



**Oregon  
Public  
Defense  
Commission**

February 7, 2024

**Members**

Jennifer Nash, Chair  
Peter Buckley  
Robert Harris  
Alton Harvey, Jr.  
Tom Lininger  
Susan Mandiberg  
Jennifer Parrish Taylor  
Robert Selander  
Adrian Smith  
Brook Reinhard, Nonvoting  
Jasmine Wright, Nonvoting  
Rep. Paul Evans, Nonvoting  
Sen. Floyd Prozanski, Nonvoting



**Executive Director**

Jessica Kampfe

**Oregon Public Defense Commission**

Meeting will occur virtually via zoom  
Wednesday, February 7, 2024  
9:00 AM – approx. 1:00 PM PST  
Via Zoom\*

This is a public meeting, subject to public meeting law and it will be digitally recorded. Remember to state your full name for the record, as it is required for making a record of the meeting. For action items requiring commission approval, a roll call vote will occur, unless the chair directs otherwise. The chair shall read any motion requiring commission approval into the record before a vote is taken. We are mindful of everyone’s busy schedule, particularly public defense providers, and we will adhere to the agenda of business unless the chair directs otherwise.

**MEETING AGENDA**

<b>Approx. Time</b>	<b>Item</b>	<b>Lead(s)</b>
5 min.	Welcome	Chair Nash
20 min.	Public Comment **	All
5 min.	*Approve January 5, 2024, OPDC Meeting Minutes (Attachment to follow 1a)	All
10 min.	Budget Presentation (Attachment 2a)	Ralph Amador Director Kampfe
10 min.	2024 Session Update (Attachment 3a)	Lisa Taylor Director Kampfe
10 min.	Unrepresented Update	Shannon Flowers
15 min.	9.9 million Retention Incentive Policy Briefing (Attachment 4a)	Amy Jackson, Kim Freeman Director Kampfe
10 min.	Annual Report of Audit Committee’s Activities (Attachment 5a)	Scott Latham, Latham Stack, John Hutzler, Director Kampfe
10 min.	Update on Governance Subcommittee	Eric Deitrick
60 min.	Presentation on 2021 ACLU Pay Equity Complaint	Jill Goldsmith, Workplace Solutions NW
10 min.	Directors Update	Director Kampfe

*\*To join the Zoom meeting, click this link. <https://zoom.us/j/93365130065>*

*Please make requests for an interpreter 48 hours in advance for the hearing impaired, or other accommodation to [opds.info@opds.state.or.us](mailto:opds.info@opds.state.or.us).*

*\*\*The commission welcomes public comment in written form and will review submitted written comment prior to the meeting. There will also be a limited amount of time to provide public comment during the meeting. If you are interested in providing public comment virtually to the ODSC, or if you want to submit written comment, please email [opds.info@opds.state.or.us](mailto:opds.info@opds.state.or.us). The deadline to submit interest is 5:00 PM PT February 6, 2024. Please include your full name, organization/entity name, email, and phone number. Public comment may be limited per person if time constraints require.*

*Next meeting: **March 20<sup>th</sup> & 21st, 2024 @ 9:00 A.M.***

*Meeting dates, times, locations, and agenda items are subject to change by the Commission; future meetings dates are posted at: <https://www.oregon.gov/opds/commission/Pages/meetings.aspx>.*

Attachment 1a  
Meeting Minutes

**Meeting:** Oregon Public Defense Commission

**Date & Time:** January 5, 2024, 10:00 AM – 12:00 PM PST

**Address/Platform:** Meeting occurred virtually via Zoom

**Commissioners Present**

Peter Buckley

Robert Harris

Tom Lininger

Susan Mandiberg

Jennifer Nash

Jennifer Parrish Taylor

Robert Selander

Adrian Smith

Brook Reinhard, Nonvoting

Jasmine Wright, Nonvoting

Rep. Paul Evans, Nonvoting

Sen. Floyd Prozanski, Nonvoting

**Commissioners Absent**

Alton Harvey, Jr.

**Presenting Staff**

Eric Deitrick, General Counsel

Emese Perfecto, Deputy Director

Ralph Amador, Finance Manager

Lisa Taylor, Government Relations Manager

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**1. Welcome and Introductions of New Commissioners**

Presented by Eric Deitrick

Mr. Deitrick welcomed the new commissioners to the first meeting of the Oregon Public Defense Commission. Each commissioner introduced themselves and explained why they chose to be on the Oregon Public Defense Commission.

## **2. Public Comment**

Mr. James Comstock, Licensed Investigator, provided public comment as well as written comment which is included in the transcript at the end of the meeting minutes.

## **3. \*Action Item: Approval of Interim Bylaws**

Presented by Eric Deitrick

Mr. Deitrick introduced the provisional adoption of the bylaws. Senate Bill 337 defines the responsibilities of the commission members. The statutory directives provide high level guidance to the commission's role within the overall structure of the agency. Mr. Deitrick noted that the bylaws do not provide guidance on other issues, such as how the Agency works with the commission to set commission meetings, determine agenda items, distribute meeting materials, conduct meetings, record votes, and create subcommittees. Mr. Deitrick explained that the bylaws are a best practice for government boards and commissions that are essential to establishing the essentials of governance. Agency staff is recommending that the commission provisionally adopt the former commission bylaws, while it endeavors to craft its own bylaws with the goal of adopting its own bylaws. The bylaws currently have only been changed from the previous commission bylaws to replace PDSC with OPDC, and also to eliminate the obligation that the commission approve contracts, as that had been modified by SB 337. Mr. Deitrick also recommended to the commission as a proposed motion to create a subcommittee on governance that can assist in the creation of these new commission bylaws. Following input from Commissioner Selander, Mr. Deitrick also recommended that the commission modify the verbiage on votes for amending bylaws from two-thirds vote to majority vote.

Commissioner Nash moved to approve the interim bylaws with the amendment in Article 6, that the verbiage be amended from two-thirds vote to a majority of the voting members of the commission. Commissioner Selander seconded the motion. The motion passed unanimously.

## **4. \*Action Item: Election of Chair and Vice-Chair**

Presented by Eric Deitrick

Of way of background, ORS requires the commission to elect its own chair and vice chair. The term for the position is 2 years and the commissioner elected to their position is eligible for re-election for a future term. Only voting members may serve as chair or vice chair. If the chair or vice chair steps down from their position, an election would be held to finish out the 2-year term. A simple majority of quorum, or

5 of 9 voting members is required to elect the chair and vice chair. The roles of the chair and vice chair will require a greater time commitment from that of the other commission members. Mr. Deitrick explained that when the formal adoption of the new bylaws is established, the roles of the chair and vice chair will be more defined.

Commissioner Lininger moved to appoint Commissioner Nash as the chair of the commission with the caveat that the vice-chair will be voted on at the next commission meeting in February. Commissioner Buckley seconded the motion. The motion passed unanimously.

#### **5. \*Action Item: Authorization of Governance Subcommittee**

Presented by Eric Deitrick

Mr. Deitrick requested that the commission approved creating a Governance subcommittee to be charged with gathering information, and making recommendations to the full commission on the commission bylaws and the authorization of additional subcommittees that will ensure good governance of the agency. The subcommittee should have no more than 4 voting commission members and should only consist of commission members. Mr. Deitrick recommended it would be beneficial to have both voting and non-voting members on the subcommittee.

Commissioner Harris moved to authorize the Governance subcommittee as presented to the commission. Commission Buckley seconded the motion. The motion passed unanimously.

The members for the Governance subcommittee are:

Commission Parrish-Taylor  
Commissioner Harris  
Commissioner Mandiberg  
Commissioner Wright  
Commissioner Smith

#### **6. \*Action Item: Approval of 2024 Meeting Schedule**

Presented by Eric Deitrick

The outline for the 2024 meeting schedule consists of 9 meetings, 3 of which are in person.

Commissioner Buckley moved to approve the 2024 meeting schedule. Commissioner Harris seconded the motion. There was discussion amongst the commission members that the time be amended to begin at 9:00 AM – 1:00 PM.

Also, there was clarification made regarding the March retreat, as the meeting materials state March 21<sup>st</sup> and 22<sup>nd</sup> and it should be March 20<sup>th</sup> & 21<sup>st</sup>. There was also discussion in adding hybrid to the in-person meetings. Chair Nash proposed since there is a short window from the May meeting to the June meeting, to move the May meeting to an earlier date. The general consensus was to move the May meeting to the 8<sup>th</sup>. The motion passed with six ayes and one nay (Commissioner Selander).

## **7. \*Action Item: Approval of Draft Legislative Reports**

Presented by Lisa Taylor & Ralph Amador

Ms. Taylor provided some history on the reports presented to the commission, which are the reports that will be turned into the February short session that is due to LFO by the 16<sup>th</sup> of January. The agency generally turns in the reports approximately one month prior to when they will be reviewed at Legislature. This allows the legislative fiscal office time to review them and write their own recommendations. The reports provided to the commission are the Financial and Case Management System (FCMS) and Remediation report. The commission discussed amongst themselves the detailed information in each report and their role as new commissioners in approving reports presented to them. Ms. Taylor also introduced the remediation report which lists the top 25 issues that have been identified by the previous PDSC, now OPDC and addressing how the agency and the commission become a fully functioning state agency. Ms. Taylor answered questions from the commission and clarified that this is the initial report that was turned in which will provide an executive summary that highlights major changes that have happened within the report so progress will be visible.

Chair Nash moved to approve the submission of the report to meet legislative timelines, however the Commission has had inadequate time to consider the contents of these reports due to its constitution on January 1, 2024.

Commissioner Smith seconded the motion. The motion passes unanimously.

## **8. Discussion on the State of the Public Defense in Oregon**

It was decided due to the time, to table this conversation.

## **9. Future Business**

None at this time.

Next meeting: February 7, 2024 @ 9:00 AM



Public Comment

OPDC January 5, 2024

January 4, 2023

Members of the Commission and Director Kampfe,

My name is James Comstock. I am a licensed investigator who works in fact and mitigation investigation on public defense cases for indigent litigants in the Oregon Circuit Courts. I am a member of Defense Investigators of Oregon, proudly affiliated with the Industrial Workers of the World.

Just as I did last month, I am sending this written public comment supplementary to the abbreviated oral public comment which I will share at the January 5, 2024 OPDC meeting.

It is regrettable that I feel the need to come to you again regarding the same issues that I raised in December. I was hopeful based on the comments at the last meeting that OPDS would take the things that I said to heart and begin making efforts to build trust between the agency and providers.

At the December PDSC meeting, Representative Buckley asked the following question:<sup>1</sup>  
*“Madam Chair, just the introduction on the document. These rates are that information gathered from several states including Nevada, Washington, California, and Idaho. I’m not sure what that means. I’m not sure whether the agency came up with these based off of kind of looking at the other states and seeing how we compare. I’m just not sure what that means.”*

My colleagues and I were quite surprised to hear that OPDS had gathered information from Nevada, Washington, California, Idaho, the Federal Courts and the US Bureau of Labor and Statistics, as we have been gathering this information ourselves over the last three years. We are very aware of how tedious and complex gathering this information has been, as most of these states do not have a uniform state rate and rates vary by county.

Amy Jackson, OPDS Program Analyst replied to Representative Buckley’s question saying:  
*“Yes. Sorry, Vice Chair Buckley. That’s what we did. We took a look at surrounding states and what their rates were, and then took a look at our budget and kind of came up with a rate that seemed like we could afford. And also looked at what we have currently been paying. I didn’t actually gather that information, but I am told that that’s how it was gathered.”*

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<sup>1</sup> Transcript excerpts are from “Meeting Transcripts 12 14 2023.pdf” posted at <https://www.oregon.gov/opds/commission/pages/meetings.aspx>

Representative Buckley went on to ask:

*“Thank you. And so just a note, when we get the compensation study, we’ll have that detailed out for us?”*

To which Ms. Jackson replied:

*“Yes”*

Based on this, and given the deep interest by me and my colleagues in what numbers the agency was using to establish rates in the “Scheduled of Guideline Amounts, Number 404.060.002” which the Commission voted on, the same day I made a public records request which stated:

*“I am requesting the information gathered by OPDS from surrounding states regarding rates for investigators performing fact and mitigation work. This was referenced by Amy Jackson in the PDSC meeting on 12/14. I am requesting any correspondence sent by OPDS staff asking for information on rates, any responses received, any reports based on other kinds of inquiry into rates in other states as it relates to the comments by Ms. Jackson in the 12/14 meeting.”<sup>2</sup>*

On January 3, 2023 I received the following response to my public records request from OPDS:

*“The agency does not have any records to disclose. At the commission meeting, I believe Amy Jackson mentioned that the person previously working on the project had looked at rates in other states. That employee is not presently at the agency. Following up with her supervisor, my understanding is that the employee looked at the federal fee schedule as well as published rates from a couple of other states. But I do not believe she was in communication with anyone in written or oral form.”<sup>3</sup>*

This is deeply, deeply troubling to me, my colleagues, and other public defense providers. I imagine it is troubling to this Commission as well.

In the December meeting, OPDS plainly stated to Commissioners in the context of a vote on an important policy that the policy was based on research that appears to have not been materially completed, despite the fact that OPDS clearly stated in the policy itself that it had been completed.

OPDS represented directly to Commissioner Buckley that the detailed information from the research would be included in a forthcoming compensation study. Based on the OPDS response, it is very clear that no material amount of information was gathered. Based on this, it is unclear

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<sup>2</sup> Public records request sent by James Comstock to OPDS on December 14, 2023.

<sup>3</sup> Email from Eric Deitrick, January 3, 2024

what Procedure 404.060.002 which was voted on by the Commission was based on, and what the forthcoming compensation study would be based on.

While this level of misrepresentation regarding a critical financial policy which was in the process of being voted on by a public body shocks the conscience on the face, it is even more egregious in that it happened in the very meeting where I pleaded very specifically with OPDS to work to fix the trust issues that plague the agency.

If we cannot trust OPDS to be honest with the Commission in the context of a vote on provider rates, when and how can we trust this agency?

The OPDS response to my public records request appears to place blame for this misrepresentation on a single unnamed employee who is no longer with the agency. This explanation strains credibility to the breaking point.

The language which prompted Commissioner Buckley's question is at the top of proposed Procedure 404.060.002. It states:

*"This document covers rates paid by the Office of Public Defense Services to vendors for services provided in public defense cases. These rates reflect information gathered from several states including Nevada, Washington, California and Idaho and entities including United States Courts, U.S. Bureau of Labor and Statistics and follow budget constraints of the agency."*<sup>4</sup>

This proposal and language were included in meeting materials presented to the Commission for consideration for the October 26, 2023 meeting<sup>5</sup>, the November 16, 2023 meeting<sup>6</sup>, and the December 14, 2023 meeting<sup>7</sup>.

The OPDS explanation which blames the misrepresentation on a single employee is frankly implausible. It appears that we are to believe that a single rogue employee did minimal or cursory information gathering regarding rates, then conducted analysis (or purported to)

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<sup>4</sup> Introduction section of "Schedule of Guideline Amounts, Number 404.060.002", page 20, Page 27 of pdf file named PDSC Agenda & Material 12\_14\_2023, found at <https://www.oregon.gov/opds/commission/pages/meetings.aspx>

<sup>5</sup> Introduction section of "Schedule of Guideline Amounts, Number 404.060.002", page 1 of 9, Page 128 of pdf file named PDSC Agenda & Materials 10\_26\_2023, found at <https://www.oregon.gov/opds/commission/pages/meetings.aspx>

<sup>6</sup> Introduction section of "Schedule of Guideline Amounts, Number 404.060.002", page 1 of 9, Page 59 of pdf file named PDSC Agenda & Material 11\_16\_2023, found at <https://www.oregon.gov/opds/commission/pages/meetings.aspx>

<sup>7</sup> Introduction section of "Schedule of Guideline Amounts, Number 404.060.002", page 20, Page 27 of pdf file named PDSC Agenda & Material 12\_14\_2023, found at <https://www.oregon.gov/opds/commission/pages/meetings.aspx>

themselves alone and created the policy, again, alone – and then that person gave Ms. Jackson the impression that a more robust investigation and analysis had been done as Ms. Jackson represented to Commissioner Buckley.

To be clear, this issue is not just about Ms. Jackson's answers to Commissioner Buckley. It is far deeper than that. The larger issue is the fact that proposed Procedure 404.060.002 was sent to the Commission for three consecutive meetings, with a preamble and explanation regarding the analysis used which was clearly a misrepresentation.

We are well aware that in reality, **policy creation of this type involves multiple people.** Anyone who worked on this policy should have been using the information ostensibly gathered to determine the rates. The fact that there is no written record of ANY rate analysis means that anyone who worked on this policy is complicit in an effort to misrepresent to providers, the Commission and the public the process used to arrive at proposed rates.

The OPDS response which attempts to blame this on a single unnamed employee no longer with the agency is at best “spin”, and at worst further dishonesty by the agency – again misrepresenting to cover up misrepresentation.

I do not believe the explanation provided by OPDS, and as a Commission, neither should you.

Again, it is important to note that OPDS spent time creating proposed Procedure 404.060.002, and published it to the Commission for three consecutive meetings. We presume that the proposed Procedure, or at the very least the proposed rates were shared with the Legislative Fiscal Office as well. It is improbable that a single unnamed rouge employee was responsible for doing the research, conducting the analysis based on that research, setting rates based on that analysis, and placing the clarifying preamble regarding methods used at the top of the proposed policy.

As a person who has worked extensively in state government, it is obvious to me that multiple people were involved in the creation, editing, and dispersal of this document to the Commission. OPDS even acknowledges the involvement of the supervisor of the person who they blame for the lack of material investigation into the rates paid in other states in their response. Any person engaged in determining the proposed rates should have used the information referenced in the statement at the top of the proposed policy to set the rates. The fact that this information does not exist makes anyone who worked on setting the rates complicit in the deception.

I call on this Commission to conduct an independent investigation to reveal:

- Which people worked on Procedure 404.060.002, so that those people can explain how they arrived at the rates proposed?

- What analysis was used to set the rates? (Since ostensibly there was no data written down to use in analysis.)
- Why OPDS included the preamble that Commissioner Buckley asked about if they never received the information purportedly gathered?
- Why no OPDS employee brought this to the attention of anyone above them?

I trust Director Kampfe. I do not believe that she was aware of this misrepresentation. I believe that OPDS staff made misrepresentations to her, to the Commission (repeatedly in the materials), and possibly to the Legislative Fiscal Office.

**I cannot overstate the gravity of an agency misrepresenting information regarding financial analysis to a Commission in the context of a vote. I can think of few things that are a greater example of the willful dereliction of duty on the part of a state agency.**

The agency routinely tells us that they have or do not have money for certain things. At this time, I don't know that I believe anything that isn't proven. At some point, if you must verify every single thing that an agency says, what is the point of even having the agency?

This breach of trust is not a one-off event. This caps years of clear and direct examples of behavior by the agency that has eaten away at the trust between the agency and providers. I laid out examples of this in my public comment at the last meeting. I could give you even more examples going back to 2019.

Leadership has changed over time, and to that point I want to reiterate that I **do** have trust in Director Kampfe and in some other members of OPDS management. That said, it is painfully obvious that there is a consistent problematic thread in the agency that stretches from at least 2019 to today. I do not know if this is an issue of culture in the agency, or if it is related to people who have remained at the agency throughout the last 5 years despite changes in leadership. Regardless of why this continues to happen, what is important is that it must stop - at once.

The behavior and apparent culture of the agency is a direct and material contribution to the public defense crisis that we find ourselves in now. The agency cannot "spin" itself out of this crisis. It must stop the problematic behavior, take accountability for its failures, root out the causes of the problem and do better going forward.

**Some things are hard to change. Changes can take time. Honesty is not one of those things. Being honest costs zero money and can be implemented today.**

In a similar vein – during the December meeting I frankly plead with OPDS to engage with us regarding payment issues and rates. We have been asking OPDS to engage with us on this matter since September. In an apparent response to my request in the December meeting, Commissioner Buckley said, *“My hope, or my expectation is that given the concern raised in public comment that the agency will commit to reaching out to the provider community on this process very, very soon to make sure that they understand that there will be an ability to have those discussions.”*<sup>8</sup>

My expectation was that at least based on Commissioner Buckley’s request, OPDS would respond to our repeated requests for engagement. To date, we have heard nothing from OPDS in this regard.

When we asked about the oddly sudden and unannounced change to the rate for mitigation investigation in the December meeting, we were told that the \$65/hr. rate included in the materials from the prior two meetings was a “typo” that had been discovered in December. In the context of what we have now seen, I am doubtful that OPDS was candid about the reasons and context of that change.<sup>9</sup>

The discovery that OPDS had quietly changed the Mitigation rate to \$70/hr. in the proposed payment policy, and the discovery that OPDS had not in fact investigated rates in other states as represented in Procedure 404.060.002 were both serendipitous. This leaves us all wondering what other misrepresentations has the OPDS made which have not yet been discovered. In particular, the representations made by OPDS to the Commission regarding the cost of travel time in the December meeting are particularly suspect, and there seemed to be a reluctance to share information that Commissioners asked for.

As providers, we are exasperated by our continued problematic interactions with OPDS.

We have done all we can to engage with an agency that on the one hand begs us to work with them, and on the other hand presents misleading or even wholly untruthful information in response to questions that they don’t seem inclined to answer.

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<sup>8</sup> Transcript excerpt from “Meeting Transcripts 12 14 2023.pdf posted at <https://www.oregon.gov/opds/commission/pages/meetings.aspx>

<sup>9</sup> From the transcript of the 12 14 2023 meeting, regarding the change in rate, Amy Jackson stated: *“There have been questions about the mitigation rate and how it went from 65 to 70. I can very easily explain that. It’s a typographical error that originally started out at 70. When it was presented to the executive team here in the office, it was \$70 an hour, and somehow over the course of three iterations it made its way down to 65, and we caught it. So, it’s not... It was already budgeted at \$70 an hour. Budget was already aware that that’s what it was going to be. I don’t know how it happened. I can’t explain it, but it happened.”*

Ms. Jackson says that she can very easily explain the change, but then says that she cannot explain it. These kinds of “non explanations” and contradictory comments make providers feel like OPDS is gaslighting us, and are utterly lacking any kind of professional respect.

My colleagues have spoken to OPDS and to the prior Commission in a candid and vulnerable way, sharing how their passion for public defense combined with low pay rates and poor treatment have caused them to struggle to pay for basic needs. People have sat in front of the Commission shedding literal tears as they explained the struggles of surviving as a public defense provider. Contrasting that with the cavalier handling of the payment policy displayed by OPDS in misrepresenting how they have determined which rates to propose is a clear demonstration of OPDS' contribution to the ongoing public defense crisis in Oregon.

Since 2019 we have been concerned that a material number of OPDS staff do not believe in the work that we are doing. At times, it has seemed that staff have conflated us with the people who we represent, treating us as suspected thieves trying to steal money from the public. Providers are held to a high level of honesty and accountability in billing, with bills being delayed or denied due to relatively small issues which are obvious scriveners' errors. In contrast, OPDS seems to believe that major misrepresentation in financial policy merits a "spin" response which minimizes the importance of this indiscretion and appears to materially misrepresent what happened when confronted.

As we stand at the beginning of 2024, we look back on the troubled past of an agency that has repeatedly demonstrated a culture of disrespect and dishonesty toward providers and even its own Commissioners. This was capped by what may be the most egregious example to date from the December PDSC meeting.

I ask this new Commission to take immediate action and hold OPDS accountable for this reprehensible and unethical behavior and to take material steps to stop it from happening again.

As demonstrated by Commissioner Buckley's request that OPDS engage with us, requests made to OPDS do not appear to suffice.

**I ask the Commission to put forth a motion, and to vote on a resolution to address this pernicious and troubling problem through an independent and public outside investigation of this and all financial analysis provided to the Commission, with a public apology and public accountability for anyone involved in misrepresentation either by commission or omission.**

State employees have a duty to speak up and report when they see misrepresentation or unethical behavior in state government. They should be held accountable not only for misrepresentation, but for knowing about misrepresentation and doing nothing to correct it.





<b>PROCEDURE NAME:</b>	<b>Schedule of Guideline Amounts (Credentials included)</b>	<b>Number: 404.060.002</b>
<b>RESPONSIBLE SECTION:</b>	Pre-Authorized Expenses Division	<b>Effective Date: 1/1/2024</b>

**INTRODUCTION**

This document covers rates paid by the Office of Public Defense Services to vendors for services provided in public defense cases. These rates reflect information gathered from several states including Nevada, Washington, California and Idaho and entities including United States Courts, U.S. Bureau of Labor and Statistics and follow budget constraints of the agency.

ATTORNEY FEES (Temporary Hourly Increase for Unrepresented list)	
Misdemeanor, contempt, and probation violation, any Class C felony and felony drug possession	\$164/hr. soft cap \$10k
Class A and B felony, juvenile dependency, termination of parental rights, juvenile delinquency, habeas corpus, post-conviction relief, civil commitment, and Psychiatric Security Review Board cases (PSRB), material witness, extradition/fugitive, appeals, waiver co-counsel; discretionary co-counsel	\$164/hr. soft cap \$50k
Ballot Measure 11 and felony sex offenses (Class A, B & C)	\$175/hr. soft cap \$50k
Murder and Jessica’s law (including mandatory co-counsel and cases subject to ORS 137.719	\$200/hr. soft cap \$75k

INVESTIGATION (Temporary Hourly Increase for Unrepresented list)	
All case types. No rate exception for bilingual	\$75/hr.



James Comstock &lt;jamesbcomstock@gmail.com&gt;

## Confirmation: OPDS Public Records Request

oregon-gov-web-services@egov.com <oregon-gov-web-services@egov.com>  
To: jamesbcomstock@gmail.com

Thu, Dec 14, 2023 at 3:01 PM

Thank you for submitting a public records request. The request has been sent to the General Counsel at OPDS for review. Pursuant to ORS 192.324, you will receive a written confirmation within 5 days of this request that confirms whether OPDS is the custodian of the public record requested. OPDS may charge fees reasonably calculated to reimburse the agency for actual costs associated with making public records available. OPDS will inform you of the cost for providing these public records and may require prepayment as a condition of receiving these records.

Requestor Name:	James Bryce Comstock
Organization:	Insight Legal Investigation
Address:	PO Box 230204
Address2:	
City:	TIGARD
State:	OR
Zip:	97281
Phone:	5035100559
Email:	<a href="mailto:jamesbcomstock@gmail.com">jamesbcomstock@gmail.com</a>
Describe Your Request:	I am requesting the information gathered by OPDS from surrounding states regarding rates for investigators performing fact and mitigation work. This was referenced by Amy Jackson in the PDSC meeting on 12/14. I am requesting any correspondence sent by OPDS staff asking for information on rates, any responses received, any reports based on other kinds of inquiry into rates in other states as it relates to the comments by Ms. Jackson in the 12/14 meeting.
If you are seeking a fee waiver or reduction, please explain how making the requested records available is in the public interest and how you will disseminate the information contained in the records.	

**Submission ID:** 27b107f5-2b69-42ad-ad7c-ce6a48c64b47

**Record ID:**



James Comstock &lt;jamesbcomstock@gmail.com&gt;

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**Confirmation: OPDS Public Records Request**

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Eric J. Deitrick <Eric.J.Deitrick@opds.state.or.us>  
To: James Comstock <jamesbcomstock@gmail.com>

Wed, Jan 3, 2024 at 1:35 PM

James –

I am following up on this. The agency does not have any records to disclose. At the commission meeting, I believe Amy Jackson mentioned that the person previously working on the project had looked at rates in other states. That employee is not presently at the agency. Following up with her supervisor, my understanding is that the employee looked at the federal fee schedule as well as published rates from a couple of other states. But I do not believe she was in communication with anyone in written or oral form.

Thanks,

Eric

Eric J. Deitrick

General Counsel

Oregon Public Defense Commission

eric.j.deitrick@opds.state.or.us

503-910-0434

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Thank you!

[Quoted text hidden]

Attachment 2a

Budget Presentation

# Budget & Legislative Update

February 7, 2024

**Ralph Amador**

[Ralph.Amador@opds.state.or.us](mailto:Ralph.Amador@opds.state.or.us)

**Lisa Taylor**

[Lisa.Taylor@opds.state.or.us](mailto:Lisa.Taylor@opds.state.or.us)



## FINANCIAL OVERVIEW

Public Defense Services Commission 2023 - 2025 Biennium			General Fund Authority	Other Funds Limitation	Executive Division	Compliance, Audit, and Performance	Appellate Division	Adult Trial Division	Juvenile Trial Division	Juvenile Trial Division
					General	General	General	General	General	Other
Legislatively adopted budget			557,105,356	21,769,668	4,163,436	6,400,917	24,491,812	267,580,283	50,356,700	4,352,000
Legislatively adopted budget			557,105,356	21,769,667	4,163,436	6,400,917	24,491,812	267,580,283	50,356,700	4,352,000
Expenditures for fiscal month period ended:*										
2023	July	Actuals	18,397,197	11	133,733	225,176	959,453	9,842,138	1,927,864	
	August	Actuals	21,238,779	11	138,461	225,195	959,306	9,813,558	1,916,717	
	September	Actuals	21,374,508	167,441	165,462	229,263	958,893	9,721,761	1,897,407	
	October	Actuals	26,050,538	355,304	201,947	223,275	953,914	13,052,269	2,579,912	
	November	Actuals	24,035,662	11	165,482	243,026	1,063,627	10,928,274	2,117,035	
	December	Actuals	21,794,481	174,224	137,895	251,809	1,086,112	10,927,748	2,079,809	
2024	January	Projections	23,837,093	0	158,026	320,582	1,051,044	11,396,216	2,164,132	
	February	Projections	23,838,678	0	158,026	321,225	1,051,651	11,396,216	2,164,132	
	March	Projections	23,845,305	0	159,054	321,225	1,053,299	11,396,216	2,164,132	
	April	Projections	23,849,232	0	159,054	322,679	1,053,299	11,396,216	2,164,132	
	May	Projections	23,852,915	0	160,341	323,594	1,054,781	11,396,216	2,164,132	
	June	Projections	23,855,199	0	160,341	324,602	1,056,056	11,396,216	2,164,132	
Budget authority or limitation remaining as of June 30, 2024			281,135,769	21,072,666	2,265,615	3,069,267	12,190,377	134,917,243	24,853,164	4,352,000
Forecast for fiscal year ended June 30, 2025 (Fiscal Year 2025)			(293,623,071)	0	(2,397,437)	(4,135,282)	(13,444,599)	(135,511,213)	(27,203,949)	0
Pending expenditure reclassifications and other adj. (rev. shortfall, etc.)			17,320,000	(17,320,000)	0	0	0	0	4,352,000	(4,352,000)
Projected authority or limitation ending balance			4,832,697	3,752,666	(131,821)	(1,066,014)	(1,254,222)	(593,971)	2,001,215	0

## FINANCIAL OVERVIEW

Public Defense Services Commission 2023 - 2025 Biennium			Preauthorized Expenses	Preauthorized Expenses	Court Mandated Expenses	Court Mandated Expenses	Parent Child Rep. Program	Parent Child Rep. Program	Administrative Services Division	Special Progs., Contracts, and Distr.	Special Progs., Contracts, and Distr.
			General	Other	General	Other	General	Other	General	General	Other
<b>Legislatively adopted budget</b>			<b>54,837,645</b>	<b>1</b>	<b>67,113,611</b>	<b>4,449,667</b>	<b>48,710,092</b>	<b>11,968,000</b>	<b>24,568,388</b>	<b>8,882,472</b>	<b>1,000,000</b>
Legislatively adopted budget			54,837,645	1	67,113,611	4,449,667	48,710,092	11,968,000	24,568,388	8,882,472	1,000,000
<b>Expenditures for fiscal month period ended:*</b>											
<b>2023</b>	July	<b>Actuals</b>	1,644,355		941,325	11	1,890,658		648,220	184,275	
	August	<b>Actuals</b>	3,164,237		1,591,745	11	2,199,444		678,382	551,734	
	September	<b>Actuals</b>	3,133,654		2,165,245	167,441	2,089,771		568,823	444,230	
	October	<b>Actuals</b>	2,564,593		2,182,911	355,304	2,884,438		1,235,332	171,948	
	November	<b>Actuals</b>	3,536,400		2,069,392	11	2,318,500		733,791	860,135	
	December	<b>Actuals</b>	2,659,938		1,641,831	174,224	2,138,915		668,333	202,093	
<b>2024</b>	January	<b>Projections</b>	2,129,971		2,842,666	0	2,269,723	0	954,734	550,000	
	February	<b>Projections</b>	2,129,971		2,842,666	0	2,269,723	0	955,069	550,000	
	March	<b>Projections</b>	2,129,971		2,842,666	0	2,269,723	0	959,019	550,000	
	April	<b>Projections</b>	2,129,971		2,842,666	0	2,269,723	0	961,492	550,000	
	May	<b>Projections</b>	2,129,971		2,842,666	0	2,269,723	0	961,492	550,000	
	June	<b>Projections</b>	2,129,971		2,842,666	0	2,269,723	0	961,492	550,000	
<b>Budget authority or limitation remaining as of June 30, 2024</b>			<b>25,354,643</b>	<b>1</b>	<b>39,465,166</b>	<b>3,752,665</b>	<b>21,570,026</b>	<b>11,968,000</b>	<b>14,282,209</b>	<b>3,168,059</b>	<b>1,000,000</b>
<b>Forecast for fiscal year ended June 30, 2025 (Fiscal Year 2025)</b>			<b>(28,850,198)</b>	<b>0</b>	<b>(34,111,992)</b>	<b>0</b>	<b>(28,545,245)</b>	<b>0</b>	<b>(12,713,157)</b>	<b>(6,710,000)</b>	<b>0</b>
<b>Pending expenditure reclassifications and other adj. (rev. shortfall, etc.)</b>			<b>5,162,279</b>	<b>0</b>	<b>(5,162,279)</b>	<b>0</b>	<b>11,968,000</b>	<b>(11,968,000)</b>	<b>0</b>	<b>1,000,000</b>	<b>(1,000,000)</b>
<b>Projected authority or limitation ending balance</b>			<b>1,666,724</b>	<b>1</b>	<b>190,895</b>	<b>3,752,665</b>	<b>4,992,780</b>	<b>0</b>	<b>1,569,052</b>	<b>(2,541,941)</b>	<b>0</b>

# Provider retention compensation

## Three distinct General Fund appropriations

- SB 337 (Oregon Laws 2023, chapter 281 §§ 111, 112, 114) appropriated 9.9 million dollars to the commission on a one-time basis for the retention of both recently hired and experienced public defenders.
- 1.2 million dollars are appropriated to Juvenile Trial Division and Parent Child Representation Program each; and 7.4 million dollars to Adult Trial Division.
- Projections are currently included in the commission's financial forecast (see FY 2024 Simple View).



# 2024 Session

# 2024 Session Requests

## Goals of 2024 Session Requests:

- 337 Implementation
- Unrepresented Persons
- Robust Administration
- **All requests are funded through SPAs or 21-23 Carryforward.**
- **No additional general funds are requested.**

# Agencywide rebalance

	Adult Trial Division	Juvenile Trial Division	Parent Child Rep. Program	Special Programs & Contracts	Court Mandated Expenses
Legislatively adopted budget	255,217,575	53,474,335	59,443,727		
Estimated PDLSC procurement	262,107,980	49,752,439	55,106,865		
Budget surplus / (deficit)	(6,890,405)	3,721,896	4,336,862		
Budget contingency to PDLSC LAB	(1,768,658)	(370,577)	(411,945)		
Budget resources available / (needed)	(8,659,063)	3,351,319	3,924,917		
<b>Budget rebalance (contracts)</b>	<b>8,659,063</b>	<b>(3,370,063)</b>	<b>(3,924,917)</b>	<b>(583,281)</b>	<b>(780,802)</b>
Budget resources available / (needed)	0	0	0		

# State Trial Offices & Unrepresented

## Public defenders in state offices

- Additional funding for the metro and southern Oregon state public defender offices:
  - \$1,316,904 including 2 positions (1.26 FTE) for office staff.
- Mid-Valley State Public Defender Office:
  - \$2,630,686 including 10 full-time positions (6.30 FTE);
  - 5 attorneys and support staff.

## Agency Staffing

- Agency Positions for Unrepresented Individuals and Other Procurement Efforts
  - \$1,013,305 to fund 7 positions;
    - 3 procurment staff;
    - 4 administrative positions

**Costs defrayed by \$1.42m from Unrepresented SPA & \$3.54m from Expenses Related to Public Defense SPA.**

# Increase Attorney Capacity

- Funds 10 attorneys in the Adult (Criminal) Trial Division at maximum attorney caseload for fifteen months (6.25 FTE).
- Yields about 3,735 unweighted (misdemeanor) cases.
- Total cost is about \$2.9 million dollars in terms of General Fund.
- Costs are defrayed by the \$3 million Caseload Cost SPA.

# Strategic Planning & Transition

- \$1.75 million to hire a strategic partner in assisting in developing a strategic plan and the agency's transition to the executive branch.
- The commission would benefit from a dedicated outside consultant to help create a strategic plan for the Commission and help manage the workload and ensure milestones are met during the transition to the Executive Branch.
- Costs defrayed by \$5 million Executive Transition SPA.

# Agency Staffing

- \$1.9 million for 11 positions (6.54 fte) identified through a gap analysis based on the commission's remediation plan.
- Heard during January Legislative Days, will be in omnibus.
- Costs defrayed by \$5 million Executive Transition SPA.

# THIP Continuation

- \$3.6 million to extend the Temporary Hourly Increased Rates through June 30, 2024.
- Heard during January Legislative Days, will be in omnibus.
- Costs defrayed by \$5 million Unrepresented SPA and agency carryforward.



# Thank you



# Attachment 3a Session Update

The Oregon Public Defense Commission is undergoing significant reform, both to the way public defense is delivered in Oregon, and to the way the commission itself functions. These reform efforts fall into three major categories: **SB 337 implementation; unrepresented persons; and robust administration.** The commission’s budget requests for the 2024 session are designed to support these three goals.

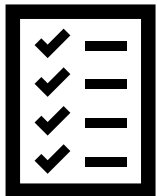
All requests are funded through SPAs or 21-23 Carryforward, no additional general funds are requested.



**Agency Rebalance** (Net Zero Cost)

Rebalance current agency savings to fully fund:

- Existing contract supervision, training, and investigation for the second year of the biennium.



**SB 337 Implementation** (Unrepresented & Executive SPA)

State Trial Offices Expansion (\$4.96 million)

- Establishes Mid-Willamette Valley State Trial Office in Spring 2024

Executive Transition and Strategic Plan (\$1.75 million)

- Outside consultant to help create strategic plan and successfully transition to the executive branch.



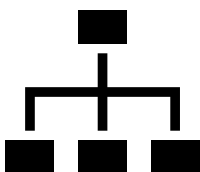
**Unrepresented Persons** (Caseload & Unrepresented SPA & Carryforward)

Additional Contracted Attorneys (\$3 million)

- 10 more attorneys (6.25 FTE equivalent) to take on cases.

Temporary Hourly Increase Program (THIP) (\$3.1 m SPA, \$4.3 m Carryforward)

- Extends THIP for in-custody unrepresented cases through June 30, 2024.



**Robust Administration** (Executive SPA)

Strategic Agency Staffing (\$1.9 million)

- 11 positions identified through a gap analysis to improve commission’s administrative function.

(Millions)

Type	Pre-session Rec Bill?	Request Title	Topic	Issue (2-4 sentences)	Proposed Solution (2-4 sentences)	SPA Amount	GF Authority	Carryforward 21-23	SPA Name
337		Agency Transition Strategic Planning Request	Consulting for Executive Transition	SB 337 moves the commission from the judicial to the executive branch of government. This move will require a heightened level of coordination and cooperation between the judicial, executive, and the commission itself. e. It is the commission's goal to join the Executive branch as a mature, efficient, and effective agency.	The commission would benefit from a dedicated outside consultant to help create a strategic plan for the Commission and around this transition, manage the workload and ensure milestones are met.	1.75	0	0	Executive Transfer
337		Expenses Related to Public Defense SPA Access	State Offices and Agency Staffing	Oregon is still facing a backlog of unrepresented persons. Additional state employees to take on these cases, as well as administrative positions to improve efficiencies of public defense delivery are necessary.	Reconcile shortfalls in the metro and southern Oregon state public defender offices, along with establishment of an office in Oregon's central Willamette Valley. This request will provide the additional and necessary resources to combat a mounting body of unrepresented persons, deconflict other public defense providers, and prioritize the cases where justice has been unnecessarily delayed. This request also adds agency Support Positions for Unrepresented Individuals and Other Procurement Efforts.	1.42	0	0	Unrepresented
						3.54	0	0	Expenses Related to Public Defense
Administration	Y	Executive Branch Transfer SPA Access	Gap Analysis Staffing Needs	The commission was directed to create a remediation plan for the agency, through this plan it performed a gap analysis to identify staffing needs within the agency.	To fund strategic agency positions identified through a gap analysis at an estimated cost of \$1.9 million General Fund for 11 positions (6.54 FTE) for the remainder of the 2023-2025 biennium.	1.9	0	0	Executive Transfer
Public Defense		Increased Attorney Capacity SPA Access	10 additional MAC	To better address the public defense caseload and minimize the number of unrepresented persons, the commission demonstrated a need for more attorneys to help take on more caseload. Increasing the number of attorneys was one of the top recommendations from the various Judicial Unrepresented Crisis Plans required under SB 337 (2023).	Given the biennial rate of \$470,560 per attorney prorated for the remainder of the biennium (fifteen months), each attorney contract for this request is estimated to cost \$294,100. Using the special purpose appropriation, the commission can increase contract capacity by ten more attorneys until the end of the biennium for an estimated total cost of \$2,941,000 in General Fund for a total of 6.25 MAC equivalents	3	0	0	Caseload Costs
Public Defense		Rebalance	Rebalance	The commission is committed to funding the second year of contracts at the existing investigation and supervisor rates. It can do this through a rebalance of existing agency resources.	The purpose of the rebalance is to fully fund, through current savings existing investigation and supervision funded in contracts with public defense providers for the remainder of the biennium.	0	0	?	NA
Public Defense	Y	THIP Continuation Request	THIP continuation through June 2024	While the state trial office are getting established and taking on more cases, the need for additional resources to address the unrepresented numbers remains. THIP has been a successful program,	Fund an extension of the Temporary Hourly Increase Program (THIP) through June 30, 2024.	3.6	0	4.3	Unrepresented

SPA Name	Purpose	Total Available	2024 Asks	Total Remaining
Executive Transfer	Allocated for the transfer of the Public Defense Services Commission to the executive branch.	5	3.65	1.35
Caseload Costs	Supplemental funding for Adult and Juvenile Trial Division for caseload costs the Commission is unable to mitigate during the interim legislative periods.	3	3	0
Unrepresented	Expenses related to the unrepresented defendants/persons crisis.	5	5.02	-0.02
Expenses Related to Public Defense	Public defense contingency, expenses related to public defense.	6.17	3.54	2.63
<b>Total</b>		<b>19.17</b>	<b>15.21</b>	<b>3.96</b>

Attachment 4a  
9.9 Million Retention Incentive Policy  
Briefing



Date: February 7, 2024

To: Jennifer Nash, Chair of OPDC  
Jessica Kampfe, Executive Director

From: Amy Jackson, Senior Policy Analyst

RE: 9.9 Retention Incentive payments

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Action: Briefing

Background:

SB 337 appropriated out of the General Fund \$7,406,190 for Adult (Criminal) Trial Division, \$1,234,365 for the Parent Child Representation Program and \$1,234,365 for the Juvenile Trial Division to provide incentive compensation for retention of both recently hired contract providers as well as experienced contract providers.

The agency has decided to provide a one-time payment to all contract providers on April 15, 2024. This amount will be proportionate with the Full Time Equivalent (FTE) of the Contract excluding Administration, Supervision, and any vacancies as of April 1, 2024. The remaining four (4) retention incentive payments will be made based on the monthly caseload data submissions.

OPDC relies on timely and accurate reporting data from contractors. Data collected is used to track monthly attorney capacity, determine contract caseloads, forecast and providing reports to the legislature. To incentivize the early submission of reports, OPDC is providing additional funding to contractors that submit valid monthly caseload reports for three (3) consecutive months by the due dates established in the Policy.

Agency Recommendation:

Review policy as a briefing and provide feedback. The policy will be presented at the March Commission meeting for approval.

Fiscal Impact:

Funds have been appropriated out of the General Fund, SB 337. No incremental costs.

Agency Motion:

No motion – briefing only



<u>POLICY NAME:</u> 9.9 RETENTION INCENTIVE	Number: 404.070.006
<u>DIVISION:</u> ADMINISTRATIVE SERVICES DIVISION	Effective Date: 4/1/2024
<u>RESPONSIBLE SECTION:</u> COMPLIANCE, AUDIT & PERFORMANCE	
<u>APPROVED:</u> OPDC	Approval Date:

**PURPOSE:** Establishes time frames and criteria for receiving one-time incentive compensation for the retention of both recently hired contract providers as well as experienced contract providers: \$9.9 million General Fund for Services and Supplies for Professional Services.

**AUTHORITY:** SB 337

**APPLICABILITY:** This policy applies to all contracts for public defense services. (Criminal Trial Division - \$7,406,190. Parent Child Representation Program - \$1,234,365, and Juvenile Trial Division - \$1,234,365)

**POLICY:** OPDC will disseminate five [5] payments from the 9.9 million General Fund for Services and Supplies for Professional Services. The first payment will be issued on April 15, 2024 and will be proportionate with the FTE of the Contract excluding Administration, Supervision and any vacancies as of April 1, 2024. The remaining four [4] retention incentive payments will be made based on monthly caseload data submissions.

The April 15, 2024, payment will be made as follows:

**Adult Criminal Trial Division** – Actual FTE as of April 1, 2024 (less administration, supervision & vacancies) x \$2,980.

**Parent Child Representation Program** - Actual FTE as of April 1, 2024 (less administration, supervision & vacancies) x \$2,938.

**Juvenile Trial Division** - Actual FTE as of April 1, 2024 (less administration, supervision & vacancies) x \$2,505.

OPDC relies on timely and accurate reporting of data from contractors. Data collected is used to track monthly attorney capacity, determine contract caseloads, forecast, and providing reports to the legislature. To incentivize the early submission of reports, OPDC is providing additional funding to contractors that submit valid monthly caseload reports for three [3] consecutive months during the time frames listed below.

OPDC will disseminate funds four [4] times (July 2024, October 2024, January 2025 & April 2025).

**9.9 Retention Incentive**



To be eligible for incentive funding, contractor shall not have any outstanding monthly caseload reports. The monthly caseload submissions must be complete and successfully received by OPDC no later than 11:59 p.m. on the dates listed below. Reports that fail to meet the agency's requirements for submission will automatically be rejected. Contractors may participate in as many time periods as they choose. Contractors that meet the following submission requirements will receive additional funding.

**To be eligible for the July 2024 incentive payment:**

- March 2024 data must be received no later than April 5, 2024, and
- April 2024 data must be received no later than May 6, 2024, and
- May 2024 data must be received no later than June 5, 2024.

**To be eligible for the October 2024 incentive payment:**

- June 2024 data must be received no later than July 5, 2024, and
- July 2024 data must be received no later than August 5, 2024, and
- August 2024 data must be received no later than September 5, 2024.

**To be eligible for the January 2025 incentive payment:**

- September 2024 data must be received no later than October 7, 2024, and
- October 2024 data must be received no later than November 5, 2024, and
- November 2024 data must be received no later than December 5, 2024.

**To be eligible for the April 2025 incentive payment:**

- December 2024 data must be received no later than January 6, 2025, and
- January 2025 data must be received no later than February 5, 2025, and
- February 2025 data must be received no later than March 5, 2025.

The amount distributed shall be commensurate with the FTE of the Contract excluding Administration and Supervision at the time the payment issues, ie (July 2024, October 2024, January 2025 & April 2025).

Payments shall be distributed as follows:

**Adult Criminal Trial Division** – Actual FTE at the time the payment issues (less administration & supervision) x \$2,980.

**Parent Child Representation Program** - Actual FTE at the time the payment issues (less administration & supervision) x \$2,938.

**Juvenile Trial Division** - Actual FTE at the time the payment issues (less administration & supervision) x \$2,505.

At the conclusion of the program OPDC will evaluate any funds not expended and may release funds to contractors that successfully participated in three [3] out of the four [4] submission periods.

Approved by: OPDC  
Prepared by: Policy Division  
Reviewed by: Executive Team

Publish: Internally & Externally

## 9.9 Retention Incentive

Attachment 5a  
Annual Report of Audit Committee's  
Activities

## **AUDIT COMMITTEE 2023 SUMMARY OF ACTIVITIES**

Date: January 24, 2024

From: John Hutzler, Chair of the Audit Committee

Subj: Audit Committee History and Summary of Activities

Attachments: Audit Committee Charter, Internal Audit Charter, 2024-2025 Audit Plan, and list of Audits Completed in 2022-2023

The Audit Committee was established by the former Commission during the January 20, 2022 Commission meeting. The Audit Committee charter, approved on the same day, requires the reporting of Audit Committee activities annually. This report satisfies that request.

The Audit Committee, a Special Committee of the Commission, has oversight of OPDC's Internal Audit functions. The Audit Committee meets quarterly. It is comprised of between seven and nine voting members including a representative of the Commission. A majority of members can not be employees of the OPDC or members of the Commission. In addition, the Audit Committee Chairperson can not be an employee of OPDC or a member of the Commission. The Chief Audit Executive serves as a non-voting member of the Committee.

The Audit Committee ensures that the Internal Audit function effectively assesses risks to the Agency's mission and objectives, and that the Function complies with Internal Auditing Professional Standards as well as Oregon Statutes and Administrative Rules. The Audit Committee ensures Internal Auditors have direct access to information and personnel, provides subject matter expertise to Internal Auditors, investigates related issues or concerns and reports Internal Audit's status and findings to the Commission. In doing so it provides assurance that the "Internal Audit" function provides objective feedback (e.g. assurances or findings) to agency management and its governing body.

Summary of Audit Committees activities performed over the last 12 months:

- Informed and Approved the Internal Audit Plan for calendar years 2024-2025.
- Ensured that internal audits were performed according to professional standards, and reviewed completed internal audit reports for quality.
- Advocated for Agency Management to provide adequate resources for the internal audit function, including compliance with HB5030's specification of two fulltime internal audit positions.
- Provided advice and consultation to internal auditors on a variety of topics that bear on the effectiveness the internal audit function.

Summary of concerns (if applicable) going forward:

For additional insight into the scope of Internal Audit, the Audit Committee, completed audits or audits planned for 2024 and 2025, please see applicable attachments.

Public Defense Services Commission  
AUDIT COMMITTEE CHARTER

Adopted: December 5, 2022

This document describes the authority, responsibilities, and structure of the Audit Committee (Committee), a Subcommittee of the Public Defense Services Commission (Commission).

#### A. Purposes

The Committee provides governance and oversight of Internal Auditing for the Commission and the Commission's Office of Public Defense Services (OPDS). The primary purpose of the Committee is to enhance the quality and independence of the audit function, thereby promoting the integrity of the internal and external audit processes. The Committee, in consultation with the Chief Audit Executive and OPDS executive leadership, sets the priorities of the Internal Audit function, promotes a strong internal control environment, and evaluates the adequacy of Management's responses to risks or weaknesses identified through audits, reviews, or other processes, including those performed by external parties. Committee Members are also involved in appraising the value of, and assuring the sufficient funding of, the Internal Audit function. The Committee shares the Commission's equity values, which inform the Committee's decisions.

#### B. Authority

In accordance with HB 5030 (2021), the Commission delegates authority to the Committee for accomplishing the duties set forth below. This structure mirrors executive branch Administrative Rules, internal audit professional *Standards*, and best-practices, which specify the audit committee as the governance body to which the Internal Audit function reports.

#### C. Duties

The Committee generally shall ensure the integrity and effectiveness of the Internal Audit function, and enhance the quality and independence of both external and internal audits. The Internal Audit function reports functionally to the Committee. In this role the Committee and its members shall:

- Assure the independence of the Internal Audit function, and annually obtain from the Chief Audit Executive: a statement of Code of Ethics compliance and disclosures of actual or perceived conflicts of interest;
- Provide input on risk assessments, which form the basis of the Internal Audit Plan;
- Provide input to, and approve, the Internal Audit Plan, which sets out goals, objectives, and a three-year work schedule;
- Receive internal and external audit reports. Evaluate audit findings, recommendations, and auditees' proposed mitigations in the context of the Commission's risk tolerance;
- Assure follow-up on Internal Audit report findings and recommendations to determine whether proper corrective action has been completed or that Management has explicitly assumed the risk of not taking the recommended corrective action;
- Advise Management, the Chief Audit Executive, and/or the Commission, as appropriate if, in the judgment of the Committee, Management is assuming an unreasonable level of risk;
- Be informed by the Chief Audit Executive, in writing, of scope or resource limitations placed on the Internal Audit function;
- Receive and review the Internal Audit annual report that is prepared for the Oregon Department of Administrative Services;
- At least annually report to the Commission on Committee activities;

Public Defense Services Commission  
AUDIT COMMITTEE CHARTER

- Obtain from the Chief Audit Executive an annual report on compliance with auditing *Standards* and any challenges in meeting these *Standards*.
- Monitor, and recommend actions to improve, the quality of the Internal Audit function;
- Participate in the performance appraisal of the Chief Audit Executive;
- Provide input on the Commission's requests for audits to be performed by the Secretary of State Audits Division or other independent consultants;
- Identify the level of audit resources that will provide the Committee and the Commission the desired amount and scope of information on which to make reliable risk-based decisions;
- Advocate for adequate budget resources to provide continuing professional education for Internal Audit staff, periodic external peer reviews as required by professional auditing *Standards*, and an adequate level of audit staff;
- Obtain periodic external peer reviews of the Internal Audit function (external Quality Assurance Reviews) that are required by Oregon Administrative Rules and audit *Standards*. Receive reports of external reviews, and direct changes and improvements recommended therein;
- Annually review and approve the charters of the Committee and of the Internal Audit function;
- Be advised by OPDS Management of the imminent appointment or dismissal of the Chief Audit Executive before such action becomes effective. Objections, if any, of such actions will be made part of the Committee minutes and forwarded to Management and the Commission;
- Consider the effectiveness and adequacy of, and compliance with, financial and programmatic internal control systems, including information technology security and control;
- Understand the scope of internal and external auditors' reviews of internal control over financial and performance reporting, and obtain reports on significant findings and recommendations, together with Management's responses. Review significant accounting and reporting issues, including those related to complex or unusual transactions, highly judgmental areas, and recent professional and regulatory pronouncements;
- Review with Management, and the Secretary of State Audits Division financial auditors, the results of the Audits Division's annual financial statement audit, including any difficulties encountered.
- Maintain the confidentiality of communications and deliberations.

#### D. Composition

The Audit Committee is composed of between seven and nine voting Members, a majority of whom shall not be employees of the OPDS or Members of the Commission. The Chairperson of the Committee shall not be an employee of the OPDS or member of the Commission. The Audit Committee includes the following Members:

- At least one Commission member, as appointed by the Commission Chairperson
- The OPDS Executive Director, or designee
- The OPDS Budget and Finance Manager, or designee
- Between four and six additional External Members, appointed by the Chairperson of the Committee, in consultation with the OPDS Executive Director or designee, the Chief Audit Executive, and the other Committee Members, and ratified by the Commission.
- The Chief Audit Executive serves as a non-voting member of the Committee.

Diversity and equity shall be considered in the selection of Committee Members. Failure to achieve or maintain a precise composition shall not prohibit the Committee from meeting or conducting activities.

#### E. Appointment, Terms and Succession

Candidates for the Committee may be nominated by any member, nominations should reflect the Committee's need for a variety of perspectives. The Chairperson will work with the OPDS Executive Director or designee, and the Chief Audit Executive, to initially screen candidates. The credentials of qualified candidates will be presented to the full Committee for deliberation and decision, to be ratified by the Commission.

OPDS managers and Commission Committee Members may serve for as long as they hold their positions. External Members are appointed for two-year terms, but with Committee approval may serve consecutive terms with no specified limit. However, the Chairperson will monitor turnover and take steps to bring in new Members at least every four years. Members considering resignation should attempt to notify the Committee sufficiently in advance such that a replacement can be brought on in time for the subsequent quarterly meeting.

The Chair of the Committee will be filled by a current Committee member. Members may volunteer or accept nomination from other members. The Chair's term will begin upon affirmative vote by a majority of members. The term of office for the Chair will be two years, with no term limits.

#### F. Meetings, Agendas, Minutes

The Audit Committee meets quarterly, with additional meetings held as necessary. Meetings are usually about two hours per session. Because of the amount of material typically covered during meetings, it is important that Members attend regularly, be punctual and come prepared, having reviewed the meeting materials. A quorum is necessary to hold a meeting and conduct business. Robert's Rules of Order shall guide proceedings. Should any action come before the Committee which requires a vote, and a Committee member has an actual or perceived conflict of interest, that member shall declare the conflict and refrain from voting on the action.

Standing agenda items include review and approval of the minutes for the prior meeting and roundtable time that allows Committee Members to bring forward any audit-related issues. Standing presentation and discussion of the state of OPDS operations and finances will be led by OPDS Management. The Committee may also invite guests, such as Secretary of State Audit Division managers, other OPDS managers, or stakeholders, to present topics that promote Committee effectiveness. The Chief Audit Executive will coordinate development of the remainder of the agenda by polling Committee Members one-to-two weeks prior to the quarterly meeting and three to five days prior to any supplemental meeting.

At least once a year, time on the agenda will be set aside for the external Audit Committee Members to meet with the Chief Audit Executive in the absence of Commission and OPDS managers. Likewise, during at least one meeting per year, time will be set aside for the Committee to meet in the absence of the Chief Audit Executive. At least once a year, financial and performance audit managers from the Secretary of State's Audits Division will be invited to a meeting, during which time shall be set aside for meeting with external Committee Members absent the Commission member, OPDS management, and the Chief Audit Executive.

OPDS Management will provide support staff to attend Committee meetings and prepare written minutes. The support staff will forward an electronic version of the minutes to the Chair and the Chief Audit Executive, who will distribute them along with any other material for review to Committee

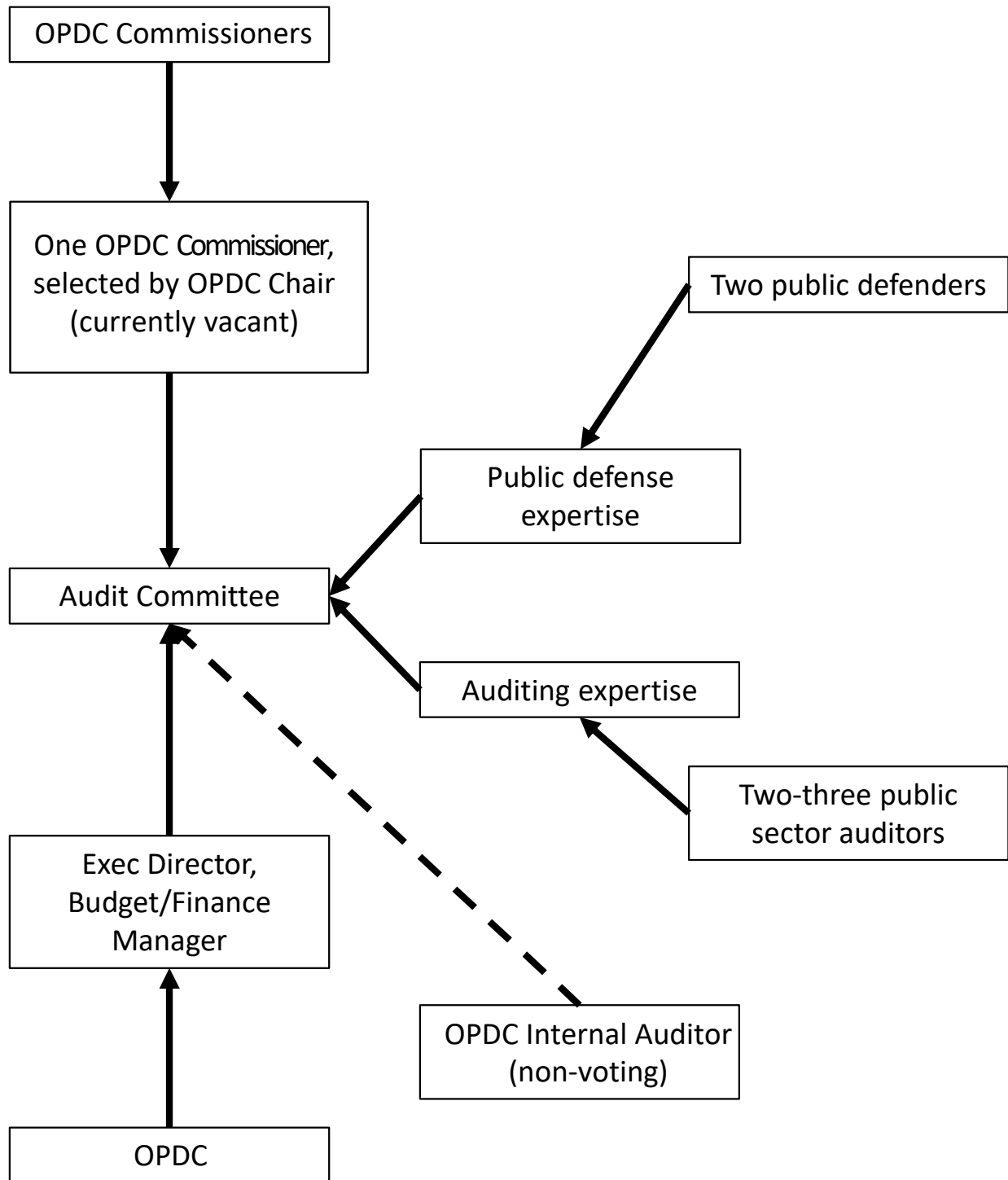
Public Defense Services Commission  
AUDIT COMMITTEE CHARTER

Members at least five working days before the next scheduled meeting. A master file containing meeting agendas, minutes, and meeting materials shall be maintained by OPDS management.

END

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# Current makeup, Audit Committee of the Oregon Public Defense Commission





**Oregon Public Defense Services Commission  
Internal Audit Charter  
Adopted March 13, 2023**

The Public Defense Services Commission authorizes its Audit Committee to adopt this Internal Audit Charter.

**A. Purpose and Mission**

The purpose of the Public Defense Services Commission's Internal Audit Program is to provide independent, objective assurance and consulting services that facilitate improved government operations, better decision-making and oversight, and greater transparency and accountability.

The mission of the Internal Audit Program (Program) is to enhance and protect the value of the Public Defense Services Commission (Commission) and the Office of Public Defense Services (Agency), by providing risk-based and objective assurance, advice, and insight. The Program helps the Commission and Agency accomplish their objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes, within the context of individual audits.

**B. Auditing Standards and Code of Ethics**

The Program will adhere to the mandatory elements of The Institute of Internal Auditors' International Professional Practices Framework, including the Core Principles for the Professional Practice of Internal Auditing, the *International Standards for the Professional Practice of Internal Auditing*, and the Definition of Internal Auditing.

The Program's internal auditors will comply with the Code of Ethics of the Institute of Internal Auditors, and the Oregon Government Ethics Law. These set forth the principles that guide the work of the internal audit function, including the public interest, integrity, objectivity, professional behavior, and proper use of government information, resources, and position.

A limited number of *Standards* challenge the capability of small-shop audit programs. The chief audit executive will seek to institute alternate methods for achieving the goals of these.

At least annually, the internal auditor should report Program activities, and *Standards* and ethics compliance, to Agency management and the Audit Committee (Committee).

**C. Authority**

The Committee, on behalf of the Commission, authorizes the Program to audit all units and functions within the Agency and directs the Agency Director to ensure that internal auditors shall have full, free and unrestricted access to all department records, physical properties, assets, and personnel pertinent to carrying out any engagement, subject to accountability for confidentiality and safeguarding of records and information. Internal auditors also have access to personnel, assets, and records, under the administration of third parties, that are related to delivery of services paid for by funds provided by

**Oregon Public Defense Services Commission**  
**Internal Audit Charter**  
**Adopted March 13, 2023**

and/or through the Agency, within the authority conferred by public records law, contract terms and conditions, and any other operation of law.

The Chief Audit Executive (CAE) has authority to obtain the assistance of personnel in other State agencies, as well as services from outside State government. The Deputy Director will be advised of expected costs to be incurred for outside services. The CAE must comply with applicable laws, rules, policies and procedures, to acquire services from outside State government.

**D. Independence and Objectivity**

The CAE will report functionally to the Committee and administratively to the Agency's Deputy Director. Agency Management will not constrain access to the Director, Deputy Director, members of the Commission, the Oregon Audits Division, the Joint Legislative Audit Committee, the Department of Administrative Services, or the internal audit offices in other state agencies. The internal audit program shall be sufficiently removed from political pressures, in order to conduct audits and report findings, opinions, and conclusions objectively without fear of political reprisal.

The CAE will ensure that the internal audit program remains free from all conditions that threaten the ability of internal auditors to carry out their responsibilities in an unbiased manner, including matters of audit selection, scope, procedures, frequency, timing, and report content. If the CAE determines that independence or objectivity may be impaired in fact or appearance, the details of impairment will be disclosed to the Committee, the Secretary of State's Audit Division, the Chief Audit Executives Council, or the Joint Legislative Audit Committee, depending on the materiality of impairment.

Internal auditors will:

- Disclose any impairment of independence or objectivity, in fact or appearance, to appropriate parties.
- Exhibit professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined.
- Make balanced assessments of all available and relevant facts and circumstances.
- Make no compromises to quality.
- Take necessary precautions to avoid being unduly influenced by their own interests or by others in forming judgments.

Internal auditors will have no direct operational responsibility or authority over any of the activities audited. Accordingly, internal auditors will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other activity that may impair their judgment. To ensure independence and objectivity, internal auditors shall have no immediate or recent (within two years) authority over, and no direct responsibility for, any activities reviewed.

The CAE will confirm to the Committee, at least annually, the organizational independence of the internal audit program. The CAE also will disclose any interference and related implications in scoping or performing internal audits or communicating results.

**Oregon Public Defense Services Commission**  
**Internal Audit Charter**  
**Adopted March 13, 2023**

**E. Responsibilities**

The scope of internal auditing encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of the organization's governance, risk management, and internal controls as well as the quality of performance in carrying out assigned responsibilities to achieve the organization's stated goals and objectives. In fulfilling these responsibilities, the internal audit function shall:

- Evaluate risk exposure relating to achievement of the organization's strategic objectives.
- Evaluate the reliability and integrity of information and the means used to identify, measure, classify, and report such information.
- Evaluate the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations which could have a significant impact on the organization.
- Evaluate the means of safeguarding assets and, as appropriate, verify the existence of such assets.
- Evaluate the effectiveness and efficiency with which resources are employed.
- Evaluate operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned.
- Monitor and evaluate governance processes.
- Monitor and evaluate the effectiveness of the organization's risk management processes.
- Monitor the quality of performance of external auditors and the degree of coordination with internal audit.
- Perform consulting and advisory services related to governance, risk management and control as appropriate for the organization.
- Report periodically on the internal audit activity's purpose, authority, responsibility, and performance relative to its plan.
- Report significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by the Committee.
- Evaluating specific operations at the request of the Committee or management.

**F. Internal Audit Plan**

At least annually, the Chief Audit Executive will submit an internal audit plan, to senior management for review and input, and to the Committee an internal audit plan for review, input, and approval. The internal audit plan will consist of a work schedule as well as budget and resource requirements for the next fiscal/calendar year. The Chief Audit Executive will communicate the impact of resource limitations and significant interim changes to senior management and the Committee.

The internal audit plan will be developed based on a prioritization of the audit universe using a risk-based methodology, including input of senior management and the Committee. The Chief Audit Executive will review and adjust the plan, as necessary, in response to changes in the organization's business, risks, operations, programs, systems, and controls. Any significant deviation from the approved internal audit plan will be communicated to senior management

**Oregon Public Defense Services Commission  
Internal Audit Charter  
Adopted March 13, 2023**

and the Committee through periodic activity reports.

**G. Reporting and Monitoring**

A written report will be prepared and issued by the Chief Audit Executive or designee following the conclusion of each internal audit engagement and will be distributed as appropriate, but generally to the manager of the unit audited, the executive team, the Committee, the Secretary of state Audits Division, and the statewide internal audit coordinator of the Department of Administrative Services.

The internal audit report shall include management's response and corrective action, including a proposed timeline for implementation, in regard to the specific findings and recommendations. The internal audit activity will be responsible for follow-up on engagement findings and recommendations. All significant findings will remain in an open issues file for a periodic follow-up audit, until mitigated or Management explicitly states that it assumes the risk.

The Chief Audit Executive will periodically report to senior management and the Committee on the internal audit activity's purpose, authority, and responsibility, as well as performance relative to its plan. Reporting will also include significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by senior management and the Committee.

**H. Quality Assurance and Improvement**

The CAE shall institute a Quality Assurance and Improvement Program (QAIP), in compliance with Auditing *Standards*. Periodically, the chief audit executive will obtain an external peer review as directed by the Committee, conducted in accordance with auditing *Standards*. The results of QAIP self-assessments, and external peer reviews, will be communicated to Agency management, the Committee, the Audits Division, and the DAS internal Audit Coordinator.

END

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# Oregon

**Oregon Public Defense Services**  
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January 16, 2024

Senator Elizabeth Steiner, Co-Chair  
Representative Tawna Sanchez, Co-Chair  
Interim Joint Committee on Ways and Means  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301

Dear Co-Chairs:

## **Nature of the Request**

In the budget report and measure summary to Senate Bill 5532 (2023), a budget note directs the Public Defense Services Commission to:

“Internal Audit Function: The Public Defense Services Commission is directed to report to the Joint Committee on Legislative Audits and the Joint Committee on Ways and Means prior to the Legislative Session in 2024 on internal audits and audits of provider contracts completed after June 30, 2021, as well as audit plans for the 2023-25 biennium. The report is to include an update on the hiring of internal audit staff and the reporting structure of internal audit staff to the Commission.”

The Oregon Public Defense Commission (OPDC) requests that the committee accept this letter and the attached documents as fulfillment of this budget note.

## **Agency Action**

### Schedule of internal audits completed after June 30, 2021

<b>Fiscal year in which audit was initiated</b>	<b>Audit Title</b>	<b>Date of the Audit Report</b>
July 1, 2021 through June 30, 2022	Internal financial audit of expenses incurred by, or on behalf of, previous directors	June 30, 2022
	Internal performance & financial audit of sole-source personal services contracts	July 5, 2022
	Contracted comprehensive financial and performance audit specified by HB 5030	August 8, 2022

July 1, 2022 through June 30, 2023	Internal financial audit of expenses incurred by, or on behalf of, an ex-director, report issued June 30, 2023	June 30, 2023
	Internal Follow-Up audit on the status of implementing recommendations from FY2022 audits	June 30, 2023
	Performance audit of the crisis communications program	June 30, 2023

Audit plans for the 2023-25 biennium

The Audit plan presented below for the 2023-2025 biennium has been developed from the Agency-wide risk assessment with Management and Audit Committee input. The plan will be formally reviewed annually June 30, 2024, and informally reviewed throughout the biennium for emerging risks, Hotline investigations, and non-audit consulting projects.

OPDC Internal Audit Plan for Fiscal Years 2024-2025\*

Type of Project	Type of Audit	Title	Estimated Hours
Audit	Training	Financial/Performance audit: SPOTS card	200
Audit	Performance	Effectiveness of the Provider contracting process	250
Audit	Governance & risk	Governance/Steering	120
Audit	Governance & risk	Effectiveness of Management's "Tone-at-the-Top" program	120
Audit	Performance	Retention programs	600
Audit	Performance	Retention programs	400
Audit	Performance	Retention programs	600
Audit	Performance	Ongoing monitor of FCMS System implementation	140
Audit	Performance	Effectiveness of the IT Budget & costs	600
Audit	Accountability follow-	Implementation status of prior audit recommendations	60
Audit/Consult	n/a	risks, or special requests	903
Administrative	n/a	DAS annual IA report	20
Administrative	n/a	Strategic Plan for Internal Audit	120
Administrative	n/a	Internal Audit Policies & Procedures Manual	120
Total hours:			4,253

\* Approved by the OPDC Audit Committee on December 4, 2023.

Status of hiring of internal audit staff

The Agency has two internal audit employees as of August 25, 2023. This includes a Chief Audit Executive (CAE) trainee with extensive experience performing comparable work. The CAE who had been contracting to the Agency since November 2021 is now a Limited Duration employee. During Fiscal Year 2024 the trainee will gradually assume the full set of CAE duties, the term of the Limited Duration CAE will end, and a second permanent internal auditor will be hired.

The reporting structure of internal audit staff to the Commission.

The Internal Audit function reports directly to the Commission, through the latter's Audit Committee. The activities of the Audit Committee (the Committee) conform to best practices and are prescribed in its Charter, approved by the Commission in early 2021. A majority of Committee members, including the Chair, are external to the Commission and Agency. Also on the Committee are a representative of the Commission, the Executive Director or their delegate, and the Budget/Finance Manager. The Chief Audit Executive is a non-voting member of the Committee. The current Committee is diverse, and also includes internal audit expertise and public defense expertise. The Committee meets quarterly, and annually reports to the Commission on its activities during the previous year. For day-to-day administrative purposes, the internal audit function reports to the Executive Director or their designee.

### **Action Requested**

The Public Defense Services Commission requests acknowledge receipt of this report.

### **Legislation Affected**

No legislation is affected.

Sincerely,



Jessica Kampfe  
Executive Director

Attachment: OPDS Internal Audit Plan 2023-2025 biennium

Cc:

Amanda Beitel, Legislative Fiscal Officer  
John Borden, Principal Legislative Analyst, LFO  
Kate Nass, Chief Financial Officer  
Zack Gehring, Policy and Budget Analyst, CFO

**Office of Internal Audit**

This report summarizes results of a follow-up audit that was performed to determine the implementation status of recommendations from all audits performed at the Office of Public Defense Services (OPDS) during calendar year 2022. OPDS managers had agreed to implement all recommendations. Because managers of an organization may commit to implementing audit recommendations, but not follow through, internal auditing *Standards* state that follow-up audits should be performed

The *International Professional Practices Framework*, previously known as the *Standards for the Professional Practice of Internal Auditing*, or just the *Red Book*, includes *Performance Standard 2500 – Monitoring Progress*:<sup>1</sup>

**2500 – MONITORING PROGRESS**

The chief audit executive must establish and maintain a system to monitor the disposition of results communicated to management.

2500.A1- The chief audit executive must establish a follow-up process to monitor and ensure that management actions have been effectively implemented or that senior management has accepted the risk of not taking action.

2500.C1- The internal audit activity must monitor the disposition of results of consulting engagements to the extent agreed upon with the client.

**Summary of work**

I selected May 10, 2023 as the cut-off date for determining implementation status, because I wanted to have this audit completed and reported-out by June 30, 2023. I confirmed with Agency managers that three internal audits had been completed during calendar year 2022:

- Internal audit of recent ex-Directors' expenses, report dated June 30, 2022
- Internal audit of sole-source Personal Services Procurement, report issued July 5, 2022
- Internal audit by the Kernutt Stokes accounting firm, report issued August 8, 2022

Using the audit reports issued for each audit, I compiled a schedule of recommendations. There were a total of 36, however a number of Kernutt Stokes' recommendations were repeated from recommendations in the other two reports. Eliminating these resulted in 15 discrete recommendations, as shown in Table 1:

Table 1. Schedule of 2022 internal audit recommendations, by category

<b>Category</b>	<b>Count of Type</b>	<b>Percentage</b>
Contract Mgmt	2	13%
IT	1	7%
PDSC	2	13%
Policy/procedure	9	60%
Procedures	1	7%
<b>Total</b>	<b>15</b>	<b>100%</b>

<sup>1</sup> <https://www.theiia.org/globalassets/documents/standards/implementation-guides-gated/2019-implementation-guides-all.pdf>



In order to establish the implementation status of these recommendations as of May 10 2023, I interviewed relevant managers. For recommendations represented by managers as implemented, I reviewed documents evidencing implementation, such as formally-approved policy documents. For recommendations not-yet implemented, I confirmed Management's intention to implement them, and requested an estimated time-to-completion.

### **Results**

The implementation status of the 15 recommendations is listed in Table 2.

Table 2. Implementation status of 2022 audit recommendations.

<b>Implementation status as of 5/10/23</b>	<b>Number</b>	<b>Percent</b>
Closed, implemented	7	47%
Open, in-progress	8	53%
<b>Total</b>	<b>15</b>	<b>100%</b>

All open but in-progress recommendations are dependent on long-term changes to Agency operations. These changes include development and implementation of the Compliance, Audit, and Performance Division (expected completion date: June 30, 2024), implementation of the Financial Case Management System (computer software, expected completion date: December 31, 2025), and transition of the Agency to the Executive Branch (expected completion date: June 30, 2026).

### **Conclusions:**

In my judgment the Agency has made adequate progress implementing recommendations from calendar year 2022 audits. All Open in-progress recommendations depend on long-term strategic projects, therefore I would not have expected completion.

### **Recommendations:**

There are no recommendations from this audit.

### **Project scope, methodology, limitations**

This audit was conducted in conformance with the International Standards for the Professional Practice of Internal Auditing, with the exception of standards pertaining to an external quality assurance review, and pertaining to an independent review of audit work. An independent review of audit work was not performed because OPDS' internal audit function is staffed by one person.

OPDS Management did not limit either the scope of audit work or access to records or personnel.

I am grateful for the support and cooperation provided by OPDS managers and staff.

Respectfully submitted,



Latham J. Stagg,

June 30, 2023

<b>Recommendation</b>	<b>Status as of 5/10/23</b>
Review the current CSS process and make updates where needed.	Closed, Implemented
Until a new technology system is in place, the current processes should be reviewed and improved to tighten the timeline and decrease remittance closer to 30 days.	Closed, Implemented
Provide higher hourly rates for defense work closer to market rates. Lower attorney turnover will payoff over time as fewer newer attorneys are needed to be recruited and trained annually.	Closed, Implemented
Senior managers and Commissioners should annually refresh their knowledge of Oregon’s ethics law (applicable to all three branches of government), and annually submit to the Executive Director (for senior managers) or the Commission Chair (for Commissioners) a disclosure of any perceived or actual conflicts of interest or unethical practices.	Closed, Implemented
The PDSC and OPDS should adopt State travel policies and procedures promulgated by the Department of Administrative Services (DAS). Over time these can be modified should instances arise where these do not fit circumstances unique to OPDS.	Closed, Implemented
Develop updated policies and review these at least annually to identify and address changes in statutes, best practices, or other issues identified during use.	Closed, Implemented
AP vendor listings should be updated so that vendors no longer authorized are categorized as inactive and are made unavailable to users.	Closed, Implemented
Identify and obtain a new financial case management system that is appropriate for OPDS operations.	Open, in-progress
Update CSS authorization policies to better suit the needs of the agency.	Open, in-progress
For contracted attorneys, develop independent performance measures that establish expectations for each attorney, law office, or consortium that are documented in their contracts annually.	Open, in-progress
Develop a process for reviewing reported caseloads for each attorney based on case type, time the case will go to trial, and case closure.	Open, in-progress
Create a more standardized approach to annual contracts made with attorneys. Develop contract templates that favor the OPDS as much as attorneys.	Open, in-progress
Adopt and implement the Oregon Procurement Manual, with adjustments made as deemed necessary.	Open, in-progress
To best serve defendants, the PDSC should take a more proactive role in determining financial eligibility criteria.	Open, in-progress
Attorneys on any case should be allowed, and potentially required, to bill at least quarterly for more timely payment for their services and more accurate case progress data to the OPDS.	Open, in-progress