



Memo

Date:	November 12, 2021
To:	Oregon State Lottery Commissioners
From:	Barry Pack, director
Subject:	Proposed Designation of Lottery Enforcement Agents

As you know, the Assistant Director for Security (AD for Security) is responsible for a security division to assure the integrity, security, honesty, and fairness (FISH) in the operations and administration of the Oregon State Lottery. The AD for Security is required to be qualified by training and experience, including at least five years of law enforcement experience, and knowledge and experience in computer security, to fulfill these responsibilities.

Historically, the AD for Security role was held by a sworn member of the Oregon State Police (OSP) through an interagency agreement between OSL and OSP. In 2019, OSL appointed the first AD for Security directly employed by OSL, not a sworn member of OSP and the first non-sworn individual to lead the security division.

To date all parties are satisfied with the new arrangement. However, because the AD for Security is no longer directly employed by a law enforcement agency, Lottery has received question as to its authority to receive certain law enforcement information and experienced a degradation in direct access to law enforcement information necessary to most effectively promote and ensure the FISH as directed.

ORS 461.110 authorizes the commission or the director of Lottery to request information from the Attorney General and the Oregon State Police in order to ensure the FISH and allows the Assistant Director for Security to request criminal history of an applicant for employment or a contract with Lottery from the Federal Bureau of Investigation (FBI). For the purpose of requesting and receiving such information the Oregon State Lottery Commission is a state agency and a "criminal justice agency" and allows the commission to appoint lottery "enforcement agents" who qualify to receive this information.

I recommend the commission designate the AD for Security and the Cybercrime Manager (the AD for Security's backup) positions as "enforcement agents." This designation will help clarify authority to access such law enforcement information that otherwise may not be accessible to the Lottery Security Division. This designation also enhances the Division's business continuity posture should, for some reason, OSP be unable or unavailable to share such information.



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There is no intent, nor does it appear statutorily allowed, for enforcement agents to have any enforcement powers.

Please don't hesitate to reach out with any questions.