

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

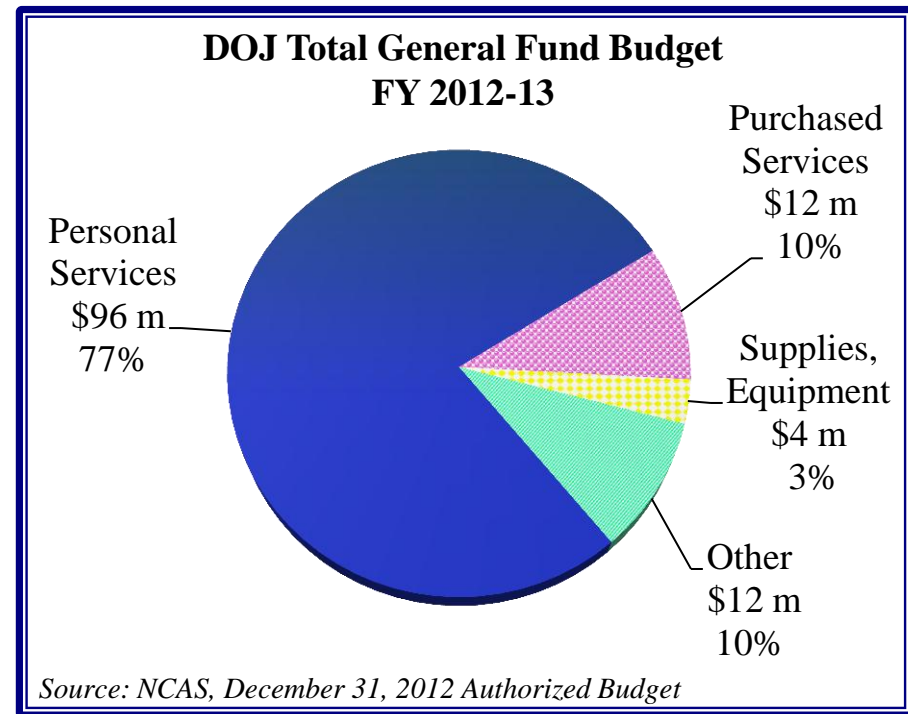
Roy Cooper, Attorney General

Includes:

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

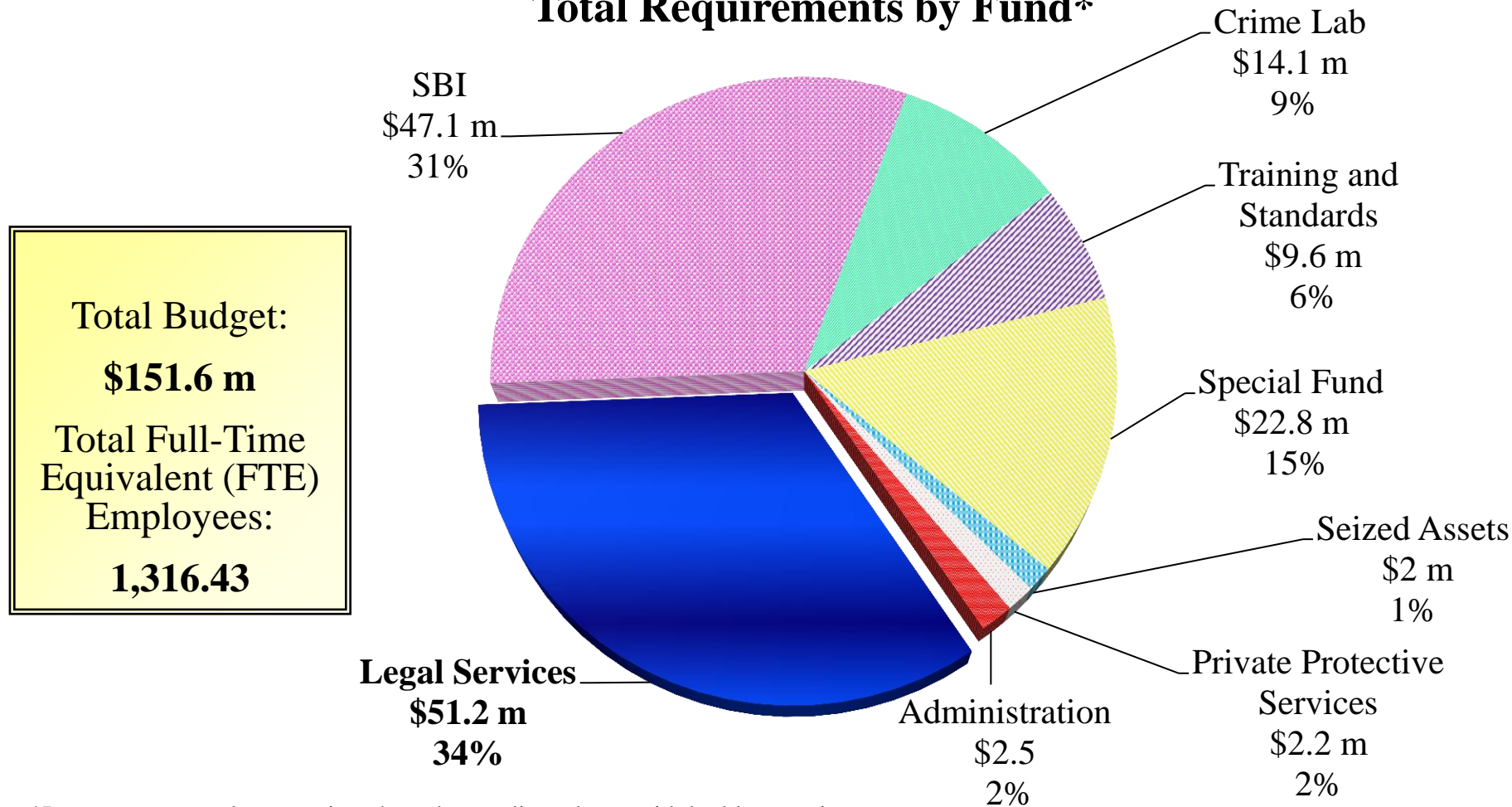
Total General Fund Budget: \$125 million

Total GF FTE Employees: 1,234.40



FY 2012-13 Authorized Budget

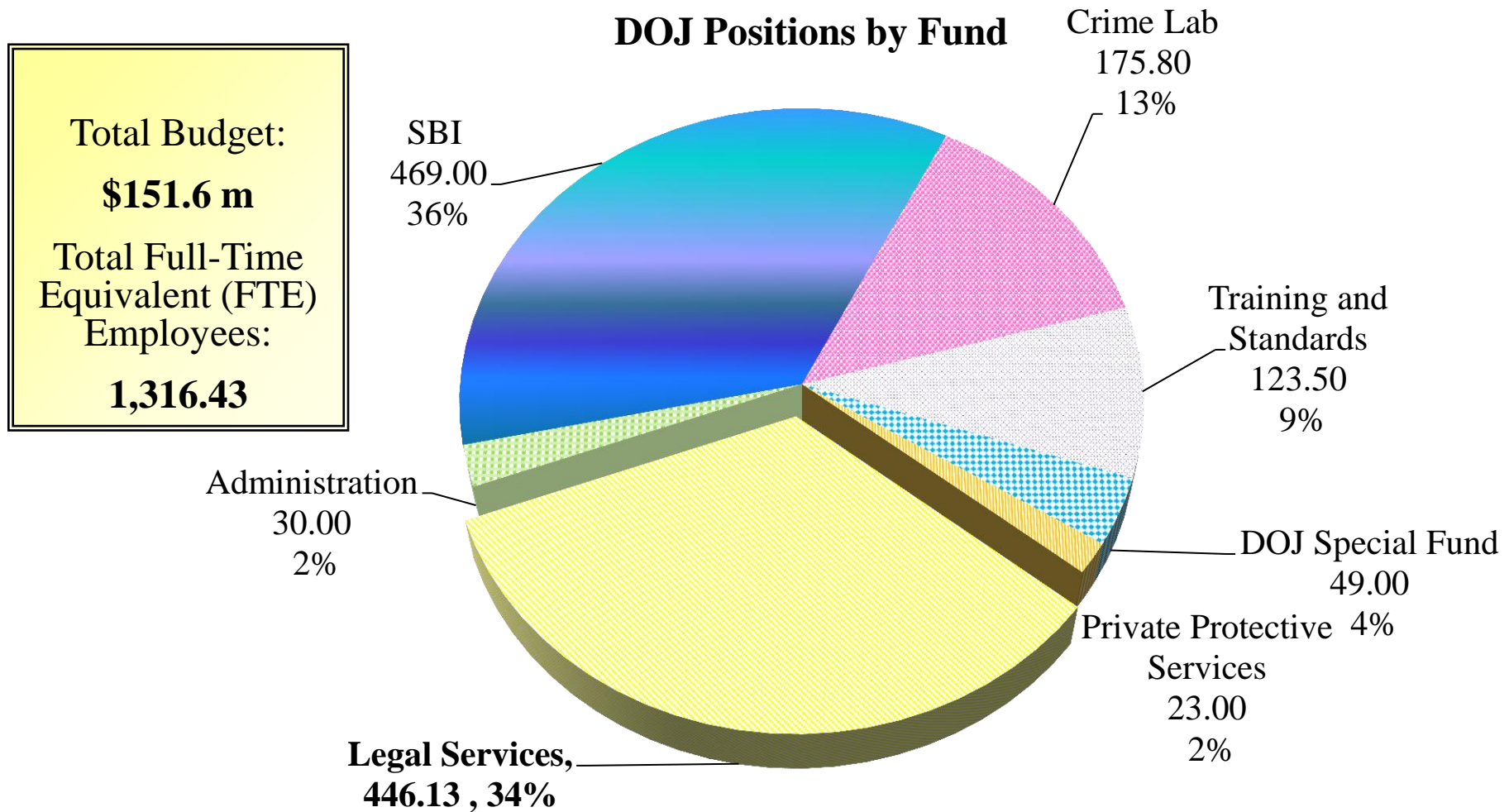
Total Requirements by Fund*



*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

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

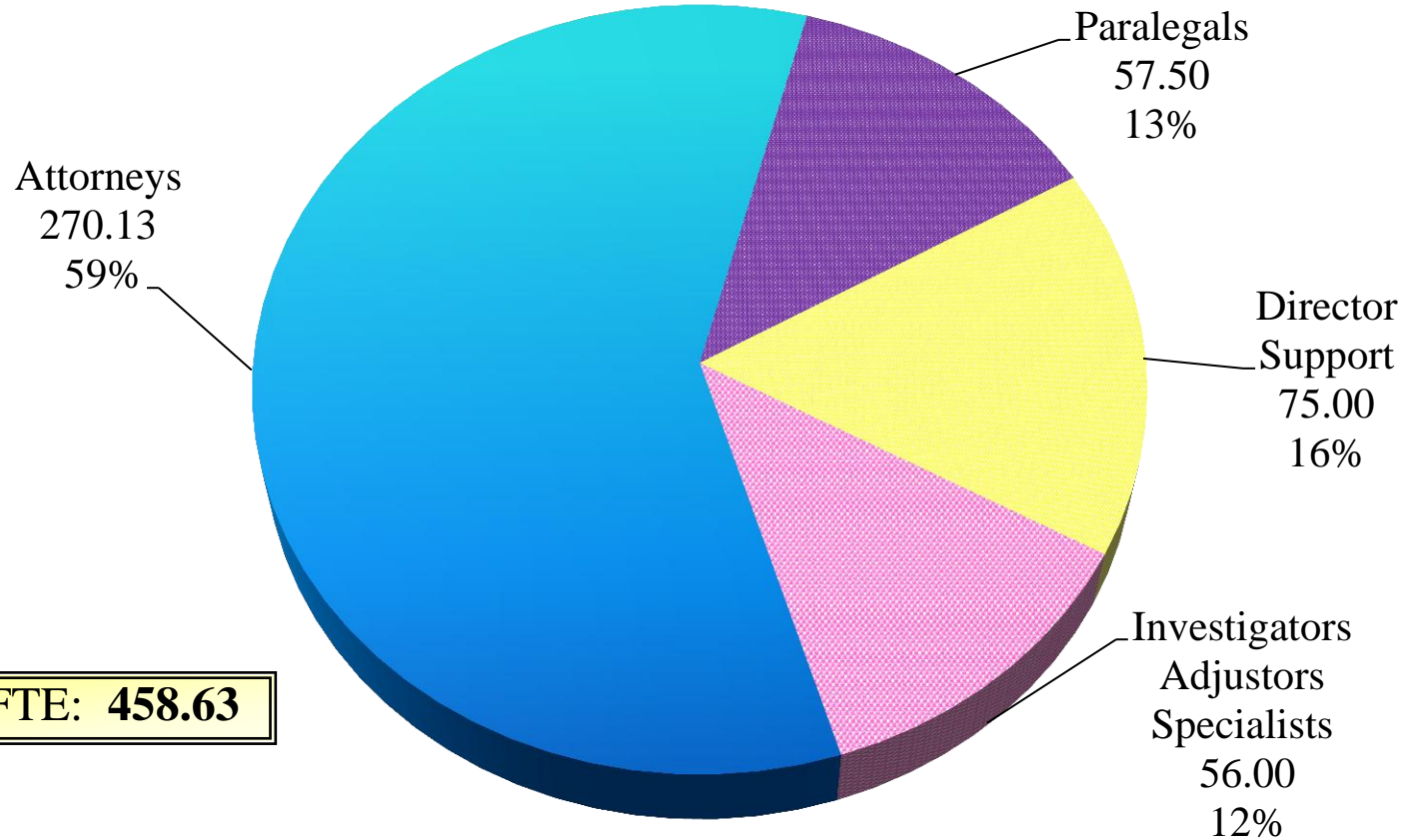
- Representing the State in all matters (civil and criminal)
- Providing representation and advice to all State agencies
- Providing consultation and advice to prosecutors

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

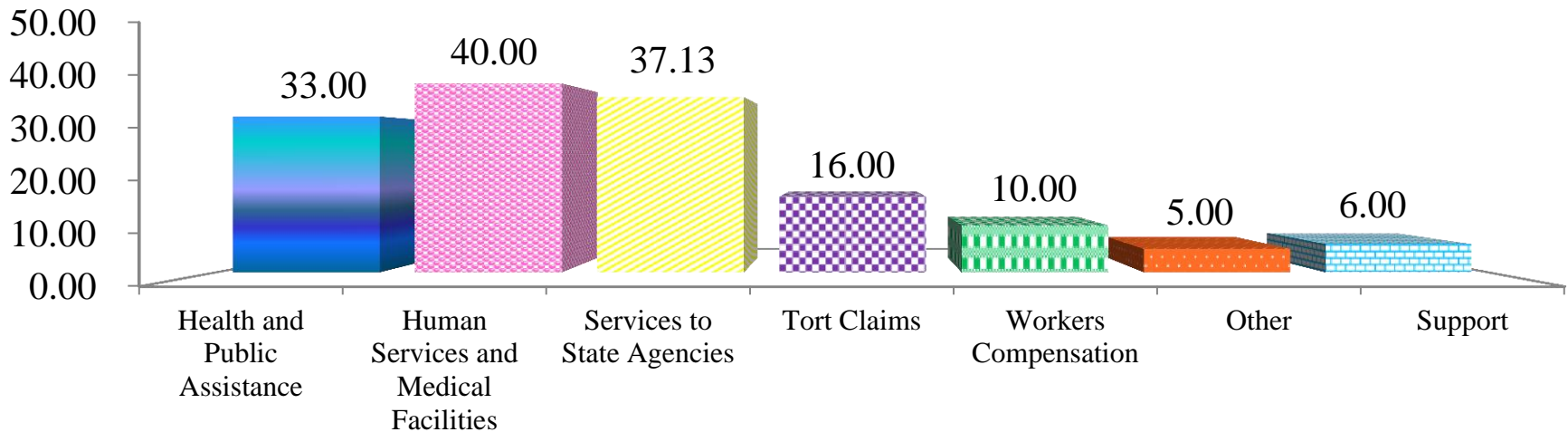
Administrative Division

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

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)

Some agencies contract with DOJ for attorney positions

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

Administrative Division

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

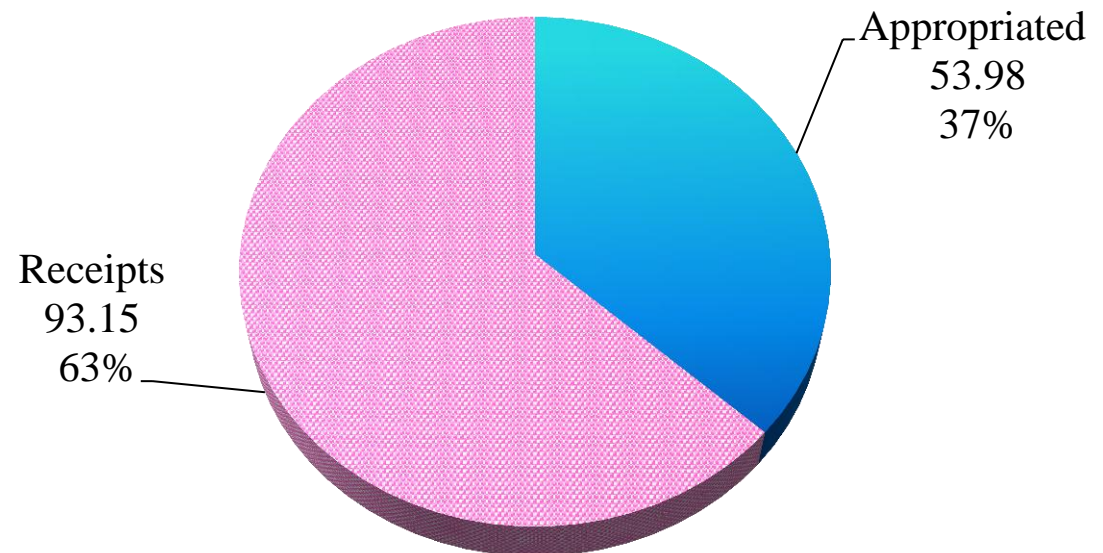
- Agency general counsel authorized to approve contracts between \$1 and \$5 million
- AG attorneys review contracts between \$5 and \$15 million
- AG property control attorney reviews contracts above \$15 million

Administrative Division

Receipts

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

Administrative Division FTE by Source



Civil Division

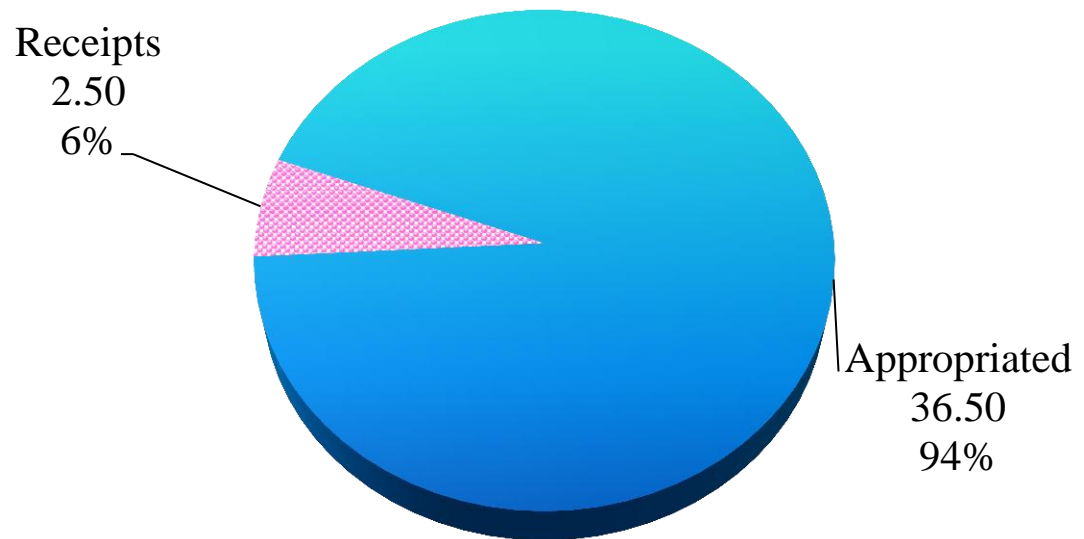
Civil claims and litigation involving the State, its officials or employees

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

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

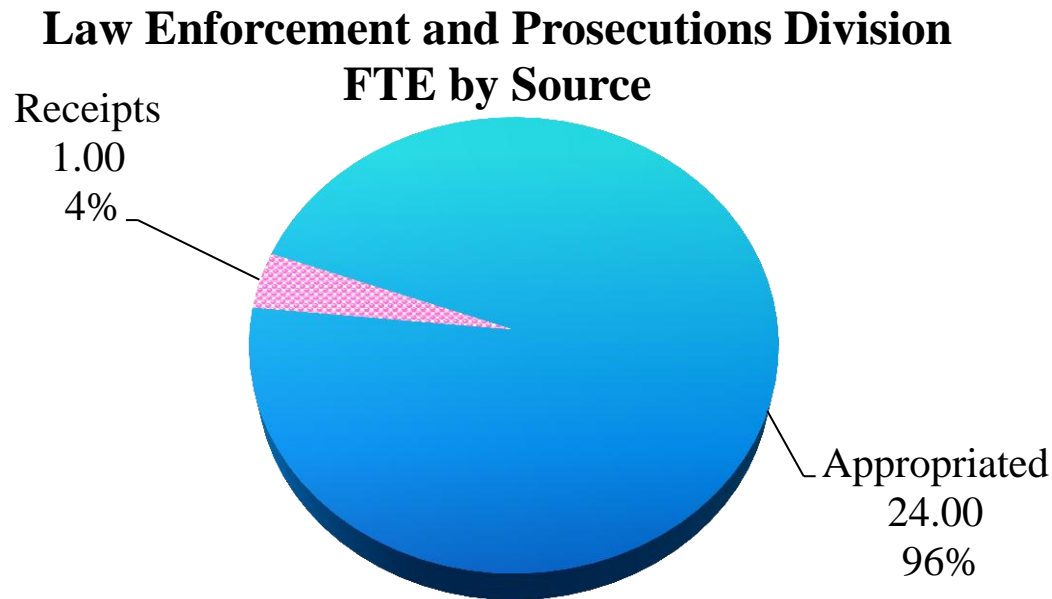
Law Enforcement and Prosecutions Division

Legal representation and advice 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



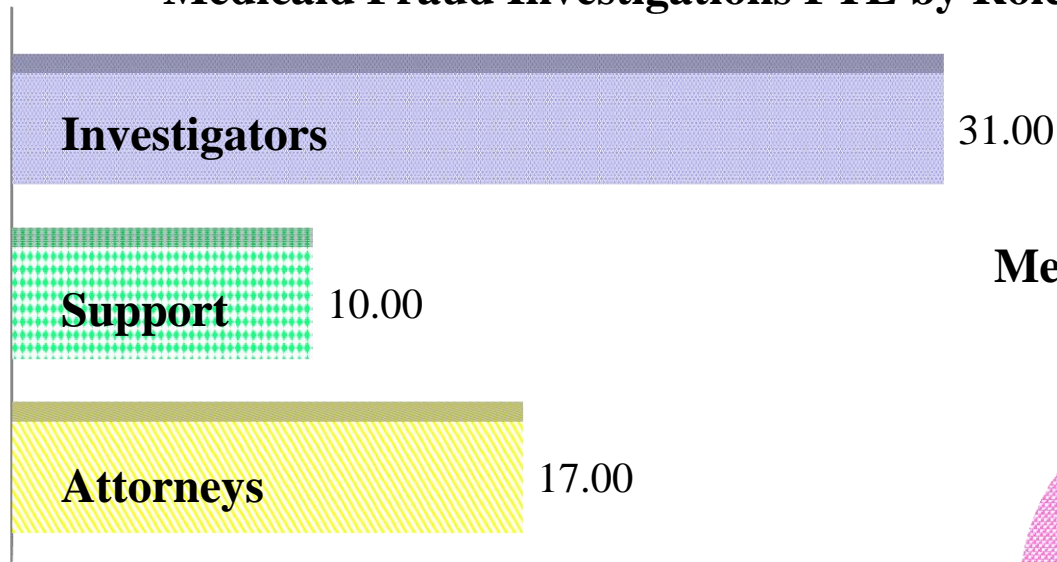
Source: Beacon, BO149, Run Date 01/25/2013

Medicaid Investigations Division

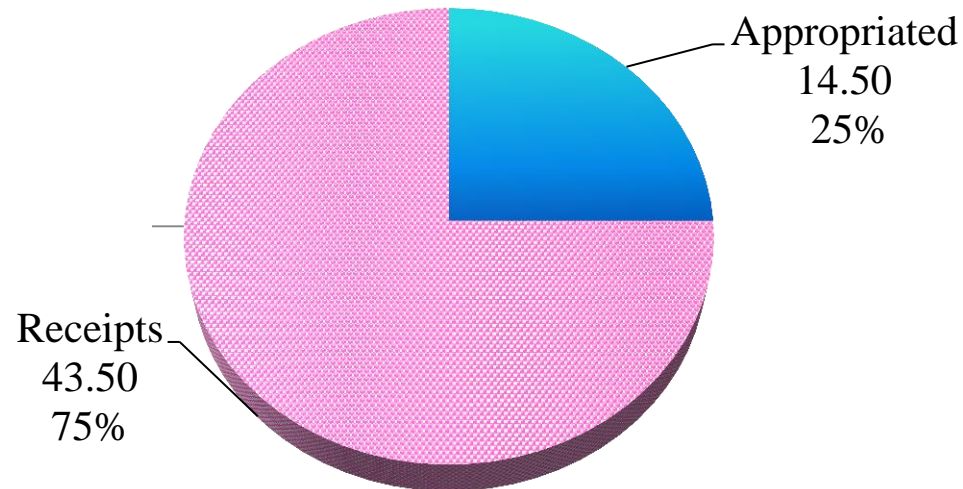
Investigates Medicaid fraud and abuse

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

Medicaid Settlements are distributed to:

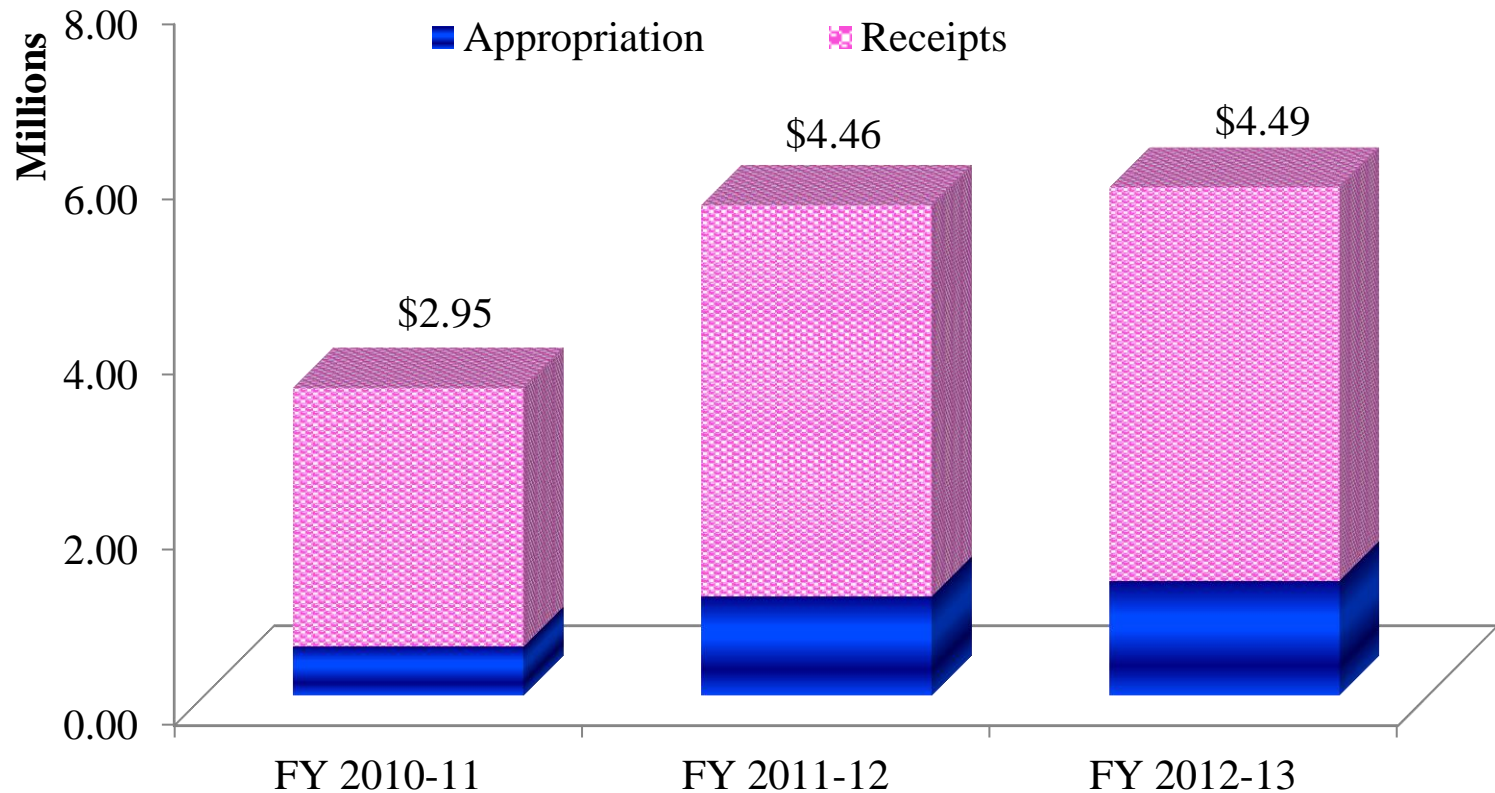
- Federal government
- State Medicaid Program
- Civil Fines and Forfeitures Fund (public schools)
- DOJ

	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

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

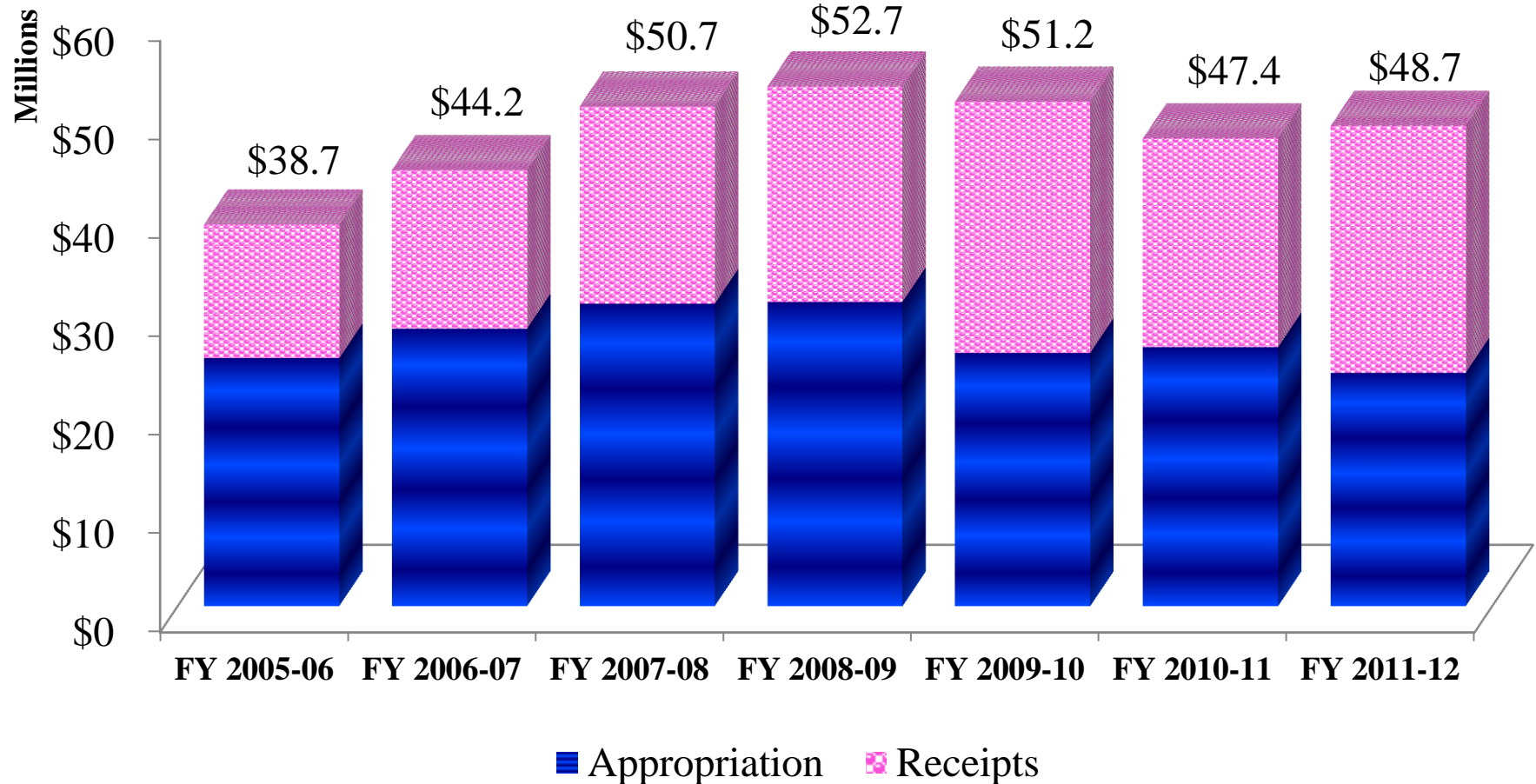
Law Enforcement and Prosecutorial (25.0 FTE)

Legal representation and advise related to law enforcement and assistance in prosecuting some criminal cases. Sections include Crime Control and Motor Vehicles, Law Enforcement Liaison, and Special Prosecutions

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

Legal Services Budget History

Actual Expenditures



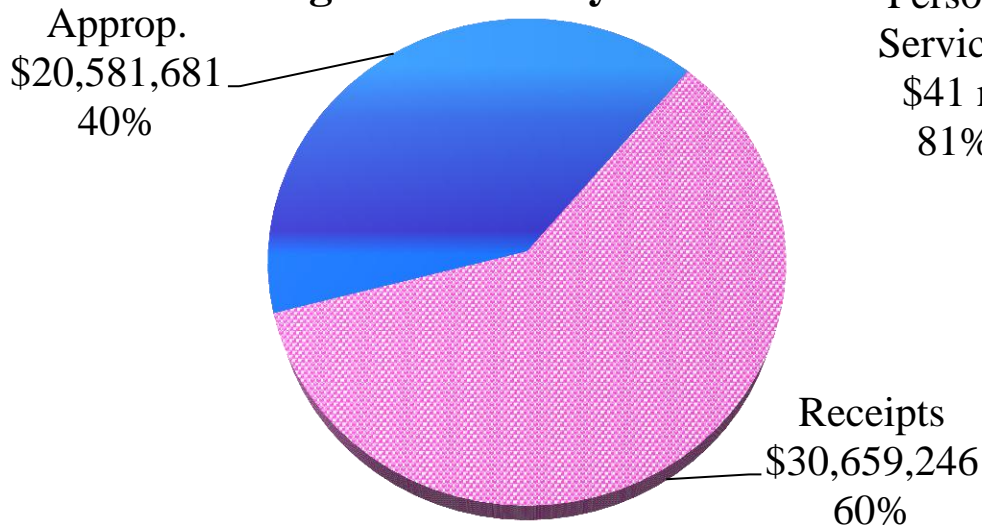
Source: NCAS Budget History and Management Analysis

FY 2012-13 Authorized Budget

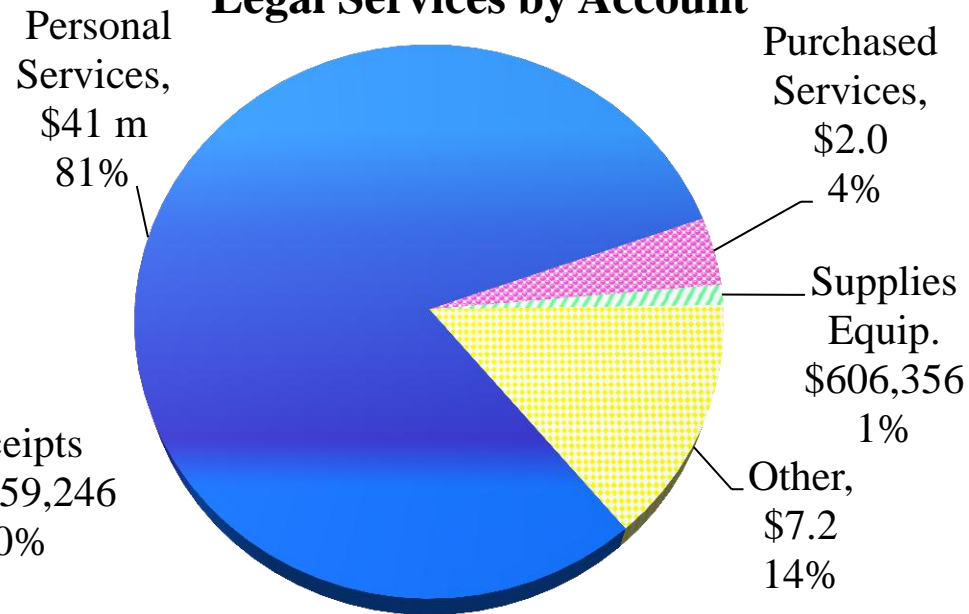
Total General Fund (GF) Requirements: **\$51,240,927**

Total GF Full-Time Equivalent (FTE) Employees: **446.13**

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

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>
Total Reductions	(\$1,097,374)

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>
Total Reductions	(\$2,050,221)

Sec. 15.2 requires a biannual report on attorney activity

Issues for 2013 Session

Special Provision Issues:

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

Questions

