

Legislative Fiscal Office

Oregon State Capitol
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Joint Committee on Ways and Means

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To: Public Safety Subcommittee

From: John Borden, Legislative Fiscal Office

Date: May 26, 2021

Subject: HB 5014 – Department of Justice
Work Session Recommendations

Department of Justice				
	2017-19 Actual	2019-21 Legislatively Approved *	2021-23 Current Service Level	2021-23 LFO Recommended
General Fund	89,726,176	117,240,118	115,524,731	137,032,000
Other Funds	314,248,330	373,423,466	382,228,947	381,349,228
Federal Funds	182,172,657	216,470,717	158,962,562	186,085,247
Total Funds	586,147,163	707,134,301	656,716,240	704,466,475
Positions	1,406	1,458	1,421	1,467
FTE	1,355.64	1,421.38	1,411.73	1,451.56

* Includes Emergency Board and administrative actions through January 2021

The Legislative Fiscal Office (LFO) recommendation for the Department of Justice (DOJ) is to fund the agency at \$137,032,000 General Fund, \$381,349,228 Other Funds, \$186,085,247 Federal Funds, and 1,467 positions (1,451.56 FTE), which is a decrease of 0.4% from the 2019-21 legislatively approved budget.

The legal services rate (also known as the Attorney General rate) is established as part of the legislative budget process. The Attorney General rate for the 2021-23 legislative adopted budget is recommended at \$242 and is estimated to generate \$272 million for the biennium, with a projected ending balance of \$13.8 million. This represents approximately 1.25 month of operating capital reserve for the Legal Services Fund or \$12.6 million. The increase in the legal services rate from \$214 to \$242 or \$28 per hour, or by 13.1%, is explained primarily by the following factors: (a) current services level adjustments for: collective bargaining agreements, merit increases, inflation on services and supplies; and mandated caseload adjustments; (d) policy package adjustments; (c) an estimate for yet-to-be negotiated compensation plan adjustments; (d) a 1.25 month working capital reserve; and (e) an estimated \$9.3 million drawdown of working capital reserves during the

2019-21 biennium, which left a 2021-23 beginning balance of only \$681,143. The change to the legal services hourly billing rate in client agency budgets will be addressed in the end-of-session omnibus budget measure.

Adjustments to Current Service Level

See attached “Work Session Presentation Report.”

Note: Statewide adjustments and six-year capital construction expenditures are not included in these recommendations. Any needed adjustments will be made in end of session bills.

Performance Measures

See attached “Legislatively Proposed 2021-23 Key Performance Measures.”

Budget Notes

Budget Note #1 - Environmental Crimes and Cultural Resources Enforcement Unit Reporting

The Department of Justice is directed to report to the Joint Committee on Ways and Means during the Legislative Session in 2023 on the activities of the Environmental Crimes and Cultural Resources Enforcement Unit. The report is to include, but is not limited to, the number and types matters, legal status or outcomes, costs and billings for legal services, and the recovery of cost from litigation settlements and restitution.

Budget Note #2 - Internal Audit

The Department of Justice is directed to report to the Joint Legislative Audit Committee during the Legislative Session in 2022 on the agency’s internal audit function, including the reporting structure to the Attorney General, and the hiring of the legislatively-authorized Internal Auditor positions. The report is to include, but is not limited to, the internal audit plans for the 2021-23 biennium and the 2023-25 biennium. The audit plans are to include the auditing of the revenues and expenditures related to the legal service charges under Oregon Revised Statute 180.

Budget Note #3 - Crime Victims and Survivor Services Division Review

The overall level of state and federal funding for domestic violence and sexual assault increased significantly in recent biennia. The Department of Justice is directed to report to the Joint Committee on Ways and Means during the Legislative Session in 2023 on how services to victims of domestic violence and sexual assault have been funded from the 2013-15 to the 2019-21 biennia, how funding decisions were determined and funds distributed, how governance, oversight, compliance, and auditing were conducted, and how performance standards were established, reported, and outcomes measured.

Budget Note #4 - General Counsel

The Department of Justice is to report to the Joint Committee on Ways and Means during interim Legislative Days prior to the Legislative Session in 2022 with a proposed pilot

program detailing how the department can more effectively and directly support state agencies that incur high legal costs and that pose heightened litigation risk to the state.

Budget Note #5 - Legal Tools Replacement Project 2.0

The Department of Justice is directed to report to the Joint Committee on Information Management and Technology during the Legislative Session in 2022 on the status of the Legal Tools Replacement Program, including providing comprehensive program-level artifacts for all business functionality, a comprehensive business case, requirements, and program cost, schedule, and scope baselines. The report is also to define the department’s governance of the program.

The Department is directed to procure an independent Quality Management Services (iQMS) contractor no later than August 2021 to provide: (a) an initial program risk assessment/analysis by October 2021; (b) a quality management plan for the iQMS engagement, including the anticipated quality checklists and standards to be utilized by December 2021; (c) quality control reviews for, at minimum, the program’s solution requirements and its project management planning artifacts, due by January 2022; and (d) periodic quality assurance and risk assessment reports, beginning in October 2021 and continuing through the completion of the project. The department is to provide monthly program status reports to the Department of Administrative Services and the Legislative Fiscal Office.

Recommended Changes

LFO recommends a budget of \$137,032,000 General Fund, \$381,349,228 Other Funds, \$186,085,247 Federal Funds, and 1,467 positions (1,451.56 FTE), which is reflected in the -1 amendment.

Final Subcommittee Action

LFO recommends that HB 5014, as amended by the -1 amendment, be moved to the Ways and Means Full Committee.

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____

LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-000-00-00-00000
Justice, Dept of

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	114,789,120	-	351,837,618	186,995,478	-	-	653,622,216	1,453	1,420.13
2019-21 Ebds, SS & Admin Act	2,450,998	-	21,585,848	29,475,239	-	-	53,512,085	8	4.35
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	117,240,118	-	373,423,466	216,470,717	-	-	707,134,301	1,461	1,424.48
2019-21 Leg Approved Budget (Base)	114,789,120	-	351,837,618	186,995,478	-	-	653,622,216	1,453	1,420.13
Summary of Base Adjustments	(4,117,906)	-	22,402,640	4,604,648	-	-	22,889,382	(35)	(11.04)
2021-23 Base Budget	110,671,214	-	374,240,258	191,600,126	-	-	676,511,598	1,418	1,409.09
010: Non-PICS Pers Svc/Vacancy Factor	300,986	-	1,612,974	111,662	-	-	2,025,622	-	-
020: Phase In / Out Pgm & One-time Cost	(4,963,664)	-	(3,753,356)	(37,437,036)	-	-	(46,154,056)	-	-
030: Inflation & Price List Adjustments	7,102,580	-	9,139,828	4,687,810	-	-	20,930,218	-	-
040: Mandated Caseload	2,413,613	-	989,245	-	-	-	3,402,858	3	2.64
060: Technical Adjustments	2	-	(2)	-	-	-	-	-	-
2021-23 Current Service Level	115,524,731	-	382,228,947	158,962,562	-	-	656,716,240	1,421	1,411.73
070: Revenue Reductions/Shortfall	-	-	(10,215,150)	(10,417,902)	-	-	(20,633,052)	(82)	(80.45)
080: E-Boards	(151,739)	-	701,732	(453,427)	-	-	96,566	2	2.00
Adjusted 2021-23 Current Service Level	115,372,992	-	372,715,529	148,091,233	-	-	636,179,754	1,341	1,333.28
Total LFO Recommended Packages	21,659,008	-	8,633,699	37,994,014	-	-	68,286,721	126	118.28
2021-23 Legislative Actions	137,032,000	-	381,349,228	186,085,247	-	-	704,466,475	1,467	1,451.56
Net change from 2019-21 Leg Approved Budget	19,791,882	-	7,925,762	(30,385,470)	-	-	(2,667,826)	6	27.08
Percent change from 2019-21 Leg Approved Budget	16.9%	0.0%	2.1%	(14.0%)	0.0%	0.0%	(0.4%)	0.4%	1.9%
Net change from 2021-23 Adj Current Service Level	21,659,008	-	8,633,699	37,994,014	-	-	68,286,721	126	118.28
Percent change from 2021-23 Adj Current Service Level	18.8%	0.0%	2.3%	25.7%	0.0%	0.0%	10.7%	9.4%	8.9%

LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-010-00-00-00000
Administration

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	710,680	-	39,494,976	-	-	-	40,205,656	120	117.96
2019-21 Ebds, SS & Admin Act	(154,190)	-	1,848,775	-	-	-	1,694,585	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	556,490	-	41,343,751	-	-	-	41,900,241	120	117.96
2019-21 Leg Approved Budget (Base)	710,680	-	39,494,976	-	-	-	40,205,656	120	117.96
Summary of Base Adjustments	(37,091)	-	2,187,289	-	-	-	2,150,198	(2)	(1.21)
2021-23 Base Budget	673,589	-	41,682,265	-	-	-	42,355,854	118	116.75
010: Non-PICS Pers Svc/Vacancy Factor	(2,349)	-	124,837	-	-	-	122,488	-	-
020: Phase In / Out Pgm & One-time Cost	6,674	-	(859,396)	-	-	-	(852,722)	-	-
030: Inflation & Price List Adjustments	4,125	-	583,361	-	-	-	587,486	-	-
2021-23 Current Service Level	682,039	-	41,531,067	-	-	-	42,213,106	118	116.75
Adjusted 2021-23 Current Service Level	682,039	-	41,531,067	-	-	-	42,213,106	118	116.75
Total LFO Recommended Packages	(1,411)	-	3,355,824	-	-	-	3,354,413	10	8.73
2021-23 Legislative Actions	680,628	-	44,886,891	-	-	-	45,567,519	128	125.48
Net change from 2019-21 Leg Approved Budget	124,138	-	3,543,140	-	-	-	3,667,278	8	7.52
Percent change from 2019-21 Leg Approved Budget	22.3%	0.0%	8.6%	0.0%	0.0%	0.0%	8.8%	6.7%	6.4%
Net change from 2021-23 Adj Current Service Level	(1,411)	-	3,355,824	-	-	-	3,354,413	10	8.73
Percent change from 2021-23 Adj Current Service Level	(0.2%)	0.0%	8.1%	0.0%	0.0%	0.0%	8.0%	8.5%	7.5%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease General Fund by \$1,411 and decrease Other Funds expenditure limitation by \$83,237 for the services and supplies.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 21-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	(1,411)	-	(83,237)	-	-	-	(84,648)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 101 Reclassification of Positions

Package Description Increase Other Funds expenditure limitation by \$47,692 for the reclassification of an Accounting Technician-3 to an Accountant-2 and Operations and Policy Analyst-3 to an Operations and Policy Analyst-3, and a classification change to Information Systems Specialist-8 to an Information Systems Specialists-8. The reclassification was approved by the Department of Administrative Service - Chief Human Resources Office. The reclassification is being recommended outside of the routine administrative process due to the lack of permanent financing positions available within the Administrative Services Division to self-fund this request.

LFO Recommendation Approve the request.

LFO Analyst Notes .

LFO Recommended	-	-	47,692	-	-	-	47,692	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 102 Payroll Support

Package Description Increase Other Funds expenditure limitation by \$191,597 and authorize the establishment of one permanent full-time Accountant-2 position (0.88 FTE). The revenue source is the Legal Services Fund.

The purpose of this package is to provide additional payroll support for the agency due to an increase in authorized positions.

LFO Recommendation Approve the request.

LFO Recommended	-	-	191,597	-	-	-	191,597	1	0.88
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 110 Permanent Project Manager

Package Description Increase Other Funds expenditure limitation by \$270,229 and authorize the re-establishment of one limited duration Project Manager-1 position (1.00 FTE). The revenue source is the Legal Services Fund.

The purpose of this package is to help the agency's Facilities Unit manage leased space in 20 buildings, including managing day-to-day operations and repair, space configurations, remodeling, relocations, general agency staff support; maintain risk report for annual submittal to DAS Risk and coordination with DAS on sustainability efforts. This position also maintains lease projections as well as actuals and shores up landlord's annual reconciliations of operating expenses and taxes for nineteen DOJ facilities, is the liaison to DAS Fleet on vehicle utilization and mileage reports as well as parking, accidents and citizens' report. This position also works closely with our IT section to develop and maintain the Operations webpage and the project management tool Smartsheet for Operations. The Oregonbuys state e-procurement system is Administrator.

LFO Recommendation

LFO Recommended	-	-	270,229	-	-	-	270,229	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 112 Procurement Contract Specialist

Package Description Increase Other Funds expenditure limitation by \$311,455 and authorize the establishment of one permanent full-time Procurement Contract Specialist-2 position (1.00 FTE). The revenue source is the Legal Services Fund.

The purpose of this package is to alleviate a double filled/unbudgeted Procurement Contract Specialist within the agency.

LFO Recommendation Approve the request.

LFO Recommended	-	-	311,455	-	-	-	311,455	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 123 Essential Security Costs for Information Technology

Package Description Increase Other Funds expenditure limitation by \$140,000 for services and supplies - Information Technology Expendable Property. The revenue source is the Legal Service Fund.

The purpose of this package is to: (a) replace end-of-life redundant core network switches; and (b) replace wireless network controllers to meet expanding wireless connectivity and security issues.

LFO Recommendation Approve the request, as a one-time expense.

LFO Recommended	-	-	140,000	-	-	-	140,000	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 125 Legal Tools Replacement 2.0

Package Description Increase Other Funds expenditure limitation by \$1,777,437 and establish five limited duration positions (4.75 FTE). The positions are four Operations and Policy Analyst-2s (Business Requirements Analysts) and one Principal Executive Manager-E (Program Manager). The package also includes \$661,294 in associated services and supplies. The revenue to support this package comes from two sources: (a) \$300,000 of settlement funds from the original LTR 1.0 project; and (b) Legal Services Fund or hourly billings to state agencies.

The purpose of this package is to continue planning-only funding for the Legal Tools 2.0 Replacement Program.

LFO Recommendation Approve the request, as one-time funding.

Budget Notes Budget Note #5 - Legal Tools Replacement Project 2.0

The Department of Justice is directed to report to the Joint Committee on Information Management and Technology during the Legislative Session in 2022 on the status of the Legal Tools Replacement Program, including providing comprehensive program-level artifacts for all business functionality, a comprehensive business case, requirements, and program cost, schedule, and scope baselines. The report is also to define the department’s governance of the program.

The Department is directed to procure an independent Quality Management Services (iQMS) contractor no later than August 2021 to provide: (a) an initial program risk assessment/analysis by October 2021; (b) a quality management plan for the iQMS engagement, including the anticipated quality checklists and standards to be utilized by December 2021; (c) quality control reviews for, at minimum, the program’s solution requirements and its project management planning artifacts, due by January 2022; and (d) periodic quality assurance and risk assessment reports, beginning in October 2021 and continuing through the completion of the project. The department is to provide monthly program status reports to the Department of Administrative Services and the Legislative Fiscal Office.

LFO Recommended	-	-	1,777,437	-	-	-	1,777,437	5	4.75
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 130 Grand Jury Recordation

Package Description Increase Other Funds expenditure limitation by \$481,000 and authorize the establishment of one limited duration Information Systems Specialist-6 (0.22 FTE). The package also includes \$422,705 in associated services and supplies. Of the service and supplies amount, \$315,000 is for statewide transcription service, \$67,328 is related to Microsoft licensing and storage, \$15,840 for Microsoft 365 licensing, 5,396 for other related expenses, and \$19,141 for position-related services and supplies. The revenue source to support this package is from General Fund as Other Funds received from SB 5512 - District Attorneys and Their Deputies.

The purpose of this policy package is to implement SB 505 (2017) grand jury recordation.

LFO Recommendation Approve the request, as a one-time expenditure.

LFO Analyst Notes

LFO Recommended	-	-	481,000	-	-	-	481,000	1	0.22
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description Increase Other Funds expenditure limitation by \$219,651 and establish one permanent full-time Internal Auditor-3 position.

The purpose of this package is to further augment the internal audit capability of the Department of Justice given increased concerns with the Legal Services Fund that the department brought to the attention of the Legislature in 2021.

The Legislature in 2017 eliminated DOJ's long-term vacant Internal Auditor-3 position in exchange for adding \$200,000 in professional services for contracted auditing services. This was based on assurances that an external contracted firm would act as DOJ's internal auditor. This proved to be less advantageous than having an internal auditor on staff.

The Legislature in 2019 re-authorized the establishment of an Internal Auditor-3 (0.75 FTE) and eliminated funding for external contract services.

For the 2019-21 biennium, the department has yet to fill the Internal Auditor-3 position. In addition, the department has continued to contract for business continuity and emergency planning audits and has conducted no internal or external financial or performance audits nor does the agency have an internal audit plan.

LFO Recommendation Approve the request.

Budget Notes Budget Note #2 - Internal Audit

The Department of Justice is directed to report to the Joint Legislative Audit Committee during the Legislative Session in 2022 on the agency's internal audit function, including the reporting structure to the Attorney General, and the hiring of the legislatively-authorized Internal Auditor positions. The report is to include, but is not limited to, the internal audit plans for the 2021-23 biennium and the 2023-25 biennium. The audit plans are to include the auditing of the revenues and expenditures related to the legal service charges under Oregon Revised Statute 180.

LFO Recommended	-	-	219,651	-	-	-	219,651	1	0.88
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-020-00-00-00000
Appellate

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	336,351	-	23,692,441	-	-	-	24,028,792	57	56.50
2019-21 Ebds, SS & Admin Act	36,410	-	772,725	-	-	-	809,135	-	(0.33)
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	372,761	-	24,465,166	-	-	-	24,837,927	57	56.17
2019-21 Leg Approved Budget (Base)	336,351	-	23,692,441	-	-	-	24,028,792	57	56.50
Summary of Base Adjustments	-	-	1,574,674	-	-	-	1,574,674	-	-
2021-23 Base Budget	336,351	-	25,267,115	-	-	-	25,603,466	57	56.50
010: Non-PICS Pers Svc/Vacancy Factor	-	-	82,635	-	-	-	82,635	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	(51,850)	-	-	-	(51,850)	-	-
030: Inflation & Price List Adjustments	65,353	-	404,653	-	-	-	470,006	-	-
2021-23 Current Service Level	401,704	-	25,702,553	-	-	-	26,104,257	57	56.50
Adjusted 2021-23 Current Service Level	401,704	-	25,702,553	-	-	-	26,104,257	57	56.50
Total LFO Recommended Packages	-	-	535,356	-	-	-	535,356	1	0.88
2021-23 Legislative Actions	401,704	-	26,237,909	-	-	-	26,639,613	58	57.38
Net change from 2019-21 Leg Approved Budget	28,943	-	1,772,743	-	-	-	1,801,686	1	1.21
Percent change from 2019-21 Leg Approved Budget	7.8%	0.0%	7.3%	0.0%	0.0%	0.0%	7.3%	1.8%	2.2%
Net change from 2021-23 Adj Current Service Level	-	-	535,356	-	-	-	535,356	1	0.88
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	2.1%	0.0%	0.0%	0.0%	2.1%	1.8%	1.6%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease Other Funds expenditure limitation by \$40,208 for the services and supplies - State Government Service Charge.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	-	-	(40,208)	-	-	-	(40,208)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Reconcile Intra-Agency Charges

Package Description Increase Other Funds expenditure limitation by \$238,919 for Intra-Agency Charges line-item budgeted under Services and Supplies.

The purpose of this package is to reconcile the intra-agency charges line-item, which is an overhead charge to an operating program to fund agency-wide administration. Operating programs reflect the charge as an expense from which the proceeds are then transferred to the Administration program as a revenue source.

LFO Recommendation Approve the request.

LFO Recommended	-	-	238,919	-	-	-	238,919	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 101 Reclassification of Positions

Package Description Increase Other Funds expenditure limitation by \$19,856 for the reclassification of a Principal Executive Manager-A to a Principal Executive Manger-B. The reclassification was approved by the Department of Administrative Service - Chief Human Resources Office. The reclassification is being recommended outside of the routine administrative process due to the lack of permanent financing positions available within the Appellate Division to self-fund this request.

LFO Recommendation Approve the request.

LFO Recommended	-	-	19,856	-	-	-	19,856	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 441 Non-unanimous Jury Appeals

Package Description Increase Other Funds expenditure limitation by \$316,789 and authorize the establishment of one permanent full-time Assistant Attorney General (0.88 FTE). The package also includes \$64,834 in associated services and supplies. The revenue source to support this package is General Fund appropriated under the Defense of Criminal Convictions.

LFO Recommendation Approve the request.

Budget Instructions The Department of Administrative Services is requested to unschedule \$316,789 Other Funds for the Appellate Division pending updated caseload data and the legal outcomes of appellate court decisions in the Ramos v. Louisiana decision(s) being provided to the Legislative Fiscal Office.

LFO Recommended	-	-	316,789	-	-	-	316,789	1	0.88
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-030-00-00-00000
Civil Enforcement

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	-	112,510,576	4,971,466	-	-	117,482,042	305	297.02
2019-21 Ebds, SS & Admin Act	-	-	3,945,568	176,028	-	-	4,121,596	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	-	116,456,144	5,147,494	-	-	121,603,638	305	297.02
2019-21 Leg Approved Budget (Base)	-	-	112,510,576	4,971,466	-	-	117,482,042	305	297.02
Summary of Base Adjustments	-	-	9,148,725	356,966	-	-	9,505,691	-	5.77
2021-23 Base Budget	-	-	121,659,301	5,328,432	-	-	126,987,733	305	302.79
010: Non-PICS Pers Svc/Vacancy Factor	-	-	935,086	5,623	-	-	940,709	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	97,352	-	-	-	97,352	-	-
030: Inflation & Price List Adjustments	-	-	4,250,470	108,620	-	-	4,359,090	-	-
2021-23 Current Service Level	-	-	126,942,209	5,442,675	-	-	132,384,884	305	302.79
Adjusted 2021-23 Current Service Level	-	-	126,942,209	5,442,675	-	-	132,384,884	305	302.79
Total LFO Recommended Packages	-	-	(2,830,769)	939	-	-	(2,829,830)	(4)	(4.00)
2021-23 Legislative Actions	-	-	124,111,440	5,443,614	-	-	129,555,054	301	298.79
Net change from 2019-21 Leg Approved Budget	-	-	7,655,296	296,120	-	-	7,951,416	(4)	1.77
Percent change from 2019-21 Leg Approved Budget	0.0%	0.0%	6.6%	5.8%	0.0%	0.0%	6.5%	(1.3%)	0.6%
Net change from 2021-23 Adj Current Service Level	-	-	(2,830,769)	939	-	-	(2,829,830)	(4)	(4.00)
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	(2.2%)	0.0%	0.0%	0.0%	(2.1%)	(1.3%)	(1.3%)

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease Other Funds expenditure limitation by \$203,861 and Federal Funds expenditure limitation by \$11,286 for the services and supplies - State Government Service Charge.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	-	-	(203,861)	(11,286)	-	-	(215,147)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Reconcile Intra-Agency Charges

Package Description Increase Other Funds expenditure limitation by \$707,238 and Increase Federal Funds expenditure limitation by \$12,225 for Intra-Agency Charges line-item budgeted under Services and Supplies.

The purpose of this package is to reconcile the intra-agency charges line-item, which is an overhead charge to an operating program to fund agency-wide administration. Operating programs reflect the charge as an expense from which the proceeds are then transferred to the Administration program as a revenue source.

LFO Recommendation Approve the request.

LFO Recommended	-	-	707,238	12,225	-	-	719,463	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 803 ECCREU

Package Description Decrease Other Funds expenditure limitation by 3,334,146 and transfer four existing permanent full-time positions from the Civil Enforcement Division to the Criminal Justice Division.

The purpose of this package is to: (a) transfer the ECCREU from the Civil Enforcement Division to the Criminal Justice Division; and (b) fund shift the ECCREU from Other Funds to General Funds.

LFO Recommendation Approve the request.

LFO Analyst Notes See Policy Package #803 in the Criminal Justice Division.

LFO Recommended	-	-	(3,334,146)	-	-	-	(3,334,146)	(4)	(4.00)
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-040-00-00-0000
Criminal Justice

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	14,865,623	-	9,559,169	1,418,373	-	-	25,843,165	59	59.00
2019-21 Ebds, SS & Admin Act	159,409	-	362,956	37,798	-	-	560,163	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	15,025,032	-	9,922,125	1,456,171	-	-	26,403,328	59	59.00
2019-21 Leg Approved Budget (Base)	14,865,623	-	9,559,169	1,418,373	-	-	25,843,165	59	59.00
Summary of Base Adjustments	881,083	-	(79,585)	13,268	-	-	814,766	(2)	(2.00)
2021-23 Base Budget	15,746,706	-	9,479,584	1,431,641	-	-	26,657,931	57	57.00
010: Non-PICS Pers Svc/Vacancy Factor	93,032	-	(19,943)	2,635	-	-	75,724	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	(182,887)	-	-	-	(182,887)	-	-
030: Inflation & Price List Adjustments	(79,579)	-	271,044	32,887	-	-	224,352	-	-
2021-23 Current Service Level	15,760,159	-	9,547,798	1,467,163	-	-	26,775,120	57	57.00
Adjusted 2021-23 Current Service Level	15,760,159	-	9,547,798	1,467,163	-	-	26,775,120	57	57.00
Total LFO Recommended Packages	2,564,590	-	330,225	(214,149)	-	-	2,680,666	8	7.34
2021-23 Legislative Actions	18,324,749	-	9,878,023	1,253,014	-	-	29,455,786	65	64.34
Net change from 2019-21 Leg Approved Budget	3,299,717	-	(44,102)	(203,157)	-	-	3,052,458	6	5.34
Percent change from 2019-21 Leg Approved Budget	22.0%	0.0%	(0.4%)	(14.0%)	0.0%	0.0%	11.6%	10.2%	9.1%
Net change from 2021-23 Adj Current Service Level	2,564,590	-	330,225	(214,149)	-	-	2,680,666	8	7.34
Percent change from 2021-23 Adj Current Service Level	16.3%	0.0%	3.5%	(14.6%)	0.0%	0.0%	10.0%	14.0%	12.9%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease General Fund by \$22,573, Other Funds expenditure limitation by \$17,635 and Federal Funds expenditure limitation by \$1,411 for the services and supplies - State Government Service Charge.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	(22,573)	-	(17,635)	(1,411)	-	-	(41,619)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Reconcile Intra-Agency Charges

Package Description Increase General Fund by \$26,796, increase Other Funds expenditure limitation by \$98,036 and increase Federal Funds expenditure limitation by \$1,701 for Intra-Agency Charges line-item budgeted under Services and Supplies.

The purpose of this package is to reconcile the intra-agency charges line-item, which is an overhead charge to an operating program to fund agency-wide administration. Operating programs reflect the charge as an expense from which the proceeds are then transferred to the Administration program as a revenue source.

LFO Recommendation Approve the request.

LFO Recommended	26,796	-	98,036	1,701	-	-	126,533	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 205 Anti-Poaching Legal Support

Package Description Increase Other Funds expenditure limitation by \$395,601 and authorize the establishment of one permanent full-time Senior Assistant Attorney General position (0.88 FTE). The package also includes \$75,107 in associated services and supplies. The revenue source to support this package is from hourly legal service charges to the Oregon Department of Fish and Wildlife (ODF&W).

Civil Enforcement Division’s Environmental Crimes and Cultural Resources Enforcement Unit (ECCRU) handles criminal prosecutions under state and federal environmental laws, including water and air pollution, hazardous waste, and wildlife poaching prosecutions. The purpose of this request is to provide a supplemental resource for wildlife poaching prosecutions (i.e., Poaching Resource Prosecutor). The Legislature in 2019 funded ODFW anti-poaching campaign with General Fund (SB 5510 under Policy Package #127), a portion of which included funding for investigations to be conducted by the Oregon State Police (\$2.4 million General Fund) and prosecutions by the DOJ (\$624,000 General Fund). These funds are now part of the 2021-23 current service level budget for ODF&W.

LFO Recommendation Approve the request.

LFO Recommended	-	-	395,601	-	-	-	395,601	1	0.88
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 260 Continuation of LD Grant Positions (UASI,SHSG)

Package Description Increase Other Funds expenditure limitation by \$673,173 and re-authorize the establishment of one limited duration Operations and Policy Analyst-3 positions (1.00 FTE) and one limited duration Research Analyst-3 position (1.00 FTE). The package also includes \$156,379 in associated services and supplies. The revenue source to support this package is from Federal as Other Funds received from the Oregon Military Department as grants for the Urban Area Security Initiative (UASI) and the State Homeland Security Program (SHSP).

The UASI grant's purpose is to assist high-threatened and high-density urban areas (i.e., Portland Metropolitan Area) with the prevention, protection, mitigation, response, and recovery from acts of terrorism. The SHSP grant assists state, local, and tribal governments with the assessment of high priority preparedness gaps related to critical infrastructure and key resources for acts of terrorism, other threats to national security, and threats resulting from natural disasters.

LFO Recommendation Approve the request.

LFO Recommended	-	-	673,173	-	-	-	673,173	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 261 Analytical and Criminal Investigative Support

Package Description Fund shift \$956,379 of Other Funds expenditure limitation to General Fund for four existing permanent full-time positions (4.00 FTE). The fund shift includes \$240,248 of associated services and supplies.

The purpose of this package is to fund shift High Intensity Drug Trafficking Area Federal as Other Funds received from the Department of Public Safety Standards and Training to General Fund. The HIDTA program supports law enforcement initiatives that target illicit drug trafficking by providing funding for overtime, equipment, and money to purchase drugs in undercover operations. The HIDTA also funds the Investigative Support Center (ISC), which is housed at the Criminal Justice Division at DOJ. The ISC currently includes four research analyst 1 positions (the Watch Center), two research analyst 4 positions, three research analyst 3 positions (the Analytical Unit) and .5 FTE for an analytical unit supervisor.

On May 21, 2020, the HIDTA Board voted to eliminate funding for the four Research Analyst 1 (RA1) positions in the Watch Center beginning calendar year 2021. Currently, those positions provide day-to-day real time support to all of Oregon’s law enforcement officers on all crimes (the other HIDTA funded analysts are limited to providing support to HIDTA task forces in designated counties). The support provided by the analysts consists of conducting a wide range of investigative research on criminal suspects and organizations, including analysis of a suspect’s criminal history, vehicle ownership, government-issued licenses and certifications, and other information related to the suspect and associated criminal conduct. Importantly, the RA1 positions also provide deconfliction services to law enforcement officers who are conducting separate investigations in a common geographical area. This service increases the efficiency and effectiveness of otherwise disconnected investigations and ensures officer safety is not compromised by multiple agencies unwittingly targeting the same suspect or suspects.

LFO Recommendation Approve the request.

LFO Recommended	956,379	-	(956,379)	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 265 Internet Crimes Against Children (ICAC) LD Position

Package Description Reduce Federal Funds expenditure limitation by \$214,439.

The purpose of this request is the elimination of a federal grant (Office of Juvenile Justice and Delinquency Prevention Grant) for the Internet Crimes Against Children program.

LFO Recommendation Approve the request.

LFO Recommended	-	-	-	(214,439)	-	-	(214,439)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 801 LFO Analyst Adjustments

Package Description Increase Other Funds expenditure limitation by \$137,429 and establish one limited duration Information Systems Specialist-5 (0.46 FTE). The source of revenue is Federal Funds as Other Funds from a subgrant from Oregon Military Department. This is an existing grant previously approved by the Legislature.

The purpose of the request is for one Urban Area Security Initiative (UASI) funded grant position. The UASI grant's purpose is to assist high-threatened and high-density urban areas (i.e., Portland Metropolitan Area) with the prevention, protection, mitigation, response, and recovery from acts of terrorism. UASI Cybersecurity Analyst - this position is missioned to support cyber terrorism mitigation, awareness, and response. The position will lead information sharing, strategic and tactical criminal case support, and support our response to Office of Emergency Management (OEM) during state emergencies related to Cybersecurity. All with focus in the UASI area as required by the grant.

LFO Recommendation Approve the package as a one-time adjustment.

LFO Recommended	-	-	137,429	-	-	-	137,429	1	0.46
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 803 ECCREU

Package Description Increase General Fund by \$1,603,988 and authorize the transfer of four existing permanent full-time positions from the Civil Enforcement Division to the Criminal Justice Division.

The purpose of this package is to: (a) transfer the ECCREU from the Civil Enforcement Division to the Criminal Justice Division; and (b) fund shift the ECCREU from Other Funds to General Funds.

LFO Recommendation Approve the request.

Budget Notes Budget Note #1 - Environmental Crimes and Cultural Resources Enforcement Unit Reporting
The Department of Justice is directed to report to the Joint Committee on Ways and Means during the Legislative Session in 2023 on the activities of the Environmental Crimes and Cultural Resources Enforcement Unit. The report is to include, but is not limited to, the number and types of matters, legal status or outcomes, costs and billings for legal services, and the recovery of cost from litigation settlements and restitution.

LFO Analyst Notes See Policy Package 803 ECCREU in Civil Enforcement Division.

LFO Recommended	1,603,988	-	-	-	-	-	1,603,988	4	4.00
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-045-00-00-0000
Crime Victims Program

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	18,069,689	-	30,338,503	50,265,924	-	-	98,674,116	42	40.08
2019-21 Ebds, SS & Admin Act	1,037,109	-	7,201,698	23,317,989	-	-	31,556,796	6	4.34
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	19,106,798	-	37,540,201	73,583,913	-	-	130,230,912	48	44.42
2019-21 Leg Approved Budget (Base)	18,069,689	-	30,338,503	50,265,924	-	-	98,674,116	42	40.08
Summary of Base Adjustments	128,225	-	458,578	(40,477)	-	-	546,326	(3)	(2.52)
2021-23 Base Budget	18,197,914	-	30,797,081	50,225,447	-	-	99,220,442	39	37.56
010: Non-PICS Pers Svc/Vacancy Factor	3,885	-	19,175	19,444	-	-	42,504	-	-
020: Phase In / Out Pgm & One-time Cost	(3,746,453)	-	-	(29,876,552)	-	-	(33,623,005)	-	-
030: Inflation & Price List Adjustments	575,724	-	1,034,981	814,973	-	-	2,425,678	-	-
2021-23 Current Service Level	15,031,070	-	31,851,237	21,183,312	-	-	68,065,619	39	37.56
070: Revenue Reductions/Shortfall	-	-	(4,170,701)	-	-	-	(4,170,701)	(16)	(15.06)
Adjusted 2021-23 Current Service Level	15,031,070	-	27,680,536	21,183,312	-	-	63,894,918	23	22.50
Total LFO Recommended Packages	4,851,628	-	608,845	22,612,408	-	-	28,072,881	25	23.34
2021-23 Legislative Actions	19,882,698	-	28,289,381	43,795,720	-	-	91,967,799	48	45.84
Net change from 2019-21 Leg Approved Budget	775,900	-	(9,250,820)	(29,788,193)	-	-	(38,263,113)	-	1.42
Percent change from 2019-21 Leg Approved Budget	4.1%	0.0%	(24.6%)	(40.5%)	0.0%	0.0%	(29.4%)	0.0%	3.2%
Net change from 2021-23 Adj Current Service Level	4,851,628	-	608,845	22,612,408	-	-	28,072,881	25	23.34
Percent change from 2021-23 Adj Current Service Level	32.3%	0.0%	2.2%	106.8%	0.0%	0.0%	43.9%	108.7%	103.7%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 070 Revenue Shortfalls

Package Description Decrease Other Funds expenditure limitation by \$4,170,701 and abolish 16 permanent full-time positions (15.06 FTE). This reduction is due to a revenue shortfall in punitive damage settlement funding. Under ORS 31.735, 60% of punitive damage awards are to be deposited in the Criminal Injuries and Compensation Account (CICA) and used for the purposes set forth in ORS 147, which covers victim services, including: 1) Crime Victim Compensation; 2) Victim Rights Coordination; and 3) Appellate Advocacy.

In the 1990s, tort reform legislation capped punitive damage awards ordered to plaintiffs. Prior to these reforms, the majority of a punitive damage award proceeds went to the plaintiff. Tort reform limited the percentage of a punitive damage award a plaintiff could keep to 35% and directed 60% of these award proceeds to the CICA. This change disincentivized plaintiff suits. During the interim period, however, there have been a few major settlements of cases that were initiated prior to tort reform becoming law. The punitive damage awards from these settlements forestalled the revenue shortfall.

Of note is that both DOJ and the Legislature have redirected select punitive damage awards for other purposes, such as DOJ's Restitution Pilot Program and the Legislature's reappropriation and in one instance a fund shift.

LFO Recommendation Approve the requests.

LFO Analyst Notes See corresponding restoration package #311 - Backfill Punitive Damages Funding.

LFO Recommended	-	-	(4,170,701)	-	-	-	(4,170,701)	(16)	(15.06)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease General Fund by \$19,046, Other Funds expenditure limitation by \$9,170 and Federal Funds expenditure limitation by \$1,411 for the services and supplies - State Government Service Charge.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	(19,046)	-	(9,170)	(1,411)	-	-	(29,627)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Reconcile Intra-Agency Charges

Package Description Increase General Fund by \$7,457, increase Other Funds expenditure limitation by \$16,550, and increase Federal Funds expenditure limitation by \$7,840 for Intra-Agency Charges line-item budgeted under Services and Supplies.

The purpose of this package is to reconcile the intra-agency charges line-item, which is an overhead charge to an operating program to fund agency-wide administration. Operating programs reflect the charge as an expense from which the proceeds are then transferred to the Administration program as a revenue source.

LFO Recommendation Approve the request.

LFO Recommended	7,457	-	16,550	7,840	-	-	31,847	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 101 Reclassification of Positions

Package Description Decrease General Fund by \$18,242 and increase Other Funds expenditure limitation by \$18,242 and approve the upward reclassification of a permanent full-time Office Specialist-2 to an Administrative Specialist-2 and downward reclassify an Administrative Specilist-2 to an Office Specialist-2. The reclassification was approved by the Department of Administrative Service - Chief Human Resources Office. The reclassification is being recommended outside of the routine administrative process due to the lack of permanent financing positions available within the Crime Victims and Survivor Services Division to self-fund this request.

LFO Recommendation Approve the request.

LFO Recommended	(18,242)	-	18,242	-	-	-	-	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 309 Continuance of an Appellate Advocacy Position

Package Description Increase Other Funds expenditure limitation by \$303,894 and authorize the establishment of one permanent full-time Program Analyst-2 (1.00 FTE). The package also includes \$66,429 in associated services and supplies. The revenue source to support this package is from Federal as Other Funds and a Victim of Crimes Act subaward grant. The Legislature previously approved the establishment of this position [SB 5723 (2020).]

The purpose of the request is to continue post-conviction support of helping to ensure victim rights in appellate post-conviction court hearings, habeas corpus, death penalty cases, and or who are part of the jurisdiction of the Psychiatric Security Review Board. The Appellate Advocate assists with notifying the victims of appellate hearings, attending a hearing with the victim, and acting as a personal represented or advocate for the victim.

LFO Recommendation Approve the request.

LFO Analyst Notes

LFO Recommended	-	-	303,894	-	-	-	303,894	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 310 Victims of Crime Act Budget

Package Description Increase Federal Funds expenditure limitation by \$22.2 million and authorize the establishment of one limited duration Program Analyst-3 (0.88 FTE), one limited duration Information Systems Specialist-2 (0.88 FTE), and one limited duration Administrative Specialist-2 (0.88 FTE). The package also includes \$57,227 in associated services and supplies, \$5.6 million in Special Payments to Counties, \$14.9 million in Special Payments to non-governmental entities, and \$1.4 million in Other Special Payments. The revenue source to support this package is from a federal Victims of Crime Act grant. This formula grant does not require the Department to provide matching funds; however, the grant does require sub-grantees to provide 20 percent matching funds. Local matching funds are partially paid by state General Fund and a Criminal Fines Account allocation passed-through by DOJ to local providers.

The purpose of this request is for VOCA sub-grants to approximately 50 domestic/sexual assault service non-profit providers, 36 district attorney prosecutor-based victim programs, and 20 child abuse assessment centers. VOCA grants are allocated to subgrantees through both competitive and non-competitive grant processes.

The Legislature began approving one-time budget increases for VOCA grants beginning in 2016 (\$12.6 million) and continuing through 2017 (\$15.5 million). Historically, federal funding for VOCA has continued to increase from \$5.4 million in 2013-15, to \$24 million in 2015-17, \$46.1 million for the 2017-19 biennium, and \$58.4 million for the 2019-21 biennium. The current service level for VOCA is \$14.9 million Federal Funds.

LFO Recommendation Approve the request, as one-time funding.

Budget Notes Budget Note #3 - Crime Victims and Survivor Services Division Review

The overall level of state and federal funding for domestic violence and sexual assault increased significantly in recent biennia. The Department of Justice is directed to report to the Joint Committee on Ways and Means during the Legislative Session in 2023 on how services to victims of domestic violence and sexual assault have been funded from the 2013-15 to the 2019-21 biennia, how funding decisions were determined and funds distributed, how governance, oversight, compliance, and auditing were conducted, and how performance standards were established, reported, and outcomes measured.

LFO Recommended	-	-	-	22,241,142	-	-	22,241,142	3	2.64
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 311 Backfill Punitive Damages Funding

Package Description Increase General Fund in the amount of \$4,881,459 and establish 19 permanent full-time positions (17.70 FTE). This funding is needed due to a revenue shortfall in punitive damage settlement funding. Under ORS 31.735, 60% of punitive damage awards are to be deposited in the Criminal Injuries and Compensation Account (CICA) and used for the purposes set forth in ORS 147, which covers victim services, including: 1) Crime Victim Compensation; 2) Victim Rights Coordination; and 3) Appellate Advocacy.

In the 1990s, tort reform legislation capped punitive damage awards ordered to plaintiffs. Prior to these reforms, the majority of a punitive damage award proceeds went to the plaintiff. Tort reform limited the percentage of a punitive damage award a plaintiff could keep to 35% and directed 60% of these award proceeds to the CICA. This change disincentivized plaintiff suits. During the interim period, however, there have been a few major settlements of cases that were initiated prior to tort reform becoming law. The punitive damage awards from these settlements forestalled the revenue shortfall.

LFO Recommendation Approve the request.

LFO Analyst Notes See corresponding policy package #070 - Revenue Shortfall - Punitive Damages Funding.

LFO Recommended	4,881,459	-	-	-	-	-	4,881,459	19	17.70
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 315 Human Trafficking Grant

Package Description Increase Federal Funds expenditure limitation by \$644,166 and authorize the establishment of one limited duration Program Analyst-3 (1.00 FTE) and one limited duration Criminal Investigator position (1.00 FTE). This package also includes \$123,820 in associated services and supplies and \$90,420 in Other Special Payments. The revenue source to support this package is from a federal grant from the U.S. Department of Justice, Office for Victims of Crime, for Improving Outcomes for Child and Youth Victims of Human Trafficking. The matching funds requirement of 25% for this competitive grant will be met by the punitive damage award funding that currently funds the Human Trafficking Intervention Coordinator. This grant was approved, retroactively, for submission by the Joint Interim Committee on Ways and Means in September 2019.

DOJ would continue to use grant funding to fund subgrantees to: (a) hire a program analyst to work with the Human Trafficking Intervention Coordinator to develop intervention protocols, build technical assistance tools, and assist the 12 existing local task forces as they implement their human trafficking responses; (b) fund an investigator in DOJ's Criminal Justice Division to support the prosecution of child and youth trafficking cases by District Attorney Offices; and (c) support and expand the number of local human trafficking taskforces.

LFO Recommendation Approve the request.

LFO Recommended	-	-	-	644,166	-	-	644,166	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 320 Bias Crimes Incident Coordinator Position

Package Description Increase Other Funds expenditure limitation by \$279,329 and reduce Federal Funds expenditure limitation by \$279,329. This package fund shifts an exiting Bias Crimes Incident Coordinator position from Federal Funds to Federal as Other Funds. The revenue source to support this package is from Federal as Other Funds and a Victim of Crimes Act subaward grant.

The sub-grant is actually to the DOJ itself and is used to fund a Bias Crimes Incident Coordinator position that organizationally reports to the Administration Division - Civil Rights Unit.

The purpose of this package is to fund shift an existing permanent full-time Bias Crimes Incident Coordinator position, originally authorized by the Legislature in 2019 as part of SB 577 (2019), from Federal Funds to Federal as Other Funds.

LFO Recommendation Approve the request.

LFO Recommended	-	-	279,329	(279,329)	-	-	-	-	-
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-050-00-00-00000
General Counsel

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	-	66,389,487	-	-	-	66,389,487	161	158.19
2019-21 Ebds, SS & Admin Act	-	-	2,444,465	-	-	-	2,444,465	-	(1.16)
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	-	68,833,952	-	-	-	68,833,952	161	157.03
2019-21 Leg Approved Budget (Base)	-	-	66,389,487	-	-	-	66,389,487	161	158.19
Summary of Base Adjustments	-	-	5,607,584	-	-	-	5,607,584	-	2.57
2021-23 Base Budget	-	-	71,997,071	-	-	-	71,997,071	161	160.76
010: Non-PICS Pers Svc/Vacancy Factor	-	-	395,830	-	-	-	395,830	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	(122,250)	-	-	-	(122,250)	-	-
030: Inflation & Price List Adjustments	-	-	1,205,073	-	-	-	1,205,073	-	-
2021-23 Current Service Level	-	-	73,475,724	-	-	-	73,475,724	161	160.76
080: E-Boards	-	-	(7,083)	-	-	-	(7,083)	-	-
Adjusted 2021-23 Current Service Level	-	-	73,468,641	-	-	-	73,468,641	161	160.76
Total LFO Recommended Packages	-	-	2,962,892	-	-	-	2,962,892	8	6.04
2021-23 Legislative Actions	-	-	76,431,533	-	-	-	76,431,533	169	166.80
Net change from 2019-21 Leg Approved Budget	-	-	7,597,581	-	-	-	7,597,581	8	9.77
Percent change from 2019-21 Leg Approved Budget	0.0%	0.0%	11.0%	0.0%	0.0%	0.0%	11.0%	5.0%	6.2%
Net change from 2021-23 Adj Current Service Level	-	-	2,962,892	-	-	-	2,962,892	8	6.04
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	4.0%	0.0%	0.0%	0.0%	4.0%	5.0%	3.8%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 087 August 2020 Special Session

Package Description Increase Other Funds expenditure limitation by \$774,303 and establish two permanent full-time positions. The package includes \$150,001 in associated services and supplies.

The purpose of this package is to reflect the actions of the Legislature in 2020 (SB 5723). The Legislature authorized the establishment of one permanent full-time Senior Assistant Attorney General position and one permanent full-time Assistant Attorney General position in the Business Transactions Section to serve as design and construction attorneys for transportation infrastructure projects authorized in HB 2017 (2017). The revenue to support these positions came from hourly legal service billing to the Oregon Department of Transportation.

LFO Recommendation Approve the request..

LFO Recommended	-	-	774,303	-	-	-	774,303	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 088 September 2020 Emergency Board

Package Description Authorize the transfer of \$781,386 Other Funds expenditure limitation and two existing permanent full-time Assistant Attorney General positions (2.00 FTE) from the General Counsel Division to the Trial Division, for work related to state habeas corpus petitions filed due to the COVID-19 pandemic. This package includes 217,425 in associated services and supplies. This action was previously approved by the Emergency Board in September of 2020 (Item #32).

LFO Recommendation Approve the request.

LFO Analyst Notes Also see Policy Package 088 - Emergency Board in September of 2020 (Item #32) under the Trial Division.

LFO Recommended	-	-	(781,386)	-	-	-	(781,386)	(2)	(2.00)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease Other Funds expenditure limitation by \$113,569 for the services and supplies - State Government Service Charge.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	-	-	(113,569)	-	-	-	(113,569)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Reconcile Intra-Agency Charges

Package Description Increase Other Funds expenditure limitation by \$604,937 for Intra-Agency Charges line-item budgeted under Services and Supplies.

The purpose of this package is to reconcile the intra-agency charges line-item, which is an overhead charge to an operating program to fund agency-wide administration. Operating programs reflect the charge as an expense from which the proceeds are then transferred to the Administration program as a revenue source.

LFO Recommendation Approve the request.

LFO Recommended	-	-	604,937	-	-	-	604,937	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 363 Legal Training for Oregon State Government

Package Description Increase Other Funds expenditure limitation by \$312,554 and re-establish one limited duration Operations and Policy Analyst-3 position (1.00 FTE). The package includes \$65,233 in associated services and supplies.

The purpose of this package is to continue program support for a Client [Agency] Legal Training Manager and to design and implement educational projects for the Attorney General.

LFO Recommendation Approve the request.

LFO Recommended	-	-	312,554	-	-	-	312,554	1	1.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 804 Reconciliation of Position Requests

Package Description Increase Other Funds expenditure limitation by \$2,158,970 and establish seven permanent full-time positions. This package also includes \$420,116 of associated services and supplies.

The purpose of this package adds the following positions: (a) two Senior Assistant Attorney General positions for Labor and Employment Section (L & E) due to: (1) increased demand for COVID-19 advice; and (2) an increased number of litigation matters; (b) two Senior Assistant Attorney General positions for Health and Human Services Section (HHS) due to: (1) increased demand for COVID-19 advice; and (2) an increased number of litigation matters; (c) one Senior Assistant Attorney General position for Business Activities Section (BAS) due to work from Oregon Occupational Safety and Health’s (OR-OSHA) enforcement of the Governor’s COVID-19-related Executive Orders, and the Public Utilities Commission’s (PUC) work related to Executive Order 20-04 relating to reduction in greenhouse gas emissions; and (d) one Senior Assistant Attorney General position and one Paralegal position for Natural Resources Section (NRS) due to Department of Environmental Quality’s (DEQ) new climate-related programs.

LFO Recommendation Approve the request

Budget Notes Budget Note #4 - General Counsel

The Department of Justice is to report to the Joint Committee on Ways and Means during interim Legislative Days prior to the Legislative Session in 2022 with a proposed pilot program detailing how the department can more effectively and directly support state agencies that incur high legal costs and that pose heightened litigation risk to the state.

Budget Instructions This package adds the following budget Instructions: Beginning with the 2023-25 biennium, the Department of Justice - General Counsel Division will establish Detail Cross References in the Oregon Budget Information Tracking System for each section within the division.

LFO Recommended	-	-	2,158,970	-	-	-	2,158,970	7	5.04
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-060-00-00-00000

Trial

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	-	-	38,844,115	-	-	-	38,844,115	114	112.39
2019-21 Ebds, SS & Admin Act	-	-	1,747,938	-	-	-	1,747,938	2	1.50
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	-	-	40,592,053	-	-	-	40,592,053	116	113.89
2019-21 Leg Approved Budget (Base)	-	-	38,844,115	-	-	-	38,844,115	114	112.39
Summary of Base Adjustments	-	-	3,503,496	-	-	-	3,503,496	-	0.86
2021-23 Base Budget	-	-	42,347,611	-	-	-	42,347,611	114	113.25
010: Non-PICS Pers Svc/Vacancy Factor	-	-	228,449	-	-	-	228,449	-	-
020: Phase In / Out Pgm & One-time Cost	-	-	29,986	-	-	-	29,986	-	-
030: Inflation & Price List Adjustments	-	-	716,410	-	-	-	716,410	-	-
040: Mandated Caseload	-	-	989,245	-	-	-	989,245	3	2.64
2021-23 Current Service Level	-	-	44,311,701	-	-	-	44,311,701	117	115.89
080: E-Boards	-	-	781,386	-	-	-	781,386	2	2.00
Adjusted 2021-23 Current Service Level	-	-	45,093,087	-	-	-	45,093,087	119	117.89
Total LFO Recommended Packages	-	-	3,671,326	-	-	-	3,671,326	12	10.56
2021-23 Legislative Actions	-	-	48,764,413	-	-	-	48,764,413	131	128.45
Net change from 2019-21 Leg Approved Budget	-	-	8,172,360	-	-	-	8,172,360	15	14.56
Percent change from 2019-21 Leg Approved Budget	0.0%	0.0%	20.1%	0.0%	0.0%	0.0%	20.1%	12.9%	12.8%
Net change from 2021-23 Adj Current Service Level	-	-	3,671,326	-	-	-	3,671,326	12	10.56
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	8.1%	0.0%	0.0%	0.0%	8.1%	10.1%	9.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 088 September 2020 Emergency Board

Package Description Increase Other Funds expenditure limitation by \$781,386 and authorize the establishment of two permanent full-time Assistant Attorney General (2.00 FTE). The package also includes \$217,425 in associated services and supplies. The revenue source to support this package is from hourly legal service charges to the Department of Corrections.

The purpose of this request, which was previously approved by the Emergency Board in September of 2020 (Item #32), is for work related to state habeas corpus petitions filed due to the COVID-19 pandemic.

LFO Recommendation Approve the request.

LFO Analyst Notes Also see Policy Package 088 - Emergency Board in September of 2020 (Item #32) under the General Counsel Division.

LFO Recommended	-	-	781,386	-	-	-	781,386	2	2.00
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease Other Funds expenditure limitation by \$80,416 for the services and supplies - State Government Service Charge.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	-	-	(80,416)	-	-	-	(80,416)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Reconcile Intra-Agency Charges

Package Description Increase Other Funds expenditure limitation by \$358,952 for Intra-Agency Charges line-item budgeted under Services and Supplies.

The purpose of this package is to reconcile the intra-agency charges line-item, which is an overhead charge to an operating program to fund agency-wide administration. Operating programs reflect the charge as an expense from which the proceeds are then transferred to the Administration program as a revenue source.

LFO Recommendation Approve the request.

LFO Recommended	-	-	358,952	-	-	-	358,952	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 409 Special Litigation Unit

Package Description Increase Other Funds expenditure limitation by \$788,801 and establish two permanent full-time Senior Assistant Attorney General positions (1.76 FTE). The package includes \$147,813 of associated services and supplies.

The purpose of this package is to provide supplemental resources for: (a) the Interstate Bridge Replacement litigation support; (b) redistricting; (c) challenges to agencies under the Administrative Procedures Act. The additional resources are expected to reduce the division’s reliance on outside counsel or the hiring of Special Assistant Attorney Generals, which are paid for directly by client agencies. The additional resources also have the potential to reduce adverse outcomes in litigation related to the Department of Administrative Services - Risk Fund.

The Legislature in 2025 will want to re-examine the efficacy of these positions given the one-time nature of redistricting litigation.

LFO Recommendation Approve the package.

Budget Instructions This package adds the following budget Instructions: Beginning with the 2023-25 biennium, the Department of Justice - Trial Division will establish Detail Cross References in the Oregon Budget Information Tracking System for each section within the division.

LFO Recommended	-	-	788,801	-	-	-	788,801	2	1.76
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 410 Civil Litigation Section

Package Description Increase Other Funds expenditure limitation by \$528,072 and authorize the establishment of one permanent full-time Assistant Attorney General (0.88 FTE) and one permanent full-time Paralegal position (0.88 FTE). The package includes \$117,335 in associated services and supplies. The revenue source to support this package is from hourly legal service charges to the Department of Administrative Services - Risk Management.

The purpose of this request is for additional resources to defend the state civil lawsuits filed by adults in custody at state correctional institutions and which are related to the COVID-19 pandemic. Once state Habeas Corpus cases have been decided, primarily through a class action lawsuit, the Trial Division anticipates a damages phase, which will be complicated as the award from a class action settlement will have to be tailored to the type of injury and severity of injury on a case by case or subclass by subclass basis.

LFO Recommendation Approve the request.

LFO Analyst Notes Also see Policy Package 088 - Emergency Board in September of 2020 (Item #32), is for work related to state habeas corpus petitions filed due to the COVID-19 pandemic.

LFO Recommended	-	-	528,072	-	-	-	528,072	2	1.76
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 440 Criminal and Collateral Remedies Section (CCR)

Package Description Increase Other Funds expenditure limitation by \$2,075,917 and authorize the establishment of five permanent full-time Assistant Attorney General positions (4.40 FTE), two permanent full-time Legal Secretary Positions (1.76 FTE), and one permanent full-time Office Specilist-2 position (0.88 FTE). The package also includes \$465,090 in associated services and supplies. The revenue source to support this package is General Fund appropriated under the Defense of Criminal Convictions.

The purpose of this package is to provide trial-level resources in response to the U.S. Supreme Court's Ramos v. Louisiana decision(s).

LFO Recommendation Approve the request.

Budget Instructions The Department of Administrative Services is requested to unschedule \$2,075,917 Other Funds for the Trial Division pending updated caseload data and the legal outcomes of appellate court decisions in the Ramos v. Louisiana decision(s) being provided to the Legislative Fiscal Office.

LFO Recommended	-	-	2,075,917	-	-	-	2,075,917	8	7.04
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-100-00-00-00000
Defense of Criminal Convictions

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	26,842,243	-	-	-	-	-	26,842,243	-	-
2019-21 Ebds, SS & Admin Act	378,409	-	-	-	-	-	378,409	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	27,220,652	-	-	-	-	-	27,220,652	-	-
2019-21 Leg Approved Budget (Base)	26,842,243	-	-	-	-	-	26,842,243	-	-
Summary of Base Adjustments	-	-	-	-	-	-	-	-	-
2021-23 Base Budget	26,842,243	-	-	-	-	-	26,842,243	-	-
030: Inflation & Price List Adjustments	5,181,881	-	-	-	-	-	5,181,881	-	-
040: Mandated Caseload	2,413,613	-	-	-	-	-	2,413,613	-	-
2021-23 Current Service Level	34,437,737	-	-	-	-	-	34,437,737	-	-
Adjusted 2021-23 Current Service Level	34,437,737	-	-	-	-	-	34,437,737	-	-
Total LFO Recommended Packages	4,212,496	-	-	-	-	-	4,212,496	-	-
2021-23 Legislative Actions	38,650,233	-	-	-	-	-	38,650,233	-	-
Net change from 2019-21 Leg Approved Budget	11,429,581	-	-	-	-	-	11,429,581	-	-
Percent change from 2019-21 Leg Approved Budget	42.0%	0.0%	0.0%	0.0%	0.0%	0.0%	42.0%	0.0%	0.0%
Net change from 2021-23 Adj Current Service Level	4,212,496	-	-	-	-	-	4,212,496	-	-
Percent change from 2021-23 Adj Current Service Level	12.2%	0.0%	0.0%	0.0%	0.0%	0.0%	12.2%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 440 Criminal and Collateral Remedies Section (CCR)

Package Description Increase General Fund by \$3,510,413 for the Attorney General line-item.

The purpose of the request supports Trial Division's caseload for Ramos v. Louisiana, non-unanimous jury verdicts.

LFO Recommendation Approve the request.

Budget Instructions The Department of Administrative Services is requested to unschedule \$3,510,413 General Fund for the Defense of Criminal Convictions pending updated caseload data and the legal outcomes of appellate court decisions in the Ramos v. Louisiana decision(s) being provided to the Legislative Fiscal Office.

LFO Recommended	3,510,413	-	-	-	-	-	3,510,413	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 441 Non-unanimous Jury Appeals

Package Description Increase General Fund by \$702,083 for the Attorney General line-item .

The purpose of the request supports Appellate Division's caseload for Ramos v. Louisiana, non-unanimous jury verdicts.

LFO Recommendation Approve the request.

Budget Instructions The Department of Administrative Services is requested to unschedule \$702,083 General Fund for the Defense of Criminal Convictions pending updated caseload data and the legal outcomes of appellate court decisions in the Ramos v. Louisiana decision(s) being provided to the Legislative Fiscal Office.

LFO Recommended	702,083	-	-	-	-	-	702,083	-	-
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-160-00-00-0000
Division of Child Support

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	36,177,018	-	27,327,128	119,032,466	-	-	182,536,612	568	557.45
2019-21 Ebds, SS & Admin Act	1,122,046	-	992,345	2,832,159	-	-	4,946,550	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	37,299,064	-	28,319,473	121,864,625	-	-	187,483,162	568	557.45
2019-21 Leg Approved Budget (Base)	36,177,018	-	27,327,128	119,032,466	-	-	182,536,612	568	557.45
Summary of Base Adjustments	2,987,818	-	1,018,791	7,807,271	-	-	11,813,880	(1)	7.03
2021-23 Base Budget	39,164,836	-	28,345,919	126,839,737	-	-	194,350,492	567	564.48
010: Non-PICS Pers Svc/Vacancy Factor	206,418	-	(153,095)	83,960	-	-	137,283	-	-
020: Phase In / Out Pgm & One-time Cost	110,440	-	-	214,385	-	-	324,825	-	-
030: Inflation & Price List Adjustments	1,355,076	-	673,836	3,731,330	-	-	5,760,242	-	-
060: Technical Adjustments	2	-	(2)	-	-	-	-	-	-
2021-23 Current Service Level	40,836,772	-	28,866,658	130,869,412	-	-	200,572,842	567	564.48
070: Revenue Reductions/Shortfall	-	-	(6,044,449)	(10,417,902)	-	-	(16,462,351)	(66)	(65.39)
080: E-Boards	(151,739)	-	(72,571)	(453,427)	-	-	(677,737)	-	-
Adjusted 2021-23 Current Service Level	40,685,033	-	22,749,638	119,998,083	-	-	183,432,754	501	499.09
Total LFO Recommended Packages	10,031,705	-	-	15,594,816	-	-	25,626,521	66	65.39
2021-23 Legislative Actions	50,716,738	-	22,749,638	135,592,899	-	-	209,059,275	567	564.48
Net change from 2019-21 Leg Approved Budget	13,417,674	-	(5,569,835)	13,728,274	-	-	21,576,113	(1)	7.03
Percent change from 2019-21 Leg Approved Budget	36.0%	0.0%	(19.7%)	11.3%	0.0%	0.0%	11.5%	(0.2%)	1.3%
Net change from 2021-23 Adj Current Service Level	10,031,705	-	-	15,594,816	-	-	25,626,521	66	65.39
Percent change from 2021-23 Adj Current Service Level	24.7%	0.0%	0.0%	13.0%	0.0%	0.0%	14.0%	13.2%	13.1%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 070 Revenue Shortfalls

Package Description Decrease Other Funds expenditure limitation by \$6,044,449 and Federal Funds expenditure limitation by \$10,417,902 and abolish 66 permanent positions (65.39 FTE).

When a child support obligation involves a family receiving Temporary Assistance for Needy Families (TANF), the family temporarily assigns support rights to the state to offset expenses, when state services/public assistance is provided on behalf of the child. TANF recoveries have to be split between the federal government and the state at the Medicaid rate. The state portion is used as a match requirement for the Division of Child Services.

TANF assignment, and therefore recoveries, correlate to the general economy. As the economy improves and fewer individuals receive TANF, assignments decline and recoveries fall. With caseloads and associated Division of Child Support administrative costs remaining unchanged, a shortfall is created when TANF recoveries fall below budgeted levels. A shortfall is only attributable to Other Funds revenue as matching Federal Funds would only be affected if an alternative matching source of funds is unable to be identified. Changes in TANF recoveries have no impact on the Division of Child Support caseload. Cases simply move from assistance to non-assistance. The projected shortfall is based on one state tax year of actual obligation receipts (2019), and one estimated year of tax obligation receipts (2020), which will determine the actual amount of the shortfall.

LFO Recommendation Approve the request.

LFO Analyst Notes Note associated Policy Package 480 - Restoration of Positions Cut in Package 070.

LFO Recommended	-	-	(6,044,449)	(10,417,902)	-	-	(16,462,351)	(66)	(65.39)
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 087 August 2020 Special Session

Package Description Decrease General Fund by \$151,739, decrease Other Funds expenditure limitation by \$72,571, and decrease Federal Funds expenditure limitation by \$453,427 for the closure of one of several Division of Child Support Portland offices. This is a permanent services and supplies reduction made by the Legislature during the Second Special Session [SB 5723 (2020)].

LFO Recommendation Approve the request.

LFO Recommended	(151,739)	-	(72,571)	(453,427)	-	-	(677,737)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 099 Microsoft 365 Consolidation

Package Description Decrease General Fund by \$142,701 and decrease Federal Funds by \$277,011 for the services and supplies - State Government Service Charge.

Microsoft 365 is being consolidated within the Office of the State Information Officer at the E5 level of service. This cost is built into the State Government Service Charge for every agency as a cost increase for the 2021-23 biennium. This package makes a corresponding reduction to the agency base budget in an amount equivalent to what agencies should be paying in the current 2019-21 biennium for Microsoft 365 at the E3 level of service.

LFO Recommendation Approve the request.

LFO Recommended	(142,701)	-	-	(277,011)	-	-	(419,712)	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 100 Reconcile Intra-Agency Charges

Package Description Increase General Fund appropriation by 2,503,909 and Federal Funds expenditure limitation by \$1,373,666 for services and supplies and the Intra-Agency line-item.

LFO Recommendation Approve the request.

Budget Instructions The Legislative expectation associated with this funding is that the Division of Child Support will fill the approximate 30 positions that had previously been held vacant to fund this deficit.

LFO Recommended	2,503,909	-	-	1,373,666	-	-	3,877,575	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 480 Restore shortfall

Package Description Increase General Fund by \$5,342,622 and Federal Funds expenditure limitation by \$10,372,248 and re-authorize the continuation of 66 permanent positions (65.39 FTE).

When a child support obligation involves a family receiving Temporary Assistance for Needy Families (TANF), the family temporarily assigns support rights to the state to offset expenses, when state services/public assistance is provided on behalf of the child. TANF recoveries have to be split between the federal government and the state at the Medicaid rate. The state portion is used as a match requirement for the Division of Child Services.

TANF assignment, and therefore recoveries, correlate to the general economy. As the economy improves and fewer individuals receive TANF, assignments decline and recoveries fall. With caseloads and associated Division of Child Support administrative costs remaining unchanged, a shortfall is created when TANF recoveries fall below budgeted levels. A shortfall is only attributable to Other Funds revenue as matching Federal Funds would only be affected if an alternative matching source of funds is unable to be identified. Changes in TANF recoveries have no impact on the Division of Child Support caseload. Cases simply move from assistance to non-assistance. The projected shortfall is based on one state tax year of actual obligation receipts (2019), and one estimated year of tax obligation receipts (2020), which will determine the actual amount of the shortfall.

LFO Recommendation Approve the request.

LFO Analyst Notes Note Policy Package 070 - Revenue Shortfall.

LFO Recommended	5,342,622	-	-	10,372,248	-	-	15,714,870	66	65.39
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 481 AAG and Intra-agency Charge Shortfall

Package Description Increase General Fund appropriation by \$403,863 and Federal Funds expenditure limitation by \$783,969 for services and supplies - Attorney General line-item.

The purpose of this package is to provide supplemental funding to reconcile the Attorney General line-item.

LFO Recommendation Approve the request.

Budget Instructions The Legislative expectation associated with this funding is that the Division of Child Support will fill positions that had previously been held vacant to fund this deficit.

LFO Recommended	403,863	-	-	783,969	-	-	1,187,832	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 482 Origin Hosting

Package Description Increase General Fund appropriation by \$300,000 and Federal Funds Expenditure limitation by \$389,630 for State Government Service Charges.

The purpose of this package is to fund the Department of Administrative Services - State Data Center charges for the Child Support Enforcement Automated System (CSEAS, aka "Origin"), as proposed in the Governor's budget. The movement of CSEAS from a private data center to the State Data Center has been long-sought objective of the Legislature.

LFO Recommendation Approve the package.

LFO Recommended	300,000	-	-	389,630	-	-	689,630	-	-
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	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
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Package 802 Implementation Shortfalls

Package Description Increase General Fund by \$1,624,012 and increase Federal Funds expenditure limitation by \$2,952,314 for services and supplies due to implementation shortfalls related to the Child Support Enforcement Automated System. This amount includes \$386,536 General Fund and \$750,334 Federal Funds for a two-year International Business Machines (IBM) licensing agreement.

The purpose of this package is for: (a) a contract extension (Deloitte) for the Child Support Enforcement Automated System (CSEAS) due to the Division of Child Support information technology staff turnover in key positions and delays in the technical training and knowledge transfer from the vendor to the agency; and (b) funding for a licensing agreement.

The Department of Justice reported to the Legislature in 2021 that the CSEAS/"Origin" project has been officially completed, certified by the federal government, and is fully operational throughout the state. The Legislature anticipates no further investment is expected the for project given CSEAS/"Origin" is now a state-of-the-art modern child support system for which the state and federal government have invested over \$135 million to complete.

LFO Recommendation Approve the request as a one-time expense.

LFO Recommended	1,624,012	-	-	2,952,314	-	-	4,576,326	-	-
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LFO102 - Work Session Presentation Report
2021-23 BienniumVersion: L - 01 - LFO Analyst Recommended
Cross Reference: 13700-161-00-00-00000
Child Support Enforcement Automated System

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	2,137,146	-	3,681,223	11,307,249	-	-	17,125,618	27	21.54
2019-21 Ebds, SS & Admin Act	(128,195)	-	2,269,378	3,111,265	-	-	5,252,448	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	2,008,951	-	5,950,601	14,418,514	-	-	22,378,066	27	21.54
2019-21 Leg Approved Budget (Base)	2,137,146	-	3,681,223	11,307,249	-	-	17,125,618	27	21.54
Summary of Base Adjustments	(802,821)	-	(1,016,912)	(3,532,380)	-	-	(5,352,113)	(27)	(21.54)
2021-23 Base Budget	1,334,325	-	2,664,311	7,774,869	-	-	11,773,505	-	-
020: Phase In / Out Pgm & One-time Cost	(1,334,325)	-	(2,664,311)	(7,774,869)	-	-	(11,773,505)	-	-
2021-23 Current Service Level	-	-	-	-	-	-	-	-	-
Adjusted 2021-23 Current Service Level	-	-	-	-	-	-	-	-	-
Total LFO Recommended Packages	-	-	-	-	-	-	-	-	-
2021-23 Legislative Actions	-	-	-	-	-	-	-	-	-
Net change from 2019-21 Leg Approved Budget	(2,008,951)	-	(5,950,601)	(14,418,514)	-	-	(22,378,066)	(27)	(21.54)
Percent change from 2019-21 Leg Approved Budget	(100.0%)	0.0%	(100.0%)	(100.0%)	0.0%	0.0%	(100.0%)	(100.0%)	(100.0%)
Net change from 2021-23 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

	General Fund	Lottery Funds	Other Funds	Federal Funds	Nonlimited Other Funds	Nonlimited Federal Funds	Total Funds	Positions	Full-Time Equivalent (FTE)
2019-21 Agy. Leg. Adopted	15,650,370	-	-	-	-	-	15,650,370	-	-
2019-21 Ebds, SS & Admin Act	-	-	-	-	-	-	-	-	-
Ways & Means Actions	-	-	-	-	-	-	-	-	-
2019-21 Leg Approved Budget	15,650,370	-	-	-	-	-	15,650,370	-	-
2019-21 Leg Approved Budget (Base)	15,650,370	-	-	-	-	-	15,650,370	-	-
Summary of Base Adjustments	(7,275,120)	-	-	-	-	-	(7,275,120)	-	-
2021-23 Base Budget	8,375,250	-	-	-	-	-	8,375,250	-	-
2021-23 Current Service Level	8,375,250	-	-	-	-	-	8,375,250	-	-
Adjusted 2021-23 Current Service Level	8,375,250	-	-	-	-	-	8,375,250	-	-
2021-23 Legislative Actions	8,375,250	-	-	-	-	-	8,375,250	-	-
Net change from 2019-21 Leg Approved Budget	(7,275,120)	-	-	-	-	-	(7,275,120)	-	-
Percent change from 2019-21 Leg Approved Budget	(46.5%)	0.0%	0.0%	0.0%	0.0%	0.0%	(46.5%)	0.0%	0.0%
Net change from 2021-23 Adj Current Service Level	-	-	-	-	-	-	-	-	-
Percent change from 2021-23 Adj Current Service Level	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Legislatively Proposed 2021 - 2023 Key Performance Measures

Published: 5/19/2021 7:32:49 AM

Agency: Justice, Department of

Mission Statement:

The mission of the Oregon Department of Justice is to provide outstanding legal and child support services to Oregonians and their government. We are dedicated to: Fighting crime and protecting crime victims; improving child welfare; protecting the environment; fighting for Oregon consumers, workers, investors, and taxpayers; promoting a positive business climate; providing great legal services to Oregon's state government; and defending the rights of all Oregonians.

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
1. Percentage of legal cases in which the state's position is upheld or partially upheld		Approved	92%	95%	95%
2. Percentage of Defense of Criminal Convictions (DCC) cases briefed within 182 days.		Approved	69%	85%	85%
4. Amount of monies recovered for the state (excluding punitive damage recoveries) divided by the cost of recovery		Approved	\$19.00	\$17.00	\$17.00
5. Percent of delinquent annual filers notified within 160 days of late filing		Approved	63%	90%	90%
7. Average working days from receipt of contracting document to first substantive response to agency.		Approved	6.32	5	5
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	Availability of Information	Approved	95%	98%	98%
	Accuracy		96%	99%	99%
	Overall		93%	98%	98%
	Helpfulness		95%	99%	99%
	Expertise		98%	99%	99%
	Timeliness		95%	98%	98%
9. Percentage of legal billings receivables collected within 30 days		Approved	91%	92%	92%
11. Percentage of child support cases with support orders during the federal fiscal year.		Approved	86%	90%	90%
12. Percentage of dollars collected for current support in the child support cases		Approved	61%	65%	65%
13. Percentage of eligible child support cases paying toward arrears		Approved	62%	65%	65%
14. Percentage of crime victims' compensation orders issued within 90 days of claim receipt		Approved	82%	95%	95%
3. 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.		Proposed New	98%	90%	90%
6. 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.		Proposed New		85%	85%

Legislatively Proposed KPMs	Metrics	Agency Request	Last Reported Result	Target 2022	Target 2023
10. 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.		Proposed New		80%	80%
15. 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.		Proposed New		40	40
2. Percentage of appropriate litigation resolved through settlement		Proposed Delete	32%	32%	
10. Percentage of Criminal Justice Division cases resolved successfully		Proposed Delete	100%	100%	100%
10. Percentage of support collected by the Child Support Program that is distributed to families		Proposed Delete	92%	95%	
14. Percentage of adult victims leaving domestic violence shelters with a safety plan after a stay of five days or more		Proposed Delete	99%	95%	
15. Percentage of sexual assault exams conducted by specially trained Sexual Assault Nurse Examiners (SANE)		Proposed Delete	58%	75%	

LFO Recommendation:

The Legislative Fiscal Office (LFO) makes the following recommendations related to the existing and proposed Key Performance Measure (KPM) changes and targets. In addition, LFO recommends that for a third biennium in a row, and after a report to the Legislature in 2020, the Department of Justice be directed to continue to update the department's KPMs, data, and targets, and report back to the Legislature in 2022. While the department has made some limited progress updated the agency's KPMs, more work is required, and which should be based on the direction provided by the Legislature in 2020. The department's lagging performance related to KPM #2, #5, #12, and #13 also merits review.

#3 Percentage of juvenile dependency appeals briefed within 42 days - Deny proposed new KPM and recommended continued work to develop an Appellate Division KPM. Timeliness KPMs are a sub-optimal measure of outcome.

#6 Number of permanency hearings in which the state agency's (DHS) position is upheld or partially upheld - Approve proposed new KPM.

#10 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 - Deny proposed new KPM and recommended continued work to develop a Criminal Division KPM(s). Timeliness KPMs are a sub-optimal measure of outcome.

#15 The completion of onsite compliance reviews of grant recipients to ensure compliance with internal control procedures, policies, uses of funds and accurate reporting - Deny proposed new KPM and recommended continued work to develop Crime Victims and Survivor Services KPM(s). The of number of completed compliance reviews fails to measure the number of compliance issues with grant recipients.

#2 Percentage of appropriate litigation resolved through settlement - Deny proposed KPM deletion and recommended continued work to develop Trial Division KPM(s).

#10 Percentage of Criminal Justice Division cases resolved successfully - Approve proposed KPM deletion. Relevancy of this KPM is in question as reported results have consistently been 100%.

#10 Percentage of support collected by the Child Support Program that is distributed to families - Approve proposed KPM deletion. The three existing KPM for the Division of Child Support are sufficient to measure program performance and collection activities.

#14 Percentage of adult victims leaving domestic violence shelters with a safety plan after a stay of five days or more - Approve proposed KPM deletion. KPM is a sub-optimal measure of performance. KPM is outside the control of the department and determined by privately operated non-profit shelters.

#15 Percentage of sexual assault exams conducted by specially trained Sexual Assault Nurse Examiners (SANE) - Approve proposed KPM deletion. KPM is outside the control of the department as Sexual Assault Nurse Examiners, which number approximately 135 statewide, are not employed by the department and are geographically limited in rural areas of the state.

SubCommittee Action: