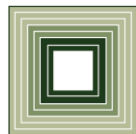


Joint Appropriations Subcommittee on  
Justice and Public Safety

**Department of Justice  
Legal Services**

**February 19, 2013**



**FISCAL RESEARCH DIVISION**  
A Staff Agency of the North Carolina General Assembly

# Department of Justice

## Department of Justice (DOJ)

**Provides legal services for the State, assists local law enforcement agencies, and oversees law enforcement standards and training**

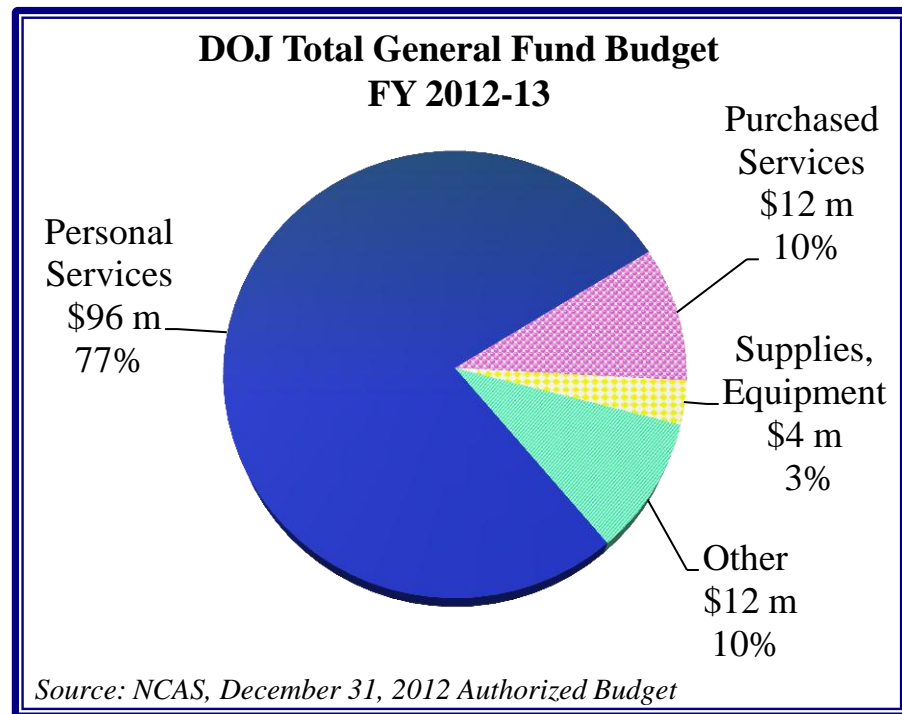
*Roy Cooper, Attorney General*

Includes:

- Administration
- **Legal services**
- Criminal Justice Training and Standards
- State Bureau of Investigation
- NC State Crime Lab

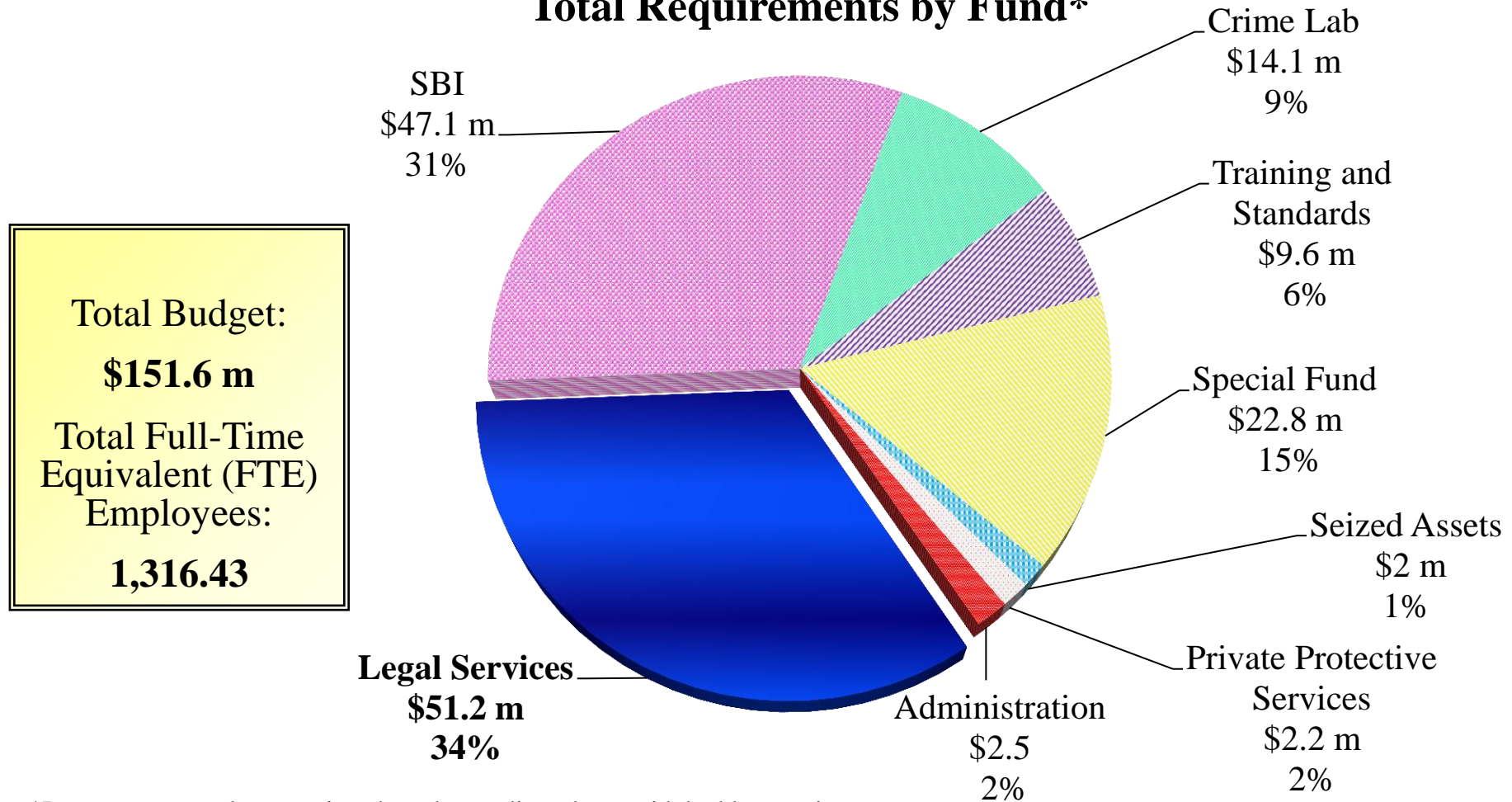
**Total General Fund Budget: \$125 million**

**Total GF FTE Employees: 1,234.40**



# FY 2012-13 Authorized Budget

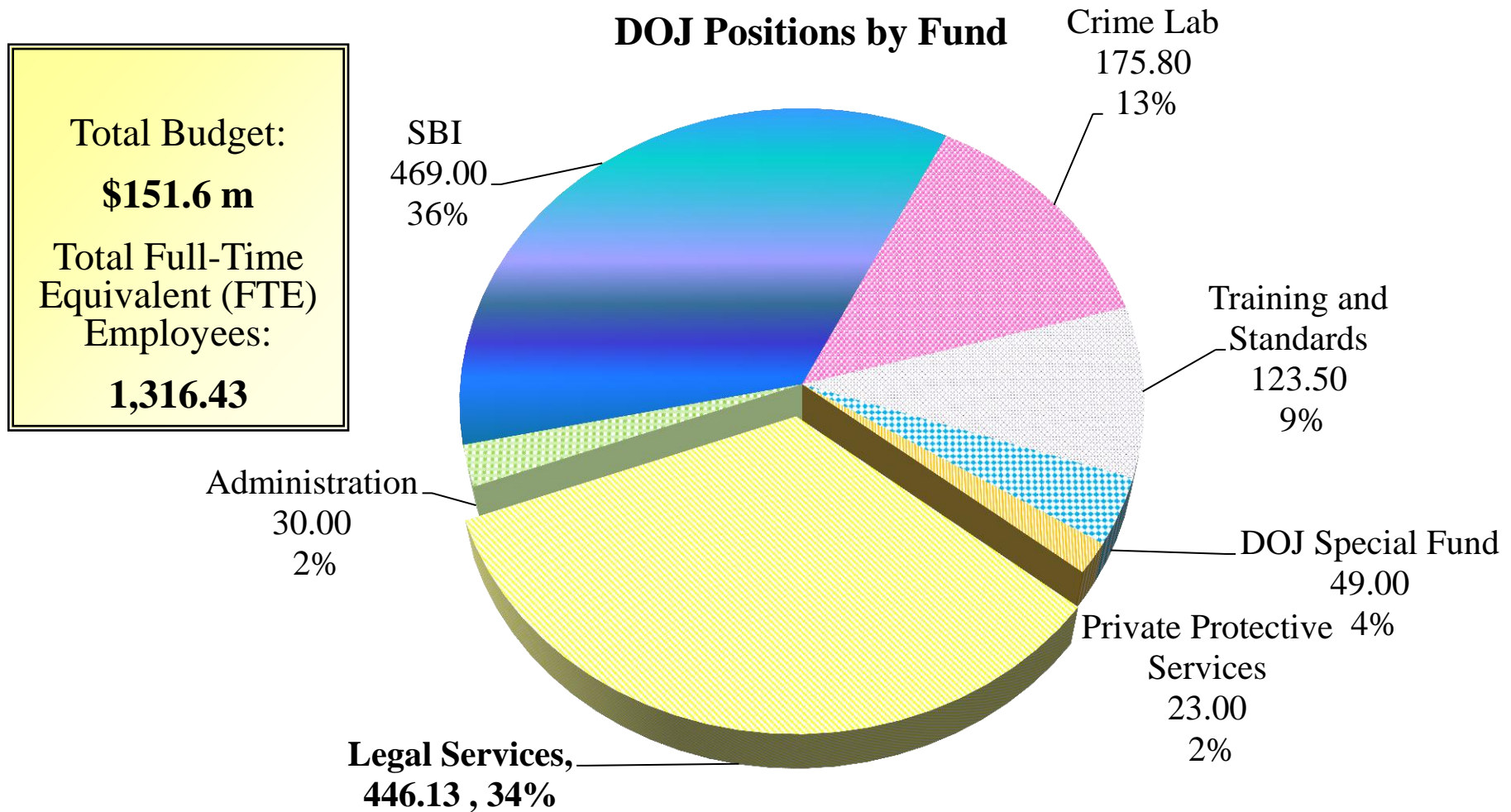
**Total Requirements by Fund\***



\*Intergovernmental transactions have been adjusted to avoid double counting.

Source: Budget - Authorized Monthly Budget Report for December 31, 2012; FTE – Beacon BO149 December 2012

# FY 2012-13 Authorized Budget



Source: Budget - Authorized Monthly Budget Report for December 31, 2012; FTE – Beacon BO149 December 2012

# Legal Services

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## **G.S. 114-2 - Attorney General is responsible for:**

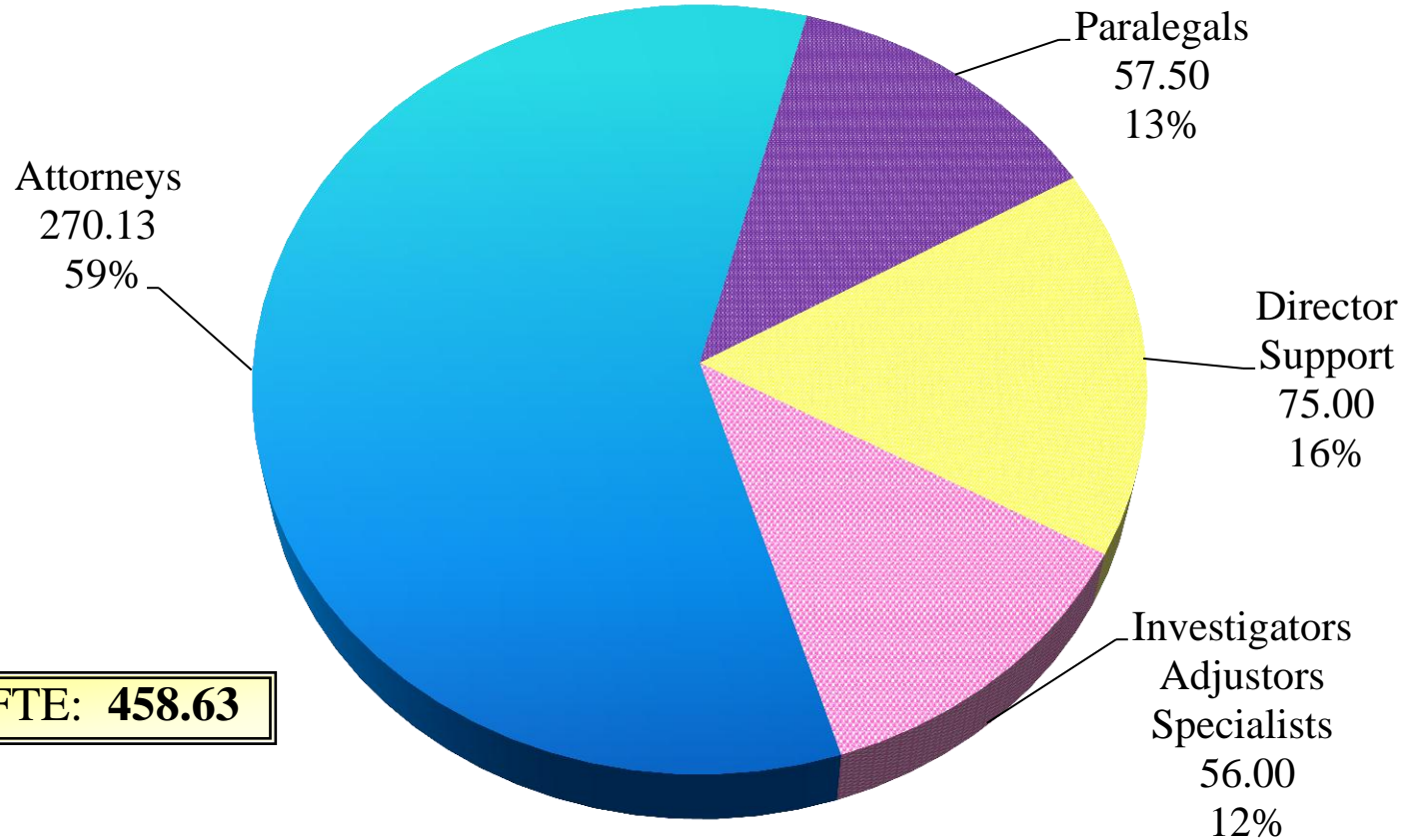
- Representing the State in all matters (civil and criminal)
- Providing representation and advice to all State agencies
- Providing consultation and advice to prosecutors

## **Legal Services Divisions**

- Administrative
- Civil
- Consumer Protection
- Criminal
- Environmental
- Law Enforcement and Prosecutions
- Special Litigation
- Office of the Solicitor General

# Legal Services

Legal Services Positions



Source: Beacon, BO149, Run Date 01/25/2013



# Department of Justice

## NORTH CAROLINA DEPARTMENT OF JUSTICE - LEGAL SERVICES

Chief Deputy Attorney General

ADMINISTRATIVE DIVISION  
SR. DEPUTY ATTORNEY  
GENERAL

ELECTIONS  
SPECIAL DEPUTY AG

HEALTH & PUBLIC  
ASSISTANCE  
SPECIAL DEPUTY AG

HUMAN SERVICES &  
MEDICAL FACILITIES  
SPECIAL DEPUTY AG

COMPOSITE LITIGATION  
SPECIAL DEPUTY AG

SERVICES TO STATE  
AGENCIES  
SPECIAL DEPUTY AG

TORT CLAIMS  
SPECIAL DEPUTY AG

WORKERS' COMPENSATION  
SPECIAL DEPUTY AG

CIVIL DIVISION  
SR. DEPUTY ATTORNEY  
GENERAL

INSURANCE  
SPECIAL DEPUTY AG

LABOR  
SPECIAL DEPUTY AG

PROPERTY CONTROL  
SPECIAL DEPUTY AG

REVENUE  
SPECIAL DEPUTY AG

TRANSPORTATION  
SPECIAL DEPUTY AG

WESTERN OFFICE  
SPECIAL DEPUTY AG

CRIMINAL DIVISION  
SR. DEPUTY ATTORNEY GENERAL

APPELLATE  
SPECIAL DEPUTY AG

CAPITAL LITIGATION/FEDERAL  
HABEAS  
SPECIAL DEPUTY AG

CORRECTIONS  
SPECIAL DEPUTY AG

ENVIRONMENTAL DIVISION  
SR. DEPUTY ATTORNEY GENERAL

ADMINISTRATIVE  
SPECIAL DEPUTY AG

AIR AND NATURAL RESOURCES  
SPECIAL DEPUTY AG

WASTE MANAGEMENT  
SPECIAL DEPUTY AG

WATER AND LAND  
SPECIAL DEPUTY AG

LAW ENFORCEMENT &  
PROSECUTIONS DIVISION  
SR. DEPUTY ATTORNEY GENERAL

CRIME CONTROL & MOTOR  
VEHICLES  
SPECIAL DEPUTY AG

LAW ENFORCEMENT LIAISON  
SPECIAL DEPUTY AG

SPECIAL PROSECUTIONS  
SPECIAL DEPUTY AG

MEDICAID INVESTIGATIONS  
DIVISION  
SR. DEPUTY ATTORNEY GENERAL

DIRECTOR

CRIMINAL  
ATTORNEY SUPERVISOR I

CIVIL  
ATTORNEY SUPERVISOR I

SBI  
SPECIAL AGENT IN CHARGE

INVESTIGATORS/AUDITORS  
DEPUTY DIRECTOR

SPECIAL LITIGATION DIVISION  
SR. DEPUTY ATTORNEY  
GENERAL

SPECIAL LITIGATION

EDUCATION

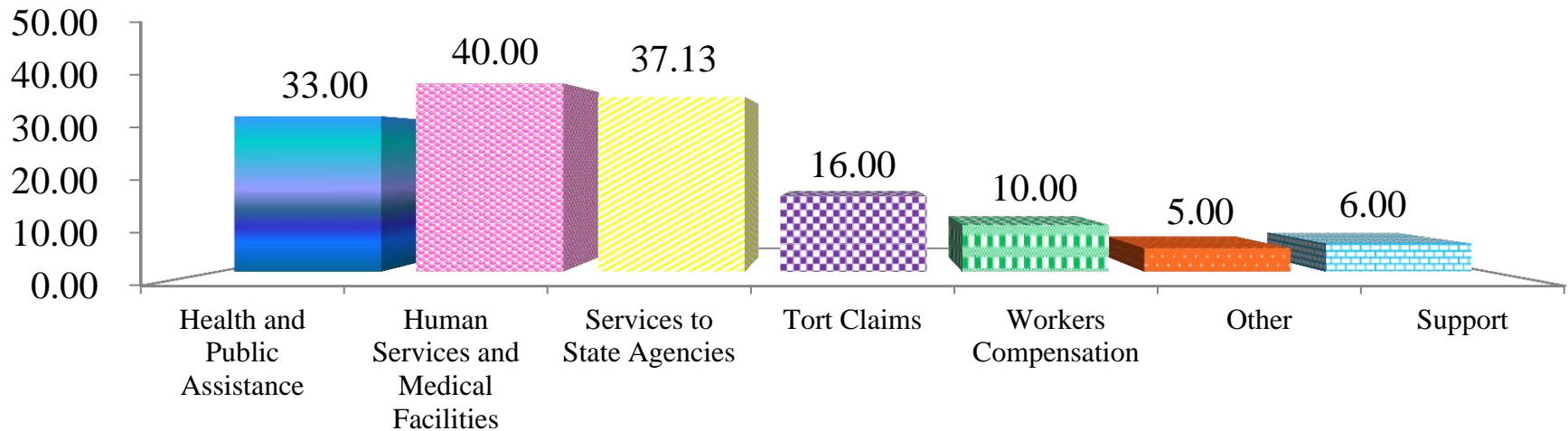
# Administrative Division

**Legal advice and representation to most State agencies**

**147.13 FTE**

## Sections:

- Services to State Agencies
- Health and Public Assistance
- Human Services and Medical Facilities
- Tort
- Workers' Compensation
- Composite Litigation
- Support (Paralegals)



Source: Beacon, BO149, Run Date 01/25/2013



# Administrative Division

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## Services to Agencies

### **Statutorily Assigned:**

- DOT (G.S. 114-4.2)
- Insurance (G.S. 114-4.2A)
- UNC Hospitals (G.S. 114-4.2B)
- Real Estate Commission (G.S. 114-4.2C)
- Energy Policy Council and Energy Efficiency Program at Commerce (G.S. 114-4.2D)

### **Others**

- Some agencies contract for positions
- State agencies billed for direct litigation costs (G.S. 114-8.2)
- Receipt supported boards and commissions pay for all legal services (G.S. 114-8.2)
- Itemized bills sent to agencies (G.S. 114-8.5)

**Outside attorneys must be approved by the AG (G.S. 114-2.3)**

# Administrative Division

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## Contract Review (G.S. 114-8.3)

### **AG must review contracts**

- Supplies, material, printing, equipment, and contractual services
- Greater than \$1 million
- Not an opinion on merit of contract
- Real Estate Commission (G.S. 114-4.2C)
- UNC exempted

### **AG policy**

- Agency general counsel authorized to approve contracts between \$1 and \$5 million
- AG attorneys review contracts between \$5 and \$15 million
- AG property control attorney reviews contracts above \$15 million

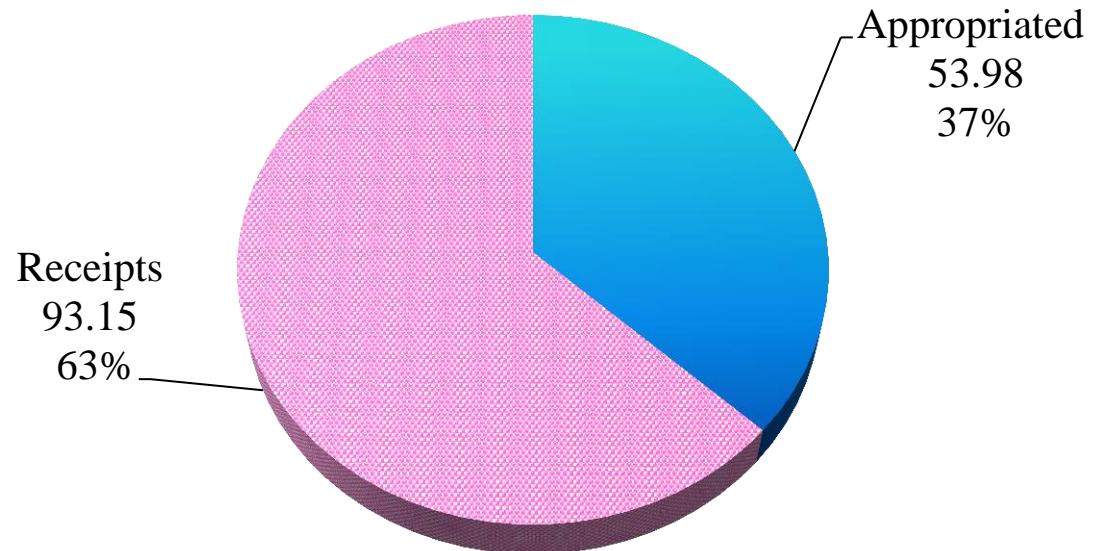
# Administrative Division

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## Receipts

- Interagency transfers for services
- Tort claim funds from public schools

**Administrative Division FTE by Source**



# Civil Division

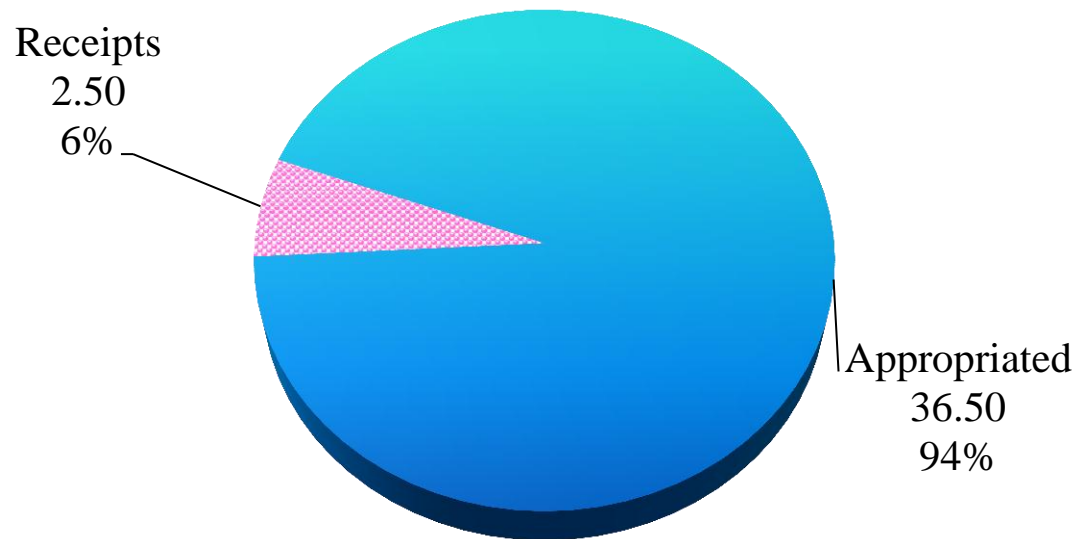
**Civil claims and litigation involving the State, its officials or employees**

**39 FTE**

## Sections:

- Insurance
- Labor
- Property Control
- Revenue
- Transportation

**Civil Division FTE by Source**



*Source: Beacon, BO149, Run Date 01/25/2013*

# Consumer Protection Division

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**Protects the public from unlawful business practices**

**57.5 FTE**

In FY 2011-12 Consumer Protection:

- Received 22,000 written consumer complaints
- Received 38,000 phone complaints or inquiries
- Generated approximately \$3.1 million in settlements

**Entirely receipt supported**



*Source: Beacon, BO149, Run Date 01/25/2013; CP statistics - DOJ*

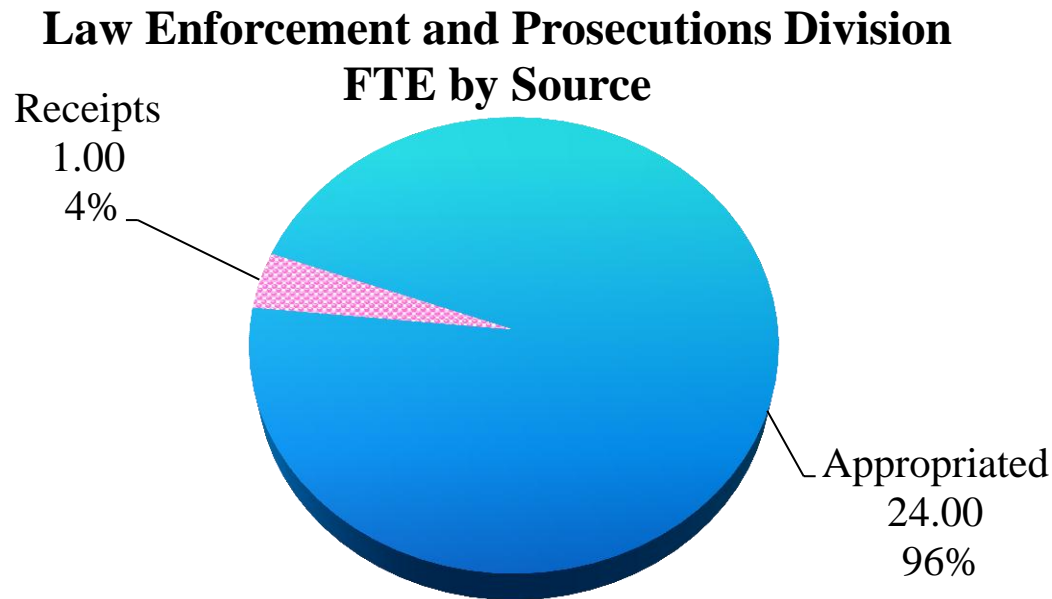
# Law Enforcement and Prosecutions Division

**Legal representation and advise related to law enforcement and assistance in prosecuting some criminal cases**

**25.0 FTE**

## **Sections:**

- Crime Control and Motor Vehicles
- Law Enforcement Liaison
- Special Prosecutions



*Source: Beacon, BO149, Run Date 01/25/2013*

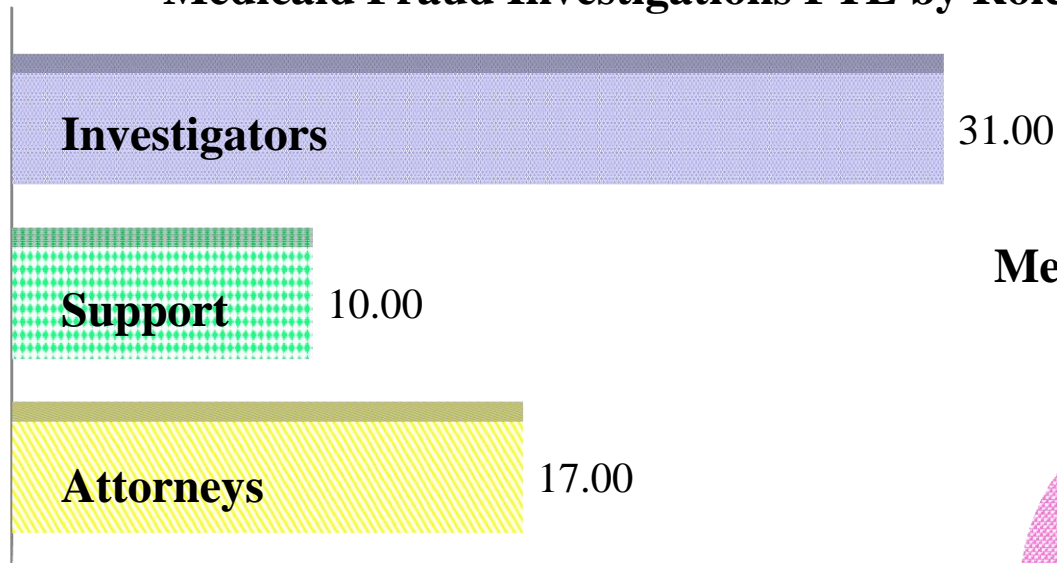


# Medicaid Investigations Division

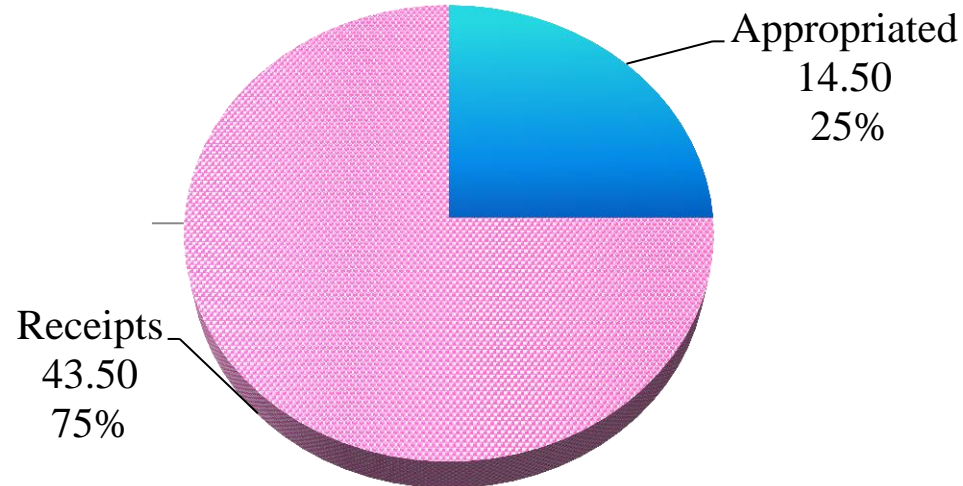
**Investigates Medicaid fraud and abuse**

**58.0 FTE**

**Medicaid Fraud Investigations FTE by Role**



**Medicaid Fraud Investigations FTE by Source**



*Source: Beacon, BO149, Run Date 01/25/2013*

# Medicaid Investigations Division

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## Medicaid Settlements are distributed to:

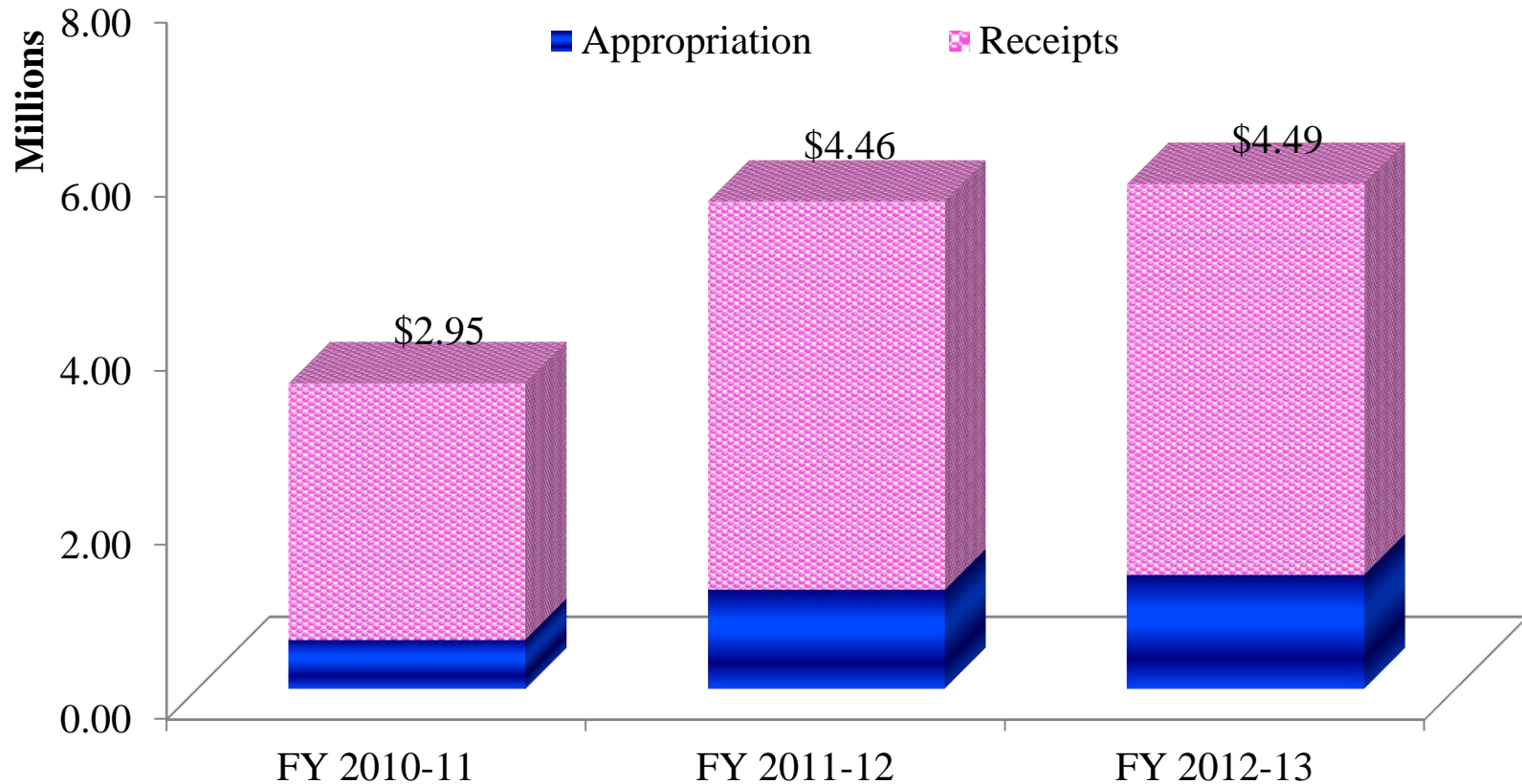
- Federal government
- State Medicaid Program
- Civil Fines and Forfeitures Fund (public schools)
- DOJ

	FY 2010-11	FY 2011-12	FY 2012-13
Referrals	240	298	347
Investigations	289	374	502
Recoveries	\$38,659,712	\$48,794,392	\$52,701,055

*Source: DOJ Medicaid Fraud Unit Annual Reports*

# Medicaid Investigations Division

## Medicaid Fraud Budget by Source



Source: NCAS, BD701

# Criminal Division

**AG handles all criminal appellate matters, death penalty cases, and cases involving the Division of Adult Correction**

**43 FTE**

## **Sections:**

- Criminal Appellate
- Capital Litigation/Federal Habeas
- Correction

	2010	2011	2012
Criminal Appeals Briefs	760	778	773
Capital Cases	Unavailable	145	142
Federal Non-capital cases	58	116	106

*Source: Beacon, BO149, Run Date 01/25/2013*

# Other Divisions

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## **Special Litigation Division (30.0 FTE)**

Complex litigation in which the public has a vital stake. Sections include Special Litigation and Education.

## **Office of Solicitor General (2.0 FTE)**

Represents the State before the Supreme Court

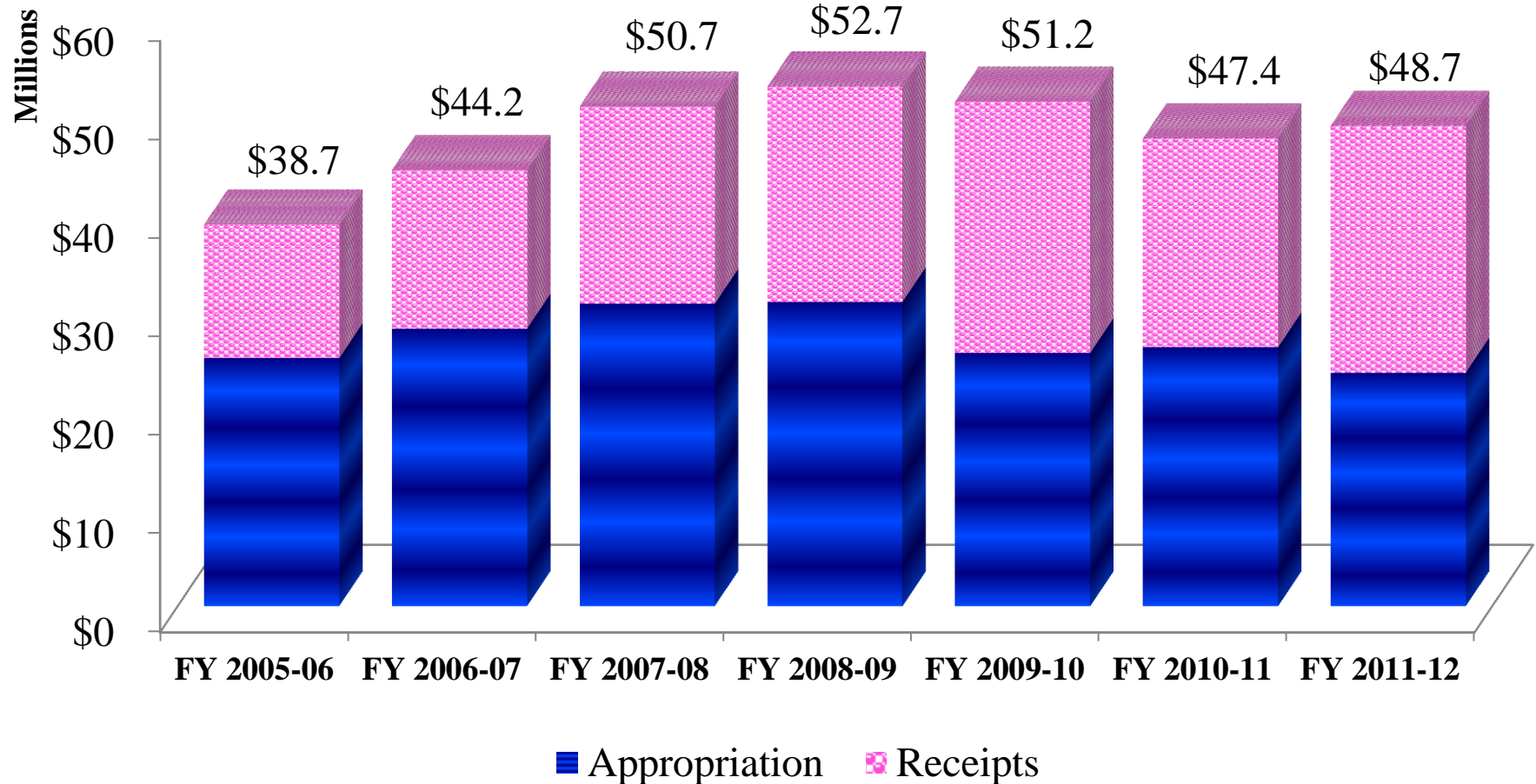
## **Environmental Division (52.0 FTE)**

Advises and represents DENR, and investigates and prosecutes environmental criminal and civil actions. Sections include Air and Natural Resources, Waste Management, and Water and Land

*Source: Beacon, BO149, Run Date 01/25/2013*

# Legal Services Budget History

## Actual Expenditures



Source: NCAS Budget History and Management Analysis

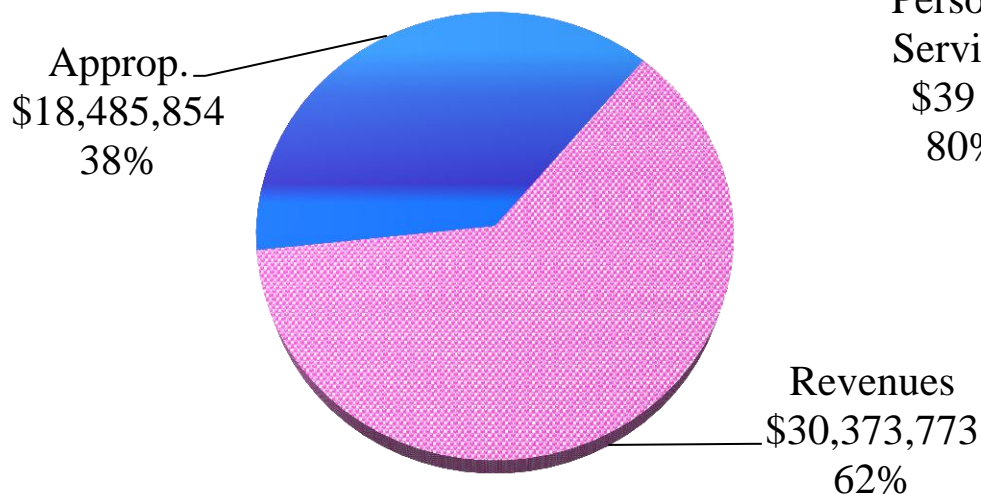


# FY 2012-13 Authorized Budget

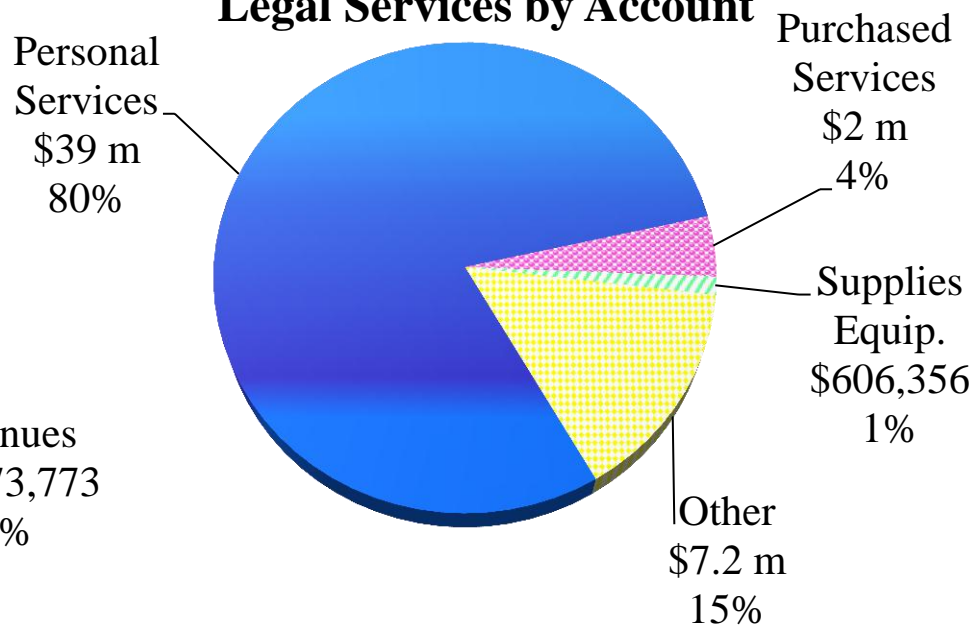
Total General Fund (GF) Requirements: **\$48,859,627**

Total GF Full-Time Equivalent (FTE) Employees: **30.0**

## Legal Services by Source



## Legal Services by Account



Source: Budget - Authorized Monthly Budget Report for December 31, 2012; FTE – Beacon BO149 December 2012

# Recent Budget Actions

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## **2011 Budget (S.L. 2011-145)**

Transferred nine consumer protection FTE to receipt support	(\$482,105)
Eliminated funding for NC LEAF	(\$356,250)
<u>Transferred three positions to the General Assembly</u>	<u>(\$259,019)</u>
<b>Total Reductions</b>	<b>(\$1,097,374)</b>

Sec. 16.2 required the purchase of time-management software

## **2012 Budget (S.L. 2012-142)**

Transferred the rest of Consumer Protection to receipt support	(\$1,757,780)
<u>Transferred the Managed Care Section to DOI</u>	<u>( \$292,441)</u>
<b>Total Reductions</b>	<b>(\$2,050,221)</b>

Sec. 15.2 requires a biannual report on attorney activity

# Issues for 2013 Session

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## **Special Provision Issues:**

- Language on Attorney Activity Report needs to be adjusted
- Attorney time tracking software has not been fully implemented

# Questions

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