financial Fraud Section

Multi-State Case Settlement Highlights

Santander

- Oregon helped lead a 34-state investigation into one of the nation’s largest subprime auto lenders. Santander exposed consumers to high levels of risk and knowingly placed thousands of consumers into loans with a high probability of default. As a result of this investigation, Santander agreed to reform its practices and to pay \$550 million to the states, including \$65 million in restitution and \$45 million in loan forgiveness. Oregon received \$585,285, including more than \$481,000 in restitution to be distributed to 2,000 Oregon residents.

Honda

- Oregon helped lead a 48-state investigation into Honda’s concealment of safety issues due to defects in the frontal airbag systems of certain Honda and Acura vehicles sold in the United States beginning in 2001. As a result of the investigation, Honda agreed to reform its practices and to pay \$85 million to the states, including \$2.4 million to Oregon.

Nationstar

- Oregon helped lead a 50-state investigation into a mortgage servicing company’s violations of various consumer protection laws and its failure to properly manage loan modifications and third-party foreclosure services. As a result of the investigation, Nationstar agreed to reform its practices and pay \$86.3 million to the states, including \$79 million in restitution. Over 400 Oregon consumers will receive \$479,849 in restitution from the settlement.

Apple

- Oregon participated in a 30-state investigation of Apple’s intentional throttling of older iPhones to encourage consumers to buy new models. As a result of the investigation, Apple agreed to reform its practices and to pay \$113 million to states, including \$1.76 million to Oregon.

ITT (PEAKS Trust)

- Oregon secured \$1.6 million in debt relief for former ITT Tech students in Oregon as part of a joint settlement between the PEAKS Trust, 48 states, and the Consumer Financial Protection Bureau (CFPB).

JUUL

- In February, our Consumer Protection Section publicly announced that Oregon is one of the leadership states of a 39-state investigation into deceptive marketing and sales practices of vaping products by JUUL Labs—including whether the company targeted youths and made misleading claims about the nicotine content in its devices.

Oregon-Specific Case Highlights

Johnson & Johnson

- As a result of our investigation, Johnson & Johnson and a subsidiary agreed to a \$5.5 million settlement for deceptively marketing transvaginal surgical mesh devices. As part of the agreement we negotiated, \$3.5 million of the settlement has been distributed to non-profit medical clinics that provide health care to women in Oregon.

Burgerville

- As a result of our joint investigation with the Washington Attorney General’s office into a yearlong data breach that resulted in the compromise of five million credit card numbers, Burgerville agreed to reform its data security practices and to pay \$150,000 to Oregon for penalties and costs. (A portion of this will be suspended if Burgerville fully complies.)

COVID-Related Investigations and Settlements

Price-Gouging Response

- At AG Rosenblum’s request, the Governor declared an abnormal disruption of the market due to the COVID-19 pandemic, activating Oregon’s price gouging law. We launched a price-gouging hotline and investigated over 1,000 complaints of potential price gouging online and in stores. While many stores immediately reduced prices or agreed to comply, we also sent cease-and-desist letters to 36 merchants and entered into formal settlement agreements with several others.
- In September, we launched investigations into innkeepers who raised room rates to unconscionably excessive prices after wildfires forced many Oregon residents to flee their homes. This succeeded in tamping down the practice.

Apple and Google (Contact Tracing)

- Oregon led a bipartisan coalition of 39 Attorneys General calling upon Apple and Google to ensure that contact-tracing and exposure-notification apps adequately protect consumers’ personal information. The letter resulted in a meeting with high-level representatives of the companies and assurances that the protections would be enhanced.

EF Tours

- An operator of educational travel programs in the U.S. and abroad failed to make adequate refunds after COVID-related restrictions forced travel cancellations, harming 2,000 Oregon consumers. As a result of our investigation, the company agreed to substantially increase the amount of refunds, to clearly and conspicuously disclose cancellation policies in the future, and to pay \$15,000 in penalties and costs. (These penalties and costs will be suspended if the company fully complies for three years.)

Plaid Pantry and 7-11

- Both convenience store chains sold face masks at excessive prices under the price gouging law. As a result of our investigations, the companies either reduced their price or stopped selling masks. Each agreed to pay \$21,500 in penalties and costs.

Heirloom Organics

- An Oregon company made false and misleading representations about its “pandemic kits,” including that the kits were recommended or approved by the Occupational Safety and Health Administration, Centers for Disease Control and Prevention, and World Health Organization. As a result of our investigation, the company stopped selling the kits and donated PPE to the Oregon Health Authority.

Live Action Safety

- A Eugene-based online merchant sold masks and hand sanitizer at excessive prices under the price gouging law. As a result of our investigation, Live Action Safety will refund \$7,886 to consumers who overpaid, will donate \$12,650 worth of hand sanitizer and 3,400 hospital gowns to the Lane County Public Health Department and the Asante Foundation, and will pay \$7,500 to the State for costs.

Unsubstantiated COVID-19 Health Claims

- In April, we issued an emergency consumer protection rule to prohibit sellers from making unsubstantiated claims that their products prevent, treat, cure or mitigate COVID-19. After the Federal Trade Commission sent cease-and-desist letters to five companies operating in Oregon concerning their unsubstantiated health claims, we investigated and entered into settlements with each company.

Antitrust Enforcement Unit

Google and Facebook

- We joined forces with a multistate coalition of state AGs to wield antitrust law against the titans of technology.
- On December 9, 2020, 48 Attorneys General, including Oregon, filed a lawsuit alleging that Facebook unlawfully maintained its monopoly in the Personal Social Networking Services market.

- Likewise, 38 Attorneys General, including Oregon, filed suit against Google on December 17, 2020, alleging that Google illegally maintained its monopoly over search and search advertising.

Child Advocacy Section (CHAS)

The protection of Oregon’s children, especially during the pandemic, is a critical priority at DOJ. Every day we go to court (be it virtual or in person) to ensure our kids are in safe hands. This Section—CHAS—handles all child abuse and neglect cases throughout the state. CHAS lawyers represent the Oregon Department of Human Services (DHS) child welfare caseworkers in juvenile dependency matters, ranging from status hearings to multi-day contested trials.

Highlights

- After March, we learned how to adjust our work due to the pandemic, requiring incredible amounts of flexibility, cooperation, creativity and positivity—all in the name of ensuring we could assist our client to keep children safe and families connected.
- We continued work on achieving statewide consistency to assist our client and the court to correct regional differences and to provide families with the same support and services statewide.
- On-boarded a significant number of new attorneys and legal support team employees in six offices across the state.
- Developed formalized training for attorneys and support staff; created a list of mentor AAGs; and provided numerous manager-led and peer-to-peer training sessions and conferences.
- Worked cooperatively and frequently with external child welfare partners, including the Oregon Judicial Department, providing legal assistance and information to ensure that our attorneys, staff, and client could prepare for court proceedings by video or telephone, often without physical files and with challenging technology issues.

Wildlife/Environmental Crimes Unit

- In 2020, we wrapped up the multi-county, multi-defendant poaching ring case based out of Wasco County (*Haynes, Dills, et al*). The last defendant pled guilty in February.
- Obtained the first conviction under an Oregon law that prohibits possession, sale, trade, or distribution of shark fins.
- Anti-Poaching Policy: Proponent and stakeholder in the state-wide anti-poaching campaign with Oregon Department of Fish and Wildlife (ODFW) and Oregon State Police (OSP). Worked with various legislators and their offices, and participated in radio and media interviews regarding the campaign.
- Cultural Resources Policy: Agency representative in the Government-to-Government Culture Cluster workgroup and the Governor’s Taskforce on Tribal Cultural Items.

Crime Victim and Survivor Services Division (CVSSD)

CVSSD, led by Director Shannon Sivell, highlights AG Rosenblum's focus on protecting crime victims and survivors with an emphasis on domestic violence, sexual assault, and human trafficking. CVSSD helps victims and survivors cover crime-related costs, protects victims' and survivors' rights, and helps fund local service providers. Through advisory committees and partnerships, CVSSD shapes best practices statewide and brings a diverse collection of voices together with a single goal: to serve victims and survivors effectively and compassionately.

CVSSD by the Numbers

- 5,300: The average number of victims' compensation claims processed each year.
- 2,200: The average number of pieces of mail the Address Confidentiality Program handles each month.
- 152: The number of victim services agencies receiving grant funding from CVSSD.

Human Trafficking Intervention Program

- In 2020, the Human Trafficking Intervention Program grew by leaps and bounds, including expanding funding for two new trafficking intervention task forces, bringing our total to 15 task forces covering 19 counties. We hired a new Trafficking Intervention Specialist to support these grants and task forces.
- We began working on statewide crisis and non-crisis response protocols and will pilot them with four taskforces (Klamath, Lane, Lincoln, and Mid-Columbia which comprises Hood River, Wasco, Sherman, Gilliam, and Wheeler counties).
- In partnership with SATF, DOJ drafted the Human Trafficking 101 training that will be included in the general curriculum for DPSST.

Joint Efforts by CVSSD and Civil Rights Unit (CRU, led by Civil Rights Director, Fay Stetz-Waters, and the AGO)

Summer 2020 Community Conversations

- In July and August of 2020, DOJ's CVSSD and CRU held twelve online community conversations with members of demographic groups historically discriminated against, excluded, and currently impacted by ongoing inequity.
- AG Rosenblum welcomed each session and DOJ staff facilitated these sessions for the following communities:
 - LGBTIQ2S+
 - Religious Minority
 - Latinx
 - Black/African American
 - Asian and Pacific Islander
 - Undocumented/Migrant Farm Worker
 - Houseless/Mental Illness/Addictions
 - American Indian/Alaska Native

- Deaf and Hard of Hearing
- Disabilities
- Refugee/Immigrant Communities
- The conversations focused on topics including access, voice, justice, profiling, institutional racism and discrimination, implicit bias, and explicit hate.
- Over 1,000 people attended. They engaged in conversations to help DOJ better understand the needs and challenges of these communities, as well as the barriers they face when interacting with DOJ and DOJ-funded programs, and to improve programs and services to meet individual needs more effectively.
- Thirteen themes were published in a comprehensive report: [Summer 2020 Community Conversations Summary Report: Opening Pathways to Justice and Improving Support for Populations Impacted by Inequity](#). They are intended to push longstanding injustices toward equity. The report also outlines nine action items for DOJ.

Hate Crimes and Bias Incidents Response Hotline Launched

- In January, CRU launched the Hate Crimes and Bias Incidents Response Hotline (BRH) pursuant to SB 577 Section 8.
- Led by Bias Response Coordinator Johanna Costa, BRH is dedicated to assisting victims, witnesses, and other reporters of bias crimes and incidents, and offers a victim-centered, trauma informed, culturally responsive space to receive crisis support, assistance with safety planning, referrals to community agencies for ongoing support, and options for further reporting and investigation.
- BRH is available online at [StandAgainstHate.Oregon.gov](https://standagainsthate.oregon.gov) and at 1-844-924-BIAS (2427), 711 for Oregon Relay.
- As of December 15, 2020, the hotline had received 1,069 statewide reports of bias and hate. Reports to the BRH in 2020 were largely race-based bias, overwhelmingly targeting victims who identify as Black and/or African American. Micro-trends included bias against Asian and Pacific Islanders early during the COVID-19 pandemic, a massive spike in hate crimes specifically against Black and/or African Americans in June, and a significant uptick in reporting through DOJ points of contact in late fall.
- BRH shares its data with the Oregon Criminal Justice Commission (CJC) monthly. In July, the CJC issued its first [SB 577 2019 Report](#) based largely on the BRH data.
- In early September, the CJC began issuing a [monthly data dashboard](#) of hotline bias reports.

Civil Rights Unit (CRU)

Hate Crimes and Bias Incidents Steering Committee

- The Hate Crimes and Bias Incidents Steering Committee continues to meet monthly to set goals and priorities for the BRH, give guidance on hotline initiatives, and advise the BRH on community needs and concerns.

Law Enforcement Bias Response Toolkit

- In June, the BRH issued the [Law Enforcement Bias Response Toolkit](#) to all police chiefs, sheriffs, district attorneys, county counsel, and federally-funded victim service programs through the Victims of Crime Act. The toolkit now serves as a hallmark resource for law enforcement's response to bias victims.
- The Bias Response kit contains seven tools—including a Law Enforcement Supplemental Report Form (to supplement a narrative report, guiding law enforcement through a bias investigation, including tracking targeted class(es), identifying evidence, and tracking bias indicators) and a Bias Response Law Enforcement Pocket Card—a reminder card for law enforcement with a scannable QR code that connects to our website to help respond on scene at a bias incident or bias crime.

COVID-19 Resources for Immigrants and Refugees

- In June, CRU developed, vetted, and published a [resource guide for immigrants and refugees](#) on our bias response victim services webpage. The guide includes over eighty community agencies, government departments, as well as mutual aid organizations providing social service, health, legal, and other crisis services to immigrants and refugees needing assistance during the COVID-19 pandemic.

ODOJ Agency-Wide Transgender Continuing Legal Education Seminars

- Civil Rights Director Fay Stetz-Waters worked with DOJ's CLE committee and Basic Rights Oregon to present two trainings for DOJ employees to improve their understanding of working with transgender clients and colleagues, and advance legal issues and practices for transgender Oregonians.

Criminal Justice Division (CJ)

The Criminal Justice Division, led by Chief Counsel Michael Slauson and Deputy Chief Counsel Stephanie Tuttle, provides high level investigative, trial, training, and legal advice to support Oregon's District Attorney and law enforcement agencies. Each year CJ handles hundreds of criminal cases across the state. CJ also has jurisdiction over organized crime, public corruption, and elections fraud cases. When there is a vacancy in a District Attorney's office, we are usually asked to fill in until a replacement is appointed by the Governor. In 2020, we temporarily oversaw the Wasco County DA's office and Lincoln County DA's office. Here are some examples of CJ's work and accomplishments in 2020:

Financial Crimes: The Roman Motors Case

- This long and complex case involves multiple jurisdictions and a wide variety of money laundering and tax evasion schemes. It is being prosecuted in two counties—tax evasion in Marion County, fraud in Clackamas County. The CJ Financial Crimes Team has done exceptional work on this case, highlighting the high level of expertise needed to investigate and prosecute complex financial crimes across jurisdictional lines as well as the benefit of having well-trained agents, prosecutors, and analysts assigned to such cases.

The Regional Information Sharing and Exchange (RISE) Podcast

- AAG Colin Benson and ASAC Brian Prevett launched a series of training podcasts to reach law enforcement and prosecutors across the state to provide timely training in a relaxed and easily accessible manner in response to the restrictions of COVID-19. Run through the Oregon District Attorney Resource Network (ODARN) website, it has increased website traffic and reached a larger audience than traditional in-person RISE training.

COVID Response

- The Oregon TITAN Fusion Center (OTFC) supported, and continues to support, the COVID-19 pandemic response and recovery efforts as part of DOJ's role in the State Emergency Coordination Center (ECC) through dissemination of public safety and officer safety information, managing the State's critical infrastructure protection efforts related to the pandemic, and participating in COVID-19 vaccination planning efforts to support the Oregon Health Authority (OHA).

Summer Protests

- The OTFC, by way of the Urban Area Security Initiative (UASI) partnership (UASI Analyst), continues to provide analytical services for certain felony cases in support of the Multnomah County Sheriff's Office, Portland Police Bureau, and the Multnomah County District Attorney's Office. CJ is also investigating use of force by officers during protest activity.

Drug Trafficking

- The Oregon/Idaho High Intensity Drug Trafficking Area (HIDTA) program Investigative Support Center (ISC) is supporting a large multi-state drug trafficking case, providing key analytical contributions for search warrants and arrests in Oregon and Idaho. This is an ongoing investigation, but CJ has already received praise from our partner states regarding Oregon's contribution and support.

Watch Center

- The Oregon Watch Center (WC) staff provide support to local, state, and federal law enforcement, and CJ is often provided positive feedback on its efforts to "go above and beyond." This year one of our analysts was providing a criminal workup for a partner agency whose investigator had limited knowledge of human trafficking, so the WC analyst began providing partner contacts to pursue. The investigator used those contacts to partner with other Oregon agencies to enhance the case, while providing victim's services and other related resources.

Voter Fraud

- The Organized Crime team, with the support of one ICAC and one DA-Assist Special Agent, put together an undercover operation in less than eight hours. We identified, contacted (undercover via phone), and coordinated a meet to purchase an Oregon

voter's ballot that the suspect offered for sale via the app *OfferUp*. The suspect was arrested that night and has been charged with a felony.

Wiretaps

- The Organized Crime team has supported two very successful wiretaps since June of 2020: one in Madrid/Redmond/Bend; the other in Grants Pass. As a result, a total of 17 suspects have been arrested and more than 20 firearms seized from violent career criminals.

Internet Crimes Against Children (ICAC)

- In addition to following up on thousands of cybertips regarding internet crimes against children, the team also investigates cases. One was a Wallowa County investigation that included search warrants and resulted in two victims being identified and saved from further sexual abuse.

Elder Abuse

- In 2020, the Elder Abuse Team responded to 86 requests for assistance from law enforcement and community partners and supported the state's MDTs (multi-disciplinary teams) through the COVID-19 pandemic. On top of those efforts and their casework, the team developed and distributed 10,000 fliers in several languages for Meals on Wheels to distribute to their workers and meal recipients regarding COVID-19 scams. The fliers were also distributed to all LEAs and fire departments in the state for publication on their websites.

General Counsel Division (GC)

The General Counsel Division provides legal advice and guidance to state government. In addition to their usual work, General Counsel lawyers, led by Chief Counsel Renee Stineman, answered several hundred complex legal questions posed by client agencies, the Governor's Office and the Legislature—many of them novel and urgent—that arose because of the COVID-19 pandemic, unprecedented wildfires, and protests and demonstrations in Portland.

Government Services

- Advised the Governor's Office and Oregon State Police during the series of protests in the Portland Metro Area, helping both to ensure public safety and to protect individuals' civil rights.

Tax and Finance

- Provided swift advice and creative legal solutions to help the State distribute over \$1 billion in emergency federal Coronavirus Relief Funds to Oregonians suffering economic hardship related to the COVID-19 pandemic.
- Advised Oregon Department of Revenue (DOR) in implementing the new Corporate Activity Tax which supports schools. The Section provided over 30 pieces of significant

advice, plus advice and drafting assistance on dozens of rules, legislation, and other support, on this new set of laws to assist DOR in standing up the new tax program in less than a year. By comparison, Ohio was given five years to implement a similar tax program.

Business Transactions

- Provided legal services to help state agencies obtain and distribute urgently needed and scarce Personal Protective Equipment (PPE). The section also negotiated a rush warehouse lease to store \$30 million worth of PPE, so that necessary supplies would be available to first responders and other essential personnel.
- Working with Tax and Finance, aided in development and implementation of the Emergency Check Program, providing rapid cash payments to Oregonians in need.
- Provided advice in support of the Rose Quarter project.

Natural Resources

- Working with Business Transactions, assisted the State with the agreement to remove the Klamath Dam.

Labor and Employment

- Helped in statewide implementation of COVID-related leave laws and bargaining agreement provisions.

Health and Human Services

- Working with Labor and Employment, advised state agencies working to support safe workplaces for all public and private employees during the pandemic, COVID-19 vaccine rollout, and the safe reopening of schools.

Business Activities

- Helped ensure professionals—such as health care workers—could obtain and maintain critical licensing during COVID-19 restrictions.
- Supported agency enforcement of the Governor’s Executive Orders.
- Assisted in the development of risk-based wildfire mitigation plans.

Trial Division

The Trial Division, led by Chief Trial Counsel Steve Lippold and Deputy Chief Trial Counsel Sheila Potter, defends the State of Oregon and its employees and officers against civil lawsuits filed in state and federal court. 2020 was a year in which everyone had to scramble to set up home offices and new routines; to learn new software; to learn how to handle hearings and trials remotely (all while attending to children in school at home, not to mention the pets that suddenly needed attention right when the judge was talking!); and to try to stay healthy while the very air tried to sicken us. On top of these difficult circumstances, the Trial Division’s lawyers and staff managed to keep up with an absolutely back-breaking increase in cases.

Civil Litigation Section (CLS)

- Since the spring, CLS has received more than 300 new state Habeas Corpus cases filed by adults in custody challenging their confinement due to the risk of COVID-19 within Oregon Department of Corrections (ODOC) institutions. We usually get 60 or so over the course of an entire year.
- CLS created a new litigation team dedicated to these cases, staffed with lawyers, paralegals, and secretaries. The ability to respond to such an unpredictable situation is a testament to the section's flexibility and teamwork.

Criminal and Collateral Remedies (CCR)

- In the spring, the U.S. Supreme Court held that non-unanimous jury verdicts were unconstitutional. As Oregon was one of the two states that had allowed felony convictions by non-unanimous juries, CCR has since been handling hundreds of new cases challenging past convictions on a variety of theories stemming from the *Ramos v. Louisiana* decision.

Special Litigation Trial Unit (SLU)

- In addition to managing its usual caseload of constitutional challenges, environmental cases, litigation over water rights in Klamath County, and a variety of class actions, SLU, with the help of the AG Office and others, also spent much of 2020 (and the three years before) suing the federal government over a variety of abuses visited upon the state and its people, while also defending a near-constant stream of challenges to the Governor's Executive Orders designed to keep COVID-19 under control in Oregon.
- Those challenges always come with motions for Temporary Restraining Orders, so every new complaint has to be absorbed immediately, with a team assigned to appear in court within one to three days, in order to keep the State's health measures in place.

In closing, it was not possible to include all of the achievements of DOJ lawyers and staff in this report. Even if not included, please know your extraordinary efforts in this challenging year are most appreciated. Whatever your specific role at DOJ is, you are part of our "DOJ family" and everything we do is a team effort.

**Many thanks for the incredible work achieved by all
at the Oregon Department of Justice in 2020!**

Appendix: Office of the Attorney General Federal Multistate Lawsuits (2017-2020)

Administration

1. *California, Minnesota, and Oregon v. Donald Trump*
 - Filed April 4, 2019
 - Challenging “2-for-1” Executive Order

Civil Rights

2. *Pennsylvania, et al. v. DeVos*
 - Filed June 4, 2020
 - Challenging U.S. DOE rules establishing discipline standards for sexual misconduct under Title IX
3. *Rosenblum v. Donald Trump*
 - Filed July 17, 2020
 - Federal policing of Portland protests
4. *New York, et al. v. Donald Trump*
 - Filed July 24, 2020
 - Challenging plan to disregard undocumented census respondents from apportionment calculations
5. *Washington, et al. v. Donald Trump*
 - Filed August 18, 2020
 - U.S. Postal Service changes slowing mail delivery

Consumer Protection

6. *Bauer, et al. v. U.S. Dept. of Education*
 - Filed July 6, 2017
 - Deceptive loans by for-profit colleges to be forgiven
7. *Maryland, et al. v. U.S. Dept. of Education*
 - Filed October 17, 2017
 - Failure to implement rule requiring for-profit colleges help students find jobs
8. *New York, et al. v. FCC*
 - Filed January 16, 2018
 - Net neutrality
9. *New York, et al. v. U.S. Dept. of Labor*
 - Filed July 26, 2018
 - Challenging new “Association Health Plans” rule which could contribute to undermining the ACA through fraud
10. *New York, et al. v. SEC*
 - Filed September 19, 2019
 - Challenging SEC “Best Interest” rule, which dilutes the standard of care owed by securities brokers

Environmental Actions

11. *California, et al. v. U.S. Dept. of Energy*
 - Filed June 13, 2017
 - U.S. DOE’s failure to publish energy efficiency standards

12. *California, et al. v. U.S. Dept. of Transportation*
 - Filed September 20, 2017
 - Challenging U.S. DOT's unlawful delay of greenhouse gas performance measures
13. *California, et al. v. EPA*
 - Filed December 5, 2017
 - U.S. EPA's failure to issue NAAQS attainment designations
14. *New York, et al. v. EPA*
 - Filed February 6, 2018
 - Challenging U.S. EPA's unlawful delay of 2016 Waters of the United States Rule
15. *New York, et al. v. EPA*
 - Filed April 5, 2018
 - Challenging U.S. EPA's failure to regulate methane emissions
16. *California, et al. v. EPA*
 - Filed May 31, 2018
 - U.S. EPA's failure to implement landfill methane regulations
17. *New York, et al. v. U.S. Dept. of the Interior*
 - Filed September 5, 2018
 - Challenging the weakening of the Migratory Bird Treaty Act
18. *New York, et al. v. Donald Trump, et al.*
 - Filed February 18, 2019
 - Challenging the diversion of funding for border wall construction
19. *California, et al. v. EPA*
 - Filed June 28, 2019
 - U.S. EPA's refusal to strengthen asbestos reporting requirements
20. *New York, et al. v. National Highway Traffic Safety Administration, et al.*
 - Filed August 2, 2019
 - Penalty reductions for heavily polluting vehicles
21. *California, et al. v. U.S. Dept. of Transportation*
 - Filed September 20, 2019
 - Challenging the withdrawal of California's auto emissions authority
22. *Massachusetts, et al. v. U.S. Dept. of the Interior, et al.*
 - Filed September 24, 2019
 - Defend against Endanger Species Act rollbacks
23. *New York, et al. v. EPA, et al.*
 - Filed December 20, 2019
 - Challenging the repeal of 2015 Waters of the United States Rule
24. *California, et al. v. EPA, et al.*
 - Filed May 1, 2020
 - Challenging narrowed Waters of the United States Rule
25. *New York, et al. v. EPA*
 - Filed May 13, 2020
 - Challenging U.S. EPA non-enforcement policy during COVID-19 crisis
26. *California, et al. v. EPA*

- Filed July 21, 2020
 - Defending states' authority under the Clean Water Act
27. *California, et al. v. Council on Environmental Quality*
- Filed August 28, 2020
 - Challenging weakening National Environmental Policy Act regulations
28. *Washington, et al. v. U.S. Dept. of the Interior*
- Filed September 9, 2020
 - Protect the Arctic National Wildlife Refuge from oil and gas drilling
29. *New York, et al. v. U.S. Dept. of Energy*
- Filed November 9, 2020
 - U.S. DOE's failure to review and update energy efficiency standards

Firearms

30. *Washington, et al. v. Donald Trump*
- Filed July 30, 2018
 - Deregulation of 3D-printed gun files

Health Care

31. *California, et al. v. Azar*
- Filed December 20, 2018
 - ACA's contraceptive mandate exception for religious and moral objections
32. *Texas, et al. v. U.S.*
- Filed February 26, 2018
 - Challenging ACA in light of tax penalty of \$0
33. *Oregon, et al. v. Azar*
- Filed March 5, 2019
 - Title X "Gag Rule"
34. *New York, et al. v. DHHS*
- Filed May 21, 2019
 - Challenging rule expanding health providers to refuse care due to "conscience"
35. *District of Columbia, et al. v. U.S. Dept. of Agriculture*
- Filed January 16, 2020
 - Challenging rule restricting states' ability to waive food stamp work requirements
36. *California, et al. v. Azar*
- Filed February 11, 2020
 - Challenging rule requiring separate billing for insurance that covers abortion as a supplement to Medicaid
37. *New York v. HHS*
- Filed July 20, 2020
 - Challenging rule authorizing insurers to discriminate against transgendered individuals

Immigration

38. *Washington, et al. v. Donald Trump*
- Filed January 30, 2017; Amended complaint including Oregon filed March 13, 2017
 - Travel ban
39. *New York, et al. v. Donald Trump*

- Filed September 6, 2017
 - DACA program discontinuation
40. *Massachusetts, et al. v. DHS/ICE*
- Filed October 17, 2017
 - Disclosure of ICE/Homeland Security records
41. *New York, et al. v. Ross*
- Filed April 4, 2018
 - Addition of citizenship question to Census
42. *Washington, et al. v. Donald Trump*
- Filed June 26, 2018
 - Family separation
43. *Oregon, et al. v. Barr, Trump*
- Filed November 9, 2018
 - Imposition of immigration related conditions on U.S. DOJ grants
44. *California, et al. v. Trump*
- Filed February 18, 2019
 - Challenging military funds for the border wall
45. *California, et al. v. Macaleenan*
- Filed August 26, 2019
 - Family separation
46. *California, et al. v. DHS*
- Filed August 16, 2019
 - Challenging revised “public charge” rule
47. *Alabama v. Dept. of Commerce*
- Alabama filed May 21, 2018; Oregon motion to intervene granted September 9, 2019
 - Defended against Alabama asking “illegal immigrants” not be counted in 2020 Census
48. *Massachusetts, et al. v. DHS*
- Filed July 13, 2020
 - Challenging U.S. DHS policy to revoke visas of international students attending virtual school during COVID-19 crisis

Labor

49. *California, et al. v. Azar*
- Filed May 13, 2019
 - Challenging rule barring payment of union dues from home care provider Medicaid reimbursements
50. *New York, et al. v. U.S. Dept of Labor, et al.*
- Filed February 26, 2020
 - Challenging rule making it more difficult for employers to be found liable as “joint employers”

— END OF REPORT —

DOJ Budgeted Vacancies as of 03/01/2021

PPDB #	Classification/Worker Title	DCR	Division	Program/Location	Fund Type	FTE	Months Vacant	Notes
0105002	Fiscal Analyst 2	13700-010-01-00-00000	Admin - OAG	Budget Services	OF	1.00	10	Partial use for Bob Schiewe for technical assistance.
7504061	Assistant Attorney General	13700-010-01-00-00000	Admin - OAG	Office of the AG	OF	1.00	10	Honors Attorney position - recruitment will be in the fall
7504067	Assistant Attorney General	13700-010-01-00-00000	Admin - OAG	Honors Attorney Program	OF	1.00	1	Honors Attorney position - recruitment will be in the fall
7504059	Assistant Attorney General	13700-010-01-00-00000	Admin - OAG	Honors Attorney Program	OF	1.00	1	Honors Attorney position - recruitment will be in the fall
5234031	Criminal Investigator	13700-010-01-00-00000	Admin - OAG	Office of the AG	GF	1.00	N/A	funding for position was moved to Criminal Justice for the rest of the biennium
5618003	Internal Auditor 3	13700-010-01-00-00000	Admin - OAG	Office of the AG	OF	1.00	5	Funding was effective Jan 1, 2020. On hold due to pandemic and return to office.
9993051	Principal Executive/Manager F	13700-010-01-00-00000	Administration	Administration	OF	1.00	6	Currently in recruitment
1322002	Human Resource Analyst 3	13700-010-01-00-00000	Administration	Human Resources	OF	1.00	13	Held for vacancy savings until June 30.
0212003	Accounting Technician 3	13700-010-01-00-00000	Administration	Payroll Classification Recruitment	OF	1.00	1	Currently in recruitment
1423001	Operations & Policy Analyst 3	13700-010-01-00-00000	Administration	Information Services - Admin	OF	1.00	1	Currently in recruitment
0872012	Operations & Policy Analyst 3	13700-010-01-00-00000	Administration	Human Resources	OF	1.00	20	Currently in recruitment
9993054	Senior Assistant Attorney General	13700-020-01-00-00000	Appellate	AIC - Civil & Administrative Appeals	OF	1.00	15	Filled; Stacy Chaffin, started 2/1/2021
0104088	Office Specialist 1	13700-020-01-00-00000	Appellate	Support Administration	OF	1.00	19	Currently paid for Tyler Sorenson, a Student Office Worker, LD Part time
0104011	Support Services Supervisor 1	13700-020-01-00-00000	Appellate	Support Administration	OF	1.00	19	Currently recruiting; REQ-36262
0014005	Legal Secretary	13700-020-01-00-00000	Appellate	Support Administration	OF	1.00	10	Currently filled by Alison Washburn - not a vacant position
7012003	Senior Assistant Attorney General	13700-030-01-01-00000	Civil Enforcement Division	Salem Child Advocacy	OF	1.00	1	Recent vacancy, currently recruiting; REQ-58338
0010077	Principal Executive/Manager A	13700-030-01-01-00000	Civil Enforcement Division	CHAS Support Administration	OF	1.00	1	Filled; Anthony Rivers to start 03/17/21
7505177	Assistant Attorney General	13700-030-01-01-00000	Civil Enforcement Division	Eugene Child Advocacy	OF	1.00	2	Recent vacancy, currently recruiting; REQ-58342
0010067	Legal Secretary	13700-030-01-01-00000	Civil Enforcement Division	Portland CHAS Support	OF	1.00	1	Reference check and background in process; REQ-56174
0014015	Investigator 3	13700-030-01-01-00000	Civil Enforcement Division	Salem Child Advocacy	OF	1.00	6	Pending recruitment
7504055	Assistant Attorney General	13700-030-01-01-00000	Civil Enforcement Division	Salem Child Advocacy	OF	1.00	N/A	Recent vacancy; currently recruiting; REQ-58340
0103172	Office Specialist 1	13700-030-01-01-00000	Civil Enforcement Division	Eugene CHAS Support	OF	1.00	15	Filled by Lily Elston 03/02/2021
0103176	Office Specialist 1	13700-030-01-01-00000	Civil Enforcement Division	Medford CHAS Support	OF	1.00	3	Filled; Michelle Flanagan to start 03/17/21
0103170	Office Specialist 1	13700-030-01-01-00000	Civil Enforcement Division	Portland CHAS Support	OF	1.00	2	Currently recruiting; REQ-54079
0103171	Office Specialist 1	13700-030-01-01-00000	Civil Enforcement Division	Medford CHAS Support	OF	1.00	2	Filled; Aunika Lawrence to start 03/17/21
1524122	Paralegal	13700-030-01-01-00000	Civil Enforcement Division	Medford CHAS Support	OF	1.00	N/A	Currently recruiting; REQ-51976
1524001	Paralegal	13700-030-01-02-00000	Civil Enforcement Division	Financial Fraud / Consumer Protection	OF	1.00	13	This is being reclassified to an AAG position. We are currently recruiting for 3 AAG positions and this is one of the 3 (along with 999200 and 7504036)
0107023	Administrative Specialist 1	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	5	Plan to recruit 4/21
9992008	Senior Assistant Attorney General	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	17	Currently recruiting (package of 3 - along with 7504036 and 1524001)
7505231	Senior Assistant Attorney General	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	16	Plan to open recruitment 3/21
7504036	Assistant Attorney General	13700-030-01-02-00000	Civil Enforcement Division	Financial Fraud / Consumer Protection	OF	1.00	2	Currently recruiting (package of 3 along with 1524001 and 9992008)
0014006	Legal Secretary	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	11	Currently recruiting
0011001	Legal Secretary	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	3	Will recruit once we fill 0014006 (may fill at same time if 2 good candidates)
1036008	Principal Executive/Manager D	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	N/A	Plan to fill as PEM H (AIC)
0110060	Legal Secretary	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	4	Currently Recruiting
1524099	Paralegal	13700-030-01-02-00000	Civil Enforcement Division	Civil Recovery	OF	1.00	20	Plan to fill as OPA2, open recruitment 3/21
0010002	Public Service Representative 4	13700-030-03-01-00000	Civil Enforcement Division	Financial Fraud / Consumer Protection Staff	OF	1.00	13	Currently recruiting
0008001	Public Service Representative 2	13700-030-03-01-00000	Civil Enforcement Division	Financial Fraud / Consumer Protection Staff	OF	1.00	3	Plan to recruit 5/21
0009003	Office Specialist 2	13700-030-03-01-00000	Civil Enforcement Division	Financial Fraud / Consumer Protection Staff	OF	1.00	25	Transferring to AG Office
5235001	Financial Investigator 1	13700-030-03-01-00000	Civil Enforcement Division	Financial Fraud / Consumer Protection Staff	OF	1.00	20	Plan to fill as OPA4, open recruitment 4/21
7505010	Senior Assistant Attorney General	13700-030-03-03-00000	Civil Enforcement Division	Medicaid Fraud - Administration	25%OF 75%FF	1.00	10	Plan to recruit 5/21
1031004	Investigator 3	13700-030-03-03-00000	Civil Enforcement Division	Medicaid Fraud Investigations	25%OF 75%FF	1.00	18	Recruitment ongoing
5201001	Research Analyst 3	13700-030-03-03-00000	Civil Enforcement Division	Medicaid Fraud Investigations	25%OF 75%FF	1.00	20	Recruitment ongoing
0531005	Legal Secretary	13700-040-01-00-00000	Criminal Justice	Support Administration	OF	1.00	11	We have been actively recruiting this position for a long time. Possibly due to COVID, we have been unsuccessful finding a well-qualified candidate to accept the position. We are currently on our fourth recruitment. This vacancy has caused serious strain on the division.
7505215	Senior Assistant Attorney General	13700-040-04-01-00000	Criminal Justice	Deputy Chief Counsel	GF	1.00	2	This is the elder abuse prosecutor position that was recently vacated by retirement. We have finished recruitment and filled this position.
0033010	Criminal Investigator	13700-040-04-01-00000	Criminal Justice	Organized Crime	OF	1.00	2	This position was vacated when the assigned agent transferred to a different assignment. It has only been vacant two months. We are in active recruitment and have been doing interviews this week.
7505208	Senior Assistant Attorney General	13700-040-04-01-00000	Criminal Justice	Deputy Chief Counsel	GF	1.00	5	This is the position Amy Seely used to be in before she was moved to the ELV prosecutor spot. We are almost at the end of the recruitment and expect to make an offer in the next week or so.
1488001	Research Analyst 4	13700-040-04-05-00000	Criminal Justice	HIDTA ISC	OF	1.00	4	This is the position that was vacated when Julie Sutton passed away. We recently received permission from HIDTA to fill it (even though it was already in the current budget they would not let us fill it without approval). We are recruiting now.
1485008	Information Systems Specialist 7	13700-040-04-05-00000	Criminal Justice	Fusion/Watch Center	OF	1.00	4	This is a HIDTA-funded Watch Center analyst position (RA1). (They used to fund it as an ISS7, but pulled that money several years ago.) We have not received permission from HIDTA to recruit and HIDTA is no longer giving us funding for the position going forward. POP 261 requests GF to continue this position.
1482010	Information Systems Specialist 2	13700-045-05-00-00000	Crime Victims & Survivors Services	Grants Section	FF	0.88	20	Filled one year ago by Cecilia Lucero who is now working out of class. Reclass just approved.
0862010	Program Analyst 3	13700-045-05-00-00000	Crime Victims & Survivors Services	Administration	FF	0.88	9	Currently interviewing candidates.
0108016	Administrative Specialist 2	13700-045-05-00-00000	Crime Victims & Survivors Services	Grants Section	FF	0.88	20	Currently interviewing candidates.
0862015	Program Analyst 3	13700-045-05-00-00000	Crime Victims & Survivors Services	Grants Section	FF	0.42	2	Limited Duration position.
5234081	Criminal Investigator	13700-045-05-00-00000	Crime Victims & Survivors Services	Grants Section	FF	0.42	8	Interviews completed. Offer letter being issued.
5923006	Administrative Specialist 2	13700-045-06-00-00000	Crime Victims & Survivors Services	Revenue Section	GF	1.00	4	Employee working out of class.
5111002	Revenue Agent 3	13700-045-06-00-00000	Crime Victims & Survivors Services	Revenue Section	OF	1.00	6	Vacant and do not plan to fill this position.
0104002	Administrative Specialist 2	13700-045-06-00-00000	Crime Victims & Survivors Services	Compensation	OF	1.00	8	Just promoted Julia Rodriguez to this position.
0010099	Legal Secretary	13700-050-01-00-00000	General Counsel	Support Administration	OF	1.00	2	In recruitment - requisition # 60126
7505009	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Health & Human Services	OF	1.00	9	Offer pending AG signing off on hiring memo. Req # 53048
9993018	Principal Executive/Manager H	13700-050-01-00-00000	General Counsel	Deputy Administration	OF	1.00	2	Offer pending AG signing off on hiring memo. Req # 55428.
1031002	Paralegal	13700-050-01-00-00000	General Counsel	Support Administration	OF	1.00	10	Interviews scheduled - Req # 57744
9992017	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Business Transactions	OF	1.00	9	Offer pending AG signing off on hiring memo. Req # 51727.
9994032	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Government Services	OF	1.00	2	Under recruitment - requisition # 60111.
0013055	Office Specialist 1	13700-050-01-00-00000	General Counsel	Support Administration	OF	1.00	11	Under recruitment - requisition # 60127
7505030	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Government Services	OF	1.00	5	Under recruitment - requisition # 60114
9993001	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Business Activities	OF	1.00	12	Offer pending AG signing off on hiring memo. Req # 55987 (1 of 2).
7504717	Assistant Attorney General	13700-050-01-00-00000	General Counsel	Tax & Finance	OF	1.00	2	Moving to BAS - requisition # 55987 (2 of 2).
0010021	Office Specialist 2	13700-050-01-00-00000	General Counsel	Support Administration	OF	0.76	N/A	Under recruitment - requisition # 60123.
9994038	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Business Transactions	OF	1.00	6	Under recruitment - requisition # 60117
0104019	Support Services Supervisor 2	13700-050-01-00-00000	General Counsel	Administration	OF	1.00	N/A	
7504795	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Tax & Finance	OF	0.75	16	Offer pending AG signing off on hiring memo. Req # 23822.
1524107	Paralegal	13700-050-01-00-00000	General Counsel	Support Administration	OF	0.88	20	Employee working out of class.
0110063	Legal Secretary	13700-050-01-00-00000	General Counsel	Support Administration	OF	0.88	3	GSS conducting interviews. Req # 54475.
0110064	Legal Secretary	13700-050-01-00-00000	General Counsel	Support Administration	OF	0.88	2	New vacancy
1524108	Paralegal	13700-050-01-00-00000	General Counsel	Support Administration	OF	0.88	20	Need to move Shari Clark from unbudgeted position to this position.
7504772	Assistant Attorney General	13700-050-01-00-00000	General Counsel	Tax & Finance	OF	0.88	20	Filled
1524121	Paralegal	13700-050-01-00-00000	General Counsel	Support Administration	OF	0.42	N/A	In recruitment - requisition # 59439
0110080	Legal Secretary	13700-050-01-00-00000	General Counsel	Tax & Finance	OF	0.42	20	BAS conducting interviews. Req # 54475
7504768	Assistant Attorney General	13700-050-01-00-00000	General Counsel	Tax & Finance	OF	1.00	20	Filled

7505232	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Labor & Employment	OF	1.00	10	Offer pending AG signing off on hiring memo. Req # 51724.
7505280	Senior Assistant Attorney General	13700-050-01-00-00000	General Counsel	Business Transactions	OF	0.42	6	Under recruitment - requisition # 60120
7504810	Assistant Attorney General	13700-050-01-00-00000	General Counsel	Business Transactions	OF	0.42	6	Under recruitment - requisition # 60119
7505083	Senior Assistant Attorney General	13700-060-01-00-00000	Trial	Civil Litigation	OF	1.00	4	Filled; Eliot Thompson, start 3/15/21
0103132	Office Specialist 1	13700-060-01-00-00000	Trial	Support Administration	OF	1.00	16	Required vacancy to fund variances between actual & budgeted position salaries
1524008	Paralegal	13700-060-01-00-00000	Trial	Paralegals	OF	1.00	10	Required vacancy to fund variances between actual & budgeted position salaries
0103064	Office Specialist 1	13700-060-01-00-00000	Trial	Portland Trial Support	OF	1.00	7	Required vacancy to fund variances between actual & budgeted position salaries
9994013	Principal Executive/Manager H	13700-060-01-00-00000	Trial	Paralegals	OF	1.00	16	Required vacancy to fund variances between actual & budgeted position salaries
1036007	DOJ Supervisor Investigator	13700-060-01-00-00000	Trial	Administration	OF	1.00	10	Required vacancy to fund variances between actual & budgeted position salaries
1524097	Paralegal	13700-060-01-00-00000	Trial	Criminal & Collateral Remedies Litigation	OF	1.00	20	Required vacancy to fund variances between actual & budgeted position salaries
5130190	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Albany	34%GF 66%FF	1.00	18	Open/Active Recruitment in Albany
0033008	Principal Executive/Manager F	13700-160-01-00-00000	Division of Child Support	Director's Office	34%GF 66%FF	1.00	10	Position is for Karen Coleman to return to on 4/1/2021 when Origin project funding ends.
5130205	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	Case Intake	22% OF 66%FF 12%GF	1.00	1	Vacant - Recruitment process started. May not yet show in Workday.
1409001	Information Systems Specialist 7	13700-160-01-00-00000	Division of Child Support	Technology Services	14.7%GF 4.5% OF 80.8%FF	1.00	2	Vacant - Recruitment process started. May not yet show in Workday.
8888011	Child Support Specialist	13700-160-01-00-00000	Division of Child Support	Policy Team	34%GF 66%FF	1.00	1	Vacant - plan to recruit by May.
8888040	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Financial Services	34%GF 66%FF	0.94	12	Position no longer needed in Recepting. Division evaluating business processes to determine where and what classifications are needed going forward.
0010005	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Financial Services	34%GF 66%FF	1.00	13	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
5130157	Child Support Specialist	13700-160-01-00-00000	Division of Child Support	DCS - Gresham	34%GF 66%FF	1.00	6	Vacant - plan to transfer position to Business Services for unmet training needs.
8888065	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Special Collections	34%GF 66%FF	1.00	15	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
0033004	Information Systems Specialist 5	13700-160-01-00-00000	Division of Child Support	Technology Services - App/Dev	12%GF 22% OF 66%FF	1.00	11	Transferred employee on position as an underfill on 3/1/2021. Employee is completing article 125 plan for retraining as ISS6. Position was in reclass package submitted to be reclassified as ISS6.
0107006	Information Systems Specialist 6	13700-160-01-00-00000	Division of Child Support	Technology Services	34%GF 66%FF	1.00	11	Transferred employee onto position as an overfill as ISS6 on 3/1/2021. Employee completed Article 125 training plan for ISS6. Position was in reclass package submitted to be reclassified as an ISS6.
1407006	Information Systems Specialist 4	13700-160-01-00-00000	Division of Child Support	Business & Technical Services Chief	12%GF 22% OF 66%FF	1.00	11	Position was in reclass package submitted and rejected in December 2020. If reclass not approved as part of budget process, Division plans to resubmit in next biennium.
5130174	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Albany	22% OF 66%FF	1.00	9	Open/Active Recruitment in Albany
0104046	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	DCS - Eugene	34%GF 66%FF	1.00	16	Open/Active Recruitment
1411001	Principal Executive/Manager E	13700-160-01-00-00000	Division of Child Support	Information Services - Admin	12%GF 22% OF 66%FF	1.00	10	Open/Active Recruitment. DCS budgeted position for DCS work; working collaboratively with DOJ ASD Information Services.
8888016	Administrative Specialist 2	13700-160-01-00-00000	Division of Child Support	Child Attending School Team	12%GF 22% OF 66%FF	1.00	5	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position.
1407007	Information Systems Specialist 4	13700-160-01-00-00000	Division of Child Support	Technology Services - App/Dev	12%GF 22% OF 66%FF	1.00	12	Position in reclass package submitted to be abolished to fund steps for ISS positions in the package. If reclass package not approved as part of legislative session, Division will include resubmit in next biennium.
0010032	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Medford	34%GF 66%FF	1.00	9	Open/Active Recruitment in Medford.
5129034	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Medford	34%GF 66%FF	1.00	7	Open/Active Recruitment in Medford.
0103150	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	DCS - Roseburg - DOJ	34%OF 66%FF	1.00	2	Vacant - Recruitment process started. May not yet show in Workday.
8888079	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Financial Services	34%GF 66%FF	1.00	5	Position no longer needed in Recepting. Division evaluating business processes to determine where and what classifications are needed going forward.
7000101	Principal Executive/Manager A	13700-160-01-00-00000	Division of Child Support	DCS - Medford	34%GF 66%FF	1.00	1	Vacant - plan to fill after six month WOC.
8888127	Principal Executive/Manager B	13700-160-01-00-00000	Division of Child Support	DCS - Field Services	12%GF 22% OF 66%FF	1.00	6	Vacant - Plan to use position to fill insufficient management coverage in Albany or Eugene field office.
0272024	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Hillsboro	12%GF 22% OF 66%FF	1.00	14	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
5130044	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Hillsboro	22% OF 66%FF 12%GF	1.00	7	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
0004005	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Albany	34%GF 66%FF	1.00	6	Open/Active Recruitment in Albany
8888021	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	DCS - Albany	34%GF 66%FF	1.00	3	Vacant
5130218	Child Support Specialist	13700-160-01-00-00000	Division of Child Support	DCS - Oregon City	12%GF 22% OF 66%FF	1.00	1	Vacant - Recruitment process started. May not yet show in Workday.
5130165	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - South Salem	22% OF 66%FF 12%GF	1.00	17	Open/Active Recruitment in South Salem.
1406001	Information Systems Specialist 6	13700-160-01-00-00000	Division of Child Support	Technology Services - App/Dev	34%GF 66%FF	1.00	1	Vacant - Recruitment process started. May not yet show in Workday.
0281016	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Medford	34%GF 66%FF	1.00	17	Open/Active Recruitment in Medford
7044009	Principal Executive/Manager A	13700-160-01-00-00000	Division of Child Support	Employer Services	34%GF 66%FF	1.00	2	Vacant - need temporarily being met by WOC assignment. Intend to recruit by end of 2021.
7000100	Principal Executive/Manager B	13700-160-01-00-00000	Division of Child Support	Business Services	34%GF 66%FF	1.00	11	Vacant - Plan transfer position to Director's Office and reallocate the current PEMA to fill insufficient management coverage in Albany or Eugene field office.
8888115	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Eugene	12%GF 22% OF 66%FF	1.00	4	Open/Active Recruitment in Eugene
0103151	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	Case Intake	34%OF 66%FF	0.80	3	Open/Active Recruitment in Case Intake
8888077	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	Financial Services	12%GF 22% OF 66%FF	1.00	2	Vacant - Planned recruitment for 6/2021.
8888051	Child Support Specialist	13700-160-01-00-00000	Division of Child Support	Policy Team	34%GF 66%FF	1.00	3	Vacant - Recruitment process started. May not yet show in Workday.
5130213	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	Employer Services	12%GF 22% OF 66%FF	1.00	5	Open/Active Recruitment in Salem
5130040	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	DCS - Pendleton	22% OF 66%FF 12%GF	1.00	5	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
8888119	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Bend	22% OF 66%FF	1.00	3	Open/Active Recruitment in Bend
0103024	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	Case Intake	34%GF 66%FF	1.00	5	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
5130225	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	Employer Services	34%GF 66%FF	1.00	1	Vacant - Recruitment process started. May not yet show in Workday.
5129017	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	DCS - Oregon City	34%GF 66%FF	1.00	1	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).

0008023	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	DCS - Hillsboro	12%GF 22% OF 66%FF	1.00	24	Open/Active Recruitment
5130230	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	Field Services	12%GF 22% OF 66%FF	1.00	1	Open/Active Recruitment in Special Collections.
0103044	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	DCS - Albany	34%GF 66%FF 12%GF	1.00	14	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
8888017	Administrative Specialist 2	13700-160-01-00-00000	Division of Child Support	Child Attending School Team	22% OF 66%FF 12%GF	1.00	17	Open/Active Recruitment in Child Attending School
5130032	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	DCS - South Salem	22% OF 66%FF 12%GF	1.00	3	This position is being used to fund underfunded areas of the budget S&S (AAG costs & Indirect rate).
8888032	Accounting Technician 2	13700-160-01-00-00000	Division of Child Support	Reconciliation	34%GF 66%FF 12%GF	1.00	11	Position no longer needed in Reconciliation. Division evaluating business processes to determine where and what classifications are needed going forward.
5130209	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Bend	22% OF 66%FF 12%GF	1.00	7	Open/Active Recruitment in Bend
5129036	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	DCS - Pendleton	34%GF 66%FF 12%GF	1.00	1	Vacant - Recruitment process started. May not yet show in Workday.
0009015	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Reconciliation	34%GF 66%FF 12%GF	1.00	17	Position no longer needed in Reconciliation. Division evaluating business processes to determine where and what classifications are needed going forward.
0008047	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	DCS - North Salem	34%GF 66%FF 12%GF	1.00	8	Open/Active Recruitment in North Salem
0103122	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Financial Services	34%GF 66%FF 12%GF	1.00	13	Position no longer needed in Receipting. Division evaluating business processes to determine where and what classifications are needed going forward.
8888063	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Financial Services	22% OF 66%FF 12%GF	1.00	7	Position no longer needed in Receipting. Division evaluating business processes to determine where and what classifications are needed going forward.
0008076	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	DCS - Gresham	22% OF 66%FF 12%GF	1.00	8	OS1 position classification no longer needed in Gresham. Division evaluating business processes to determine where and what classifications are needed going forward.
8888048	Accounting Technician 2	13700-160-01-00-00000	Division of Child Support	Reconciliation	34%GF 66%FF 12%GF	1.00	17	Position no longer needed in Reconciliation. Division evaluating business processes to determine where and what classifications are needed going forward.
5130053	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Eugene	34%GF 66%FF 12%GF	1.00	8	Open/Active Recruitment in Eugene
5130003	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	DCS - Gresham	34%GF 66%FF 12%GF	1.00	15	OS1 position classification no longer needed in Gresham. Division evaluating business processes to determine where and what classifications are needed going forward.
0007015	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	DCS - Medford	34%GF 66%FF 12%GF	1.00	10	OS1 position classification no longer needed in Medford. Division evaluating business processes to determine where and what classifications are needed going forward.
0010089	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Hillsboro	22% OF 66%FF 12%GF	1.00	19	Open/Active Recruitment in Hillsboro
8888088	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Employer Services	34%GF 66%FF 12%GF	1.00	18	Position no longer needed in Employer Services. Division evaluating business processes to determine where and what classifications are needed going forward.
0013061	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	DCS - Pendleton	34%GF 66%FF 12%GF	1.00	6	Open/Active Recruitment in Pendleton
5130060	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	DCS - Bend	34%GF 66%FF 12%GF	1.00	4	Open/Active Recruitment in Bend
7022001	Student Office Worker	13700-160-01-00-00000	Division of Child Support	Constituent Services & Exec Support	22% OF 66%FF 34%GF	0.39	1	Vacant - holding position until office reopens to the public
0103035	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	DCS - Pendleton	34%GF 66%FF 12%GF	1.00	3	Open/Active Recruitment in Pendleton
0008002	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Employer Services	34%GF 66%FF 12%GF	1.00	11	Position no longer needed in Employer Services. Division evaluating business processes to determine where and what classifications are needed going forward.
1408002	Information Systems Specialist 6	13700-160-01-00-00000	Division of Child Support	Technology Services	22% OF 66%FF 12%GF	1.00	6	Open/Active Recruitment in CSTS
0008029	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	Case Intake	34%GF 66%FF 12%GF	1.00	3	Open/Active Recruitment in Case Intake
0008044	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Case Intake	22% OF 66%FF 34%GF	1.00	N/A	Position in reclass package submitted to reclass OS1 to OPA2 for Business Analyst team. If reclass not approved in legislative budget process, Division will resubmit in next biennium.
0008077	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Business & Technical Services Deputy Chief	34%GF 66%FF 12%GF	1.00	N/A	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position in overfill as OPA2. Position included in reclass package.
0008079	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	DCS - Central Mail	34%GF 66%FF 12%GF	1.00	10	Position no longer needed in Central Mail. Division evaluating business processes to determine where and what classifications are needed going forward.
0013048	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	DCS - Eugene	OF	1.00	N/A	OS1 position classification no longer needed in Eugene. Division evaluating business processes to determine where and what classifications are needed going forward.
0103013	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	DCS - South Salem	12%GF 22% OF 66%FF	1.00	4	Open/Active Recruitment in South Salem
1407003	Information Systems Specialist 3	13700-160-01-00-00000	Division of Child Support	Technology Services - App/DevJ	34%GF 66%FF 12%GF	1.00	12	Position in reclass package submitted to be abolished to fund steps for ISS positions in the package. If reclass package not approved as part of legislative session, Division will resubmit in next biennium.
5130062	Child Support Case Manager Entry	13700-160-01-00-00000	Division of Child Support	Employer Services	34%GF 66%FF 12%GF	1.00	3	Open/Active Recruitment in Employer Services
0103023	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Case Intake	34%GF 66%FF 12%GF	1.00	10	Position in reclass package submitted to be reclassified as OS2. If reclass not approved in legislative budget process, Division will resubmit in next biennium.
5130155	Child Support Case Manager	13700-160-01-00-00000	Division of Child Support	DCS - Eugene	22% OF 66%FF 34%GF	1.00	N/A	Vacant - Recruitment process started. May not yet show in Workday.
8888019	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Case Intake	34%GF 66%FF 12%GF	1.00	N/A	Position in reclass package submitted to be reclassified as OS2. If reclass not approved in legislative budget process, Division will resubmit in next biennium.
8888055	Accounting Technician 2	13700-160-01-00-00000	Division of Child Support	Reconciliation	34%GF 66%FF 12%GF	1.00	N/A	Position no longer needed in Reconciliation. Division evaluating business processes to determine where and what classifications are needed going forward.
0104052	Office Specialist 2	13700-160-01-00-00000	Division of Child Support	Case Intake	34%GF 66%FF 12%GF	1.00	6	Open/Active Recruitment in Case Intake
0103121	Office Specialist 1	13700-160-01-00-00000	Division of Child Support	Employer Services	34%GF 66%FF 12%GF	1.00	1	Position no longer needed in Employer Services. Division evaluating business processes to determine where and what classifications are needed going forward.
0856003	Project Manager 3	13700-160-01-00-00000	Division of Child Support	Project Management Office	34%GF 66%FF 34%GF	0.13	10	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position
0871027	Operations & Policy Analyst 2	13700-160-01-00-00000	Division of Child Support	DCS - Business Analysts - DOJ	34%GF 66%FF 34%GF	0.88	10	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position
0871028	Operations & Policy Analyst 2	13700-160-01-00-00000	Division of Child Support	DCS - Business Analysts - DOJ	34%GF 66%FF 34%GF	0.88	10	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position
0871029	Operations & Policy Analyst 2	13700-160-01-00-00000	Division of Child Support	DCS - Business Analysts - DOJ	34%GF 66%FF 34%GF	0.88	10	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position
1486015	Information Systems Specialist 6	13700-160-01-00-00000	Division of Child Support	Technology Services - App/DevJ	34%GF 66%FF 34%GF	0.88	1	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1487025	Information Systems Specialist 7	13700-160-01-00-00000	Division of Child Support	Technology Services - App/DevJ	34%GF 66%FF 34%GF	0.13	10	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position
1487024	Information Systems Specialist 7	13700-160-01-00-00000	Division of Child Support	Technology Services - App/DevJ	34%GF 66%FF 34%GF	0.13	10	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.

1487023	Information Systems Specialist 7	13700-160-01-00-00000	Division of Child Support	Technology Services - App/Devl	34%GF 66%FF	0.13	20	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position
1488014	Information Systems Specialist 8	13700-160-01-00-00000	Division of Child Support	Technology Services - App/Devl	34%GF 66%FF	0.13	10	Filled 3-1-2021, IT Project ending, Project personnel transferred to permanent position
1488013	Information Systems Specialist 8	13700-160-01-00-00000	Division of Child Support	Technology Services - App/Devl	34%GF 66%FF	0.13	10	Open/Active recruitment in CSTS.
0871026	Operations & Policy Analyst 2	13700-161-01-00-00000	Division of Child Support	DCS - Business Analysts - DOJ	15%GF 19% OF 66%FF	0.92	11	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
0870006	Operations & Policy Analyst 2	13700-161-01-00-00000	Division of Child Support	Project Management Office	15%GF 19% OF 66%FF	0.92	1	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
0872004	Operations & Policy Analyst 3	13700-161-01-00-00000	Division of Child Support	Business & Technical Services Chief	15%GF 19% OF 66%FF	0.88	12	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
7008004	Principal Executive/Manager E	13700-161-01-00-00000	Division of Child Support	Information Services - Admin	15%GF 19% OF 66%FF	0.92	1	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
7006011	Principal Executive/Manager D	13700-161-01-00-00000	Division of Child Support	Business & Technical Services Chief	15%GF 19% OF 66%FF	1.00	10	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1488007	Information Systems Specialist 8	13700-161-01-00-00000	Division of Child Support	Technology Services - App/Devl	15%GF 19% OF 66%FF	1.00	4	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1487015	Information Systems Specialist 7	13700-161-01-00-00000	Division of Child Support	Technology Services - App/Devl	15%GF 19% OF 66%FF	0.88	15	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
0107040	Administrative Specialist 2	13700-161-01-00-00000	Division of Child Support	DCS - Deputy Director - DOJ	15%GF 19% OF 66%FF	0.92	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1487013	Information Systems Specialist 4	13700-161-01-00-00000	Division of Child Support	Technology Services - App/Devl	15%GF 19% OF 66%FF	0.92	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1487014	Information Systems Specialist 7	13700-161-01-00-00000	Division of Child Support	Technology Services - App/Devl	15%GF 19% OF 66%FF	0.92	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
5129027	Child Support Case Manager	13700-161-01-00-00000	Division of Child Support	Business & Technical Services Chief	15%GF 19% OF 66%FF	0.92	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
0437001	Procurement & Contract Specialist 2	13700-161-01-00-00000	Division of Child Support	Business & Technical Services Chief	15%GF 19% OF 66%FF	0.50	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1244003	Fiscal Analyst 2	13700-161-01-00-00000	Division of Child Support	Deputy Director	15%GF 19% OF 66%FF	0.50	17	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
7010007	Principal Executive/Manager F	13700-161-01-00-00000	Division of Child Support	Business & Technical Services Chief	15%GF 19% OF 66%FF	0.92	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1488010	Information Systems Specialist 8	13700-161-01-00-00000	Division of Child Support	Technology Services - App/Devl	15%GF 19% OF 66%FF	0.88	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
1488011	Information Systems Specialist 8	13700-161-01-00-00000	Division of Child Support	Technology Services - App/Devl	15%GF 19% OF 66%FF	0.50	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.
7006012	Principal Executive/Manager D	13700-161-01-00-00000	Division of Child Support	Business & Technical Services Chief	15%GF 19% OF 66%FF	0.50	N/A	DCS IT Project - Limited Duration - Position ends 6/30/2021. Budget used for positions funded by the project.

DCR	Division of Child Support
13700-050-01-00-00000	General Counsel
13700-160-01-00-00000	Division of Child Support
13700-040-04-01-00000	Criminal Justice
13700-040-04-05-00000	Criminal Justice
13700-020-01-00-00000	Appellate
13700-010-01-00-00000	Administration
13700-030-01-02-00000	Civil Enforcement Division
13700-030-01-01-00000	Civil Enforcement Division
13700-030-03-01-00000	Civil Enforcement Division
13700-030-03-03-00000	Civil Enforcement Division
13700-040-01-00-00000	Criminal Justice
13700-045-05-00-00000	Crime Victims & Survivors Services
13700-045-06-00-00000	Crime Victims & Survivors Services
13700-060-01-00-00000	Trial
13700-161-01-00-00000	Division of Child Support
13700-030-01-00-00000	Civil Enforcement Division

UPDATED OTHER FUNDS ENDING BALANCES FOR THE 2019-21 & 2021-23 BIENNIA

Agency: **Department of Justice 13700**
 Contact Person (Name & Phone #): **Bill O'Donnell (503) 373-1535**

(a) Other Fund Type	(b) Program Area (SCR)	(c) Treasury Fund #/Name	(d) Category/Description	(e) Constitutional and/or Statutory reference	(f) 2019-21 Ending Balance		(g) 2021-23 Ending Balance		(j) Comments
					In LAB	Revised	In CSL	Revised	
Limited	010-00-00-00000	0401 Oregon State General Fund	Operations/Legal Services	ORS 180.180	17,890,774	1,965,472	34,294,472	6,965,472	2019-21 Revised Ending Balance: Represents 0.197 months of working capital. This is a conservative estimate and DOJ is monitoring the balance closely. This estimated balance reflects the repayment of a \$3.5 million loan obtained in September 2019 to provide sufficient working capital and the anticipated May 2021 sweep of \$2 million authorized by the August 2020 Special Legislative Session (HB 4304). 2021-23 Budget CSL ending balance assumes an approved legal rate that will generate at least \$5 million in working capital.
Limited	030-00-00-00000	0401 Oregon State General Fund	Operations/Charitable Trust /Reg Gaming	ORS 128.670 (9), 464,450	1,084,366	776,887	2,300,289	(11,420)	2019-21 Ending Balance: represents just under 3 months of working capital. By the end of 2021-23 the ending balance is projected to be at a negative balance. This is due in part because of the decreased revenue due to COVID and a \$2.3M sweep at the end of 19-21.
Limited	030-00-00-00000	0401 Oregon State General Fund	Operations/Consumer Protection & Education	ORS 180.095	17,538,068	45,476,572	25,892,809	32,191,902	2019-21 Ending Balance: represents 2.75 biennia of working capital and includes several extremely large and one-time settlements that are unlikely to occur in future biennia and a \$50.6M sweep to the General Fund. 2021-23 ending balance: represents 1.5 biennia of working capital. CP&E settlements are very volatile and it's unlikely to see another influx of revenue as in 17-19. The program needs the extra working capital to cover expenses when settlements are not coming in.
Limited	030-00-00-00000	0401 Oregon State General Fund	Operations/Medicaid Fraud	ORS 180.180	2,331,554	979,399	1,241	(773,078)	2019-21 Ending Balance: Represents less than 1 biennia of working capital. By the end of 2021-23 the ending balance is currently projected to go negative. \$800,000 is projected to be swept to the General Fund at the end of 2019-21. In past biennia, the program has collected one-time penalty awards from pharmaceutical companies. These types of cases encourage companies not to participate in fraud, so the department has seen less settlements and does not expect significant penalty income in the future. With the lack of General Fund and the non-recurring nature of recoveries, these funds will be needed to finance the unit in the future.
Limited	045-00-00-00000	0401 Oregon State General Fund	Operations/Crime Victims	ORS 147.225, 31.735	2,050,822	4,292,140	(3,327,517)	(3,327,517)	2019-21 Ending Balance: Revised balance reflects a \$1.6M punitive damages settlement received in May 2020. Revised 2021-23 CSL Balance represents a revenue shortfall. An 070 and backfill package were submitted at 2021-23 ARB. At least three years of working capital is desired because revenue comes from extremely uncertain punitive damages award settlements.
Limited	040-00-00-00000	0401 Oregon State General Fund	Operations/CJ	ORS 180.180	402,001	346,446	0	346,446	Reimbursement Account. Typically no ending balance.
Limited	160-00-00-00000	0401 Oregon State General Fund	Operations/DCS	ORS 180.180	1,793,624	500,000	1,729	1,729	19-21 LAB Ending Balance has been reduced and 21-23 Modified ARB CSL Ending Balance (including Revenue Shortfall package #070) is based on reduced revenues. The Program will be monitoring the ending balance and will manage with existing funds. Program recoveries of TANF have dropped significantly and projections have been adjusted accordingly.
Non-Limited	All	0882 DOJ Client Trust	Trust Fund	ORS 180.200					Not Included in ORBITS - Client \$
Limited	045-00-00-00000	0998 Child Abuse Multidis. Intervention Acct.	Operations	ORS 418.746	0	0	0	0	Estimated to tie to 2021-2 CSL. No ending balance estimated.
Non-Limited	160-00-00-00000	1065 Child Support Deposit Account	Other - Pass Through of Child Support Payments for Obligees	ORS 180.365, 25.725	na	na	na	na	Not Included in ORBITS - Client \$
Limited	045-00-00-00000	1123 Sexual Assault Victims Emergency Med Res	Operations	ORS 147.399	0	0	0	0	Program mainly funded by General Fund. No estimated ending balance.
Limited	030-00-00-00000	1151 Tobacco Enforcement Fund	Operations	ORS 180.205	(1,334,019)	794,639	424,961	23,334	2019-21 Ending Balance: represents slightly less than 1 biennia of working capital. 2021-23 Ending balance: represents about 3 months of working capital. Due to a high beginning balance in 2019-21, the program has sustained on that beginning balance without a revenue transfer from DAS for the 2019-21 biennium. \$500,000 is projected to be swept to the General Fund at the end of 2019-21. The transfer of revenue from DAS needed to run the program sometimes occurs around the 2nd or 3rd quarter of the biennium so a cash balance is needed to cover expenditures in the interim.
Limited	030-00-00-00000	1440 Foreclosure Avoidance Mediation Fund	Operations	ORS 86.705 to 86.795	1,175,556	860,837	110,119	(3,042)	2019-21 Ending Balance: represents about 4 months of working capital. By the end of 2021-23 the ending balance is currently projected to go negative. Due to COVID, the revenues for this program has decrease significantly. This program is volatile making it hard to project. It is possible (and increasingly likely) there will be decreased expenditures next biennium as demand slows resulting in improving the estimated 2021-23 ending balance. Even while revenue is decreasing, professional services expenditures are decreasing at a similar rate.
Limited	161-00-00-00000	0401 Oregon State General Fund	DCS Automated System		na	na	na	na	The Project is expected to end in 2021, therefore the ending balance is expected to be \$0.

Objective: Provide updated Other Funds ending balance information for potential use in the development of the 2021-23 legislatively adopted budget.

Instructions:

- Column (a): Select one of the following: Limited, Nonlimited, Capital Improvement, Capital Construction, Debt Service, or Debt Service Nonlimited.
- Column (b): Select the appropriate Summary Cross Reference number and name from those included in the 2019-21 Legislatively Approved Budget. If this changed from previous structures, please note the change in Comments (Column (j)).
- Column (c): Select the appropriate, statutorily established Treasury Fund name and account number where fund balance resides. If the official fund or account name is different than the commonly used reference, please include the working title of the fund or account in Column (j).
- Column (d): Select one of the following: Operations, Trust Fund, Grant Fund, Investment Pool, Loan Program, or Other. If "Other", please specify. If "Operations", in Comments (Column (j)), specify the number of months the reserve covers, the methodology used to determine the reserve amount, and the minimum need for cash flow purposes.
- Column (e): List the Constitutional, Federal, or Statutory references that establishes or limits the use of the funds.
- Columns (f) and (h): Use the appropriate, audited amount from the 2019-21 Legislatively Approved Budget and the 2019-21 Current Service Level at the Agency Request Budget level.
- Columns (g) and (i): Provide updated ending balances based on revised expenditure patterns or revenue trends. Do not include adjustments for reduction options that have been submitted unless the options have already been implemented as part of the 2019-21 General Fund approved budget or otherwise incorporated in the 2019-21 LAB. The revised column (i) can be used for the balances included in the Governor's budget if available at the time of submittal. Provide a description of revisions in Comments (Column (j)).
- Column (j): Please note any reasons for significant changes in balances previously reported during the 2019 session.

Additional Materials: If the revised ending balances (Columns (g) or (i)) reflect a variance greater than 5% or \$50,000 from the amounts included in the LAB (Columns (f) or (h)), attach supporting memo or spreadsheet to detail the revised forecast.



Secretary of State **Oregon Audits Division**



Department of Justice

DOJ Should Strengthen Performance Management to Optimize Contract Review Services

June 2020
Report 2020-22

Secretary of State Bev Clarno
Audits Division Director Kip Memmott



Executive Summary

Why This Audit is Important

- » The Department of Justice (DOJ) General Counsel Division is the state's primary source for legal services, such as providing legal advice, drafting and reviewing contracts, and representing agencies in administrative proceedings and specialized litigation.
- » The division's mission is to deliver superior quality, timely, and cost-effective legal services that advance the objectives of state government in service to the people of Oregon.
- » State law requires a legal review of all public contracts over \$150,000, unless the contract is otherwise exempt from review.
- » An external legal review of contracts helps mitigate risk to the state of Oregon.
- » According to DOJ, in 2019 the General Counsel Division received 4,729 contracts for legal review.
- » Nearly all state agencies pay DOJ directly on an hourly basis for legal services.

Department of Justice DOJ Should Strengthen Performance Management to Optimize Contract Review Services

What We Found

1. Overall, client agencies indicated they are generally satisfied with the contract review services they receive from DOJ's General Counsel Division.
2. Although the division has policies and procedures establishing standards and requirements for quality legal services, division leadership could do more to consistently monitor the performance of section attorneys to ensure performance expectations are being met.
3. The division has limited processes in place to measure, assess, and potentially enhance contract review timeliness and cost-effectiveness. In addition, inaccurate and unreliable case management data undermines the division's ability to analyze workforce data.
4. The division should adopt a formal performance management strategy to measure and continually assess the cost-effectiveness of contract review services. This strategy should include metrics, such as using data to track attorney workload and more efficiently manage capacity.
5. DOJ's hourly billing approach and inaccurate invoices have negative impacts on clients. DOJ is proposing a change from an hourly funding model to a flat fee assessment. However, several logistical and financial details have yet to be resolved.

What We Recommend

Our report includes 17 recommendations to DOJ intended to improve contract review services for state agencies.

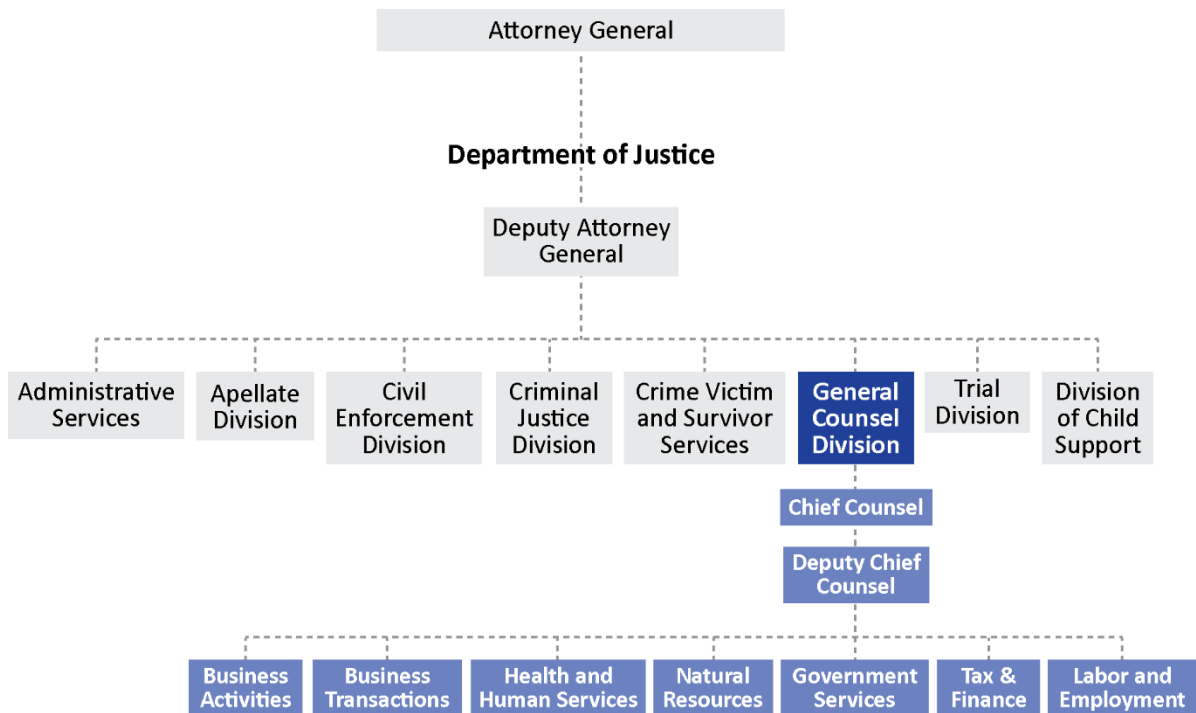
DOJ agreed with all of our recommendations. The agency's full response can be found at the end of the report.

Introduction

The State of Oregon contracts for millions of dollars in services each year. These services include implementing complicated information technology systems, improving campgrounds, building bridges, and providing mental health services for vulnerable adults. Each of these contracts contains some element of risk to the state. For example, if a contract's statement of work is not clear, the agency may not receive services as expected, or those services may be subpar.

The Department of Justice (DOJ) General Counsel Division serves a pivotal role in the public contracting process. Attorneys in the division help client agencies mitigate risks by providing legal advice and reviewing contracts. State law requires all agencies to send contracts exceeding \$150,000 to DOJ for legal review and approval.¹

DOJ is funded by a variety of sources. The state General Fund accounts for 18% of the agency's budget, which is devoted to the Child Support program and other public safety programs and services. Other funds account for 54% of the budget and are comprised largely of fees charged to agencies for providing legal services. Federal funds make up about 29% of the agency budget and include the federal share of the Child Support and Medicaid Fraud programs and crime victims' grants. The General Counsel Division relies entirely on billing agencies for legal services, including contract reviews, for its funding.



The purpose of this audit was to determine how the General Counsel Division can optimize contract review services to better meet client agencies' expectations of timely, cost-effective, and responsive service delivery. We did not determine the quality of DOJ's review of contracts; instead, we looked at how DOJ ensures its attorneys are providing quality legal review. Though we were able to assess relevant policies and procedures, our work was incomplete because DOJ did not provide some information we needed for this review in a timely manner. This impairment is discussed further in the scope and methodology section. A second objective was

¹ Oregon Revised Statute 291.047 states that all public contracts over \$75,000 must be approved by the Attorney General. In 2015, through the administrative rule process, DOJ raised the threshold to \$150,000.

to determine whether DOJ has taken the necessary and appropriate actions to prepare for a potential transition to a new funding model.

Oregon’s legal function is consolidated within DOJ

DOJ is organized and managed as a single law firm representing a single client: the State of Oregon. An elected Attorney General heads the department and acts as chief law officer for the state. The department employs about 1,400 individuals statewide and has a biennial budget of approximately \$650 million.

In Oregon, nearly all legal advice and representation to state government is consolidated within DOJ.² According to a 2018 report DOJ delivered to the Legislature regarding legal service delivery models, the consolidated model has many benefits. Most importantly, DOJ leadership says this model ensures “a consistent approach to legal issues, independent of any particular agency or officer.”

DOJ has nine divisions that serve different legal and justice functions. These divisions include the General Counsel Division, the Administrative Services Division, the Appellate Division, the Child Support Division, the Civil Enforcement Division, the Crime Victim and Survivor Services Division, the Criminal Justice Division, the Trial Division and the Office of the Attorney General. This audit focused on the role of the General Counsel Division in delivering contract review services.

The General Counsel Division provides day-to-day legal services to all state agencies

The General Counsel Division provides a full range of essential legal services to state officials, agencies, boards, and commissions. These services include providing legal advice, drafting and reviewing contracts, and representing client agencies in administrative proceedings and other litigation. Each client agency is assigned a contact counsel; for larger agencies with multiple divisions, an attorney may be assigned to each division. The attorney must be knowledgeable about the agency’s legal authority and serves as the agency’s primary point of contact within DOJ.

The division’s stated mission is “to deliver superior quality, timely, cost-effective legal services that advance the objectives of state government.” The Chief Counsel leads the division of nearly 145 employees, including attorneys, legal assistants, paralegals, law clerks, and other support staff. The division’s legislatively adopted budget for the 2019-21 biennium, which comes entirely from hourly billing of client agencies, tops \$66 million.

The division is divided into seven different practice sections, some organized based on the type of service being provided, and others organized as more general practice areas. All seven sections of the General Counsel Division are led by an Attorney-in-Charge who splits their time between managing the section and providing legal services directly to state agencies. Four of the sections are supported by an assistant Attorney-in-Charge. Four sections — the Business Transactions, Government Services, Tax & Finance, and Health & Human Services sections — are primarily responsible for providing contract review services to state agencies, although all sections play a role in providing legal services to the state.

² There are instances when representation is provided through Special Assistant Attorneys General, typically on a case-by-case basis, but sometimes for extended periods for specific clients. For example, through an interagency agreement, the Department of Treasury has three in-house Special Assistant Attorneys General, though their scope of work is limited to overseeing complex financial transactions related to Treasury’s large investment portfolio. All other legal matters are referred to DOJ. The Governor’s Office also employs three in-house lawyers, but also receives legal services from the General Counsel Division.

Attorneys in the **Business Transactions Section** work with state agencies on contract development and review in the areas of design and construction, real property, intellectual property, information technology, health insurance, and procurement. In addition to working with state agencies, the Business Transactions section assists other attorneys within DOJ on business transactions and contractual matters.

Unique to the Business Transactions Section are the practice law chairs — leaders of the sub-groups within the section. The five practice law chairs help coordinate work within their specific practice: real property, design and construction, information technology, general business, and intellectual property.

The **Government Services Section** provides legal advice, contract review, and litigation representation to a wide range of state agencies, including the Secretary of State, the Oregon Department of Transportation, the Department of Corrections, the Oregon Youth Authority, the Oregon State Police, the Oregon Liquor Control Commission, the Higher Education Coordinating Commission, and the Oregon Department of Education.

The **Natural Resources Section** provides legal advice and contract review services to the state's natural resource and environmental agencies.

Attorneys in the **Business Activities Section** represent roughly 50 of Oregon's professional and occupational licensing and regulatory agencies. In addition to providing those agencies and boards with legal advice, attorneys in this section represent and advise agencies and boards in regulatory and administrative enforcement proceedings, but do not generally perform contract review.

The **Tax and Finance Section** performs contract review for all agencies' grant agreements, provides advice to Oregon's finance and tax administration agencies, and represents clients in administrative hearings and in tax-related litigation. Section attorneys advise state agencies on complex financial transactions, including investments and borrowing, as well as affordable housing projects. The section's attorneys also advise and represent the agencies that administer Oregon's retirement system and public employee benefits.

The **Health and Human Services Section** provides advice, contract review, and litigation representation to state agencies in the areas of health, human services, and child care.

The **Labor and Employment Section** serves as the legal counsel for all state agencies, as well as quasi-independent boards and commissions and the Legislature, on labor and employment issues related to state government. The section advises and trains its client agencies on labor and employment law and represents them in labor arbitrations and in administrative hearings and proceedings.

DOJ operates under an hourly billing model, similar to a private law firm

Under state statute,³ DOJ may charge client agencies, boards, and commissions directly for time spent providing services. This hourly billing model accounts for a third of DOJ's total revenue. The hourly rate for services is set each biennium through the legislative process. Figure 1 shows the rate dating back to the 2009-11 biennium.

The rate is calculated by dividing the total projected biennial legal service costs by the projected number of billable hours from clients anticipated for the next biennium. The rates are assigned

³ ORS 180.160

in the end of the session omnibus budget bill. Attorneys, paralegals, and law clerks bill different rates. Each attorney bills in six-minute increments.

Figure 1: Hourly legal rates have increased over time

	2009-11	2011-13	2013-15	2015-17	2017-19	2019-21
Assistant Attorney General	\$137	\$143	\$159	\$175	\$182	\$214
Investigators	\$108	\$108	\$108	\$116	\$125	\$126
Paralegals	\$77	\$79	\$79	\$90	\$91	\$98
Law Clerks	\$39	\$39	\$52	\$55	\$55	\$55
Clerical	\$45	\$47	\$47	\$47	\$49	\$49

Each agency receives a monthly invoice to be paid within 30 days of receipt. Questions on invoices, bill reconciliations, and employee absences can delay payment. However, the majority of client agencies pay on time; in 2018, 84% of state agencies paid their bill within 30 days.

Client agencies spend considerable amounts of money on legal services each year. Each agency's legal budget is allocated as part of the legislative budget process. Unexpected increases in legal expenses, such as for representation in a lawsuit, can result in a meeting before the Legislative Emergency Board for additional funds.

Figure 2: Eleven agencies spend over \$1 million yearly on legal services

	2016	2017	2018	2019
DOJ	\$ 18,763,911.69	\$ 17,937,595.95	\$ 19,093,119.25	\$ 17,850,753.37
DHS	\$ 18,461,898.02	\$ 17,664,100.81	\$ 19,666,944.30	\$ 24,109,021.09
DAS	\$ 9,543,900.45	\$ 9,175,442.10	\$ 8,975,783.14	\$ 8,406,844.90
ODOT	\$ 4,040,657.02	\$ 3,855,998.67	\$ 4,048,913.49	\$ 2,986,220.01
OHA	\$ 3,599,847.70	\$ 2,600,387.18	\$ 2,872,846.84	\$ 3,440,910.30
State Lands	\$ 2,076,640.06	\$ 2,153,837.25	\$ 2,040,636.72	\$ 1,882,778.03
DCBS	\$ 2,379,373.39	\$ 1,708,963.25	\$ 1,498,837.82	\$ 1,415,960.31
DOR	\$ 2,320,324.51	\$ 2,447,863.89	\$ 2,719,371.69	\$ 2,363,954.70
DOC	\$ 1,505,507.07	\$ 1,524,107.31	\$ 2,003,876.94	\$ 1,952,920.73
PUC	\$ 1,159,066.80	\$ 1,696,756.73	\$ 1,839,726.89	\$ 1,630,616.29
DEQ	\$ 1,028,267.07	\$ 1,111,395.59	\$ 1,372,165.30	\$ 1,408,105.12

Source: Oregon's Statewide Financial Management Application

Revenues from client agencies supports DOJ's administrative functions

Under the current funding model, DOJ charges its divisions an overhead fee to support its administrative functions, including Human Resources and the accounting department, among others. Because DOJ relies heavily on billable hours, a portion of each billable hour is used to support these functions. Therefore, the legal rates billed to client agencies must be sufficient to fund attorney's salaries and benefits and contribute to the division's overhead costs, such as supplies, services, technology, capital, and building rent.

Since client agency demand varies, the agency's monthly revenue fluctuates, posing budgeting challenges for DOJ.

State law requires legal review of contracts to limit state risk and exposure

For nearly two decades, the State of Oregon has required client agency procurement and contract administrators to seek an independent legal review of state contracts. Currently, nearly all contracts over \$150,000 must be sent to DOJ for review.⁴ This process is referred to as a legal sufficiency review.

In addition to determining whether the client agency has the authority to enter into the contract, during legal sufficiency review, General Counsel attorneys ensure that the contract:

- is in written format;
- contains all the essential elements of a legally binding contract;
- complies with all federal and state statutes and administrative rules;
- includes, where applicable, execution of any certificate;
- does not violate the Oregon Constitution;
- has a statement of work that is sufficiently clear and definite; and
- allows the client agency, if appropriate, to terminate the contract, declare defaults, and pursue remedies.

According to DOJ, in 2019 the General Counsel Division received 4,729 contracts, up from 3,251 in 2016.

The General Counsel Division distributes contract review work based on attorney availability and type of work

In 2005, the General Counsel Division began using a Contract Review Mailbox to streamline its contract review process. The mailbox serves as the point of entry for nearly all contract review requests. Legal secretaries within the Business Transactions section review the mailbox daily and distribute contract review work to Attorneys-in-Charge or other section leaders based on a work allocation policy. The Attorneys-in-Charge then distribute the work to their section's attorneys based on the policy and each attorney's individual expertise, experience, and availability.

The work allocation policy takes into consideration the type of contract and the agency who sent it. For example, for a construction project sent by the Oregon Department of Transportation, the legal secretary will consult the Business Transactions Section's design and construction practice law chair to determine to whom the contract will be assigned. Clients are notified via email when their contract has been assigned to an attorney.

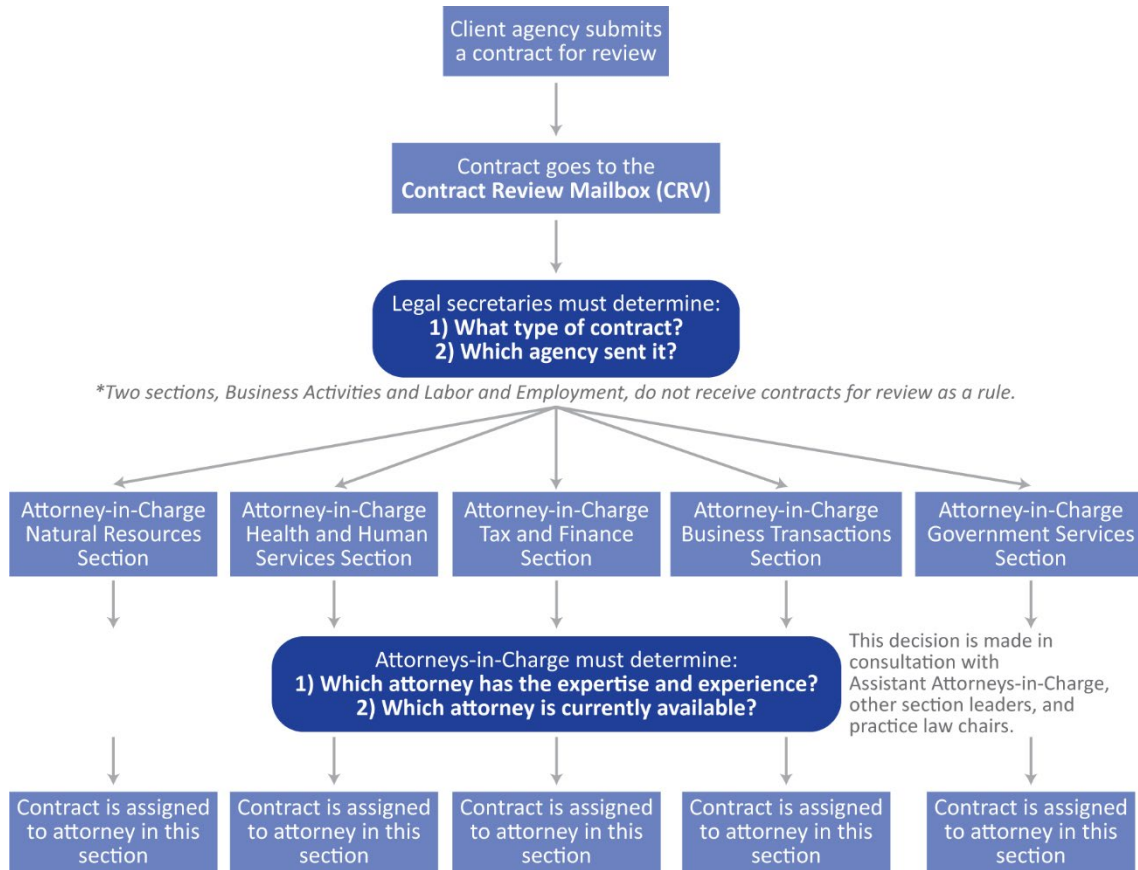
Each attorney is responsible for determining their availability, although that information is handled differently in each section. For example, each week the attorneys within the Business Transactions Section send an email to a legal secretary numerically ranking their work capacity on a 1 to 5 scale. Alternatively, for the Government Services Section, the Attorney-in-Charge and Assistant Attorney-in-Charge check regularly with the attorneys in their section, either through a formal bi-monthly section meeting or through informal check-ins. Ultimately, it is up to each section's respective Attorney-in-Charge to distribute work among the section attorneys.

The caseloads of General Counsel attorneys vary. Each attorney is responsible for prioritizing their work. That determination is based on the clients' needs and on the attorney's workload. Client agencies indicate when they need the DOJ contract review completed. If there are multiple

⁴ DOJ has allowed certain contracts to be exempt from legal sufficiency review, while still minimizing legal risk to the state. For example, collective bargaining agreements negotiated under federal and state laws are exempt. The Business Transactions Section Attorney-in-Charge is responsible for reviewing and approving requests for exemptions, which total just a few each year.

contracts, the client may communicate to the attorney which contract takes priority. If an attorney is unable to meet client timeline demands, the attorney or the client will notify the Attorney-in-Charge. Wherever possible, the Attorney-in-Charge will then redistribute the work. These decisions are limited based on other attorneys' depth and breadth of knowledge and availability. Each attorney is responsible for updating their section's Attorney-in-Charge of their workload.

Figure 3: The General Counsel Division's process for distributing work has two main decision points



Audit Results

The General Counsel Division reviews public contracts for state agencies, a valuable service that helps mitigate risks for the state. Overall feedback from client agencies is positive, with consistent high marks in all categories, but we found improvements the division can make that would further strengthen both its contract review efforts and its relationships with agencies.

The General Counsel Division has established policies and procedures for contract review services provided to state agencies. However, we found the General Counsel Division could do more to consistently monitor staff performance to ensure the quality of these services. As other states have, the division would benefit from building a strategic plan that sets common goals and lays the groundwork for using data to manage performance.

Internal performance metrics, especially measures focused on attorney workload capacity and productivity, would help the General Counsel Division's leadership better monitor and continually improve the timeliness and cost-effectiveness of contract review services. To support these measures, the division also needs to put processes in place to ensure that case management data is accurate and reliable.

The General Counsel Division can also take steps to further improve its relationships with its client agencies. Different expectations between client agencies and attorneys of the attorney's role in the contract review process frustrate clients and can cause delays. In addition, failure to consistently follow division policy on entering attorney hours has, at times, resulted in the division submitting confusing and inaccurate invoices to clients.

A secondary objective of this audit was to determine whether DOJ has taken the necessary and appropriate actions to prepare for a potential transition to a new funding model. For nearly 20 years, DOJ has considered moving away from its hourly billing model in favor of an assessment model, with recent efforts focused on a flat fee model. We found that, though DOJ has taken important steps to transition to a flat fee funding model, the agency still needs to address significant technical and administrative hurdles to make this transition successful.

Client feedback on DOJ's contract review services is mostly positive

In lieu of other internal metrics to measure performance, the General Counsel Division relies on client agency feedback to determine whether the division is meeting its mission to provide quality, timely, and cost-effective legal services.

General Counsel Division attorneys hold standing meetings with various clients, including multiple divisions of the Oregon Department of Transportation and the Department of Administrative Services, as well as the Department of Human Services and Oregon Health Authority's shared Office of Contracts and Procurement, the Office of the State Chief Information Officer, the Oregon Housing and Community Services Department, and others to garner feedback and discuss any concerns.

DOJ also solicits client agency feedback through an annual customer service survey. The survey is sent to DOJ clients, including officials at state agencies, boards, and commissions. It asks clients to rate the department's legal services for timeliness, accuracy, helpfulness, expertise, the availability of information, quality, and cost-effectiveness, as well as to provide general comments on services. DOJ consistently receives high marks in all categories. In 2018, 95% of 251 survey respondents rated the overall quality of legal services to their agency excellent or good. In 2019, the rating was 91%.

"I doubt I could work with a more professional, approachable legal team. **Kudos to all involved.**"

- 2019 Survey Respondent

The majority of 2019 customer service survey respondents had positive things to say about the agency in general and the General Counsel Division specifically. Respondents commonly noted that attorneys were professional and helpful. Interviews we conducted with six client agencies echoed these results. Of the six, half said they were satisfied overall with DOJ's work done for them. Others said they see DOJ as a partner or described the relationship as fantastic or good. For example, staff from the Oregon Youth Authority told us their attorney was responsive to their needs and communicates to them how long it would take to complete a contract review. They also complimented their attorney for in-depth, helpful comments they could use to improve their contracts for future review.

Clients emphasized the importance of being assigned experienced attorneys. For example, one client told us their DOJ attorney had developed many of the agency's statutes and, after more than 25 years of working with the agency, had a deep institutional knowledge that would be hard to replace. This client told us that, when their attorney retires, they expect a new attorney will need at least a few years to adequately train.

However, in regards to contract review, this client feedback is the division's primary mechanism for monitoring performance and ensuring the division is accomplishing its mission. This reliance on client feedback has inherent limitations and weaknesses. Without additional oversight and internal performance metrics, especially related to attorney workload capacity and productivity, DOJ is hindered from assessing and continually improving the timeliness and cost-effectiveness of contract legal review services.

The General Counsel Division has policies to promote quality contract review services, but lacks processes to monitor staff performance and measure timeliness and cost-effectiveness

The General Counsel Division has policies and procedures intended to facilitate quality legal contract review services

According to division leadership, quality legal advice is provided by "promoting specialization, interaction, consultation, and effective internal communications" within the division. The General Counsel Division Policy and Procedure Manual provides guidance to attorneys.

For example, whenever a client agency requests an attorney to review a contract that is deemed especially important, there are procedures in place to ensure that it is brought to the attention of the Attorney-in-Charge and the Chief Counsel. The Attorneys-in-Charge meet with the Chief Counsel biweekly to discuss such matters and determine if any additional measures need to be taken, including additional reviews and support.

The criteria to determine whether a legal matter requires special attention include:

- constitutionality of statutes;
- interpretation of ballot measures;
- significant or novel interpretations of statutes that are generally applicable to state agencies, such as public meetings and records, ethics, public contracting, Administrative Procedures Act, purchasing, and allotments;
- other issues affecting one or more agencies;
- issues that might hit the press;
- issues known or likely to be of specific interest to the Attorney General, Legislature, or Governor's Office;
- questions from an agency head (of agencies with more than 50 employees); and
- any issue that relates to the sovereignty of tribes.

According to division leadership, the General Counsel Division ensures quality by hiring competent, qualified attorneys, attributes they believe will result in quality legal services. The division employs industry-standard policies and practices for hiring and onboarding new attorneys. Attorneys are hired specific to each section, given the diverse and highly specialized needs of each section within General Counsel.

Onboarding policies and procedures are designed to ensure that each newly hired attorney receives training, mentoring, and support. Per policy, the Attorney-in-Charge, Assistant Attorney-in-Charge, or a more experienced subject matter expert reviews a new attorney's work to ensure that they are proficient in providing advice and contract review services. All new hires performing contract review receive six hours of training on how to conduct legal sufficiency review. Per policy, once the new attorney demonstrates required competence, they are assigned more complex projects and provided a greater level of independence.

Although there is no written policy or formal mandate to do so, DOJ leadership does encourage consultation among attorneys to ensure quality and maintain consistency in contract reviews across a particular agency or agencies. In practice, this means that attorneys who are working on transportation matters meet regularly. Similarly, attorneys who perform work for public safety agencies or who work in a specific practice area, like public health, do the same. Attorneys from the Business Transactions Section and the Government Services Section meet to coordinate efforts. There is also guidance on how to reach across divisions when necessary.

The General Counsel Division is acutely aware that client relations are important to service quality. The division's policies reflect this, by giving guidance for delivering excellent customer service. Specifically, the policies outline ideal client relations practices, including asking when a client needs something, giving a realistic idea of whether the attorney can meet the client's timeline, and updating the client on progress, especially if there is a possibility the completion date will change.

The General Counsel Division could do more to consistently monitor staff performance to ensure the quality of legal services

Despite having policies in place, we found deficiencies in how the General Counsel Division monitors staff to ensure compliance with the policies. Peer reviews, outside of those during the initial onboarding process, are not required. Instead, they are conducted on a discretionary basis.

Attorney performance evaluations can provide opportunities to formally assess performance and provide feedback. Attorneys-in-Charge, and some Assistant Attorneys-in-Charge, meet with each section attorney at least twice per year for informal evaluation meetings. These informal meetings are conducted in addition to meeting with and providing written formal performance evaluations for each section attorney annually.

According to division leadership, the purpose of the informal periodic meetings is to provide the opportunity for managers and staff attorneys to discuss generally the work of the attorney, including any performance issues; to gather information about workload; to discuss the attorney's progress toward the annual billable hour goal; and to set interim individual goals for the attorney. Short summaries of these periodic evaluation meetings are sent by the Attorney-in-Charge to the attorneys and to the Chief Counsel. Three Attorneys-in-Charge we interviewed said they do include comments on performance in the annual performance evaluation. However, we were unable to verify this because DOJ did not provide us with the evaluations we requested on a timely basis.

Even though we were unable to conduct a portion of our fieldwork, we found ways the General Counsel Division could better ensure the quality of its legal services based on interviews and a review of policies. Specifically, the division should routinely monitor attorney work through peer reviews and share this information in performance evaluations to verify attorneys are meeting the division’s mission to provide quality legal services. Peer review can identify instances when an attorney provides inconsistent advice on similar contracts. An Attorney-in-Charge could provide opportunities for training if needed.

The General Counsel Division has minimal processes to measure contract review timelines and cost-effectiveness

In addition to providing quality legal services, the mission of the General Counsel Division emphasizes the importance of providing timely and cost-effective services. Given that the division relies on an hourly billing model for all its funding, whether a contract review is timely can be linked to whether it is cost-effective for the client. However, we found the General Counsel Division has limited metrics and processes to track timeliness and no process to track cost-effectiveness.

Because of the wide variety in types of contracts the General Counsel Division reviews, multiple metrics are needed to capture contract review turnaround times. For example, complex affordable housing projects can include multiple contracts, each with a different timeline. Other contracts may include template language and may take only a few hours or days to review. These examples indicate the General Counsel Division should establish timeliness goals that vary by contract type or complexity.

Currently, the division has one performance measure to address agency responsiveness. Specifically, one of DOJ’s Key Performance Measures tracks the percentage of contracts that were submitted to DOJ and then received a substantive response from an attorney within five days. The measure does not track the turnaround time for the whole contract review, just the initial part of the process. We spoke with Attorney General’s Offices in other states and found two that also struggle to set turnaround time metrics.

While challenging, contract review timeliness data can be captured and assessed. For example, some client agencies compile their own data regarding contract review turnaround times. The Oregon Parks and Recreation Department compares the time an attorney spends on contract review to the overall time it takes to return the contract to the agency. In 2017, the department sent DOJ 10 design and construction contracts; attorneys spent anywhere from 3.7 to 36.8 hours on each contract. The Parks and Recreation Department’s analysis showed that the amount

charged per project was not a good predictor of how many days the contract review would take. For example, the agency was charged 36.8 hours for a contract that took 11 business days to complete. That same year, the agency was charged 17.4 hours for a contract that took 22 days to complete — less than half the amount for a contract that took twice as long.

DHS and OHA Shared Services unit tracks contract turnaround times

According to the Shared Services unit of the Department of Human Services and Oregon Health Authority, the unit sent a total of 4,094 personal service contracts, intergovernmental agreements, grants, and other contracts to the General Counsel from July 2015 to October 2019.

The median turnaround time for personal service contracts, which make up 50.9% of total contracts sent to the General Counsel by this unit, was approximately one day.

Leadership within the division has recognized more can be done to measure contract timelines. Beginning in February 2019, attorneys in the Government Services Section began a pilot project to rank contracts on a score of 1 to 5 based on contract complexity before review and then again after the review is completed. This measure provides data as to how long contracts take and whether more complex

contracts take longer to review, allowing the division to set benchmarks for what it considers a timely contract review. Also, the Government Services Section tracks specific Oregon Department of Transportation contract review timelines. If a contract is pending and has not been approved for longer than 11 days, the Assistant Attorney-in-Charge talks to the assigned attorney to move the work forward.

In its survey of client agencies, DOJ asks whether respondents feel the agency is cost-effective, again relying on perception as a metric. Rather than rely on the perception of its clients, DOJ could do more to independently determine cost-effectiveness. To calculate this, the agency would need to track contract review turnaround times, compare them to benchmarks, review trends, and then evaluate whether the agency is doing its best to provide its services in the most efficient manner.

Case management data is sometimes inaccurate and unreliable, which undermines the division's ability to use data for managing workload or billing

Control weaknesses in the General Counsel Division's information systems result in inaccurate and unreliable data

We found the data used by the division for case management to be unreliable, meaning managers are unable to easily use it to support performance management. This deficiency exists because the information system used to compile and analyze case management data has control weaknesses.

The General Counsel Division's case management system is called Matter Management. Developed in-house in the mid-1990s, different versions of the system were created to meet the needs of each division. General Counsel primarily uses Matter Management to store information about legal matters, including contract reviews. Major work activity milestones, like date assigned to an attorney and completion date, are recorded in Matter Management.

We found a lack of data entry controls allows users to enter inaccurate data into the system. For example, 1820 and 2101 were used as dates attached to legal matters. Also, data is not entered consistently into the system by users. We discovered multiple different ways in which contracts were typed into the system, such as using K, K_, and K#, all of which symbolize contract reviews.

Unreliable data limits the division's ability to quickly and accurately calculate one of the division's key performance measures — how quickly General Counsel Division responds to contract review requests. To prepare a report on the measure, a staff member spends approximately two to three weeks each year performing substantial data clean-up on an extract of Matter Management data. This effort could be avoided by implementing stronger data entry controls upfront. When we tried to independently verify the 2018 key performance measure outputs, our results did not match what the division reported, because the data the division provided the audit team did not account for any of the changes the staff member made during their data clean-up.

There is also no process currently in place to ensure that attorneys review the accuracy of the data in Matter Management. This is a missed opportunity to improve the integrity of the data. DOJ should regularly review the data, fix any errors, determine whether additional controls in the data system would prevent future errors, and if so, make improvements. Accurate data is essential for managing performance in a way that is transparent and accountable. By implementing automated controls to prevent common data entry errors, DOJ could improve the reliability of the data in the Matter Management system.

Attorneys also told us that the Matter Management and document management systems are cumbersome to use. An attorney told us that they stored their documents in their emails so they could more readily find case information. DOJ leadership is aware of system limitations and has been working on a remedy for years. In 2017, the agency received legislative approval to fund an updated information technology system. An initial effort to replace the system was unsuccessful. DOJ has recently restarted the process, but this project is several years away from being implemented.

Unreliable data and a lack of succession planning have limited the division’s ability to meet an increasing workload

Several client agencies expressed concern about the ability of the General Counsel Division to perform contract review services with current staffing levels. However, the division’s lack of reliable data limits Attorneys-in-Charge from analyzing workforce data to set benchmarks and goals and advocate on their behalf.

In a 2019 letter to the Legislature, the Chief Operations Officer at Oregon Housing and Community Services expressed the need for a minimum of two additional attorneys permanently assigned to their agency to address the burgeoning workload associated with the housing crisis. The letter explained that delays to the legal contract review process result in delays to projects and initiatives, which are not only costly, but erode public trust and the agency’s ability to meet expectations. As a result of the agency’s and DOJ’s advocacy, the division obtained legislative authorization for three permanent attorneys to address these issues.

However, DOJ leadership recognizes that the General Counsel Division is having difficulty keeping up with client demand. Several attorneys we spoke with in the Business Transactions Section said they were working at or over capacity. In response, the attorneys strive to prioritize their work based on the client’s needs and their own workload demands. Attorneys noted that it is especially difficult to manage the workload at the end of biennium or at the end of a calendar year because workload for many agencies increases as many agencies spend any funds remaining in their budget.

The division has recently been successful when advocating for more staff. For example, it received all the additional positions it asked for in the 2019-21 budget. However, the division’s lack of reliable data serves as a barrier. In January 2020, the division asked the Legislature for an additional 1.8 Full Time Equivalent (FTE) positions for the Business Transactions Section to ease the effects of increased work tied to various DAS projects and the \$5.3 billion transportation package passed by the Legislature in 2017.⁵ When

Increasing demand and insufficient capacity delay the ratification process

One area where demand has exceeded capacity is the ratification process. Contracts are supposed to be approved for legal sufficiency before any work on the contract is done or payment for work is made. However, in some cases, this does not occur. If services have been rendered before approval has taken place, the client agency must send a letter to the General Counsel Division with the contract and an explanation. This process is known as ratification.

Currently, only one person in the agency is authorized to approve ratifications: the Attorney-in-Charge of the Business Transactions Section. According to the Attorney-in-Charge, ratifications used to be a rare occurrence; however, client agencies are now sending nearly 100 ratifications each year. As a result, client agencies are delayed in obtaining approval. This also puts at risk the ability of the Attorney-in-Charge to complete other duties in a timely fashion, like overseeing the attorneys in the Business Transactions Section and working on his own caseload.

⁵ House Bill 2017, “Keep Oregon Moving”, 2017 Regular Session

passed, the transportation funding package did not provide DOJ resources for contract review services. In a 2020 legislative hearing on the funding request, the Legislative Fiscal Office asked for specific metrics that DOJ was unable to provide, including the number of contracts the General Counsel Division completes at current capacity, the expected increase in contracts, the amount of backlogged contracts, and how the requested FTE will address the impact. Ultimately, at the request of the Fiscal Officer, the staffing request was modified to 0.88 FTE. According to division leadership, in addition to reliable internal data, the General Counsel Division would benefit from greater coordination with client agencies on fiscal impact analysis of bills in order to better estimate the need for additional attorney and staff resources.

Furthermore, a lack of succession planning within the General Counsel Division increases the risk that the division will face further capacity issues in the future. According to a 2019 performance audit conducted by an outside firm, DOJ has not developed an agency-level succession planning framework and there is no overall succession plan in place for the General Counsel Division. The report indicated that about 31% of division employees are eligible for partial or full retirement. In fact, each section has experienced a round of staff retirements or will shortly. For example, four members of the Business Transactions Section are likely to retire in the next two years for a cumulative loss of over 160 years of legal experience. Preparing for this through succession planning is vital to maintaining contract review capacity.

The General Counsel Division needs to improve clarity and communication around contract review exemptions, expectations, and invoices

Clients report uncertainty and lack of responsiveness regarding the exemption processes

Two client agencies we spoke with complained about a lack of responsiveness, specifically for exemptions to the legal sufficiency provision in statute. Under the statute,⁶ client agencies may request an exemption from legal sufficiency review for groups of contracts that do not pose a great legal risk. The Attorney-in-Charge of the Business Transactions Section is responsible for approving or denying such requests. We found that DOJ could better communicate expectations and provide progress updates, which would address some of the client agency frustration.

One of these agencies, the Oregon Parks and Recreation Department, sent an exemption request to DOJ in June 2011 for construction service contracts under \$3 million. Despite multiple inquiries and back and forth communication, as of the time of this audit, the department still had not received word of either approval or denial of the exemption request.

The other agency, the Department of Corrections, sent a letter to DOJ in June 2019 asking to increase the legal sufficiency threshold for specific food contracts. After repeatedly inquiring about the status of the exemption, and receiving little response, the agency emailed the Deputy Attorney General and the first review was completed in December — six months after the request was made.

Delays impose costs on the Parks and Recreation Department

From April 2019 to December 2019, the department sent 19 new contracts and 10 change orders that would have fallen under its requested exemption, for a total cost of \$28,000 in DOJ legal review fees.

This does not include the time spent by DOJ to review the exemption request and make its decision.

⁶ ORS 290.047(4)(5)

Diverging expectations about attorneys' role in contract review can frustrate both DOJ and client agencies

According to clients, attorneys sometimes provide feedback on contracts that appears to be outside the scope of the legal sufficiency guidelines. For example, to improve the procurement process, some client agencies have contract templates with language that has been agreed to by both the client agency and DOJ. However, according to three client agencies we spoke with, attorneys sometimes changed this pre-approved language and did not explain to the clients whether these changes were material to the legality of the contract.

DOJ contract revisions contrary to agency business decision

The Oregon Department of Transportation has developed a specific style guide for its contract documents. It states that all numbers in the statement of work will be written as numerals. DOJ attorneys are disregarding the guide and writing out the numbers.

Situations like this frustrate clients for two reasons. First, these changes can vary from attorney to attorney, demonstrating inconsistency within the General Counsel Division on what, exactly, constitutes a legal sufficiency review. Second, this kind of review may not be the best use of an attorney's time, for which DOJ bills agencies. Consistency and clear explanations would make the process smoother for attorneys and clients, saving both parties time and, for clients, legal fees.

According to DOJ attorneys, this level of editing is sometimes needed because clients do not consistently submit contracts that are ready for review. Attorneys told us they sometimes receive contracts that are missing key documents, contain inaccurate information, or are poorly written. The condition of the contract impacts the attorney's ability to conduct the legal sufficiency review in a timely manner.

One client agency staff member said that she would rather have an attorney send back the contract if it is not ready for a legal sufficiency review. She said her team should be sending DOJ well-written contracts and she would rather save on her legal bill by having her staff do the work. Before proceeding in these situations, attorneys should consult client agencies on whether to return contracts that are missing documents or contain errors.

Inaccurate and unclear invoices cost clients time and money

Client agencies receive invoices for DOJ's legal services, some as often as every month. Upon receipt of the invoice, many agencies spend time matching charges to specific projects and ensuring that work being done is consistent with expectations. Reconciling invoices can be a time-consuming process, which is exacerbated by invoices that have errors or are confusing.

For instance, an agency reported receiving invoices with charges that did not belong to them. Other agencies reported out-of-date agency contact information, and a previous month's charges included on a current invoice. One invoice included confidential human resource information.

Other times, invoices are confusing or unclear. DOJ attorneys sometimes use vague terms or generic descriptions for charges, making it difficult to tell what the charge was for and whether it was justified. For example, one invoice included a description of a charge that read: "exchange email messages with staff regarding status." Without more explanation, agency staff were unsure of who the attorney spoke with, or to what status they were referring. Similarly, a description of a charge in another invoice included the phrase, "review latest draft," although it was not clear which draft or what the review was for.

Agencies told us they occasionally see charges for work they did not request. For example, one agency received a monthly charge for time their attorney spent reviewing a matter about which the agency did not inquire; other agencies have reported being billed for time spent by attorneys

not assigned to their contract review, likely due to their attorney consulting with other attorneys. Consulting other attorneys is a cost-effective way for the division to provide consistent, quality legal services. However, it would be helpful if attorneys consulted their clients before they decide to complete work outside of the initial request.

According to agency policy, attorneys are required to enter and approve their time by the end of each month. However, timekeeping reports show that this does not always occur. One report showed time entered in May 2019 that had yet to be approved by an attorney as of December 2019. For the General Counsel Division, 374.5 billable hours were not approved and therefore had yet to be billed to agencies.

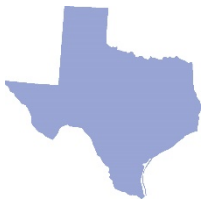
Accounting staff send out regular emails to attorneys and section leaders to remind them to follow policy and stay up-to-date on time entry. However, no other controls exist to ensure entries are timely, accurate, and contain clear explanations of charges. Time entry for staff billable hours are not reviewed by the Attorney-in-Charge unless there is a billing dispute from a client agency. These control weaknesses increase the chances that bills will contain errors.

Adopting a more strategic approach will help the General Counsel Division establish a framework to measure progress towards meeting its mission

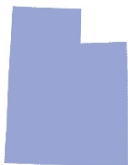
The lack of meaningful performance measures, processes, or metrics connected to achievable goals that reflect the division's mission could be resolved by implementing a robust strategic plan. Currently, the General Counsel Division lacks such a plan.

Strategic planning can provide a common sense of direction for the division, while helping the division outline measurable goals. Adopting a data-driven strategic approach to managing contract review services can help the division manage scarce resources more effectively and advocate on their behalf.

Attorney General's Offices in other state and local governments take a more strategic approach to providing contract review services



As part of its performance-based budgeting process, the Texas Attorney General's Office produces a strategic plan, which is updated every two years. The plan details the office's goals, objectives, outcome measures, and strategies. The plan includes an agency workforce plan analyzing employee turnover and the potential impact of employee retirements.



In Utah, the Central Procurement Office manages the contract review process, including legal review. While there is no statutory requirement that the Attorney's General's Office conduct a legal review of contracts, the Chief Procurement Officer believes an independent legal review adds value to the contracting process. Utah sets performance targets for response times and contract review turnaround times. In addition, similar to the General Counsel Division's current practice, the Chief Procurement Office sends out a client survey, which is used to address any service issues.

The Portland City Attorney's Office developed its first strategic plan in 2015 detailing goals, measures, and the department's priorities. Similar to DOJ's General Counsel, the City of Portland has a mandate to do a legal review of all city contracts, which results in a large volume of work and a need to effectively manage the workload. The city tracks the volume of contract review requests and the average turnaround time for contract reviews. The city manages this workload in part by returning contracts that do not have a sufficiently clear scope of work or do not have clearly written contract terms to clients.

Within DOJ, the Child Support Division has developed a strategic plan, which it updates periodically. The division's strategic plan includes its mission, strategic goals, and actions. The division also publishes its most recent annual assessment report on its website to document progress toward strategic goals.

These organizations use strategic planning to help them define their goals and report their progress to key clients and other stakeholders. In much the same way, a strategic plan would help the General Counsel Division define priorities and establish measures for progress toward achieving both short- and long-range goals. In addition, a strategic plan would help the division define the value of its services to state agencies, and including the plan on the agency's website would help the division be more transparent and accountable.

DOJ has built a business case for moving to a new billing model, but significant technical and logistical hurdles remain

Since 2002, DOJ has identified flaws in the hourly billing model. One such flaw is that it creates a financial disincentive for agencies to engage with DOJ in the hopes of minimizing their legal costs. In an internal DOJ memo, a former Assistant Attorney General wrote that: “[B]y relying on a variable and, in part, discretionary demand for legal services to recoup our fixed costs from client agencies, DOJ has created a false dichotomy between an agency’s paper budget and the state’s true budget, which rewards agencies with exaggerated savings if they forego DOJ services.”

Another concern is that the billing model must bring in enough revenue to cover DOJ’s overhead costs. Client agencies’ demand for legal services, and DOJ’s ability to bill for those services, impacts whether the agency can afford to pay rent and pay its employees.

The hourly billing model may act as a barrier for improving services to clients

Because the General Counsel Division relies solely on these billable hours to cover the cost of providing services and operating expenses, attorneys have less time to complete non-billable, but important, tasks, such as efforts to improve internal processes.

Examples of non-billable hours

- Mentoring staff
- Developing process improvements
- Strategic planning

According to their union contract, attorneys working in the General Counsel Division should bill a minimum of 1,638 hours each year. Meeting the annual billable hours target is a clear priority for attorneys and management because it is the backbone of the division’s funding model.

Non-billable tasks, which the division must rely on funds from billable hours to cover, get less focus. They include making improvement to policies or engaging in strategic or succession planning efforts.

The division’s training and mentoring efforts may also be hampered by client perceptions of the billing process. Both attorneys and clients told us that clients did not like to see charges on their bills from two or more attorneys. In some cases, clients were not aware that there would be more than one attorney working on a contract review or other legal matter. Clients felt they did not have the control and discretion they needed over their legal expenses. However, consulting among attorneys is an integral part of doing quality legal work and ensuring consistency. In addition, newer attorneys benefit greatly from working in collaboration with experienced attorneys who know both the law and the agency and reviewing each other’s work can ensure attorneys are providing consistent contract reviews.

To address these issues, DOJ has begun to advocate for moving away from the billable hours model toward a flat fee model, which the agency believes would have other benefits, including providing steady funding for necessary operational costs.

DOJ established a pilot program to test a flat fee model

To provide more stable legal costs, DOJ piloted a flat fee program in 2013 for interested client agencies. All participants paid a consistent monthly fee for their legal costs based on prior usage. That rate was set at the beginning of the biennium. If usage exceeded or fell below that rate during the biennium, it would be reflected in a future biennium.

Staff from two participating agencies we spoke with liked the predictability of their legal bills under the flat fee model. One agency leader said that he did not like seeing big swings in payments from month to month. Another agency director compared the flat fee program to an insurance program, in that the impact of a large case would not abruptly affect their agency's budget.

However, other agencies who piloted the flat fee billing model expressed concerns that their legal costs increased from biennium to biennium. These agencies chose to voluntarily leave the program. In addition, directors of some agencies were hesitant to join and expressed concerns about using federal funds to pay for legal fees under the flat fee program.

DOJ leadership took steps to shift to a new funding model

Agency leadership, with the support of the Governor, began to formally address the logistical and financial details of a flat fee model in August 2019, with the hopes of shifting to the model in the 2021-23 biennium.

In a business case presented to the Ways and Means Committee in November 2019, DOJ stated six goals for what the agency wanted to achieve with a new funding model. These include:

- Be cost-effective by minimizing attorney, administrative services, and client agency time associated with billing;
- Provide predictable, affordable, and preferably stable legal costs for clients and for DOJ;
- Reduce the cost disincentive or increase the incentives for client agencies to obtain preventative legal advice;
- Provide sufficient detail of the time and cost of all legal work to satisfy the needs of the client agencies and to ensure accountability within DOJ and among attorneys for the services provided;
- Ensure alignment between agencies' and fund types' contributions to DOJ operational expenses and their use of services; and
- Allow efficient budgeting of legal services benefiting multiple agencies and state government generally.

Based on internal analysis and feedback from client agencies, the Department of Administrative Services, and the Legislature, DOJ leadership proposed a flat fee methodology to provide predictable and stable legal costs. Under this methodology, client agencies will pay fixed amounts on a monthly basis. This amount will be based on the agency's average biennial use of

DOJ legal services over the previous four years.⁷ Each agency will still receive a monthly statement to review and reconcile. The hope is that, since client agencies will be paying a fixed amount, they will be less worried about the immediate impact of speaking with an attorney on a matter and will be more inclined to seek preventative legal services.

Although the flat fee methodology provides stable income for DOJ, it does not alleviate all of the issues the hourly billing model creates. For example, attorneys will still need to bill at least 1,638 hours per year to meet their billable hours requirement and still may not have much time to complete non-billable activities that could improve services for clients. DOJ would need another source of funds to cover these indirect costs.

To achieve stated goals, DOJ must address key technical and logistical problems

DOJ still has a lot of work to do prepare for a potential transition to a new funding model. In addition to state legislative approval, the agency is seeking approval of its cost allocation methodology from the federal government. Federal funds are allowed to be used for indirect costs, like legal services. Therefore, federal government agencies want to ensure that the methodology for paying legal services, including for indirect costs, with federal money is fair. Discussions like this are historically unpredictable. Approval is not guaranteed, nor is there a specific timeframe in which approval may be given.

In addition, there are other technical and financial details DOJ should address to achieve its stated goals. These include:

- Ensuring prompt and accurate time entry to assure that the underlying data to support the flat fee is correct. The legal fee assessment will be based on an agency's average biennial use of DOJ legal services over the previous four years. As previously mentioned, attorney time is not always entered promptly.
- Modifying current accounting software to support the flat fee assessment.
- Calculating the assessment amount sooner in the budget process so that agencies will be able to better plan their legal budget. Flat fee pilot program participants criticized the DOJ for calculating the flat fee assessment amount late in the budgetary cycle.
- Conducting a fiscal analysis to show the Legislature how the flat fee assessment impacts state agency's budgets.

Performance management is key to improving services to better help DOJ in its vital role in accomplishing the business of the State of Oregon

Oregon state agencies rely on the professionalism and expertise of the attorneys within the General Counsel Division. These attorneys play a vital role in accomplishing the business of the state by reviewing contracts, offering advice and counsel to client agencies on complex and important projects, and litigating matters on behalf of the state's agencies, boards, and commissions. When agencies follow the counsel provided by their attorney, contracts can be approved more quickly, agencies can save taxpayer money on legal services, and the overall liability risk to the state can be mitigated.

The General Counsel Division should take deliberate steps through a strategic planning process to ensure all client agencies receive consistent, quality service. The division can better monitor

⁷ The average hours per agency will be divided by the total average hours from all state agencies to yield a percentage of the total DOJ legal hour usage. Each agency will pay their percentage of the total legal costs. Counties and semi-independent agencies will not be included in the assessment pool and will be billed directly for their services.

for quality legal services and offer more consistent communication with client agencies. Better data and robust metrics can help the division be more timely — and, by extension, cost-effective — in delivering contract review services. Ensuring quality, timely, and cost-effective work by adopting a formal performance management strategy could mean a more streamlined and transparent contract review process.

Ultimately, the relationship between DOJ and its client agencies affects Oregonians. Contracts are the vehicle for providing key state services such as implementing complicated information technology systems, constructing affordable housing and providing mental health services for the state's most vulnerable citizens. When agencies are able to save money on legal services, taxpayer dollars can be made available for many other valuable services these agencies provide. Much like agencies, Oregonians should be able to rely on the professionalism and expertise of the General Counsel Division.

Recommendations

To optimize contract review services, the DOJ General Counsel Division should take the following actions:

Performance management

1. Develop and adopt a comprehensive strategic plan for the General Counsel to include:
 - a. strategies for ensuring quality, timely, and cost-effective legal services; and
 - b. a succession plan, to address the division's medium- and long-term direction and service delivery.
2. Ensure appropriate staffing levels for processing ratifications and exemptions, which may include changes to administrative rules.
3. Review the legal sufficiency rule to determine if there are more contracts that can be considered exempt.
4. Develop a risk-based contracts review process for attorney's work that accounts for staffing and budgetary concerns and ensures feedback to attorneys is provided in a timely manner.

Data

5. Gather and analyze contract review timeline data, taking into consideration contract review complexity.
6. Develop performance measures for estimated turnaround times for contract review based on historical data.
7. Ensure the new information system contains the following controls:
 - a. Automatically preventing user keying errors, such as incorrect dates.
 - b. Requiring data to be entered in a standardized fashion (e.g., implement a standard symbol for contracts so a query can easily pull contracts out of the system for analyses such as a turnaround time and workload trends).
8. Develop a consistent process to ensure data inaccuracies are fixed and controls are put in place to prevent future errors.
9. For legal sufficiency review, consult client agencies on whether to return contracts that are missing documents or contain errors.
10. Develop and enforce a time entry review process that considers staffing and budgetary concerns and provides reasonable assurance that attorneys' time is accurately reflected in client agencies' billings.

Client communication

11. Develop and implement a form for clients to use when submitting a contract for legal sufficiency review. The form should advise clients on what should be included in their contract review email. There should also be a space for clients to explain what the contract is and when the contract needs to be completed.

12. Ensure attorneys communicate to clients the scope of work needed to complete contract reviews, including any consultation with other attorneys.
13. Develop and implement procedures for informing client agencies on legal sufficiency review, ratification, and exemption process and expectations. Policies and procedures could include informational handouts, updated online information, or periodic trainings and presentations.

Flat fee assessment

14. Ensure that monthly statements are prepared accurately.
15. Develop a mechanism to generate the flat fee assessment sooner in the budget process so that client agencies can better plan their legal budget.
16. Conduct a fiscal analysis to show the Legislature how flat fee assessment impacts state agency's budgets.
17. Continue to seek federal approval for a flat fee assessment and regularly update the Legislature on progress toward this goal.

Objective, Scope, and Methodology

Objective

This audit had two objectives. The first was to determine how DOJ can optimize its contract review services. The second was to determine whether DOJ has taken the necessary and appropriate actions to prepare for a potential transition to a new funding model.

Scope

This audit focused on the General Counsel Division's mandatory legal review of state contracts over \$150,000 for legal sufficiency, as required by ORS 291.047. In addition, the audit examined the current status of the DOJ's efforts to change funding models.

In accordance with Government Auditing Standards, we note an impairment because of our inability to timely access DOJ performance evaluations and other personnel documents. As part of our work to gauge how DOJ ensures the quality of its legal services, we requested copies of attorney evaluations, which can be a vehicle for constructive feedback and improvement. We requested these evaluations in early November 2019 and followed up about the status of the request on several occasions, but DOJ did not provide these materials as of the close of audit fieldwork in March 2020. Additionally, we requested turnover reports, hiring announcements, and other personnel documents to complete our fieldwork. However, DOJ did not provide the requested materials as of the close of audit work in March 2020.

Methodology

To address our objectives, we conducted extensive interviews of attorneys in the General Counsel Division, including interviewing Attorneys-in-Charge in select practice sections and legal secretaries from the Business Transactions and Government Services Sections, as well as administrative support staff. We also interviewed the Deputy Attorney General.

Because the General Counsel Division delivers legal services to all state agencies and commissions, we interviewed or consulted with a variety of employees at 11 state agencies, including executive directors; internal auditors; and accounting, procurement, and contracting staff. We also spoke to the General Counsel in the Governor's Office and the General Counsel of the State Treasury. We selected agencies based on volume of legal services in the 2017-19 biennium. Client agencies that we interviewed or received information from were:

- Board of Licensed Social Workers
- Department of Administrative Services
- Department of Consumer and Business Services
- Department of Corrections
- Department of Energy
- Department of Fish and Wildlife
- Department of Human Services
- Oregon Department of Transportation
- Housing and Community Services
- Oregon Parks and Recreation Department
- Oregon Youth Authority

We also interviewed Central Procurement Officers and the Attorney General's Offices in other states and a local government, including California, Colorado, Georgia, Idaho, Illinois, Maine, Texas, Utah, Washington, and the City of Portland.

In addition to interviews, we reviewed applicable Oregon Revised Statutes and Oregon Administrative Rules, as well as DOJ policies and procedures related to contract review, billing, and management controls. We researched and reviewed literature on legal contract reviews and funding models for legal services in other states. We also reviewed the results of the 2018 and 2019 client satisfaction surveys designed and implemented by DOJ.

We reviewed data from DOJ on open time and missing time reports generated by accounting staff. In addition, we conducted data reliability testing and analysis on two separate data systems: Matter Management, which is used for case management, and Carpe Diem, which records attorney time.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We sincerely appreciate the courtesies and cooperation extended by officials and employees of DOJ during the course of this audit.



DEPARTMENT OF JUSTICE

Justice Building
1162 Court Street NE
Salem, Oregon 97301-4096
Telephone: (503) 378-6002

June 10, 2020

Sent via email only to kip.r.memmott@state.or.us

Kip Memmott, Director
Secretary of State, Audits Division
255 Capitol St. NE, Suite 500
Salem, OR 97310

Dear Mr. Memmott:

Thank you for this opportunity to respond to the Audits Division's June 2020 report of its audit to determine how the General Counsel Division of the Oregon Department of Justice (DOJ) might optimize contract review services to better meet client agencies' expectations of timely, cost-effective, and responsive services.

The timing of this audit is fortuitous. On January 1, 2020, a new Chief Counsel, Renee Stineman, assumed leadership of the General Counsel Division. While we share your interest in fine tuning our contract review procedures, we recognize (as you do in your report) that an overwhelming majority of our clients are currently satisfied with our services. For this reason, Renee's goal will be to drive change in the Division where needed, while fostering existing elements that function well. Identifying specific areas that can be improved on the margins is helpful as Renee moves forward with hiring a Deputy Chief Counsel, completing strategic planning for the Division, and continuing the Division's important work. We pride ourselves on providing the gold standard of legal services for the state, and we look forward to continuing to refine our processes even more.

Your audit focuses on legal sufficiency contract review, which is just one piece of the wide variety of complex legal services provided by the Division's seven sections. General Counsel as a whole is state government's primary source for legal advice. They are on the front lines, every day, providing critical legal advice and services to our clients. The COVID-19 pandemic highlights the value of General Counsel. Throughout this crisis, our clients have relied on General Counsel for accurate, quick, and focused advice, which we have provided in a timely and cost-effective manner.

While this example is new, General Counsel's attention to client service is not. In addition to excellent advice, General Counsel provides our clients key legal resources and training. Perhaps the most popular is our biannual Public Law Conference, a two-day conference offering intensive training covering dozens of subjects. We also produce the Oregon Attorney General's Administrative Law and Public Records and Meetings Law manuals, along with other written materials.

Generally, the Division's Business Transactions Section (BTS) is responsible for ensuring the legality of the state's most complex commercial transactions by conducting legal sufficiency review of those contracts as required by Oregon law. BTS also provides broader advice and training centered around contract issues. As your audit report notes, DOJ's most recent client surveys reveal that 95% (in 2018) and 91% (in 2019) of respondents rated the overall quality of our legal services as excellent or good. In the most recent survey, 93% of respondents agreed that DOJ provides services in a timely manner.

Your audit also considers DOJ's preparation for the transition to a new funding model. DOJ has been advocating for a shift of its billing model away from a standard billable hour model toward a flat fee model. Many of our clients support this concept. We have laid the foundation for this transition, though the concept requires legislative action and, for some federally funded state programs, the cooperation of the federal government. For various reasons, including those identified in your report, we will continue to advocate for this change.

We generally agree with your recommendations, and we appreciate the opportunity your audit offers to further improve our services. Below is our detailed response to each recommendation in the audit.

RECOMMENDATION 1		
Develop and adopt a comprehensive strategic plan for the General Counsel to include: a) strategies for ensuring quality, timely, and cost-effective legal services; and b) a succession plan, to address the division's medium- and long-term direction and service delivery.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2021	Renee Stineman, 971-673-5021

Narrative for Recommendation 1

We recognize the value of strategic planning and consider strategic planning as the first and central step to key advancements in the Division. We are committed to a strategic plan process that considers, among other things, strategies for ensuring quality, timely, and cost-effective legal services and succession planning.

RECOMMENDATION 2		
Ensure appropriate staffing levels for processing ratifications and exemptions, which may include changes to administrative rules.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	3.31.2021	Mark A. Williams, 503-302-0043

Narrative for Recommendation 2

We certainly agree that adequate staffing is necessary for effective delivery of services. And we agree that there may be some room to improve our efficiency with respect to these two issues. For exemptions, General Counsel will improve efficiency by developing informational materials and additional training for both client agencies and attorneys.

For ratifications, OAR 137-045-0090(3) requires client agencies to “[o]btain approval of the Public Contract for legal sufficiency from the Attorney General, through the Attorney in Charge, Business Transactions Section.” We will review whether it is appropriate to allow more attorneys to approve ratifications and whether additional support will help expedite the review process. We will also identify and work with client agencies that request the bulk of the ratifications to help them address triggers leading to such requests. Because the relevant statutes require and establish a clear preference for prior legal sufficiency review, rather than after-the-fact ratification, the Division’s focus will be on helping clients to reduce the number of ratification requests.

Also, as to both ratifications and exemptions, a succession plan (see response to Recommendation #1) will help ensure adequate staffing.

RECOMMENDATION 3		
Review the legal sufficiency rule to determine if there are more contracts that can be considered exempt.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2020	Mark A. Williams, 503-302-0043

Narrative for Recommendation 3

Oregon law requires the Attorney General to review and approve for legal sufficiency certain types of public contracts, but also allows the Attorney General to exempt certain contracts from “legal sufficiency review” when such review will not materially reduce risk to the state. OAR 137-045-0050 and -0055 set out contracts that are currently exempt from legal sufficiency review. We will review the types of contracts that are currently exempt to determine whether it is advisable to expand the exemptions. This will include considering whether to revise the monetary thresholds for legal sufficiency review.

RECOMMENDATION 4		
Develop a risk-based contracts review process for attorneys’ work that accounts for staffing and budgetary concerns and ensures feedback to attorneys is provided in a timely manner.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	3.31.2021	Renee Stineman, 971-673-5021

Narrative for Recommendation 4

We understand this recommendation to suggest that we consider safeguards that ensure that, in some high-risk circumstances, General Counsel attorney work is subject to additional internal review in order to protect the state’s interests. We disagree with your assertion that did we not provide attorney performance evaluations. When we identified an appropriately narrow set of evaluations and addressed concerns around labor relations, employees’ privacy and attorney client privilege, you moved forward without reviewing the evaluations. In addition, you interviewed our managers and attorneys, gathering, among other things, details about our evaluation process.

We plan to (1) review the existing practice of peer consultation/review—having attorneys review other attorneys’ work—to determine whether this review should be expanded and whether this review should be incorporated into the existing performance-evaluation process; (2) consider conducting spot-checks of contract reviews and providing feedback after completing these checks and during the regularly scheduled evaluation meetings; (3) consider a process for performance-specific feedback; and (4) consider systems to support risk-based scrutiny, prioritizing work for higher-risk contracts.

RECOMMENDATION 5		
Gather and analyze contract review timeline data, taking into consideration contract review complexity.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2020	Renee Stineman, 971-673-5021

Narrative for Recommendation 5

We will continue to develop a process for gathering and analyzing contract review timeline data. This is not a new concept to the Division. In 2019, General Counsel launched a pilot program to test ways to record and measure data relevant to contract review. We will review the results of this pilot program, and determine whether to modify and/or expand the program.

RECOMMENDATION 6		
Develop performance measures for estimated turnaround times for contract review based on historical data.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	3.31.2021	Renee Stineman, 971-673-5021

Narrative for Recommendation 6

The audit report appropriately recognizes the difficulty in using turnaround time to set performance measures, including noting that other states have struggled to do so. This difficulty stems from the variety of factors that affect turnaround time, as well as the iterative nature of contract review. General Counsel agrees—after gathering and analyzing contract review data under Recommendation #5—to determine what data might be viable for measuring and improving performance.

RECOMMENDATION 7

Ensure the new information system contains the following controls: a) Automatically preventing user keying errors, such as incorrect dates; b) Requiring data to be entered in a standardized fashion (e.g., implement a standard symbol for contracts so a query can easily pull contracts out of the system for analyses such as a turnaround time and workload trends).

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2020	Marc D. Williams, 503-378-5705

Narrative for Recommendation 7

As DOJ upgrades its information system platform for General Counsel Matter Management, General Counsel will take steps to prevent data entry errors, such as adding drop down boxes for date fields. In addition, General Counsel is in the process of ensuring there are policies in place to standardize data entry conventions.

RECOMMENDATION 8

Develop a consistent process to ensure data inaccuracies are fixed and controls are put in place to prevent future errors.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	3.31.2021	Renee Stineman, 971-673-5021

Narrative for Recommendation 8

We intend to address the bulk of inaccuracies through modernization (see response to Recommendation #7). We intend to develop updated processes and training for staff, including quality control measures.

RECOMMENDATION 9

For legal sufficiency review, consult client agencies on whether to return contracts that are missing documents or contain errors.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2020	Mark A. Williams, 503-302-0043

Narrative for Recommendation 9

Providing excellent service for our clients includes balancing the client's various needs and expectations. General Counsel will continue to consult with clients while performing services to ensure those needs are met most efficiently. We will discuss with our clients that most frequently use General Counsel for contract review whether a more formal preliminary review/return-to-client process should be implemented. We will focus on circumstances where problems with the contract are so extensive that it would not be cost efficient for General Counsel to begin initial work without additional client work on the contract.

RECOMMENDATION 10

Develop and enforce a time entry review process that considers staffing and budgetary concerns and provides reasonable assurance that attorneys' time is accurately reflected in client agencies' billings.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	3.31.2021	Renee Stineman, 971-673-5021

Narrative for Recommendation 10

It is not cost effective for our attorneys to review the hundreds of invoices (with thousands of time entries) issued each month. However, DOJ is in the process of updating its timekeeping software, which we expect will improve accuracy. Once updated, we will be able to develop a wide range of reports to track attorneys' time entry. We will use these new reports as needed to review accuracy of billings and to ensure that billings are timely entered. In addition, we will continue to work closely with our clients to resolve any billing concerns that might arise.

RECOMMENDATION 11

Develop and implement a form for clients to use when submitting a contract for legal sufficiency review. The form should advise clients on what should be included in their contract review email. There should also be a space for clients to explain what the contract is and when the contract needs to be completed.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2020	Mark A. Williams, 503-302-0043

Narrative for Recommendation 11

General Counsel has used intake forms with specific clients, similar to what is suggested in this recommendation. We intend to reinstitute the use of intake forms for contract review requests, to complement General Counsel's existing instructional handout. We will consider how to most efficiently accommodate the many different types of contracts that General Counsel drafts and reviews in a modified intake process.

RECOMMENDATION 12

Ensure attorneys communicate to clients the scope of work needed to complete contract reviews, including any consultation with other attorneys.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2020	Mark A. Williams, 503-302-0043

Narrative for Recommendation 12

As a practice, we routinely communicate with our clients regarding the scope of ongoing work. That said, we will review our client communication practices to determine what additional updates should be provided to client agencies that might improve management of client expectations. Updates may include providing information about any significant consultations with other attorneys.

RECOMMENDATION 13

Develop and implement procedures for informing client agencies on legal sufficiency review, ratification, and exemption process and expectations. Policies and procedures could include informational handouts, updated online information, or periodic trainings and presentations.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	Written materials –12.31.20 Public Law Conference Training – Fall of 2021	Mark A. Williams, 503-302-0043

Narrative for Recommendation 13

As I mentioned at the outset, General Counsel provides our clients extensive contracting-related resources. Nonetheless, we will work with our major client agencies to determine what additional training and informational materials should be developed. Specifically, we will explore the need for additional written materials, in person client trainings and iLearn based trainings. These will supplement the existing contract trainings offered every two years at our Public Law Conference, as well as the regular procurement trainings we provide in conjunction with the Department of Administrative Services.

RECOMMENDATION 14

Ensure that monthly statements are prepared accurately.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	12.31.2021	Marc D. Williams, 503-378-5705

Narrative for Recommendation 14

The work done in response to Recommendation #10 will significantly improve accuracy in monthly statements. In addition, DOJ's planned upgrades to its timekeeping software, and planned work on its billing software, will reduce the amount of manual work required from billing staff, which will increase accuracy. The timekeeping upgrade is in the testing and acceptance phase, and should be rolled out by Fall 2020. Once this timekeeping upgrade is rolled out, DOJ will complete its analysis of the current billing system to determine what steps to take to improve the system.

RECOMMENDATION 15		
Develop a mechanism to generate the flat fee assessment sooner in the budget process so that client agencies can better plan their legal budget.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	Completed on 10.9.19	William O'Donnell, 503-373-1535

Narrative for Recommendation 15

DOJ worked with the Department of Administrative Services on a Flat Fee Assessment Model between August 13, 2019 and November 19, 2019. This new model calculates each agency's assessment based on the two previous biennia, so that each agency's assessment for the next biennium is finalized at the same time DOJ's budget for that biennium is finalized. This would allow state agencies to avoid any variance between their budgets and the amount billed by DOJ.

RECOMMENDATION 16		
Conduct a fiscal analysis to show the Legislature how flat fee assessment impacts state agencies' budgets.		
Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	Completed on 11.19.2019	William O'Donnell, 503-373-1535

Narrative for Recommendation 16

On November 19, 2019, DOJ presented to the Legislative Ways and Means Joint Subcommittee on Public Safety a proposal for the newly developed Flat Fee Assessment Model. To prepare for this presentation, DOJ conducted a fiscal analysis that calculated the estimated flat fee assessment for each state agency. Because legal budgets for agencies are currently created on the understanding that the amounts will be paid to DOJ for legal services, a properly designed system will have minimal impact on state agencies' bottom lines.

RECOMMENDATION 17

Continue to seek federal approval for a flat fee assessment and regularly update the Legislature on progress toward this goal.

Agree or Disagree with Recommendation	Target date to complete implementation activities	Name and phone number of specific point of contact for implementation
Agree	11.30.2021	Fred Boss, 503-378-6002

Narrative for Recommendation 17

Some federally funded programs present special difficulties for a flat fee assessment model because the federal government requires some way of identifying costs that are federally payable. DOJ will continue to work with the federal government to move toward a funding structure other than hourly client billing. DOJ had two phone conferences with our federal contact in the fall of 2019 regarding possible federal approval of a flat fee assessment, and is expecting follow up on those conversations by Fall 2020.

Please contact Renee Stineman at 971-673-5021 with any questions.

Sincerely,



Frederick M. Boss
Deputy Attorney General

cc via email only: Renee Stineman, Chief Counsel, General Counsel Division
Mark Williams, Attorney in Charge, Business Transaction Section
Andrew M. Love, Audits Division, Secretary of State
Danielle Moreau, Audits Division, Secretary of State
William Garber, Audits Division, Secretary of State



Audit Team

Will Garber, CGFM, MPA, Deputy Director

Andrew Love, CFE, Audit Manager

Danielle Moreau, MPA, Lead Auditor

Lisa Durden, CGAP, MPA, Staff Auditor

About the Secretary of State Audits Division

The Oregon Constitution provides that the Secretary of State shall be, by virtue of the office, Auditor of Public Accounts. The Audits Division performs this duty. The division reports to the elected Secretary of State and is independent of other agencies within the Executive, Legislative, and Judicial branches of Oregon government. The division has constitutional authority to audit all state officers, agencies, boards and commissions as well as administer municipal audit law.

This report is intended to promote the best possible management of public resources.
Copies may be obtained from:

Oregon Audits Division
255 Capitol St NE, Suite 500 | Salem | OR | 97310

(503) 986-2255
sos.oregon.gov/audits



DEPARTMENT OF JUSTICE
ADMINISTRATIVE SERVICES DIVISION

October 22, 2020

Jeff Hensley
Staff Accountant
Grants Financial Management Division

RE: SV29125 DOJ Enhanced Financial Desk Review Follow Up Letter

Dear Staff Accountant Hensley,

The Oregon Department of Justice (ODOJ), Crime Victim and Survivor Services Division underwent a financial monitoring and technical assistance review by the Office of the Chief Financial Officer (OCFO) on August 24-26, 2020. On September 21, 2020 the OCFO issued three recommendations. ODOJ was directed to respond to the recommendations by October 22, 2020. The status of the recommendations are as follows:

For Recommendation 29125-01: Due to severe staffing shortages, ODOJ was unable to fully address this recommendation prior to October 22. ODOJ has reviewed the recommendation and taken corrective steps to remedy the issue. ODOJ will have this recommendation fully implemented by November 15, 2020.

For Recommendation 29125-02: ODOJ has submitted the necessary requests to Bureau of Justice Assistance (BJA) office and the Office for Victims of Crime (OVC) for the clearance and retroactive approval of all costs obligated and expended prior to the release date of the clearance date of the Special Conditions. ODOJ is currently awaiting responses from OVC and BJA. Please see attached documentation.

For Recommendation 29125-03: Due to severe staffing shortages the financial point of contact was unable to complete this request before October 22. The recommended training should be completed by November 15, 2020.

Sincerely,

Shannon Sivell

cc: Latanza Wilson, Grant Manager, BJA
Brian Sass-Hurst, Grant Manager, OVC
financialmonitoring@usdoj.gov

Shaw Rebecca

From: Gray Mackenzie E
Sent: Thursday, September 24, 2020 10:39 AM
To: Wilson, Latanza (OJP)
Cc: Sivell Shannon L; Larson Kim
Subject: RE: 2018-RJ-BX-0036 PO Approval GAN Denied
Attachments: SV29122 OR DOJ Follow up Letter.pdf; 2018 JRJ Budget Worksheet.XLSM

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Latanza,

Thank you for the information regarding our GAN request. With the end of this grant coming up on September 30th we would greatly appreciate your consideration to make this an external approval. Per your request, I am attaching to this e-mail a copy of the OCFO letter as well as a copy of the budget for your review. My supervisor, Kim Larson, and I would be happy to give you a call to address any question or concerns you have. Is there a time that would work best for you?

Thanks,
Mackenzie

Mackenzie Gray (she/her) | Fund Coordinator | Crime Victim and Survivor Services Division | Oregon Department of Justice | 1162 Court St NE | Salem, OR 97301 | 503-378-5647

From: Martin Deborah L <Deborah.L.Martin@doj.state.or.us>
Sent: Wednesday, September 23, 2020 8:29 AM
To: Gray Mackenzie E <Mackenzie.E.Gray@doj.state.or.us>
Cc: Sivell Shannon L <Shannon.l.sivell@doj.state.or.us>; Larson Kim <Kim.Larson@doj.state.or.us>
Subject: FW: 2018-RJ-BX-0036 PO Approval GAN Denied
Importance: High

Thanks,
[Debbie Martin](#)
503.378.5527

From: Wilson, Latanza (OJP) <Latanza.Wilson@usdoj.gov>
Sent: Wednesday, September 23, 2020 4:18 AM
To: Sivell Shannon L <Shannon.l.sivell@doj.state.or.us>; Martin Deborah L <Deborah.L.Martin@doj.state.or.us>
Subject: 2018-RJ-BX-0036 PO Approval GAN Denied
Importance: High

CAUTION EXTERNAL EMAIL* This email originated from outside of DOJ. Treat attachments and links with caution. *CAUTION EXTERNAL EMAIL

Good Morning,

I am reaching out to you because I noticed the attached GAN was submitted within GMS. Please give me a call today so that we can discuss. I have attached my denial note to your submitted GAN below:

“OJP is transitioning to a new grants management system, called JUSTgrants, in October 2020. The use of the Grants Management System (GMS) will be discontinued on September 22, 2020. In preparation for this transition, all grantees were notified to submit GAN requests in GMS by no later than 8/24/20, and our office is required to take final action on all GANs in GMS by 8/31. This GAN is being denied because the GAN was not (re)submitted in a timely manner and/or because there was not enough time for BJA to complete its review by the established deadline. We apologize for any inconvenience. Please (re)submit the request in the JUSTgrants system when it goes live on 10/15/20. As a reminder, during the migration period between September 23 and October 14, grantees will/should not be able to take any action in legacy systems. See <https://justicegrants.usdoj.gov> for detailed information. Please contact me so that we can discuss a possible email PO Approval (202-514-8267).”

Please also note that for this type of request also attach the following (especially if we are able to address this via email until JUSTgrants goes live):

- OCFO Issue for Resolution write up
- An itemized budget of your \$36,453.00 expenditures deemed unallowable by OCFO (include your budget narrative justification for these costs)

I will discuss with management to determine if this type of request is eligible for external approval & officially respond to your request. Please let me know if you have any questions or concerns.

Thank you & have a wonderful day

Latanza G. Wilson



State Policy Advisor

RI, DE, ME JAG, Lead – JRI & JRJ

☎ 202-514-8267

United States Department of Justice

Office of Justice Programs

Bureau of Justice Assistance (BJA)

810 7th St., N.W., Washington D.C. 20531

PLEASE INCLUDE YOUR AWARD or APPLICATION NUMBER IN ALL CORRESPONDENCE

WWW.CRIMESOLUTIONS.GOV WEBSITE LAUNCHED!

A One-Stop Shop for Programs that Work in Criminal Justice, Juvenile Justice and Crime Victim Services



BJA Grantee Resources:	http://www.ojp.usdoj.gov/BJA/resource/index.html	
Accepted Award documents to:	acceptance@usdoj.gov	Fax: 1-202-353-9279
Grants Management System (GMS):	https://grants.ojp.usdoj.gov	Helpdesk: 1-888-549-9901 (option 3)
Terms and due dates for FY 2009 and forward, including Recovery Act JAG:	http://www.ojp.usdoj.gov/BJA/grant/jag09/FY09_JAG_Reporting.pdf	
Performance Measurement Tools (PMT):	https://www.bjaperformancetools.org/	Helpdesk: 1-888-252-6867
Online Training Tools for your GMS FAQ's:	https://ojp.gov/gmscbt/	
Chief Financial Officers Customer Service (For Financial Matters):	Ask.OCFO@usdoj.gov	Helpdesk: 1-888-549-9901 (option 2)
ARRA 1512 Reporting:	www.FederalReporting.gov	Helpdesk: 1-877-508-7386
Accountability and Transparency Act (FFATA) Sub Award Reporting System:	https://www.fsr.gov	Helpdesk: 1-866-606-8220
Technical Assistance Reporting System (TTARS):	https://ttars.bjatools.org/	Helpdesk: 1-855-252-8822
Training and Technical Assistance Center	NTTAC@BJATraining.org	Helpdesk: 1-855-BJA-TTAC (1-855-252-8822)
Agreements Conference Cost Approvals:	BJAConferenceReport@usdoj.gov	Please submit your completed approval forms at least 90 days before confirm final event arrangements with the conference space facility participants, etc. For information about BJA's conference reporting contact your assigned BJA Grant Manager.
Award Closeout Assistance:	CLOSEOUT INSTRUCTIONS	OCFO Online Financial Training - https://onlinegfmt.traini
JEFS Team Technical Support	leisp-pmo@usdoj.gov	
Management & System of Internal Controls Questionnaire	https://ojp.gov/funding/Apply/Resources/FinancialCapability.pdf	



DEPARTMENT OF JUSTICE
CRIME VICTIM AND SURVIVOR SERVICES DIVISION

October 22, 2020

Brian Sass-Hurst
Office for Victims of Crime
810 7th St. NW
Washington, D.C. 20531

RE: VOCA Training Grant 2018-V3-GX-0030 Request for Retroactive Approval of Costs

Dear Mr. Sass-Hurst,

CVSSD recently underwent a financial monitoring and technical assistance review from the Office of the Chief Financial Officer (OCFO). One of the findings from this visit was related to our office's VOCA Training Grant, 2018-V3-GX-0030. The issue relates to \$2,934.84 in administrative costs expended prior to final clearance of special conditions 37 and 44 of the Grant Agreement. In order to resolve this OCFO finding, we are requesting clearance and retroactive approval of all costs obligated and expended prior to the clearance date of these special conditions. Below we have addressed the questions associated with approval of this request.

How Costs were Expended Prior to the Final Financial Clearance

The costs in question are entirely administrative costs associated with CVSSD staff work to implement the approved project. The project consists primarily of funding to subawardees, so initial work on the grant consisted primarily of work associated with developing the RFA for the subawardees, reviewing and approving the subawardee applications, and working with OVC to finalized the revised documents associated with the award, as the award amount was for less than CVSSD requested.

Steps Taken to Prevent this Issue in the Future

CVSSD staff did not realize that final clearance had not been granted for these special conditions, as both a budget and indirect cost rate were submitted under the approved application, with a revised budget submitted shortly after award. CVSSD staff and administration now have a better understanding of the expectations and process associated with these special conditions and will now know to wait to initiate work on a project with these types of special conditions until the specific GANs clearing them have been processed. Of course, this will also affect the timelines associated with these grants, as delaying the initial administrative work associated with the start of the project will delay the remainder of the grant activities. CVSSD will keep this in mind while developing timelines for future grants.

Impact to the Project Should the Request be Denied

As these expenditures are in the past, there would be no impact to the project. The staff work associated with these expenditures has already been complete. The impact would be to the very limited amount of non-grant funding CVSSD has, as that is where the funds for these expenditures would have to come from if not funded by the grant.

Why OVC Should Approve the Request

CVSSD appreciates OVC's consideration of our request and would certainly appreciate OVC's approval of these expenditures. This has been a learning opportunity for CVSSD staff. All staff who work with federal grants in the division have met to discuss the specific wording and intention behind special conditions such as these. This error will not occur in the future. That being said, CVSSD has very limited non-grant funding, which would have to be used to cover these expenses if this request is not approved, which will in turn have a negative impact on CVSSD's future operations.

Thank you for your time and consideration. Please feel free to contact our office with any further questions.

Sincerely,

Shannon Sivell
Director
Crime Victim and Survivor Services Division

US DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
GRANT ADJUSTMENT NOTICE

Grantee Information			
Grantee Name:	Oregon Department of Justice	Project Period:	10/01/2018 - 09/30/2020
Grantee Address:	1162 COURT STREET NE SALEM, OR 97301	Program Office:	BJA
Grantee DUNS Number:	80-979-0223	Grant Manager:	Latanza Wilson
Grantee EIN:	93-6001740	Application Number(s):	2018-H1529-OR-RJ
Vendor #:	936001740	Award Number:	2018-RJ-BX-0036
Project Title:	Oregon FY 18 John R. Justice Grant Program	Award Amount:	\$38,874.00

Program Office Approvals	
*Approval Types	
<input type="checkbox"/> Changes in Consultant rates (in excess of \$650/day)	<input type="checkbox"/> Publication Plan Submissions
<input type="checkbox"/> Purchase of Automatic Data Processing (ADP) Equipment and Software	<input type="checkbox"/> Funding for Criminal Justice Information and Communication Systems
<input type="checkbox"/> Foreign Travel Costs	<input checked="" type="checkbox"/> Other (Please enter type of Program Office Approval below) Retroactive approval for spei

***Required Justification for Program Office Approvals:**

We have received notice due to an OCFO review that we currently have \$36,453 in unallowable costs within this award because we expended funds prior to the final clearance date of the Special Conditions through a GAN. We request clearance and retroactive approval of all costs obligated and expended prior to this date. Unfortunately this was a during a significant transition period in our office and we were did not realize we were waiting on any clearances prior to spending. This \$36,453 represents all payments to JRJ recipients and a portion of the administrative funding for the program, and as such is absolutely necessary for the successful completion of this grant.

Attachments:

None

Review Audit Trail:

Description:	Role:	User:	Timestamp:
Submitted	PO - Grant Manager	cynthia	09/22/2020 4:41 PM
Draft	EXTERNAL - External User	cynthia	09/22/2020 4:40 PM

Office of the Secretary of State

Bev Clarno
Secretary of State

Jeff Morgan
Interim Deputy Secretary of State



Audits Division

Kip R. Memmott, MA, CGAP, CRMA
Director

255 Capitol St. NE, Suite 500
Salem, OR 97310

503-986-2255

December 23, 2020

The Honorable Ellen F. Rosenblum, Attorney General
Department of Justice
1162 Court Street NE
Salem, Oregon 97301

Dear Ms. Rosenblum:

We have completed audit work of selected financial accounts at your department for the year ended June 30, 2020. This audit work was not a comprehensive financial audit of the department but was performed as part of our annual audit of the State of Oregon's financial statements. We audited accounts that we determined to be material to the State of Oregon's financial statements.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements of the State of Oregon as of and for the year ended June 30, 2020, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, we considered the department's internal control over financial reporting as a basis for designing auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements of the State of Oregon, but not for the purpose of expressing an opinion on the effectiveness of the department's internal control. Accordingly, we do not express an opinion on the effectiveness of the department's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control was for the limited purpose described above and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this letter is solely to describe the scope of our testing of internal control and the result of that testing, and not to provide an opinion on the effectiveness of the department's internal control. This communication is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the department's internal control. Accordingly, this letter is not suitable for any other purpose.

We appreciate your staff's assistance and cooperation during this audit. Should you have any questions, please contact Kelly Olson, Audit Manager or Kari Mott, Principal Auditor, at (503) 986-2255.

Sincerely,

Office of the Secretary of State, Audits Division

cc: Frederick Boss, Deputy Attorney General
William O'Donnell, Chief Financial Officer
Marc Williams, Administrative Services Division Administrator
Katy Coba, Director, Department of Administrative Services

Agency Span of Control as of December 31, 2020 @ 12:00 PM

Agency	Agency Max Supervisory ratio	Total # EEs *	Total # Non-supervisory EEs	÷	Total # Supervisory EEs	Total # EEs not assigned a Representation **	1 :	Adjusted Actual Ratio	Actual ratio
Bureau of Labor and Industries	(1:8)	118	104	÷	14	0	1 :	7	7.43
Department of Administrative Services	(1:10)	1043	949	÷	94	0	1 :	10	10.10
Department of Agriculture	(1:8)	801	750	÷	51	0	1 :	15	14.71
Department of Consumer and Business Services	(1:11)	994	991	÷	83	0	1 :	12	11.94
Department of Corrections	(1:10)	5274	4819	÷	454	1	1 :	11	10.61
Department of Environmental Quality	(1:10.25)	820	751	÷	69	0	1 :	11	10.88
Department of Fish and Wildlife	(1:6)	1399	1213	÷	186	0	1 :	7	6.52
Department of Human Services	(1:8.39)	10800	9810	÷	981	9	1 :	10	10.00
Department of Justice	(1:11.88)	1602	1478	÷	122	2	1 :	12	12.11
Department of Public Safety Standards and Training	(1:27)	418	400	÷	15	3	1 :	27	26.67
Department of Revenue	(1:11)	1117	1026	÷	91	0	1 :	11	11.27
Department of State Lands	(1:8)	140	129	÷	10	1	1 :	13	12.90
Department of Transportation	(1:11)	5596	5166	÷	430	0	1 :	12	12.01
Employment Department	(1:11)	2624	2432	÷	192	0	1 :	13	12.67
Forestry Department	(1:7)	1901	1726	÷	174	1	1 :	10	9.92
Higher Education Coordinating Commission	(1:7)	157	138	÷	19	0	1 :	7	7.26
Oregon Business Development Department	(1:9)	151	137	÷	14	0	1 :	10	9.79
Oregon Department of Education	(1:9)	975	884	÷	88	3	1 :	10	10.05
Oregon Health Authority	(1:8.6)	5281	4829	÷	452	0	1 :	11	10.68
Oregon Housing and Community Services	(1:9)	242	216	÷	26	0	1 :	8	8.31
Oregon Liquor Control Commission	(1:11)	421	391	÷	30	0	1 :	13	13.03
Oregon State Department of Police	1:12	1507	1373	÷	131	3	1 :	10	10.48
Oregon Youth Authority	(1:9)	1069	969	÷	100	0	1 :	10	9.69
Parks and Recreation Department	(1:8)	913	828	÷	85	0	1 :	10	9.74
Public Employees Retirement System	(1:10)	420	385	÷	35	0	1 :	11	11.00
Public Utility Commission of Oregon	(1:5)	132	112	÷	20	0	1 :	6	5.60
State of Oregon Military Department	(1:10)	597	544	÷	53	0	1 :	10	10.26
Water Resources Department	(1:8)	185	168	÷	17	0	1 :	10	9.88
Veteran Affairs		105	89	÷	16	0	1 :	6	5.56

* This total number includes positions which were flagged by Workday as NOT having a Repr code assigned. Each position was reviewed and assigned to a supervisory or non supervisory category.

** These numbers are showing up in Workday as not having a Repr code assigned. They were reallocated to a supervisory or non-supervisory category and folded into the Total on column C.

Ratio within Maximum supervisory ratio

Ratio not within Maximum supervisory ratio





HCM Span of Control Counts by Company or Supervisory Organization Selection

01:07 PM
12/31/2020
Page 1 of 3

Effective as of Date and Time: 12/31/2020 12:00:00.000 PM

OR Supervisory Organization: Executive Branch

Include Subordinate Organizations: Yes

Company	Supervision Category	Filled	Vacant	Total
Appraiser Certification and Licensure Board	Non-Supervisory	5	1	6
Board of Chiropractic Examiners	Non-Supervisory	4	1	5
Board of Examiners for Engineering and Land Surveying	Non-Supervisory	14	4	18
Board of Medical Imaging	Non-Supervisory	3	0	3
Board of Naturopathic Medicine	Non-Supervisory	2	1	3
Board of Nursing	Non-Supervisory	44	12	56
Board of Nursing	Supervisory	6	0	6
Bureau of Labor and Industries	Non-Supervisory	83	21	104
Bureau of Labor and Industries	Supervisory	11	3	14
Commission for the Blind	Non-Supervisory	56	7	63
Commission for the Blind	Supervisory	7	5	12
Construction Contractors Board	Non-Supervisory	50	7	57
Construction Contractors Board	Supervisory	4	3	7
Department of Administrative Services	Non-Supervisory	778	171	949
Department of Administrative Services	Supervisory	87	7	94
Department of Agriculture	Non-Supervisory	429	321	750
Department of Agriculture	Supervisory	43	8	51
Department of Consumer & Business Services	Non-Supervisory	800	111	911
Department of Consumer & Business Services	Supervisory	77	6	83
Department of Corrections	Non-Supervisory	4,231	587	4,818
Department of Corrections	Representation Not Assigned	1	0	1
Department of Corrections	Supervisory	365	89	454
Department of Energy	Non-Supervisory	62	13	75
Department of Energy	Supervisory	10	0	10
Department of Environmental Quality	Non-Supervisory	648	103	751
Department of Environmental Quality	Supervisory	66	3	69
Department of Fish and Wildlife	Non-Supervisory	846	367	1,213
Department of Fish and Wildlife	Supervisory	166	20	186
Department of Geology and Mineral Industries	Non-Supervisory	30	7	37
Department of Geology and Mineral Industries	Supervisory	2	1	3
Department of Human Services	Non-Supervisory	8,836	975	9,811
Department of Human Services	Representation Not Assigned	9	0	9
Department of Human Services	Supervisory	913	68	981
Department of Justice	Non-Supervisory	1,237	241	1,478
Department of Justice	Representation Not Assigned	0	2	2
Department of Justice	Supervisory	100	22	122
Department of Public Safety Standards and Training	Non-Supervisory	363	37	400
Department of Public Safety Standards and Training	Representation Not Assigned	3	0	3
Department of Public Safety Standards and Training	Supervisory	13	2	15
Department of Revenue	Non-Supervisory	850	176	1,026
Department of Revenue	Supervisory	86	5	91
Department of State Lands	Non-Supervisory	108	21	129
Department of State Lands	Representation Not Assigned	1	0	1
Department of State Lands	Supervisory	10	0	10
Department of the Military - Federal Employees	Non-Supervisory	1,254	468	1,722
Department of Transportation	Non-Supervisory	4,377	789	5,166
Department of Transportation	Supervisory	395	34	429
Department of Veterans Affairs	Non-Supervisory	69	20	89
Department of Veterans Affairs	Supervisory	15	1	16
District Attorneys and their Deputies	Non-Supervisory	36	0	36



HCM Span of Control Counts by Company or Supervisory Organization Selection

Company	Supervision Category	Filled	Vacant	Total
Employment Department	Non-Supervisory	1,920	512	2,432
Employment Department	Supervisory	155	37	192
Employment Relations Board	Non-Supervisory	10	1	11
Employment Relations Board	Supervisory	2	0	2
Forestry Department	Non-Supervisory	1,200	526	1,726
Forestry Department	Representation Not Assigned	1	0	1
Forestry Department	Supervisory	138	36	174
Higher Education Coordinating Commission	Non-Supervisory	110	28	138
Higher Education Coordinating Commission	Supervisory	17	2	19
Land Conservation and Development Department	Non-Supervisory	52	21	73
Land Conservation and Development Department	Supervisory	6	0	6
Land Use Board of Appeals	Non-Supervisory	4	4	8
Land Use Board of Appeals	Supervisory	2	0	2
Long Term Care Ombudsman	Non-Supervisory	27	5	32
Long Term Care Ombudsman	Supervisory	2	0	2
Mental Health Regulatory Agency	Non-Supervisory	10	1	11
Mental Health Regulatory Agency	Supervisory	2	0	2
Occupational Therapy Licensing Board	Non-Supervisory	1	0	1
Office of the Governor	Non-Supervisory	42	14	56
Office of the Governor	Supervisory	15	3	18
Oregon Advocacy Commissions Office	Non-Supervisory	6	0	6
Oregon Board of Dentistry	Non-Supervisory	5	2	7
Oregon Board of Dentistry	Supervisory	1	2	3
Oregon Board of Optometry	Non-Supervisory	1	0	1
Oregon Board of Pharmacy	Non-Supervisory	18	2	20
Oregon Board of Pharmacy	Supervisory	3	1	4
Oregon Business Development Department	Non-Supervisory	106	31	137
Oregon Business Development Department	Supervisory	13	1	14
Oregon Criminal Justice Commission	Non-Supervisory	11	20	31
Oregon Criminal Justice Commission	Supervisory	2	2	4
Oregon Department of Aviation	Non-Supervisory	12	6	18
Oregon Department of Aviation	Supervisory	3	0	3
Oregon Department of Education	Non-Supervisory	605	279	884
Oregon Department of Education	Representation Not Assigned	3	0	3
Oregon Department of Education	Supervisory	74	14	88
Oregon Forest Resources Institute	Non-Supervisory	7	0	7
Oregon Forest Resources Institute	Supervisory	1	0	1
Oregon Government Ethics Commission	Non-Supervisory	9	0	9
Oregon Health Authority	Non-Supervisory	3,944	885	4,829
Oregon Health Authority	Supervisory	377	75	452
Oregon Housing and Community Services	Non-Supervisory	160	56	216
Oregon Housing and Community Services	Supervisory	24	2	26
Oregon Liquor Control Commission	Non-Supervisory	319	72	391
Oregon Liquor Control Commission	Supervisory	26	4	30
Oregon Medical Board	Non-Supervisory	33	5	38
Oregon Medical Board	Supervisory	5	0	5
Oregon Patient Safety Commission	Non-Supervisory	9	1	10
Oregon Patient Safety Commission	Supervisory	0	1	1
Oregon State Board of Geologist Examiners	Non-Supervisory	1	0	1
Oregon State Department of Police	Non-Supervisory	1,153	220	1,373
Oregon State Department of Police	Representation Not Assigned	3	0	3
Oregon State Department of Police	Supervisory	119	12	131
Oregon State Library	Non-Supervisory	34	8	42
Oregon State Library	Supervisory	4	0	4
Oregon State Marine Board	Non-Supervisory	33	5	38
Oregon State Marine Board	Supervisory	5	0	5
Oregon State Treasury	Non-Supervisory	116	10	126



HCM Span of Control Counts by Company or Supervisory Organization Selection

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12/31/2020
Page 3 of 3

Company	Supervision Category	Filled	Vacant	Total
Oregon State Treasury	Supervisory	41	1	42
Oregon Youth Authority	Non-Supervisory	880	89	969
Oregon Youth Authority	Supervisory	88	12	100
Parks and Recreation Department	Non-Supervisory	581	247	828
Parks and Recreation Department	Supervisory	66	19	85
Psychiatric Security Review Board	Non-Supervisory	9	1	10
Public Employees Retirement System	Non-Supervisory	359	26	385
Public Employees Retirement System	Supervisory	34	1	35
Public Utility Commission	Non-Supervisory	95	17	112
Public Utility Commission	Supervisory	18	2	20
Racing Commission	Non-Supervisory	9	1	10
Racing Commission	Representation Not Assigned	1	0	1
Racing Commission	Supervisory	6	1	7
Real Estate Agency	Non-Supervisory	22	6	28
Real Estate Agency	Supervisory	4	2	6
Secretary of State	Non-Supervisory	171	36	207
Secretary of State	Supervisory	25	3	28
State Board of Accountancy	Non-Supervisory	7	0	7
State Board of Examiners for Speech-Language Pathology and Audiology	Non-Supervisory	2	0	2
State Board of Licensed Social Workers	Non-Supervisory	7	2	9
State Board of Massage Therapists	Non-Supervisory	5	1	6
State Board of Massage Therapists	Supervisory	1	0	1
State Board of Parole and Post-Prison Supervision	Non-Supervisory	17	13	30
State Board of Parole and Post-Prison Supervision	Supervisory	2	0	2
State Landscape Contractors Board	Non-Supervisory	4	1	5
State Mortuary And Cemetery Board	Non-Supervisory	6	0	6
State of Oregon Military Department	Non-Supervisory	398	146	544
State of Oregon Military Department	Supervisory	43	10	53
Tax Practitioners Board	Non-Supervisory	1	1	2
Teacher Standards and Practices Commission	Non-Supervisory	22	8	30
Teacher Standards and Practices Commission	Supervisory	3	0	3
Veterinary Medical Examining Board	Non-Supervisory	6	0	6
Water Resources Department	Non-Supervisory	136	32	168
Water Resources Department	Supervisory	17	0	17
Watershed Enhancement Board	Non-Supervisory	25	17	42
Watershed Enhancement Board	Supervisory	2	2	4
(Blank)	Representation Not Assigned	0	2	2
Total		41,679	8,345	50,024