

**HB 5014 A BUDGET REPORT and MEASURE SUMMARY**

**Carrier:** Rep. Kropf

**Joint Committee On Ways and Means**

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**Action Date:** 06/04/21

**Action:** Do pass with amendments. (Printed A-Eng.)

**House Vote**

**Yeas:** 10 - Bynum, Drazan, Gomberg, Leif, McLain, Nosse, Rayfield, Sanchez, Smith G, Sollman

**Nays:** 1 - Stark

**Senate Vote**

**Yeas:** 11 - Anderson, Frederick, Golden, Gorsek, Hansell, Johnson, Knopp, Lieber, Steiner Hayward, Taylor, Thomsen

**Nays:** 1 - Girod

**Prepared By:** Michelle Lisper, Department of Administrative Services

**Reviewed By:** John Borden, Legislative Fiscal Office

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**Department of Justice**

**2021-23**

**Budget Summary\***

|                           | 2019-21                                      | 2021 - 23             | 2021-23                  | Committee Change from 2019-21 |          |
|---------------------------|--|-----------------------|--------------------------|-------------------------------|----------|
|                           | Legislatively Approved Budget <sup>(1)</sup> | Current Service Level | Committee Recommendation | Leg. Approved                 |          |
|                           |  |                       |                          | \$ Change                     | % Change |
| General Fund              | \$ 101,589,748                               | \$ 107,149,481        | \$ 128,656,750           | \$ 27,067,002                 | 26.6%    |
| General Fund Debt Service | \$ 15,650,370                                | \$ 8,375,250          | \$ 8,375,250             | \$ (7,275,120)                | -46.5%   |
| Other Funds Limited       | \$ 373,423,466                               | \$ 382,228,947        | \$ 381,349,228           | \$ 7,925,762                  | 2.1%     |
| Federal Funds Limited     | \$ 216,470,717                               | \$ 158,962,562        | \$ 186,085,247           | \$ (30,385,470)               | -14.0%   |
| Total                     | \$ 707,134,301                               | \$ 656,716,240        | \$ 704,466,475           | \$ (2,667,826)                | -0.4%    |

**Position Summary**

|                                      |          |          |          |       |
|--------------------------------------|----------|----------|----------|-------|
| Authorized Positions                 | 1,461    | 1,421    | 1,467    | 6     |
| Full-time Equivalent (FTE) positions | 1,424.48 | 1,411.73 | 1,451.56 | 27.08 |

<sup>(1)</sup> Includes adjustments through January 2021

\* Excludes Capital Construction expenditures

**Summary of Revenue Changes**

The Department of Justice (DOJ) receives General Fund for criminal appeals, district attorney assistance, organized crime and criminal intelligence, the Oregon Domestic and Sexual Assault Violence fund, the Address Confidentiality program, the Child Abuse Multidisciplinary Intervention program, protecting civil rights, and for state match for federal child support enforcement funds. General Fund is 19.5% of the total expenditures in the recommended budget.

DOJ generates the majority of its Other Funds revenue from charges to state agencies for legal services. 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 \$242 and is estimated to generate \$272 million, with a projected ending balance of \$13.8 million. This represents approximately 1.25 months of operating capital reserve for the Legal Services Fund or \$12.6 million. The increase in the legal services rate from \$214 in the 2019-21 biennium to \$242 is an increase of \$28 per hour or 13.1% and is primarily due to the following factors:

- Current service level adjustments for collective bargaining agreements, merit increases, inflation on services and supplies, and mandated caseload adjustments;
- Policy adjustments;
- An estimate for yet-to-be negotiated compensation plan adjustments;
- A 1.25 months of working capital reserve; and

- 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.

Other sources of Other Funds include allocations from the Criminal Fine Account to support the Criminal Injuries Compensation Account, the Child Abuse Multidisciplinary Intervention Account, the Child Abuse Medical Assessment program, and regional assessment centers. The 2021-23 Criminal Fine Account allocation is estimated to be approximately \$23.2 million. If approved by the Legislature, it will be allocated under separate legislation. Additional sources of Other Funds include the Master Tobacco Settlement Agreement fund, registration and filing fees charged to charitable organizations; child support payments for families in the Temporary Assistance for Needy Families (TANF) program; and federal performance incentives partially fund the Child Support program. Other Funds makes up 54.1% of the Department's budget.

Federal Funds support child support enforcement, Medicaid fraud, crime victim programs, and criminal justice-related activities. Federal Funds are also used as matching funds passed through to district attorneys for child support work they complete. Federal Funds make up 26.4% of the Department's budget.

### **Summary of Public Safety Subcommittee Action**

DOJ is responsible for providing general legal counsel and supervision of all civil actions and legal proceedings in which the state is a party to, or has an interest in, as well as for a number of programs including child support enforcement, district attorney assistance, crime victims' compensation and assistance, charitable activity enforcement, and consumer protection services.

The Subcommittee recommended a budget of \$704,466,475 total funds; \$137,032,000 General Fund, \$381,349,228 Other Funds expenditure limitation, \$186,085,247 Federal Funds expenditure limitation, and 1,467 positions (1,451.56 FTE). The budget represents a 0.4% decrease in total funds from the 2019-21 legislatively approved budget, as of January 2021.

### **Office of the Attorney General and Administration Division**

The Office of the Attorney General is the executive management of the Department and sets direction and policy. The Civil Rights Unit is housed within this division and continues efforts in protecting Oregon citizens, by investigating civil rights violations. The Administration Division provides administrative and financial oversight, support, and information technology services to the operating divisions.

The Subcommittee recommended a budget of \$680,628 General Fund, \$44,886,891 Other Funds expenditure limitation, and 128 positions (125.48 FTE). The recommended budget includes the following packages:

Package 099, Microsoft 365 Consolidation. This package decreases the General Fund by \$1,411 and Other Funds expenditure limitation by \$83,237. 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.

Package 101, Reclassification of Positions. This package increases the Other Funds expenditure limitation by \$47,692 for the reclassification of an Accounting Technician 3 to an Accountant 2 and changes an Operation and Policy Analyst 3 and an Information Systems Specialist 8 from being classified positions to management services positions. 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.

Package 102, Payroll Support. This package increases the Other Funds expenditure limitation by \$191,597 and establishes one permanent full-time Accountant 2 position (0.88 FTE). This new position will provide additional payroll support for the Agency. The revenue source for this package comes from the Legal Services Fund.

Package 110, Permanent Project Manager. This package increases the Other Funds expenditure limitation by \$270,229 and reauthorizes a limited duration Project Manager 1 position (1.00 FTE). The revenue source for this package comes from the Legal Services Fund. The position will assist the agency's Facility Unit in managing their leased space in 20 buildings, assist with other day-to-day operations within the Administration Division's program area.

Package 112, Procurement Contract Specialist. This package increases Other Funds expenditure limitation by \$311,455 and establishes one permanent full-time Procurement Contract Specialist 2 position (1.00 FTE). This package alleviates a double filled/unbudgeted position. The revenue source for this package comes from the Legal Services Fund.

Package 123, Essential Security Costs for Information Technology. This package is a one-time Other Funds expenditure limitation increase of \$140,000 for information technology expendable property to replace end-of-life core network switches and wireless network controllers impacting the Agency's connectivity and security issues. The revenue source for this package comes from the Legal Services Fund.

Package 125, Legal Tools Replacement 2.0. This package is a one-time Other Funds expenditure limitation increase of \$1,777,437 and establishes five limited duration positions (4.75 FTE). The positions include four Operation and Policy Analyst 2s (Business Requirements Analysts) and one Principle Executive Manager E (Program Manager). The package only supports the continuation of the planning-only phase for this project. The revenue source for this package includes \$300,000 of settlement funds from the Original Legal Tools Replacement 1.0 and from the Legal Services Fund. The Subcommittee recommended the following budget note:

### **Budget Note**

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 Project. This includes providing comprehensive program-level artifacts for all business functionality, a comprehensive business case, requirements, 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, Enterprise Information Services and the Chief Financial Office, and the Legislative Fiscal Office.

Package 130, Grand Jury Recordation. This package is a one-time Other Funds expenditure limitation increase of \$481,000 and establishes one limited duration Information Systems Specialist 6 position (0.22 FTE). This package supports the implementation of SB 505 (2017) grand jury recordation. This package includes \$422,705 in services and supplies to be utilized as follows: \$315,000 for statewide transcription services related to Grand Jury recordation; \$67,328 for Microsoft licensing and storage; \$15,840 for Microsoft 365 licensing; \$5,396 for other IT related expenses; and \$19,141 for position related services and supplies expenses.

Package 801, LFO Analyst Adjustments. This package increases Other Funds expenditure limitation by \$219,651 and establishes one permanent full-time Internal Auditor 3 position (0.88 FTE). This package is to further augment the internal audit capability of the Department of Justice, given the increased concerns with the Legal Services Fund the Department brought to the attention of the Legislature in 2021. The Subcommittee approved the following budget note related to the Department's internal audit function:

### **Budget Note**

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.

### **Appellate Division**

The Appellate Division represents the state's interests in all cases in federal and state appellate courts. It also prepares and defends ballot titles.

The Subcommittee recommended a budget of \$401,704 General Fund, \$26,237,909 Other Funds expenditure limitation, and 58 permanent positions (57.38 FTE). The recommended budget includes the following packages:

Package 099, Microsoft 365 Consolidation. This package decreases the Other Funds expenditure limitation by \$40,208. 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.

Package 100, Reconcile Intra-Agency Changes. This package increases the Other Funds expenditure limitation by \$238,919 to reconcile the Intra-agency cost-allocation charges for operating services provided by the Administration Division.

Package 101, Reclassification of Positions. This package increases the Other Funds expenditure limitation by \$19,856 for the reclassification of a Principal Executive Manager A to a Principal Executive Manager 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.

Package 441, Non-unanimous Jury Appeals. This package increases Other Funds expenditure limitation by \$316,789 and establishes one permanent full-time Assistant Attorney General position (0.88 FTE). The revenue source to fund this package is General Fund appropriated under the Defense of Criminal Convictions. The Department of Administrative Services (DAS) is requested to unschedule \$316,789 Other Funds expenditure limitation pending updated caseload data and the legal outcomes of the Appellate Court decisions in the various Ramos v. Louisiana cases. The caseload data and legal outcomes from the Appellate Court should be provided to both Legislative Fiscal Office and the DAS, Chief Financial Office.

## **Civil Enforcement Division**

The Civil Enforcement Division represents the state in civil cases and enforces certain criminal laws. General responsibilities of this Division include: (1) child advocacy representing the Department of Human Services (DHS) in juvenile dependency and termination of parental rights cases and mental health commitments, (2) prosecuting Medicaid fraud and related crimes as well as providing related education/outreach, (3) prosecuting plaintiff's civil litigation on behalf of any agency with a tort, contract, statutory or other claim to recover money or property, representing agencies in bankruptcy proceedings and collections, and representing the Division of Child Support in collecting child support, establishing paternity and support obligations, (4) educating consumers to better protect themselves against marketplace fraud and abuse, (5) protecting Master Tobacco Settlement Agreement funds; and, (6) supervising and regulating the activities of charitable, professional fundraising and other nonprofit organizations and enforcing laws related to charitable trusts, solicitations and gaming.

The Subcommittee recommended a budget of \$124,111,440 Other Funds expenditure limitation, \$5,443,614 Federal Funds expenditure limitation, and 301 positions (298.79 FTE). The recommended budget includes the following packages:

Package 099, Microsoft 365 Consolidation. This package decreases the Other Funds expenditure limitation by \$203,861 and Federal Funds expenditure limitation by \$11,286. 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.

Package 100, Reconcile Intra-Agency Changes. This package increases the Other Funds expenditure limitation by \$707,238 and Federal Funds expenditure limitation by \$12,225 to reconcile the Intra-agency cost-allocation charges for operating services provided by the Administration Division.

Package 803, ECCREU. This package decreases Other Funds expenditure limitation by \$3,334,146 and transfers the four existing permanent full-time positions (4.00 FTE) in the Environmental Criminal and Cultural Resources Enforcement Unit to the Criminal Justice Division.

## **Criminal Justice Division**

The Criminal Justice Division provides prosecution and investigation assistance to District Attorneys statewide and provides investigation, intelligence and prosecution services relating to public corruption, terrorism, drug and organized crime.

The Subcommittee recommended a budget of \$18,324,749 General Fund, \$9,878,023 Other Funds expenditure limitation, \$1,253,014 Federal Funds expenditure limitation, and 65 positions (64.34 FTE). The recommended budget includes the following packages:

Package 099, Microsoft 365 Consolidation. This package decreases General Fund by \$22,573, Other Funds expenditure limitation by \$17,635 and Federal Funds expenditure limitation by \$1,411. 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.

Package 100, Reconcile Intra-Agency Changes. This package increases General Fund by \$26,796, Other Funds expenditure limitation by \$98,036, and Federal Funds expenditure limitation by \$1,701 to reconcile the Intra-agency cost-allocation charges for operating services provided by the Administration Division.

Package 205, Anti-Poaching Legal Support. This package increases Other Funds expenditure limitation by \$395,601 and establishes one permanent full-time Senior Assistant Attorney General position (0.88 FTE). The revenue source for this package comes from hourly legal service charges to the Oregon Department of Fish and Wildlife (ODFW).

Package 260, Continuation of LD Grant Positions (UASI/SHSG). This package increases Other Funds expenditure limitation by \$673,173 and re-authorizes two limited duration positions (2.00 FTE); one Operations and Policy Analyst 3 and one Research Analyst 3 positions. The revenue source to support this package comes from the Oregon Military Department's federal grant program, the Urban Area Security Initiative (UASI), and the State Homeland Security Program (SHSP).

Package 261, Analytical and Criminal Investigative Support. This package fund shifts \$956,379 Other Funds expenditure limitation to General Fund to support four existing permanent full-time positions (4.00 FTE). The High Intensity Drug Trafficking Area (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 Other Funds expenditure limitation received to support the four positions previously came from the HIDTA federal program, administratively managed by the Department of Public Safety Standards and Training. 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.

Package 265, Internet Crimes Against Children (ICAC) LD Position. This package decreases Federal Funds expenditure limitation by \$214,439. This eliminates a federal grant (Office of Juvenile Justice and Delinquency Prevention Grant) for the Internet Crimes Against Children program.

Package 801, LFO Analyst Adjustments. This package is a one-time increase of \$137,429 Other Funds expenditure limitation and establishes one limited duration Information Systems Specialist 5 (0.46 FTE). The revenue source to support this package comes from the Oregon Military Department's Urban Area Security Initiative (UASI) grant program. This is an existing grant previously approved by the Legislature.



Package 803, ECCREU. This package increases General Fund by \$1,603,988 and transfers in the four existing permanent full-time positions (4.00 FTE) from the Environmental Criminal and Cultural Resources Enforcement Unit from the Civil Enforcement Unit (ECCREU). The Subcommittee recommended the following budget note:

**Budget Note**

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.

**Crime Victim and Survivor Services**

The Crime Victim and Survivor Services Division runs several programs and administers hundreds of grants. The Division compensates victims' of violent crime for losses they sustain as a result of the criminal actions of another. The Division administers and monitors grants from eight major funds, providing partial funding to nearly every non-profit and system based victims program in the state. The Division also provides direct advocacy programs and collects restitution and criminal fines and fees on behalf of victims and the state. Programs run by the Division include the Victims' Compensation Program, the Sexual Assault Victims' Emergency Medical Response Fund, the Address Confidentiality Program, and the Post-Conviction Advocacy Program.

The Subcommittee recommended a budget of \$19,882,698 General Fund, \$28,289,381 Other Funds expenditure limitation, \$43,795,720 Federal Funds expenditure limitation, and 48 permanent positions (45.84 FTE). The recommended budget includes the following packages:

Package 70, Revenue Shortfall. This package decreases Other Funds expenditure limitation by \$4,170,701 and abolishes 16 permanent full-time positions (15.06 FTE). This reduction is due to a revenue shortfall in punitive damage settlement funding due to tort reform legislation that capped punitive damage awards ordered to plaintiffs.

Package 099, Microsoft 365 Consolidation. This package decreases General Fund by \$19,046, Other Funds expenditure limitation by \$9,170 and Federal Fund expenditure limitation by \$1,411. 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.

Package 100, Reconcile Intra-Agency Changes. This package increases General Fund by \$7,457, Other Funds expenditure limitation by \$16,550, and Federal Funds expenditure limitation by \$7,840 to reconcile the Intra-agency cost-allocation charges for operating services provided by the Administration Division.

Package 101, Reclassification of Positions. This package fund shifts \$18,242 General Fund to Other Funds expenditure limitation for the approved upward reclassification of an Office Specialist 2 to an Administrative Specialist 2 and the downward reclassification of an Administrative Specialist 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 Appellate Division to self-fund this request.

Package 309, Continuation of an Appellate Advocacy Position. This package increases Other Funds expenditure limitation by \$303,894 and establishes one permanent full-time Program Analyst 2 position (1.00 FTE). The revenue source for this package comes from the federal Victim of Crimes Act grant. The Legislature previously approved the establishment of this position through SB 5723 (2020) and this package continues post-conviction support by helping to ensure victim rights in appellate post-conviction court hearings, habeas corpus, death penalty cases, and those 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 representative or advocate for the victim.

Package 310, Victims of Crime Act Budget. This package is a one-time increase of Federal Funds expenditure limitation of \$22,241,142 and establishes three limited duration positions (2.64 FTE); one Program Analyst 3 (0.88 FTE), one Systems Specialist 2 (0.88 FTE), and one 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 comes from a federal Victims of Crime Act (VOCA) grant. This formula grant does not require the Department to provide matching funds; however, the grant does require sub-grantees to provide 20% 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.

VOCA provides 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 sub-grantees 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). 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 Subcommittee approved the following budget note:

**Budget Note**

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. The report

should include how funding decisions were determined and distributed, how governance, oversight, compliance, and auditing were conducted, and how performance standards were established, reported and outcomes measured.

Package 311, Backfilling Punitive Damages Funding. This package increases General Fund \$4,881,459 and re-establishes 19 existing permanent full-time positions (17.70 FTE) offsetting reductions in the 070 package. 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 Crime Victim Compensation, Victim Rights Coordination, and Appellate Advocacy.

Package 315, Human Trafficking Grant. This package increases Federal Funds expenditure limitation by \$644,166 and authorizes the establishment of one limited duration Program Analyst 3 (1.00 FTE) and one limited duration Criminal Investigator position (1.00 FTE). The revenue source for this package comes from a federal U.S. Department of Justice, Office for Victims of Crime, Improving Outcomes for Child and Youth Victims of Human Trafficking grant. 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, by the Joint Interim Committee on Ways and Means, in September 2019.

Package 320, Bias Crimes Incident Coordinator Position. This package fund shifts \$279,329 Federal Funds to Other Funds expenditure limitation. This package funds an existing Bias Crimes Incident Coordinator position. The revenue source for this package comes from the federal VOCA sub-grant award. The sub-grant supports the position and organizationally reports to the Administration Division, Civil Rights Unit. This position was originally authorized by the Legislature in 2019, as part of SB 577 (2019).

### **General Counsel**

The General Counsel Division provides a broad range of legal services to over 100 state agencies, boards, and commissions.

The Subcommittee recommended a budget of \$76,431,533 Other Funds expenditure limitation and 169 positions (166.80 FTE). The recommended budget includes the following packages:

Package 087, August 2020 Special Session. This package increases Other Funds expenditure limitation by \$774,303 and establishes two permanent full-time positions (2.00 FTE). The package reflects the actions of the Legislature in 2020 (SB 5723). The Legislature established one permanent full-time Senior Assistant Attorney General position and one permanent full-time Assistant Attorney General position in the Business Transactions Section. These positions serve as design and construction attorneys for transportation infrastructure projects authorized in HB 2017 (2017). The revenue source for this package comes from hourly legal service billings to the Oregon Department of Transportation.

Package 088, September 2020 Emergency Board. This package authorizes the transfer of \$781,386 Other Funds expenditure limitation and two existing permanent full-time Assistant Attorney General positions (2.00 FTE) to the Trial Division. The positions will conduct work related to state habeas corpus petitions filed due to the COVID-19 pandemic. This action was previously approved by the Emergency Board, in September of 2020 (Item #32).

Package 099, Microsoft 365 Consolidation. This package decreases Other Funds expenditure limitation by \$113,569. 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.

Package 100, Reconcile Intra-Agency Changes. This package increases Other Funds expenditure limitation by \$604,937 to reconcile the Intra-agency cost-allocation charges for operating services provided by the Administration Division.

Package 363, Legal Training Oregon State Government. This package increases Other Funds expenditure limitation by \$312,554 and re-establishes one limited duration Operations and Policy Analyst 3 position (1.00 FTE). The package continues the program support for a Client Agency Legal Training Manager to design and implement educational projects for the Attorney General.

Package 804, Reconciliation of Position Requests. This package increases Other Funds expenditure limitation by \$2,158,970 and establishes seven permanent full-time positions (5.04 FTE). The package specifically adds the following positions:

- Two Senior Assistant Attorney General positions for the Labor and Employment Section to address the increase in demand for COVID-19 advice and an increase in the number of litigation matters,
- Two Senior Assistant Attorney General positions for the Health and Human Services Section to address an increase in demand for COVID-19 advice and an increase in the number of litigation matters,
- One Senior Assistant Attorney General position for the Business Activities Section to address work from the Oregon Occupational Safety and Health's (OR-OSHA) enforcement of the Governor's COVID-19-related Executive Orders, and the Public Utilities Commission's work related to Executive Order 20-04 relating to reduction in greenhouse gas emissions, and
- One Senior Assistant Attorney General position and one Paralegal position for the Natural Resources Section to address the Department of Environmental Quality's new climate-related programs.

Additionally, the Division will establish Detailed Cross References within the Oregon Budget Information Tracking System (ORBITS) to be included in the 2023-25 current service level budget for each Division section. The Subcommittee approved the following budget note:

### **Budget Note**

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.

### **Trial Division**

The Trial Division represents the state of Oregon and its agencies, departments, boards, commissions, officers, employees and agents, in all state and federal trial courts.

The Subcommittee recommended a budget of \$48,764,413 Other Funds expenditure limitation and 131 permanent, full-time positions (128.45 FTE). The recommended budget includes the following packages:

Package 088, September 2020 Emergency Board. This package authorized the transfer-in 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 for work related to state habeas corpus petitions filed due to the COVID-19 pandemic. This action was previously approved by the Emergency Board, in September of 2020 (Item #32).

Package 099, Microsoft 365 Consolidation. This package decreases Other Funds expenditure limitation by \$80,416. 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.

Package 100, Reconcile Intra-Agency Changes. This package increases Other Funds expenditure limitation by \$358,952 to reconcile the Intra-agency cost-allocation charges for operating services provided by the Administration Division.

Package 409, Special Litigation Unit. This package Increases Other Funds expenditure limitation by \$788,801 and establishes two permanent full-time Senior Assistant Attorney General positions (1.76 FTE). This package provides supplemental resources for the Interstate Bridge Replacement litigation support, redistricting, and 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. Additionally, these resources have the potential to reduce adverse outcomes in litigation related to the Department of Administrative Services, Risk Fund.

Additionally, the Division will establish Detailed Cross References within the Oregon Budget Information Tracking System (ORBITS), to be included in the 2023-25 current service level budget for each Division section. In 2025, the Legislature will want to re-examine the efficacy of these positions given the one-time nature of redistricting litigation.

Package 410, Civil Litigation Section. This package increases Other Funds expenditure limitation by \$528,072 and establishes two permanent full-time positions (1.76 FTE); one Assistant Attorney General position and one Paralegal position. The revenue source for this package comes from hourly legal service charges to the Department of Administrative Services, Risk Management.

The package will provide additional resources to defend the state in civil lawsuits filed by adults in custody at state correctional institutions, 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. This phase 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 basis, or subclass by subclass basis.

Package 440, Criminal and Collateral remedies Section (CCR). This package increases Other Funds expenditure limitation by \$2,075,917 and establishes eight permanent positions (7.04 FTE). These positions include 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 Specialist-2 position (0.88 FTE). The revenue source for this package comes from the General Fund appropriated under the Defense of Criminal Convictions. The Department of Administrative Services (DAS) is requested to unschedule \$2,075,917 Other Funds expenditure limitation pending updated caseload data and the legal outcomes of the Appellate Court decisions in the various Ramos v. Louisiana cases. The caseload data and legal outcomes from the Appellate Court should be provided to both the Legislative Fiscal Office and the DAS, Chief Financial Office

### **Defense of Criminal Convictions**

Defense of Criminal Convictions is a budgetary unit used to track the cost of defending the state in cases when sentenced offenders challenge their convictions or sentences. Three types of cases are funded from these funds: (1) direct criminal appeals when the offender's challenge is on alleged legal or factual errors of the trial; (2) post-conviction challenges when the offender challenges the effectiveness of their counsel; or (3) federal habeas corpus when the offender challenges violations of their constitutional rights in federal court. This fund is used to finance staff in both the Trial and Appellate divisions, defending the state in the Defense of Criminal Conviction cases.

The Subcommittee recommended a budget of \$38,650,233 General Fund. The recommended budget includes the following packages:

Package 440, Criminal and Collateral remedies Section (CCR). This package increases General Fund by \$3,510,413 in the Attorney General expenditure line-item account. DAS is requested to unschedule \$3,510,413 General Fund pending updated caseload data and the legal outcomes of the Appellate Court decisions in the various Ramos v. Louisiana cases. The caseload data and legal outcomes from the Appellate Court should be provided to both the Legislative Fiscal Office and DAS, Chief Financial Office.

Package 441, Non-unanimous Jury Appeals. This package increases General Fund by \$702,083 in the Attorney General expenditure line-item account. DAS is requested to un-schedule \$702,083 General Fund pending updated caseload data and the legal outcomes of the Appellate Court decisions in the various Ramos v. Louisiana cases. The caseload data and legal outcomes from the Appellate Court should be provided to both Legislative Fiscal Office and DAS, Chief Financial Office.

### **Division of Child Support**

The Division of Child Support works to enhance the security and interests of children and promotes positive parental involvement, as outlined in federal and state laws. The Division locates absent parents, establishes paternity, enforces, and modifies child support obligations, and receives and distributes child support payments.

The Subcommittee recommended a budget of \$50,716,738 General Fund, \$22,749,638 Other Funds expenditure limitation, \$135,592,899 Federal Funds expenditure limitation, and 567 positions (564.48 FTE). The recommended budget includes the following packages:

Package 70, Revenue Shortfall. This package decreases Other Funds expenditure limitation by \$6,044,449, Federal Funds expenditure limitation by \$10,417,902 and abolishes 66 permanent full-time positions (65.39 FTE) due to declining Temporary Assistance for Needy Families (TANF) recoveries.

Package 087, August 2020 Special Session. This package decreases the General Fund by \$151,739, Other Funds expenditure limitation by \$72,571, and Federal Funds expenditure limitation by \$453,427 for the closure of one Portland Division of Child Support office. The office closure was a permanent action made by the Legislature during the 2<sup>nd</sup> special session [SB 5723 (2020)].

Package 099, Microsoft 365 Consolidation. This package decreases the General Fund by \$142,701 and Federal Funds expenditure limitation by \$277,011. 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.

Package 100, Reconcile Intra-Agency Changes. This package increases the General Fund by \$2,503,909 and Federal Funds expenditure limitation by \$1,373,666 to reconcile the Intra-agency cost-allocation charges for operating services provided by the Administration Division. Additionally, this package will allow the Division to fill approximately 30 positions previously held vacant to fund the Division's deficit.

Package 480, Restore shortfall. This package increases the General Fund by \$5,342,622, Federal Funds expenditure limitation by \$10,372,248 and re-establishes 66 existing permanent positions (65.39 FTE), offsetting reductions in the 070 package and declining Temporary Assistance for Needy Families (TANF) recoveries.

Package 481, AAG and intra-agency Charge Shortfall. This package increases General Fund by \$403,863 and Federal Funds expenditure limitation by \$783,969 in the Attorney General Expenditure line-item. This package is expected to alleviate and reconcile intra-agency Attorney General rate charges. Additionally, this package will allow the Division to fill positions that were previously held vacant to fund the Division's deficit.

Package 482, Origin Hosting. This package increases General Fund by \$300,000 and Federal Funds expenditure limitation by \$389,630 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 a long-sought objective of the Legislature.

Package 802, Implementation Shortfalls. This package is a one-time General Fund increase of \$1,624,012 and a Federal Funds expenditure limitation increase of \$2,952,314. This package addresses a system implementation shortfall related to the Child Support Enforcement Automated System.

The package includes \$386,536 General Fund and \$750,334 Federal Funds expenditure limitation for a two-year International Business Machines (IBM) licensing agreement. The purpose of this package is for: (a) a contract extension with Deloitte for 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.

#### **Debt Service and Related Costs**

Debt Service is the obligation to repay the principal and interest costs of Article XI-Q bonds issued to partially finance the Child Support Enforcement Automated System (CSEAS)/"Origin" project that was established during the 2015 legislative session. The Subcommittee recommended a budget of \$8,375,250 General Fund.

#### **Summary of Performance Measure Action**

See attached "Legislatively Approved 2021-23 Key Performance Measures."



**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**Department of Justice**  
**Michelle Lisper - 971-283-6360**

| DESCRIPTION  | GENERAL FUND   | LOTTERY FUNDS | OTHER FUNDS    |            | FEDERAL FUNDS  |            | TOTAL ALL FUNDS | POS   | FTE      |
|--|----------------|---------------|----------------|------------|----------------|------------|-----------------|-------|----------|
|  |                |               | LIMITED        | NONLIMITED | LIMITED        | NONLIMITED |                 |       |          |
| 2019-21 Legislatively Approved Budget at Jan. 2021*            | \$ 117,240,118 | \$ -          | \$ 373,423,466 | \$ -       | \$ 216,470,717 | \$ -       | \$ 707,134,301  | 1,461 | 1,424.48 |
| 2021-23 Current Service Level (CSL)*                           | \$ 115,524,731 | \$ -          | \$ 382,228,947 | \$ -       | \$ 158,962,562 | \$ -       | \$ 656,716,240  | 1,421 | 1,411.73 |
| <b><u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u></b>              |                |               |                |            |                |            |                 |       |          |
| <b>SCR 010 - Administration</b>                                |                |               |                |            |                |            |                 |       |          |
| Package 099: Microsoft 365 Consolidation Services and Supplies | \$ (1,411)     | \$ -          | \$ (83,237)    | \$ -       | \$ -           | \$ -       | \$ (84,648)     |       |          |
| Package 101: Reclassification of Positions                     |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 47,692      | \$ -       | \$ -           | \$ -       | \$ 47,692       | 0     | 0.00     |
| Package 102: Payroll Support                                   |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 142,247     | \$ -       | \$ -           | \$ -       | \$ 142,247      | 1     | 0.88     |
| Services and Supplies  | \$ -           | \$ -          | \$ 49,350      | \$ -       | \$ -           | \$ -       | \$ 49,350       |       |          |
| Package 110: Permanent Project Manager                         |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 210,914     | \$ -       | \$ -           | \$ -       | \$ 210,914      | 1     | 1.00     |
| Services and Supplies  | \$ -           | \$ -          | \$ 59,315      | \$ -       | \$ -           | \$ -       | \$ 59,315       |       |          |
| Package 112: Procurement Contract Specialist                   |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 247,321     | \$ -       | \$ -           | \$ -       | \$ 247,321      | 1     | 1.00     |
| Services and Supplies  | \$ -           | \$ -          | \$ 64,134      | \$ -       | \$ -           | \$ -       | \$ 64,134       |       |          |
| Package 123: Essential Security Costs for IT                   |                |               |                |            |                |            |                 |       |          |
| Services and Supplies  | \$ -           | \$ -          | \$ 140,000     | \$ -       | \$ -           | \$ -       | \$ 140,000      |       |          |
| Package 125: Legal tools Replacement 2.0                       |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 1,116,143   | \$ -       | \$ -           | \$ -       | \$ 1,116,143    | 5     | 4.75     |
| Services and Supplies  | \$ -           | \$ -          | \$ 661,294     | \$ -       | \$ -           | \$ -       | \$ 661,294      |       |          |
| Package 130: Grand Jury Recordation                            |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 58,295      | \$ -       | \$ -           | \$ -       | \$ 58,295       | 1     | 0.22     |
| Services and Supplies  | \$ -           | \$ -          | \$ 422,705     | \$ -       | \$ -           | \$ -       | \$ 422,705      |       |          |
| Package 801: LFO Analyst Adjustments                           |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 203,251     | \$ -       | \$ -           | \$ -       | \$ 203,251      | 1     | 0.88     |
| Services and Supplies  | \$ -           | \$ -          | \$ 16,400      | \$ -       | \$ -           | \$ -       | \$ 16,400       |       |          |
| <b>SCR 020 - Appellate</b>                                     |                |               |                |            |                |            |                 |       |          |
| Package 099: Microsoft 365 Consolidation Services and Supplies | \$ -           | \$ -          | \$ (40,208)    | \$ -       | \$ -           | \$ -       | \$ (40,208)     |       |          |
| Package 100: Reconcile Intra-Agency Charges                    |                |               |                |            |                |            |                 |       |          |
| Services and Supplies  | \$ -           | \$ -          | \$ 238,919     | \$ -       | \$ -           | \$ -       | \$ 238,919      |       |          |
| Package 101: Reclassification of Positions                     |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 19,856      | \$ -       | \$ -           | \$ -       | \$ 19,856       | 0     | 0.00     |
| Package 441: Non-unanimous Jury Appeals                        |                |               |                |            |                |            |                 |       |          |
| Personal Services  | \$ -           | \$ -          | \$ 251,955     | \$ -       | \$ -           | \$ -       | \$ 251,955      | 1     | 0.88     |
| Services and Supplies  | \$ -           | \$ -          | \$ 64,834      | \$ -       | \$ -           | \$ -       | \$ 64,834       |       |          |

| DESCRIPTION  | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS |                | FEDERAL FUNDS |              | TOTAL ALL FUNDS | POS         | FTE   |
|--|--------------|---------------|-------------|----------------|---------------|--------------|-----------------|-------------|-------|
|  |              |               | LIMITED     | NONLIMITED     | LIMITED       | NONLIMITED   |                 |             |       |
| <b>SCR 030 - Civil Enforcement</b>                               |              |               |             |                |               |              |                 |             |       |
| Package 099: Microsoft 365 Consolidation                         |              |               |             |                |               |              |                 |             |       |
| Services and Supplies  | \$           | - \$          | - \$        | (203,861) \$   | - \$          | (11,286) \$  | - \$            | (215,147)   |       |
| Package 100: Reconcile Intra-Agency Charges                      |              |               |             |                |               |              |                 |             |       |
| Services and Supplies  | \$           | - \$          | - \$        | 707,238 \$     | - \$          | 12,225 \$    | - \$            | 719,463     |       |
| Package 803: ECCREU  |              |               |             |                |               |              |                 |             |       |
| Personal Services  | \$           | - \$          | - \$        | (1,312,362) \$ | - \$          | - \$         | - \$            | (1,312,362) | -4    |
| Services and Supplies  | \$           | - \$          | - \$        | (2,021,784) \$ | - \$          | - \$         | - \$            | (2,021,784) | -4.00 |
| <b>SCR 040 - Criminal Justice</b>                                |              |               |             |                |               |              |                 |             |       |
| Package 099: Microsoft 365 Consolidation                         |              |               |             |                |               |              |                 |             |       |
| Services and Supplies  | \$           | (22,573) \$   | - \$        | (17,635) \$    | - \$          | (1,411) \$   | - \$            | (41,619)    |       |
| Package 100: Reconcile Intra-Agency Charges                      |              |               |             |                |               |              |                 |             |       |
| Services and Supplies  | \$           | 26,796 \$     | - \$        | 98,036 \$      | - \$          | 1,701 \$     | - \$            | 126,533     |       |
| Package 205: Anti-Poaching Legal Support                         |              |               |             |                |               |              |                 |             |       |
| Personal Services  | \$           | - \$          | - \$        | 320,494 \$     | - \$          | - \$         | - \$            | 320,494     | 1     |
| Services and Supplies  | \$           | - \$          | - \$        | 75,107 \$      | - \$          | - \$         | - \$            | 75,107      | 0.88  |
| Package 260: Continuation of LD Grant Positions (UASI,SHSG)      |              |               |             |                |               |              |                 |             |       |
| Personal Services  | \$           | - \$          | - \$        | 516,794 \$     | - \$          | - \$         | - \$            | 516,794     | 2     |
| Services and Supplies  | \$           | - \$          | - \$        | 156,379 \$     | - \$          | - \$         | - \$            | 156,379     | 2.00  |
| Package 261: Analytical and Criminal Investigative Support       |              |               |             |                |               |              |                 |             |       |
| Personal Services  | \$           | 716,131 \$    | - \$        | (716,131) \$   | - \$          | - \$         | - \$            | -           | 0     |
| Services and Supplies  | \$           | 240,248 \$    | - \$        | (240,248) \$   | - \$          | - \$         | - \$            | -           | 0.00  |
| Package 265: Internet Crimes Against Children (ICAD) LD Position |              |               |             |                |               |              |                 |             |       |
| Personal Services  | \$           | - \$          | - \$        | - \$           | - \$          | (151,388) \$ | - \$            | (151,388)   | 0     |
| Services and Supplies  | \$           | - \$          | - \$        | - \$           | - \$          | (63,051) \$  | - \$            | (63,051)    | 0.00  |
| Package 801: LFO Analyst Adjustment                              |              |               |             |                |               |              |                 |             |       |
| Personal Services  | \$           | - \$          | - \$        | 109,100 \$     | - \$          | - \$         | - \$            | 109,100     | 1     |
| Services and Supplies  | \$           | - \$          | - \$        | 28,329 \$      | - \$          | - \$         | - \$            | 28,329      | 0.46  |
| Package 803: ECCREU  |              |               |             |                |               |              |                 |             |       |
| Personal Services  | \$           | 1,312,362 \$  | - \$        | - \$           | - \$          | - \$         | - \$            | 1,312,362   | 4     |
| Services and Supplies  | \$           | 291,626 \$    | - \$        | - \$           | - \$          | - \$         | - \$            | 291,626     | 4.00  |

| DESCRIPTION  | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS |                | FEDERAL FUNDS |               | TOTAL ALL FUNDS | POS | FTE    |  |
|--|--------------|---------------|-------------|----------------|---------------|---------------|-----------------|-----|--------|--|
|  |              |               | LIMITED     | NONLIMITED     | LIMITED       | NONLIMITED    |                 |     |        |  |
| <b>SCR 045 - Crime Victims Program</b>                     |              |               |             |                |               |               |                 |     |        |  |
| Package 070: Revenue Shortfall                             |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ (3,099,153) | \$ -          | \$ -          | \$ (3,099,153)  | -16 | -15.06 |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ (1,071,548) | \$ -          | \$ -          | \$ (1,071,548)  |     |        |  |
| Package 099: Microsoft 365 Consolidation                   |              |               |             |                |               |               |                 |     |        |  |
| Services and Supplies                                      | \$ (19,046)  | \$ -          | \$ -        | \$ (9,170)     | \$ -          | \$ (1,411)    | \$ (29,627)     |     |        |  |
| Package 100: Reconcile Intra-Agency Charges                |              |               |             |                |               |               |                 |     |        |  |
| Services and Supplies                                      | \$ 7,457     | \$ -          | \$ -        | \$ 16,550      | \$ -          | \$ 7,840      | \$ 31,847       |     |        |  |
| Package 101: Reconciliation of Positions                   |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ (18,242)  | \$ -          | \$ -        | \$ 18,242      | \$ -          | \$ -          | \$ -            | 0   | 0.00   |  |
| Package 309: Continuance of an Appellate Advocacy position |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ 237,465     | \$ -          | \$ -          | \$ 237,465      | 1   | 1.00   |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ 66,429      | \$ -          | \$ -          | \$ 66,429       |     |        |  |
| Package 310: Victims of Crime Budget                       |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ -           | \$ -          | \$ 326,240    | \$ 326,240      | 3   | 2.64   |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ -           | \$ -          | \$ 57,227     | \$ 57,227       |     |        |  |
| Special Payments   | \$ -         | \$ -          | \$ -        | \$ -           | \$ -          | \$ 21,857,675 | \$ 21,857,675   |     |        |  |
| Package 311: Backfill Punitive Damages Funding             |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ 3,707,175 | \$ -          | \$ -        | \$ -           | \$ -          | \$ -          | \$ 3,707,175    | 19  | 17.70  |  |
| Services and Supplies                                      | \$ 1,174,284 | \$ -          | \$ -        | \$ -           | \$ -          | \$ -          | \$ 1,174,284    |     |        |  |
| Package 315: Human Trafficking Grant                       |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ -           | \$ -          | \$ 429,926    | \$ 429,926      | 2   | 2.00   |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ -           | \$ -          | \$ 123,820    | \$ 123,820      |     |        |  |
| Special Payments   | \$ -         | \$ -          | \$ -        | \$ -           | \$ -          | \$ 90,420     | \$ 90,420       |     |        |  |
| Package 320: Bias Crimes Incident Coordinator Position     |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ 279,329     | \$ -          | \$ (279,329)  | \$ -            | 0   | 0.00   |  |
| <b>SCR 050 - General Counsel</b>                           |              |               |             |                |               |               |                 |     |        |  |
| Package 087: August 2020 Special Session                   |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ 624,293     | \$ -          | \$ -          | \$ 624,293      | 2   | 2.00   |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ 150,010     | \$ -          | \$ -          | \$ 150,010      |     |        |  |
| Package 088: September 2020 Emergency Board                |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ (563,961)   | \$ -          | \$ -          | \$ (563,961)    | -2  | -2.00  |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ (217,425)   | \$ -          | \$ -          | \$ (217,425)    |     |        |  |
| Package 099: Microsoft 365 Consolidation                   |              |               |             |                |               |               |                 |     |        |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ (113,569)   | \$ -          | \$ -          | \$ (113,569)    |     |        |  |
| Package 100: Reconcile Intra-Agency Charges                |              |               |             |                |               |               |                 |     |        |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ 604,937     | \$ -          | \$ -          | \$ 604,937      |     |        |  |
| Package 363: Legal Training for Oregon State Government    |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ 247,321     | \$ -          | \$ -          | \$ 247,321      | 1   | 1.00   |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ 65,233      | \$ -          | \$ -          | \$ 65,233       |     |        |  |
| Package 804: Reconciliation of Position Requests           |              |               |             |                |               |               |                 |     |        |  |
| Personal Services  | \$ -         | \$ -          | \$ -        | \$ 1,738,854   | \$ -          | \$ -          | \$ 1,738,854    | 7   | 5.04   |  |
| Services and Supplies                                      | \$ -         | \$ -          | \$ -        | \$ 420,116     | \$ -          | \$ -          | \$ 420,116      |     |        |  |

| DESCRIPTION   | GENERAL FUND | LOTTERY FUNDS | OTHER FUNDS    |            | FEDERAL FUNDS  |            | TOTAL ALL FUNDS | POS | FTE    |
|---|--------------|---------------|----------------|------------|----------------|------------|-----------------|-----|--------|
|   |              |               | LIMITED        | NONLIMITED | LIMITED        | NONLIMITED |                 |     |        |
| <b>SCR 060 - Trial</b>                                      |              |               |                |            |                |            |                 |     |        |
| Package 088: September 2020 Emergency Board                 |              |               |                |            |                |            |                 |     |        |
| Personal Services   | \$ -         | \$ -          | \$ 563,961     | \$ -       | \$ -           | \$ -       | \$ 563,961      | 2   | 2.00   |
| Services and Supplies                                       | \$ -         | \$ -          | \$ 217,425     | \$ -       | \$ -           | \$ -       | \$ 217,425      |     |        |
| Package 099: Microsoft 365 Consolidation                    |              |               |                |            |                |            |                 |     |        |
| Services and Supplies                                       | \$ -         | \$ -          | \$ (80,416)    | \$ -       | \$ -           | \$ -       | \$ (80,416)     |     |        |
| Package 100: Reconcile Intra-Agency Charges                 |              |               |                |            |                |            |                 |     |        |
| Services and Supplies                                       | \$           | \$ -          | \$ 358,952     | \$ -       | \$ -           | \$ -       | \$ 358,952      |     |        |
| Package 409: Special Litigation                             |              |               |                |            |                |            |                 |     |        |
| Personal Services   | \$ -         | \$ -          | \$ 640,988     | \$ -       | \$ -           | \$ -       | \$ 640,988      | 2   | 1.76   |
| Services and Supplies                                       | \$ -         | \$ -          | \$ 147,813     | \$ -       | \$ -           | \$ -       | \$ 147,813      |     |        |
| Package 410: Civil Litigation Section                       |              |               |                |            |                |            |                 |     |        |
| Personal Services   | \$ -         | \$ -          | \$ 410,737     | \$ -       | \$ -           | \$ -       | \$ 410,737      | 2   | 1.76   |
| Services and Supplies                                       | \$ -         | \$ -          | \$ 117,335     | \$ -       | \$ -           | \$ -       | \$ 117,335      |     |        |
| Package 440: Criminal and Collateral Remedies Section (CCR) |              |               |                |            |                |            |                 |     |        |
| Personal Services   | \$ -         | \$ -          | \$ 1,610,827   | \$ -       | \$ -           | \$ -       | \$ 1,610,827    | 8   | 7.04   |
| Services and Supplies                                       | \$ -         | \$ -          | \$ 465,090     | \$ -       | \$ -           | \$ -       | \$ 465,090      |     |        |
| <b>SCR 100 - Defense of Criminal Conviction</b>             |              |               |                |            |                |            |                 |     |        |
| Package 440: Criminal and Collateral Remedies Section (CCR) |              |               |                |            |                |            |                 |     |        |
| Services and Supplies                                       | \$ 3,510,413 | \$ -          | \$ -           | \$ -       | \$ -           | \$ -       | \$ 3,510,413    |     |        |
| Package 441: Non-unanimous Jury Appeals                     |              |               |                |            |                |            |                 |     |        |
| Services and Supplies                                       | \$ 702,083   | \$ -          | \$ -           | \$ -       | \$ -           | \$ -       | \$ 702,083      |     |        |
| <b>SCR 160 - Division of Child Support</b>                  |              |               |                |            |                |            |                 |     |        |
| Package 070: Revenue Shortfall                              |              |               |                |            |                |            |                 |     |        |
| Personal Services   | \$ -         | \$ -          | \$ (4,282,824) | \$ -       | \$ (8,450,102) | \$ -       | \$ (12,732,926) | -66 | -65.39 |
| Services and Supplies                                       | \$ -         | \$ -          | \$ (1,012,954) | \$ -       | \$ (1,967,800) | \$ -       | \$ (2,980,754)  |     |        |
| Special Payments  | \$ -         | \$ -          | \$ (748,671)   | \$ -       | \$ -           | \$ -       | \$ (748,671)    |     |        |
| Package 087: August 2020 Special Session                    |              |               |                |            |                |            |                 |     |        |
| Services and Supplies                                       | \$ (151,739) | \$ -          | \$ (72,571)    | \$ -       | \$ (453,427)   | \$ -       | \$ (677,737)    |     |        |
| Package 099: Microsoft 365 Consolidation                    |              |               |                |            |                |            |                 |     |        |
| Services and Supplies                                       | \$ (142,701) | \$ -          | \$ -           | \$ -       | \$ (277,011)   | \$ -       | \$ (419,712)    |     |        |
| Package 100: Reconcile Intra-Agency Charges                 |              |               |                |            |                |            |                 |     |        |
| Services and Supplies                                       | \$ 2,503,909 | \$ -          | \$ -           | \$ -       | \$ 1,373,666   | \$ -       | \$ 3,877,575    |     |        |
| Package 480: Restore Shortfall                              |              |               |                |            |                |            |                 |     |        |
| Personal Services   | \$ 4,329,668 | \$ -          | \$ -           | \$ -       | \$ 8,404,448   | \$ -       | \$ 12,734,116   | 66  | 65.39  |
| Services and Supplies                                       | \$ 1,012,954 | \$ -          | \$ -           | \$ -       | \$ 1,967,800   | \$ -       | \$ 2,980,754    |     |        |

| DESCRIPTION  | GENERAL FUND          | LOTTERY FUNDS | OTHER FUNDS           |             | FEDERAL FUNDS         |             | TOTAL ALL FUNDS       | POS          | FTE             |
|--|-----------------------|---------------|-----------------------|-------------|-----------------------|-------------|-----------------------|--------------|-----------------|
|  |                       |               | LIMITED               | NONLIMITED  | LIMITED               | NONLIMITED  |                       |              |                 |
| Package 481: AAG and Intra-agency Charge Shortfall Services and Supplies | \$ 403,863            | \$ -          | \$ -                  | \$ -        | \$ 783,969            | \$ -        | \$ 1,187,832          |              |                 |
| Package 482: Origin Hosting Services and Supplies                        | \$ 300,000            | \$ -          | \$ -                  | \$ -        | \$ 389,630            | \$ -        | \$ 689,630            |              |                 |
| Package 802: Implementation Shortfalls Services and Supplies             | \$ 1,624,012          | \$ -          | \$ -                  | \$ -        | \$ 2,952,314          | \$ -        | \$ 4,576,326          |              |                 |
| <b>TOTAL ADJUSTMENTS</b>   | <b>\$ 21,507,269</b>  | <b>\$ -</b>   | <b>\$ (879,719)</b>   | <b>\$ -</b> | <b>\$ 27,122,685</b>  | <b>\$ -</b> | <b>\$ 47,750,235</b>  | <b>46</b>    | <b>39.83</b>    |
| <b>SUBCOMMITTEE RECOMMENDATION *</b>                                     | <b>\$ 137,032,000</b> | <b>\$ -</b>   | <b>\$ 381,349,228</b> | <b>\$ -</b> | <b>\$ 186,085,247</b> | <b>\$ -</b> | <b>\$ 704,466,475</b> | <b>1,467</b> | <b>1,451.56</b> |

|   |       |      |       |      |        |      |       |      |      |
|---|-------|------|-------|------|--------|------|-------|------|------|
| % Change from 2019-21 Leg Approved Budget   | 16.9% | 0.0% | 2.1%  | 0.0% | -14.0% | 0.0% | -0.4% | 0.4% | 1.9% |
| % Change from 2021-23 Current Service Level | 18.6% | 0.0% | -0.2% | 0.0% | 17.1%  | 0.0% | 7.3%  | 3.2% | 2.8% |

\*Excludes Capital Construction Expenditures

# Legislatively Approved 2021 - 2023 Key Performance Measures

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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 Approved 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 appropriate litigation resolved through settlement   |                             | Approved              | 32%                  | 32%         |             |
| 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%         |
| 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. |                             | Approved              |                      | 85%         | 85%         |
| 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%         |
| 10. Percentage of Criminal Justice Division cases resolved successfully   |                             | Legislatively Deleted | 100%                 | 100%        | 100%        |
| 10. Percentage of support collected by the Child Support Program that is distributed to families  |                             | Legislatively Deleted | 92%                  | 95%         |             |

| Legislatively Approved KPMs   | Metrics | Agency Request        | Last Reported Result | Target 2022 | Target 2023 |
|---|---------|-----------------------|----------------------|-------------|-------------|
| 14. Percentage of adult victims leaving domestic violence shelters with a safety plan after a stay of five days or more |         | Legislatively Deleted | 99%                  | 95%         |             |
| 15. Percentage of sexual assault exams conducted by specially trained Sexual Assault Nurse Examiners (SANE)             |         | Legislatively Deleted | 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:**

The Public Safety Subcommittee adopted the Legislative Fiscal Office recommendations.