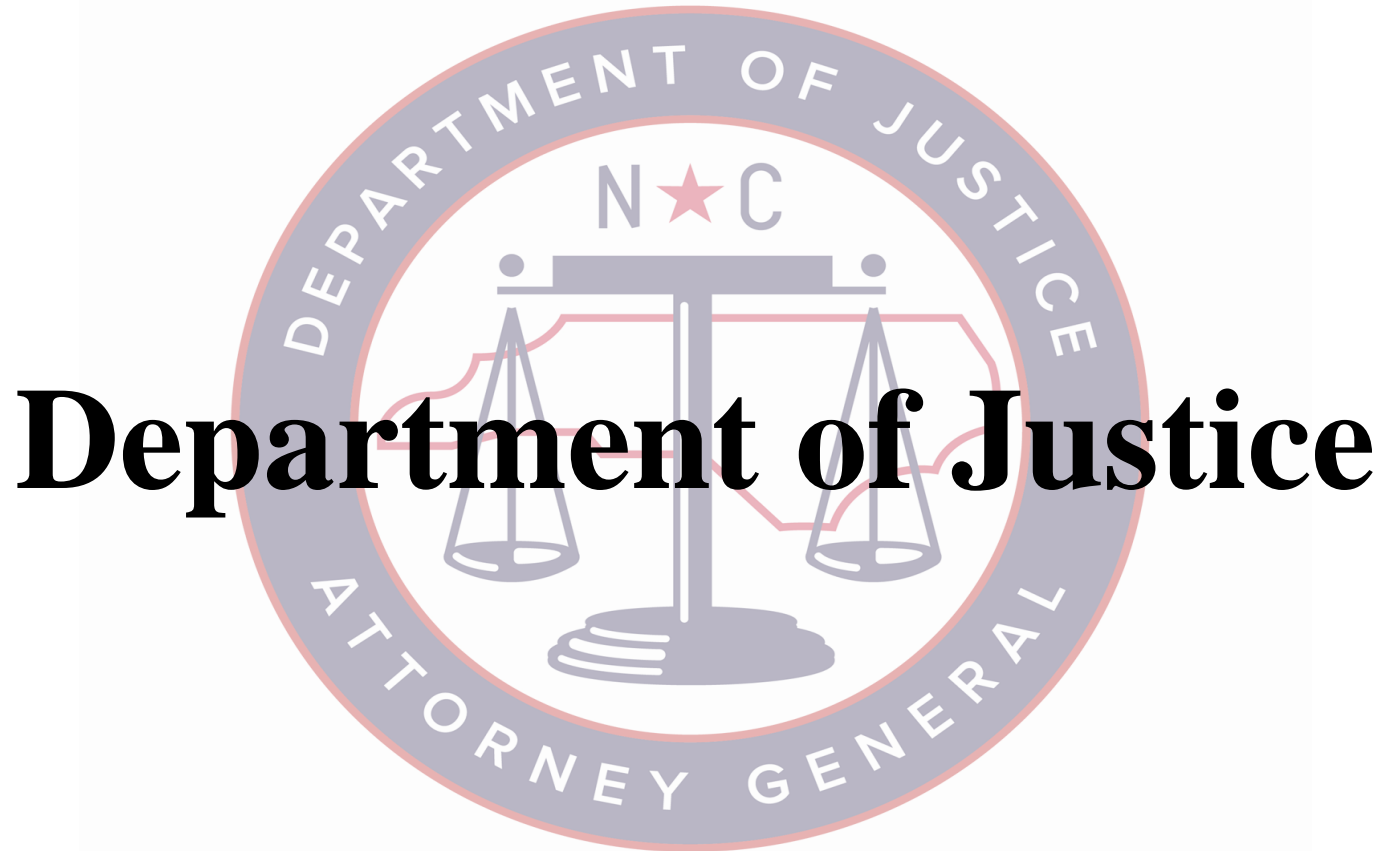
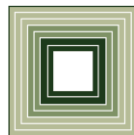


Joint Appropriations Subcommittee on
Justice and Public Safety



Department of Justice

February 26, 2019



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

JPS - DOJ

Department of Justice (DOJ)

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

Josh Stein, Attorney General

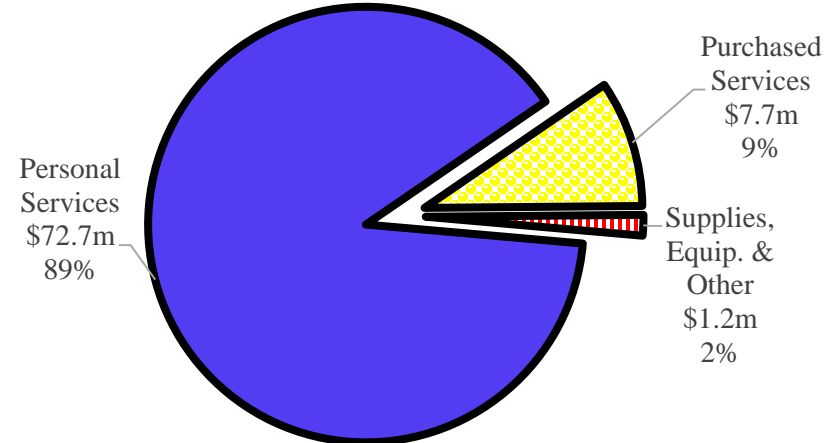
Includes:

- Legal services
- NC State Crime Lab
- Consumer Protection
- Criminal Justice Education and Training Standards
- Sheriffs' Education and Training Standards

Total General Fund Budget: \$91.2 million

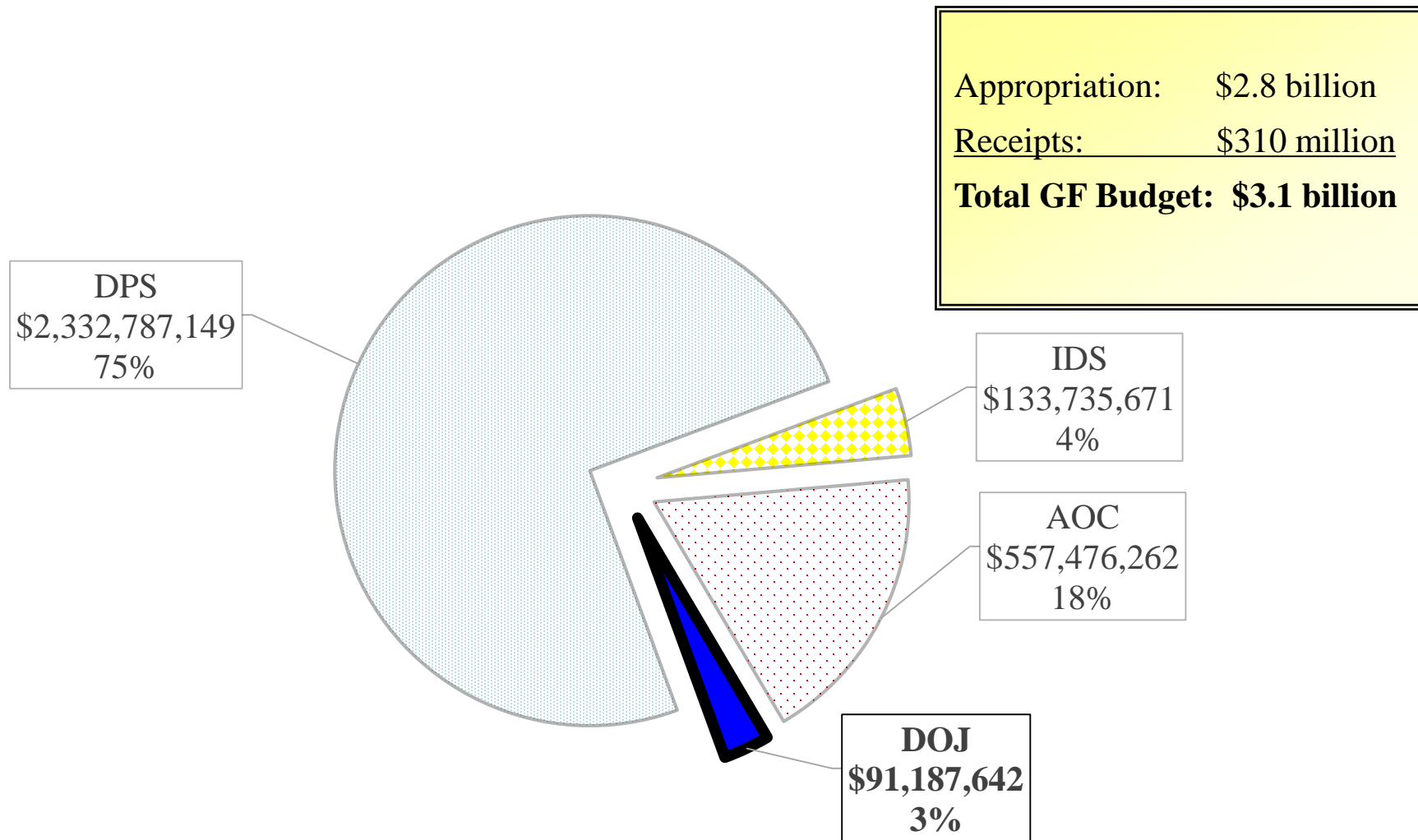
Total GF FTE Positions: 794.89

**DOJ Total General Fund Base Budget
FY 2019-20**



Source: Recommended Base Budget (Worksheet I) 02/16/19

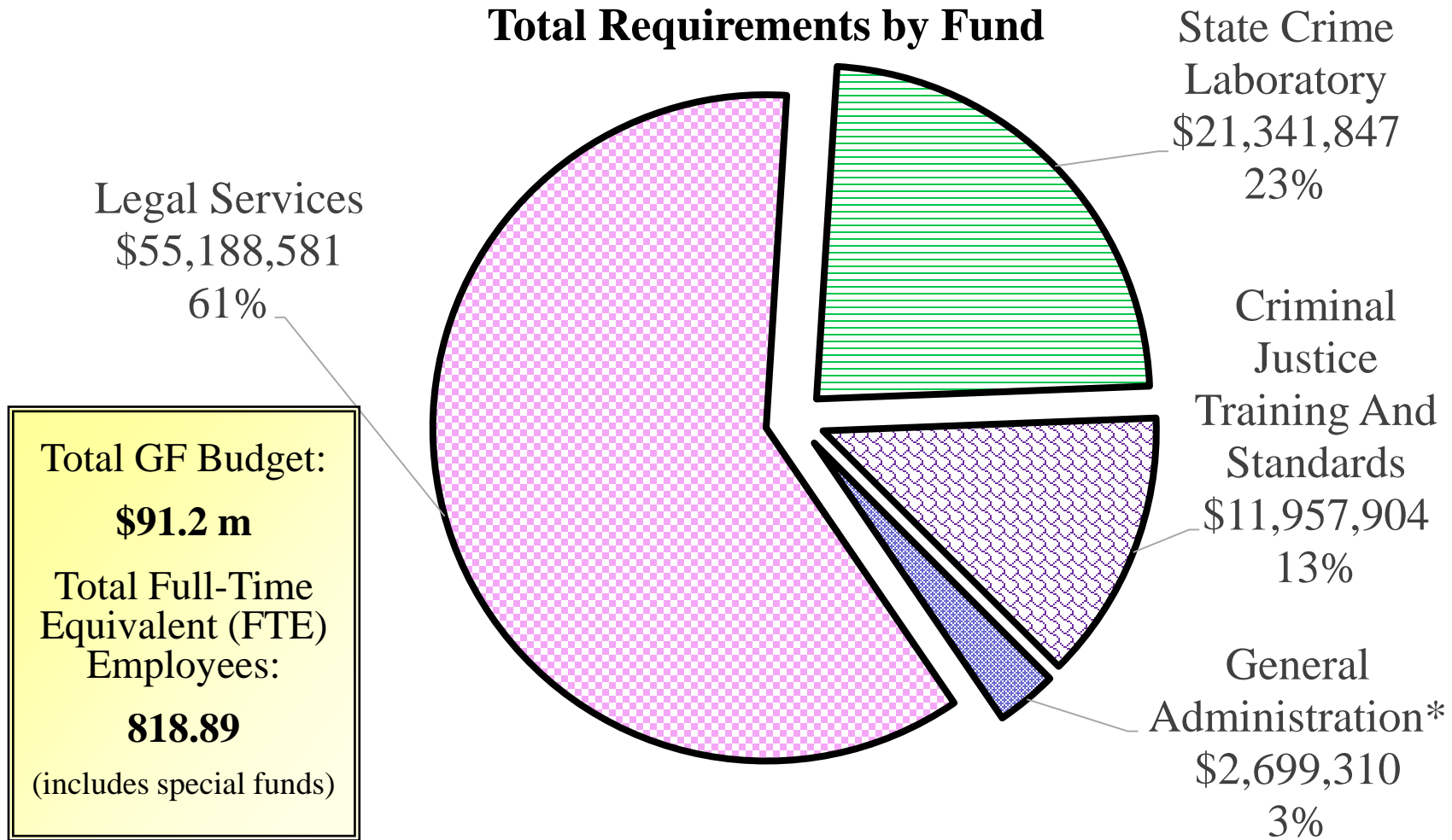
JPS General Fund Base Budget by Agency FY 2019-20



Source: Base Budget (Worksheet I) 02/16/19

FY 2019-20 DOJ Base Budget

Total Requirements by Fund



Source: DOJ Base Budget (Worksheet I) 02/16/19

*Administration includes Fund Codes 1100 and 1991

FY 2019-20 DOJ Base Budget

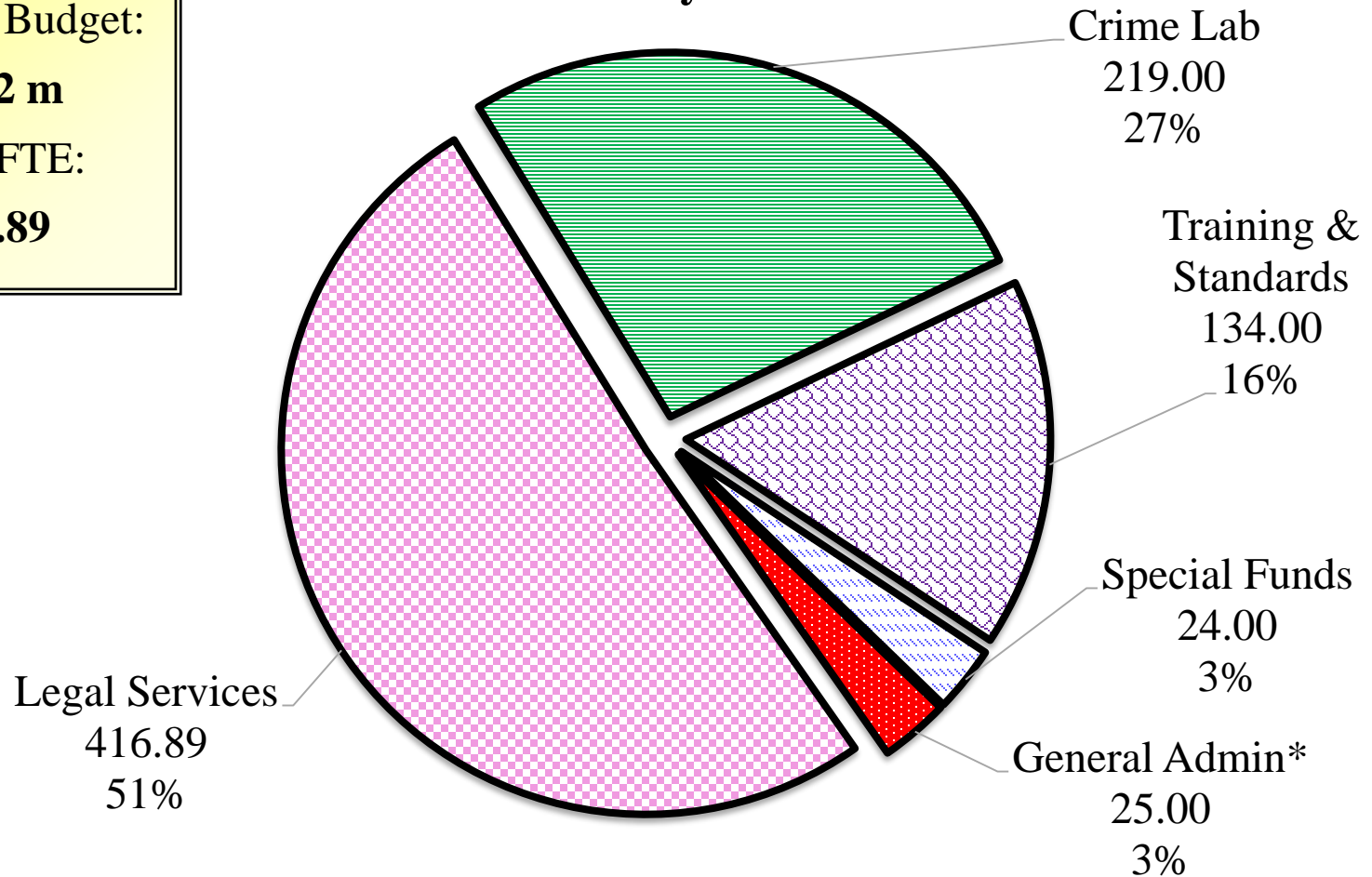
Total GF Budget:

\$91.2 m

Total FTE:

818.89

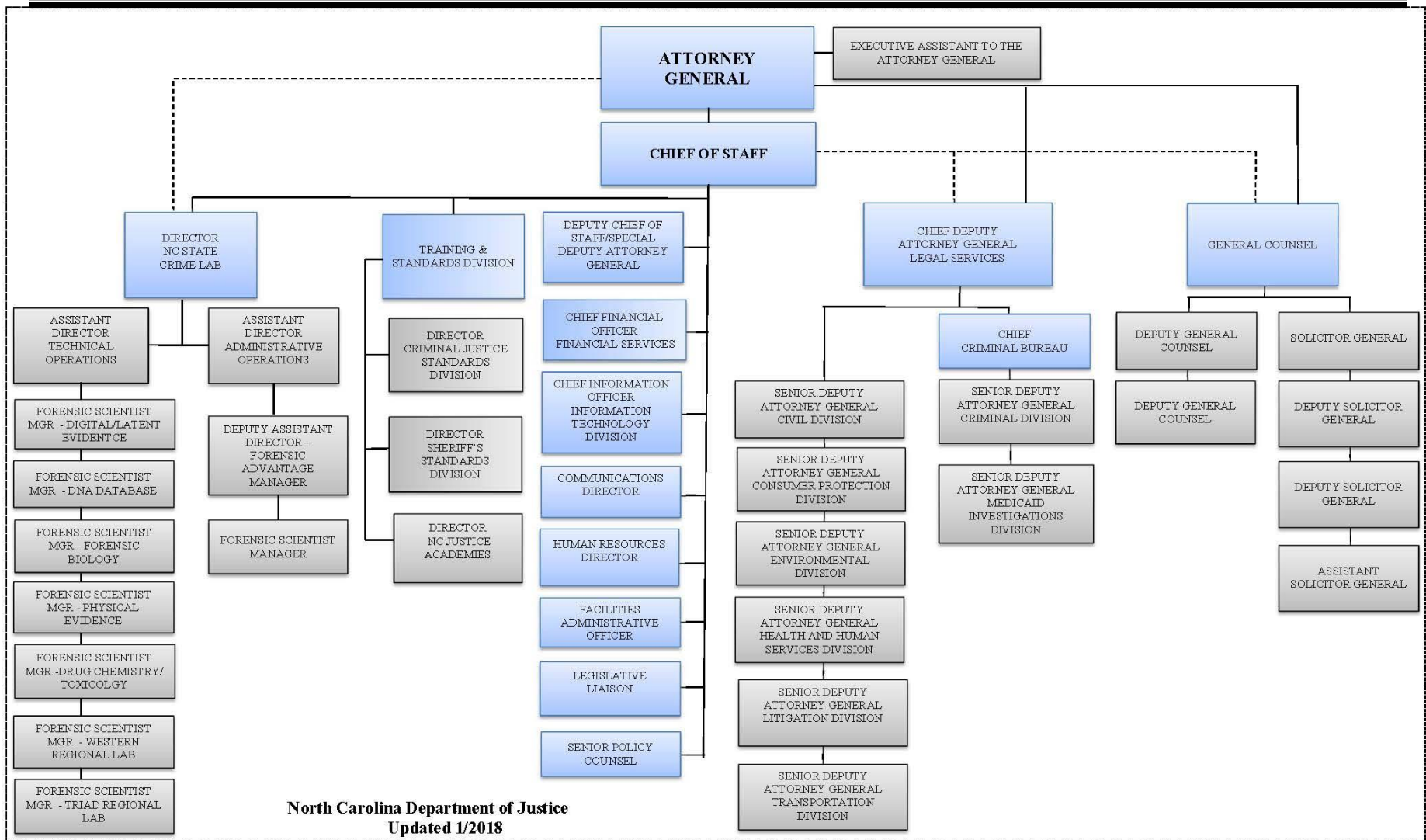
Total FTE by Fund



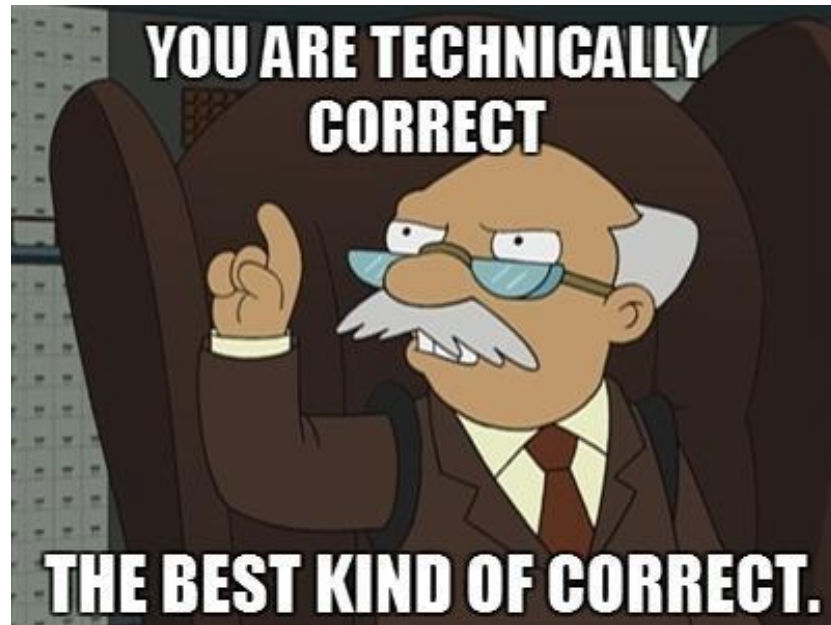
Source: DOJ Base Budget (Worksheet I) 02/16/19

*Administration includes Fund Codes 1100 and 1991

Department of Justice Org Chart



DOJ Administration



DOJ Administration

General Administration:

- Attorney General and administrative support
- Fund Codes 1100 (Admin) and 1991 (Reserve)

Financial Services:

- Accounting
- Budgeting
- Cash management
- Payroll
- Contract oversight
- Reporting
- Audit

Human Resources:

- Recruitment
- Compensation and benefits
- Performance
- Professional development
- Occupational Safety and Health

Total FY 2019-20
GF Base Budget:

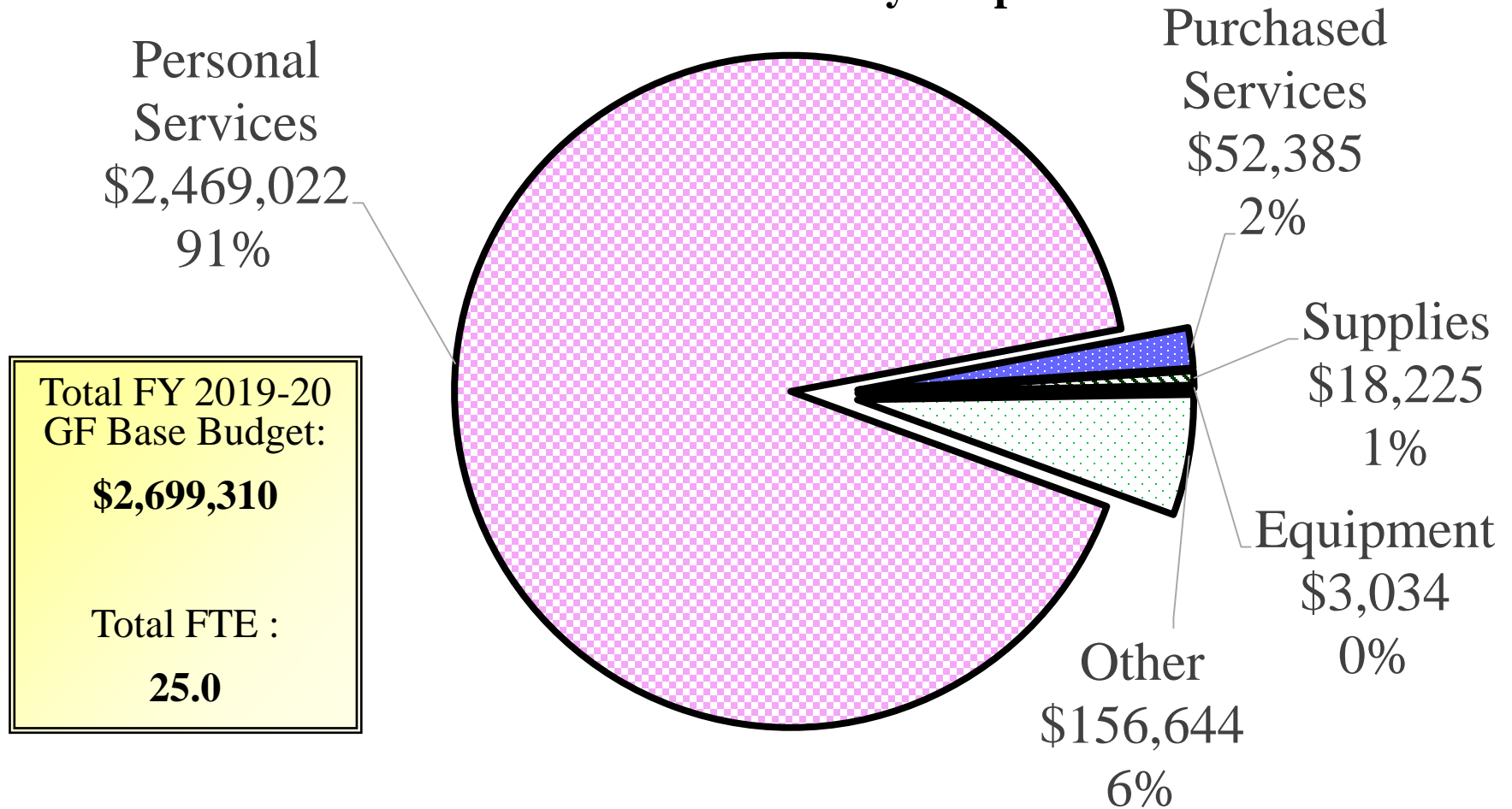
\$2,699,310

Total FTE :

25.0

FY 2019-20 Admin Base Budget

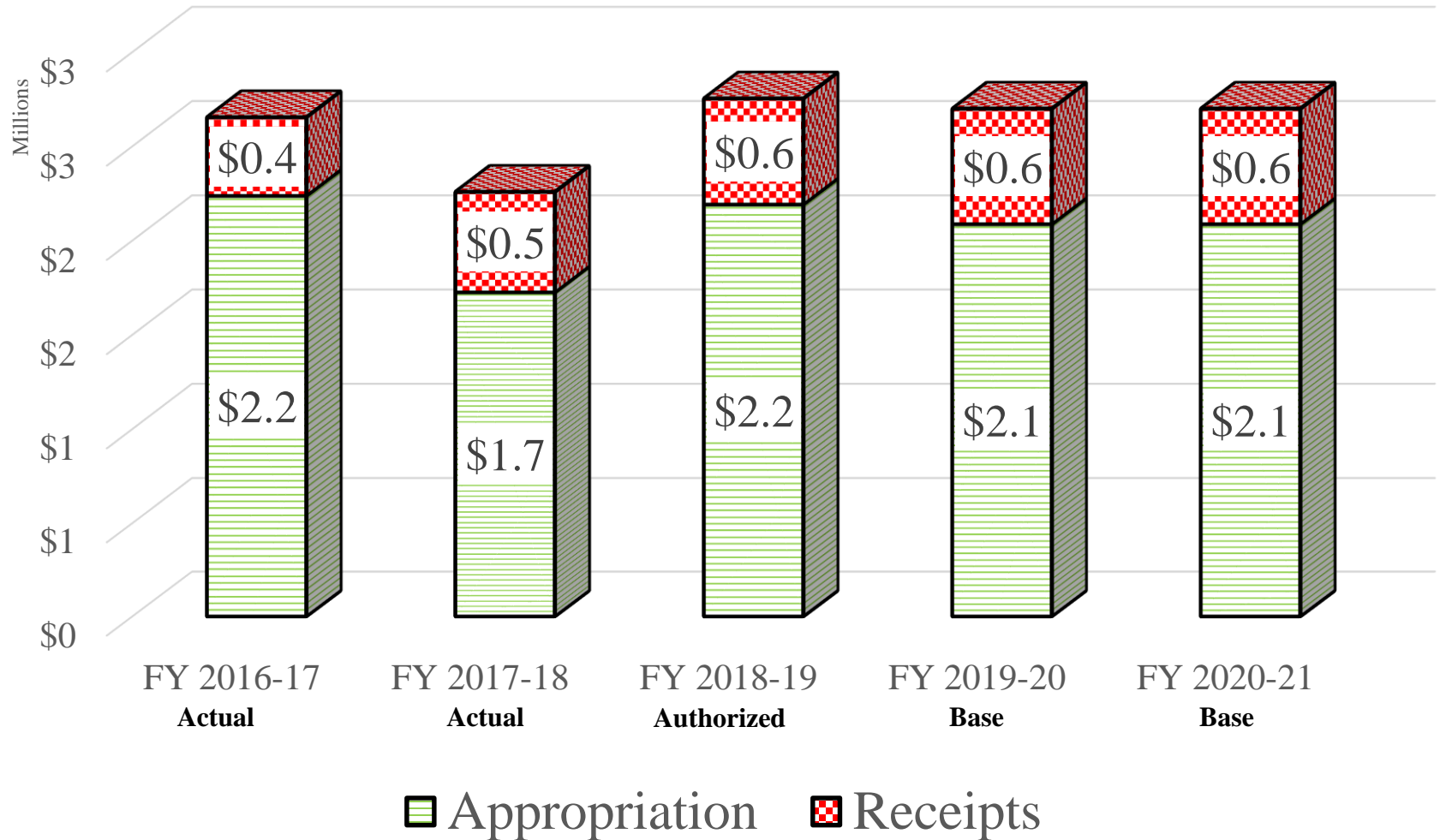
DOJ Administration* By Purpose



Source: DOJ Base Budget (Worksheet I) 02/16/19

*Administration includes Fund Codes 1100 and 1991

DOJ Administration Budget History



Source: NCAS Budget History and DOJ Base Budget (Worksheet I) 02/16/19

*Administration includes Fund Codes 1100 and 1991

DOJ

Training and Standards



Law Enforcement Training and Standards

Four Sections:

- Criminal Justice Education and Training Standards Commission
- NC Sheriffs' Education and Training Standards Commission
- NC Justice Academy
- Law Enforcement Liaison

Provides certification and training for all criminal justice officers in the State:

- Deputy Sheriffs
- Police
- Detention Officers
- Telecommunicators
- Correctional officers
- Probation officers
- Juvenile justice officers
- Juvenile justice court counselors

Total FY 2019-20
GF Base Budget:

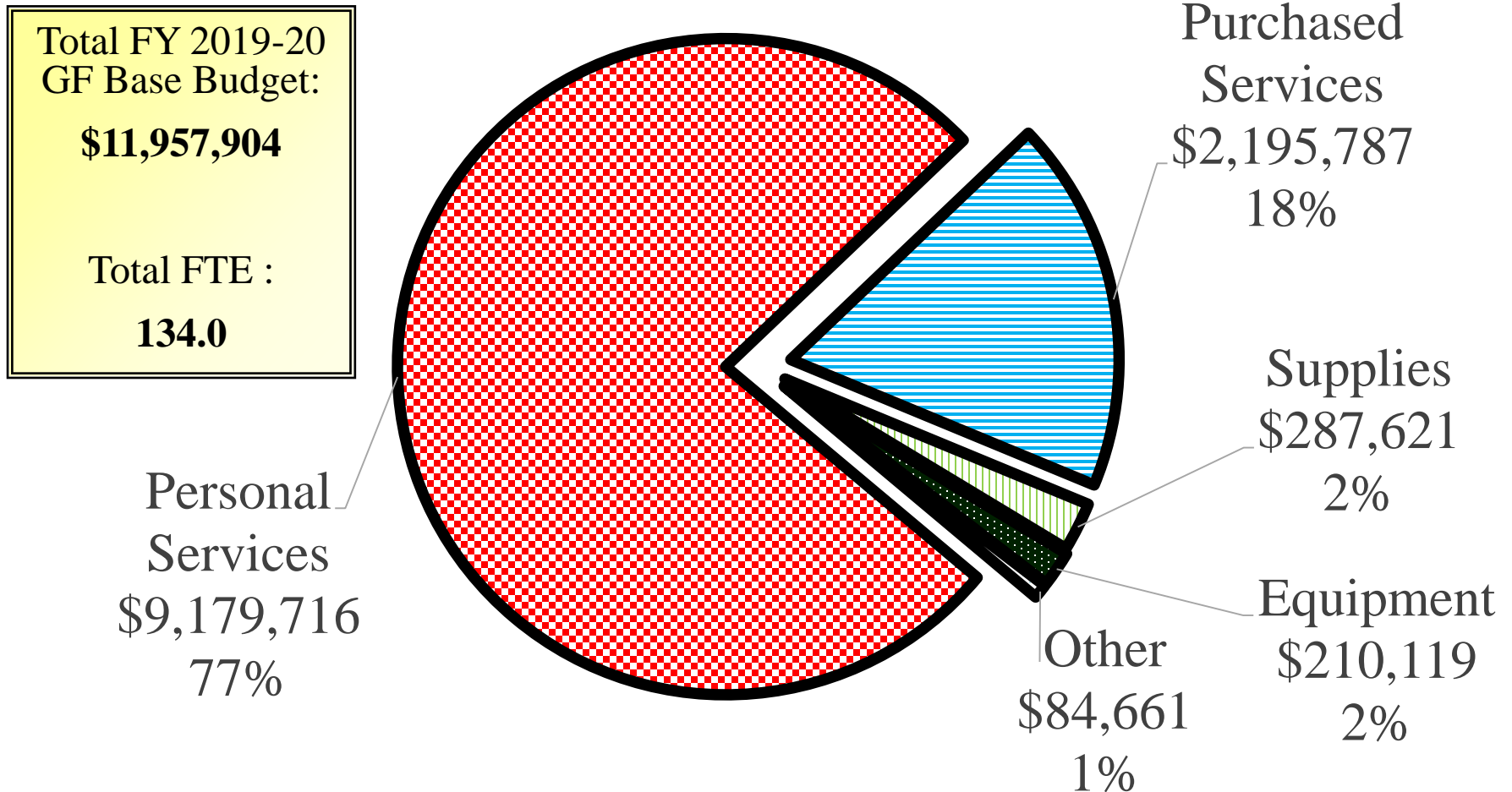
\$11,957,904

Total FTE :

134.0

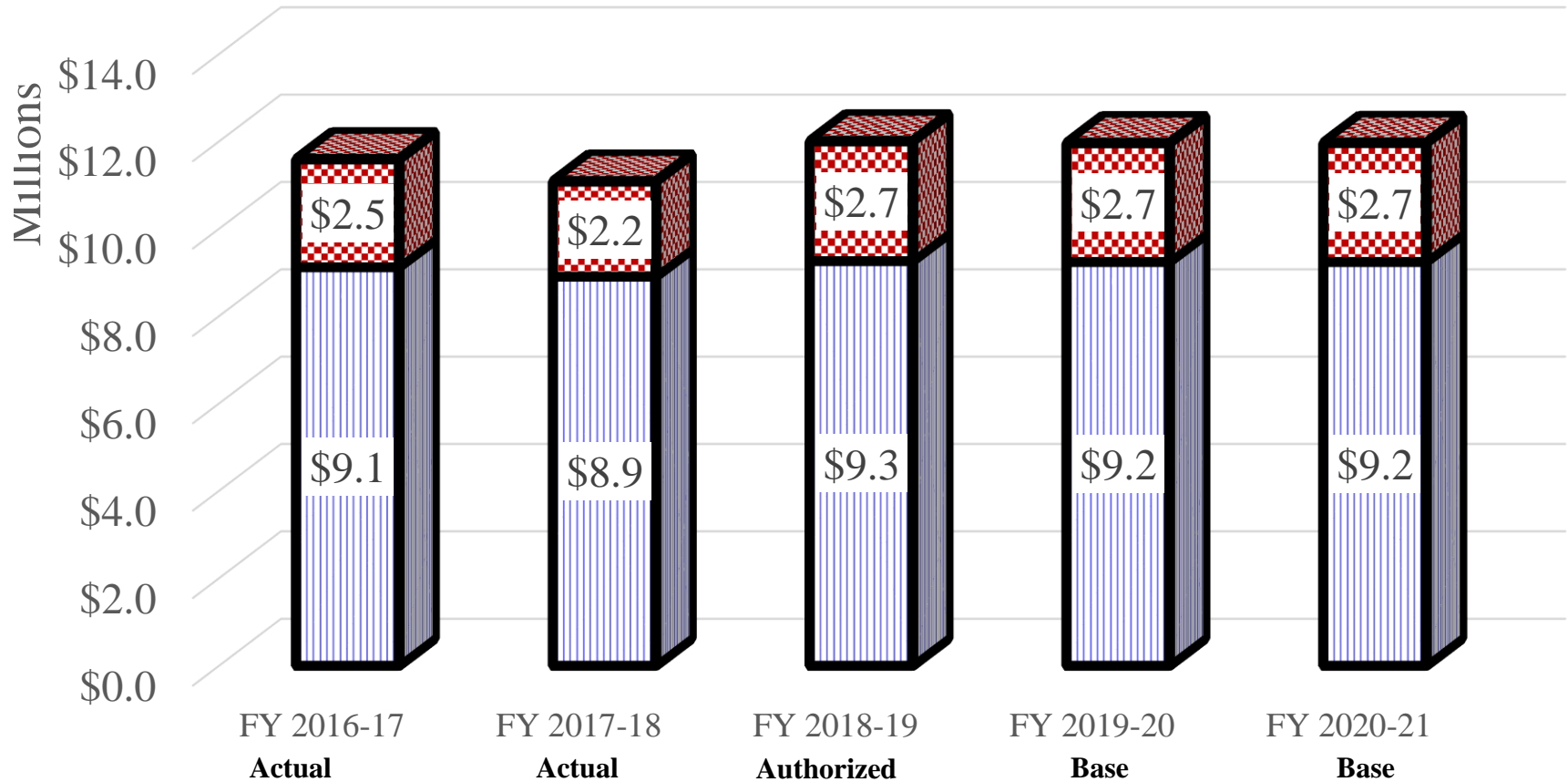
FY 2019-20 CJ T&S Base Budget

CJ Training and Standards By Purpose



Source: DOJ Base Budget (Worksheet I) 02/16/19

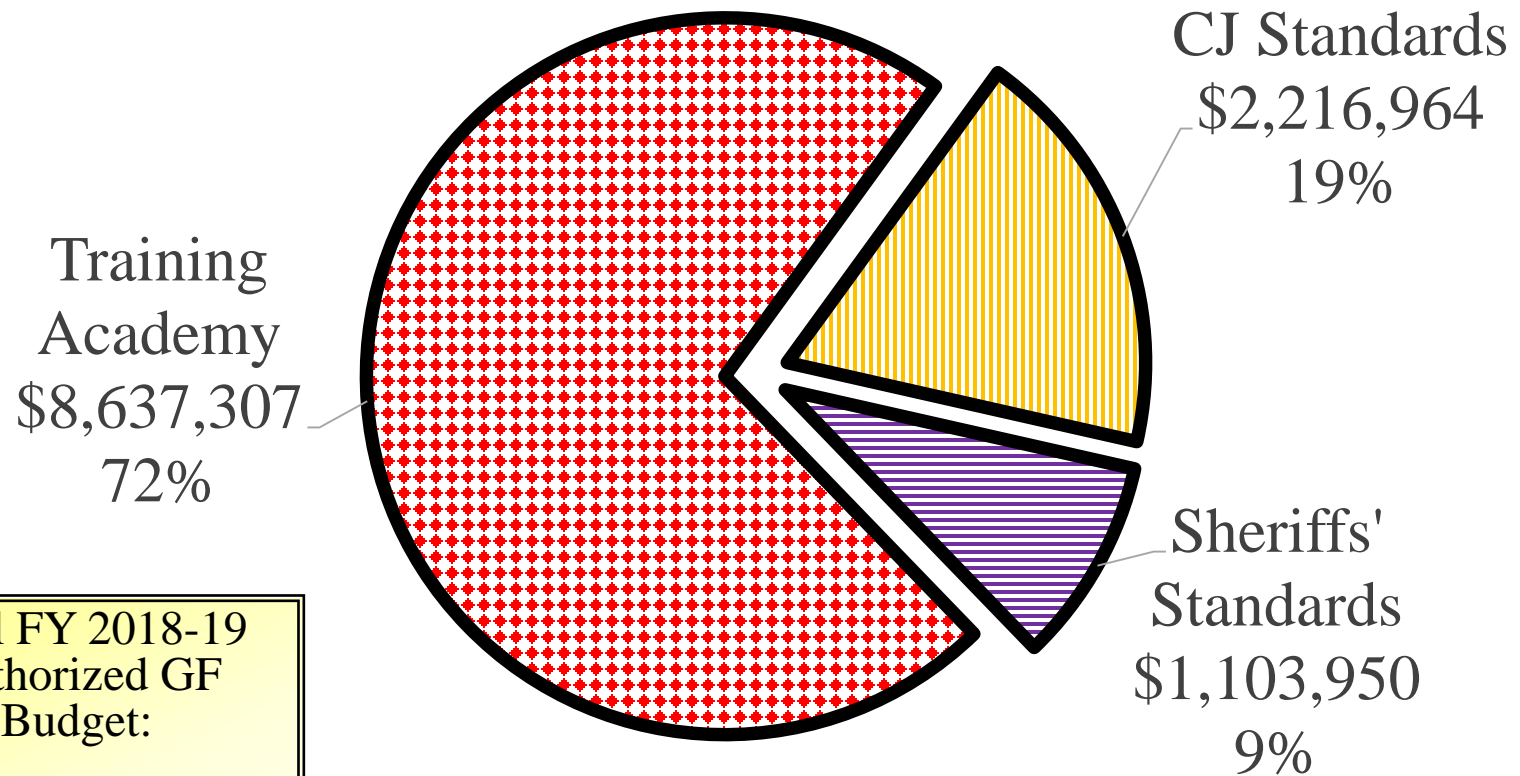
Training & Standards Budget History



■ Appropriation ■ Receipts

Source: NCAS Budget History and DOJ Base Budget (Worksheet I) 02/16/19

DOJ CJ Training & Standards by Section

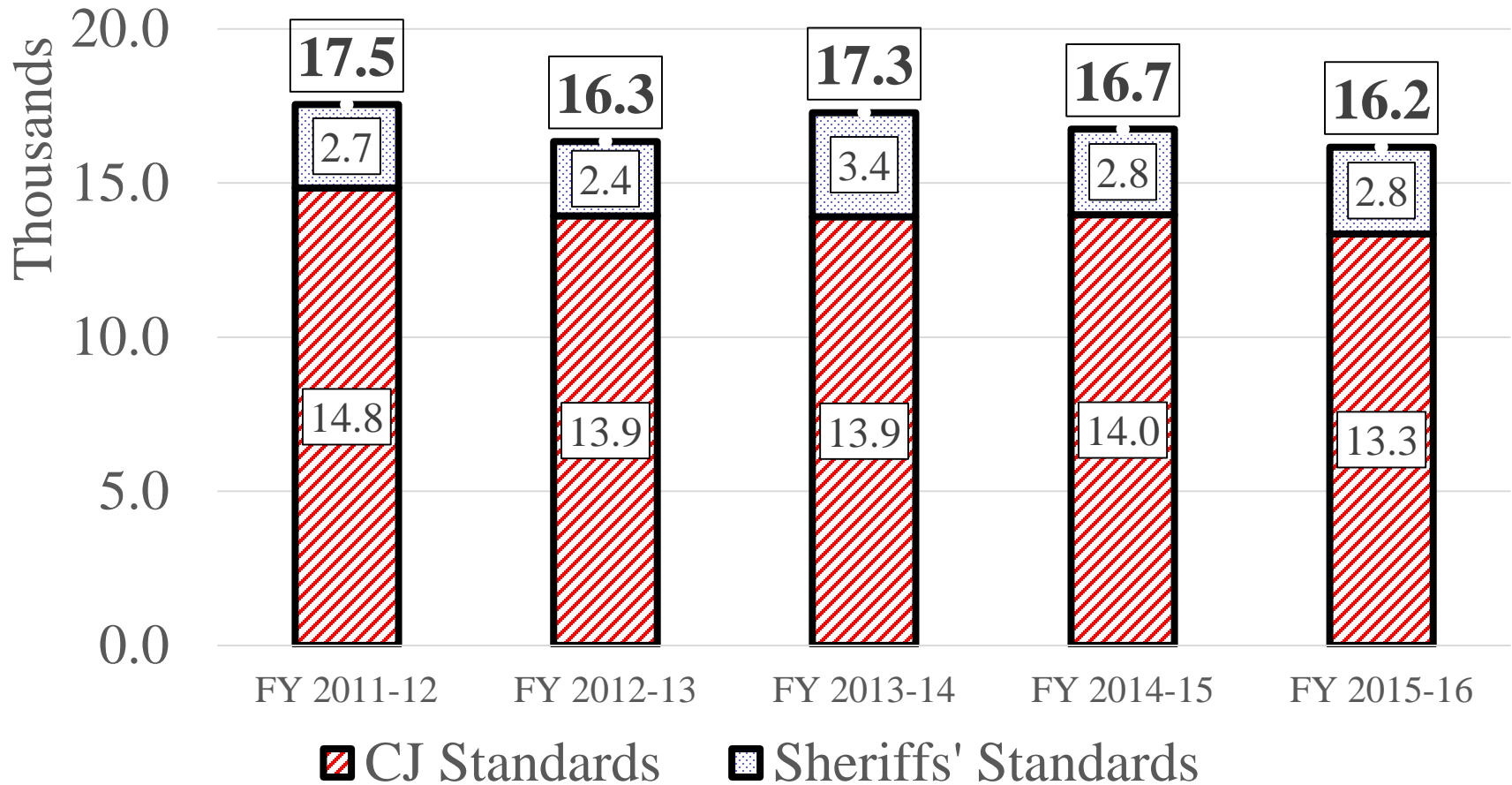


Total FY 2018-19
Authorized GF
Budget:
\$11,958,0221

Source: NCAS

Certified Law Enforcement

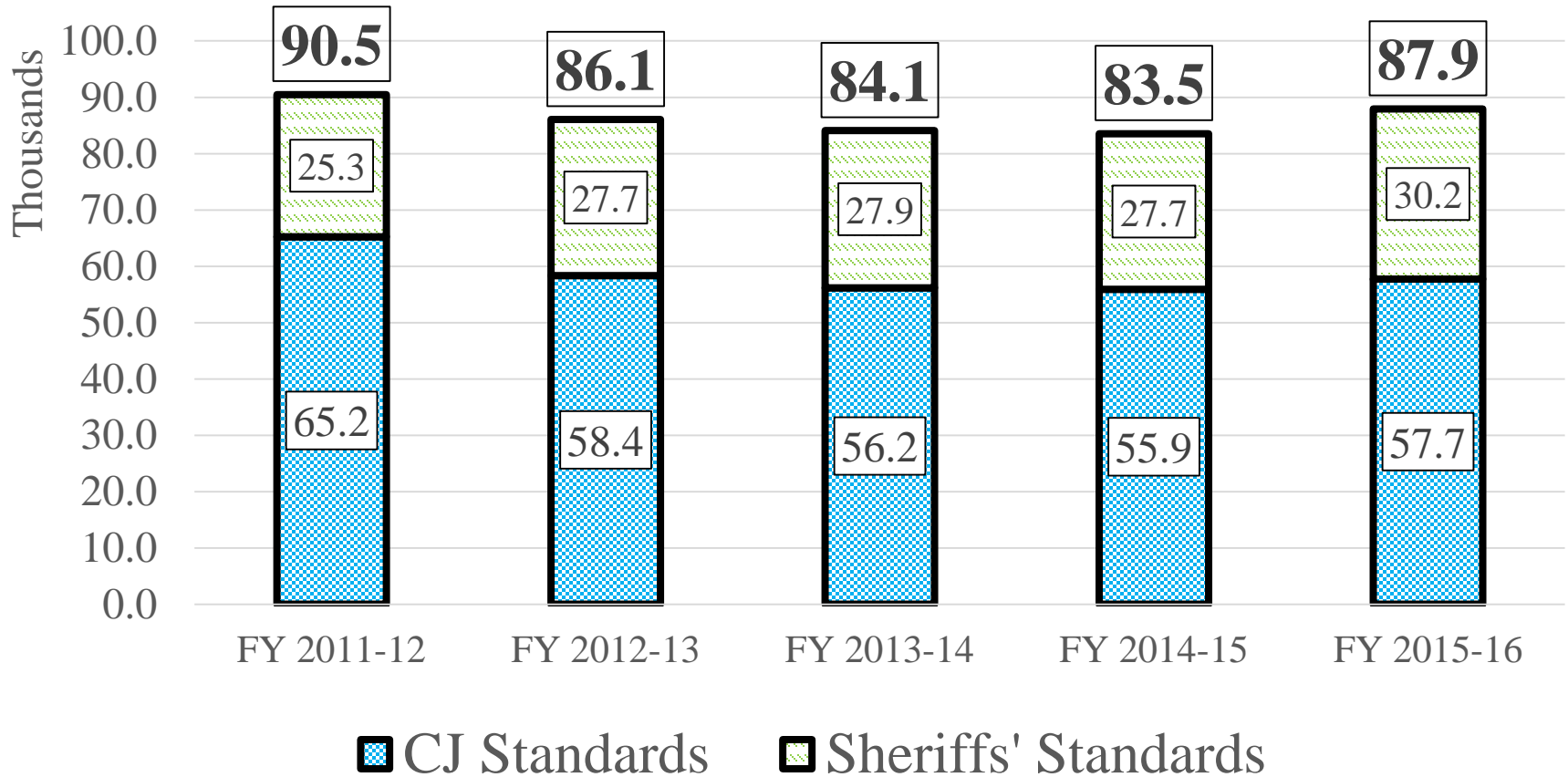
New Law Enforcement Certifications Issued



Source: DOJ

Certified Law Enforcement

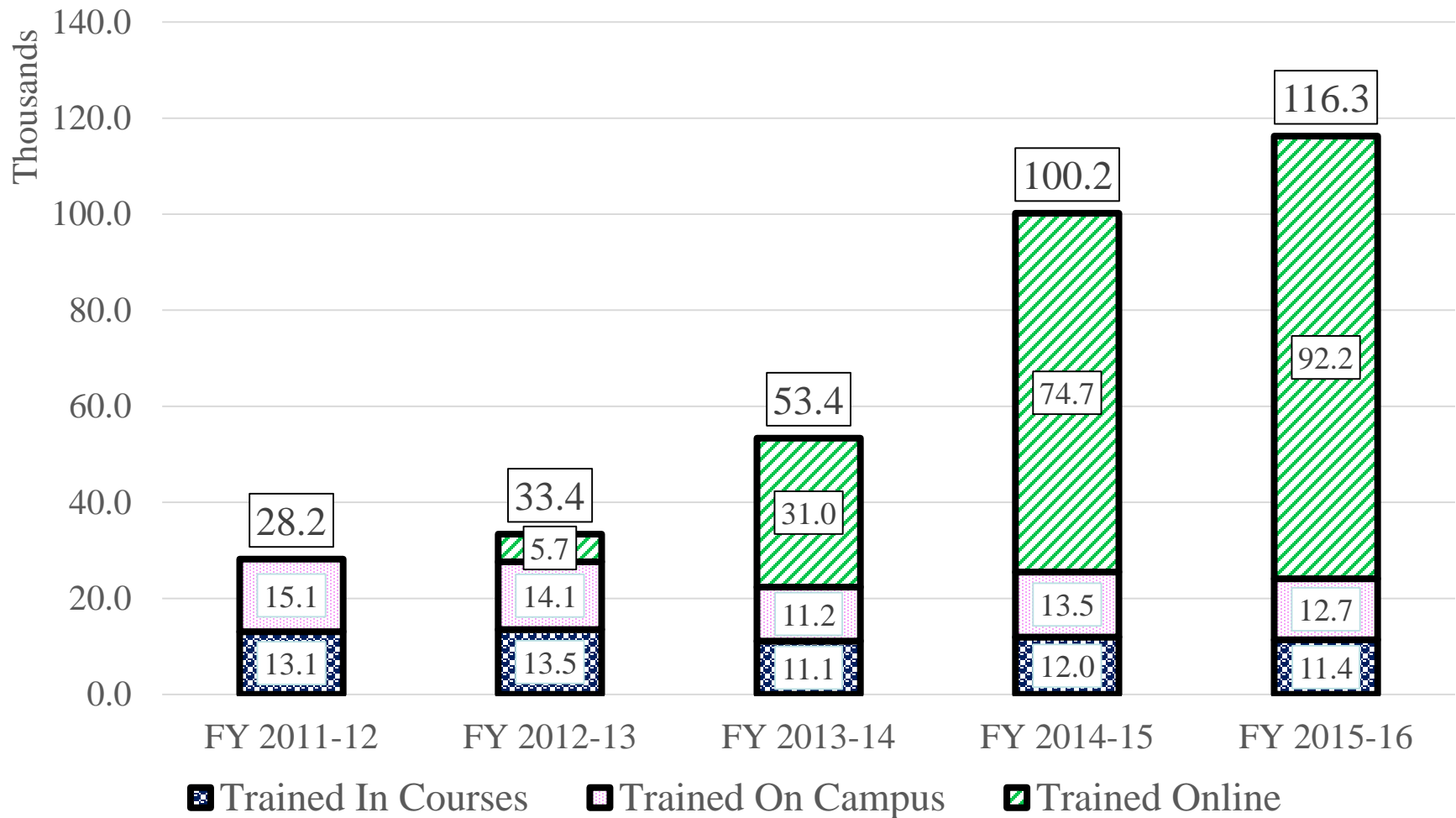
Total Law Enforcement Certifications Issued



Source: DOJ

Justice Academy

Students Trained



Source: DOJ

Issue: Criminal Justice Fellows

- Created in 2018 Appropriations Act but not funded
- Intended to increase CJ professionals throughout the State, esp. in rural areas, by allowing DOJ to sponsor BLET
- DOJ wants to expand to all counties
 - Currently counties with a pop of 75K or less
- FY 2019-20 Request: \$664K R



DOJ State Crime Lab



NC State Crime Laboratory

John Byrd, Director

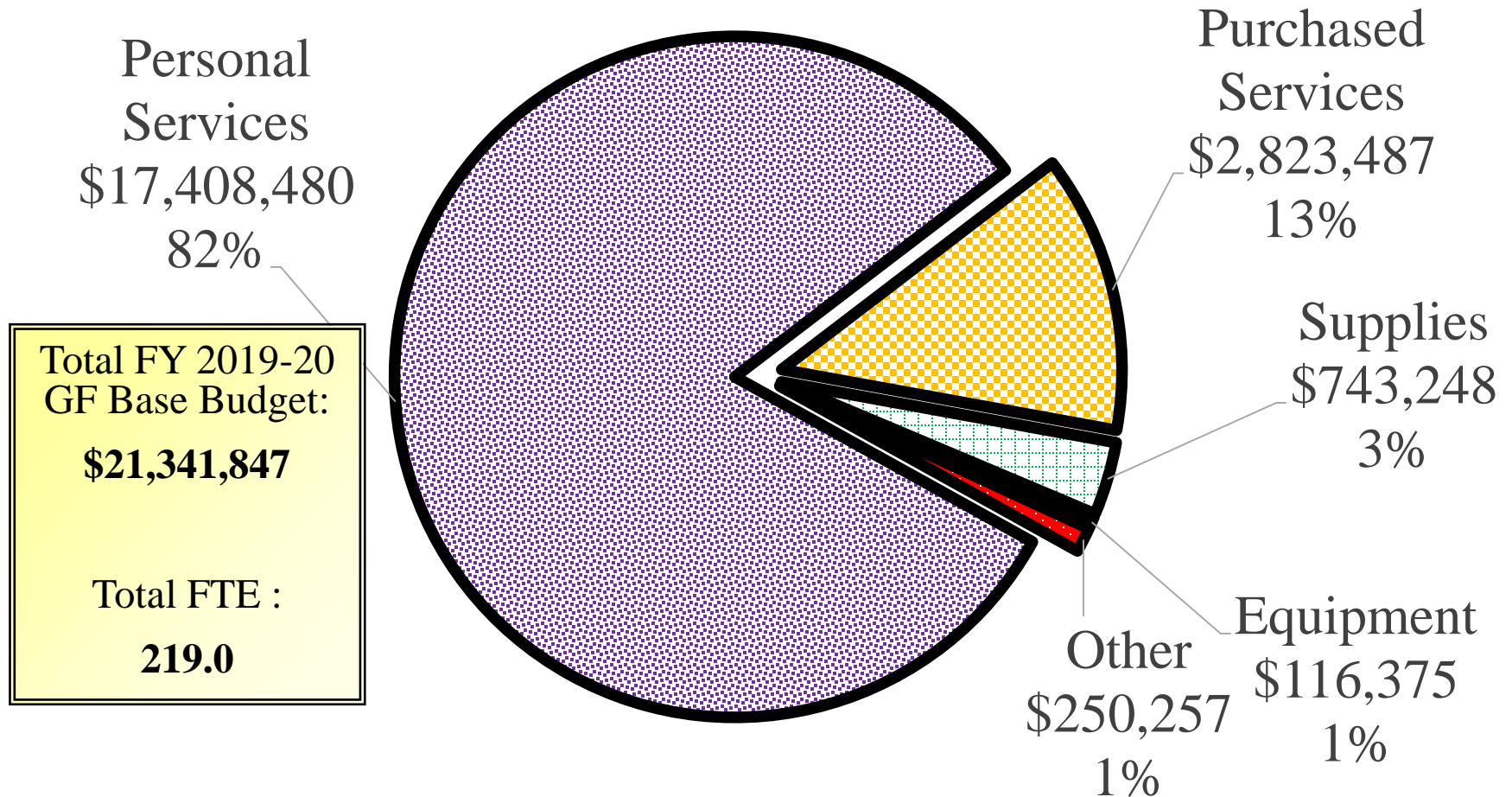
Statutory authorization in G.S. 114-60:

- Establishes the lab
- Directs that a “sufficient number” of skilled people be employed to provide “a reasonable service to the public and the criminal justice system”.



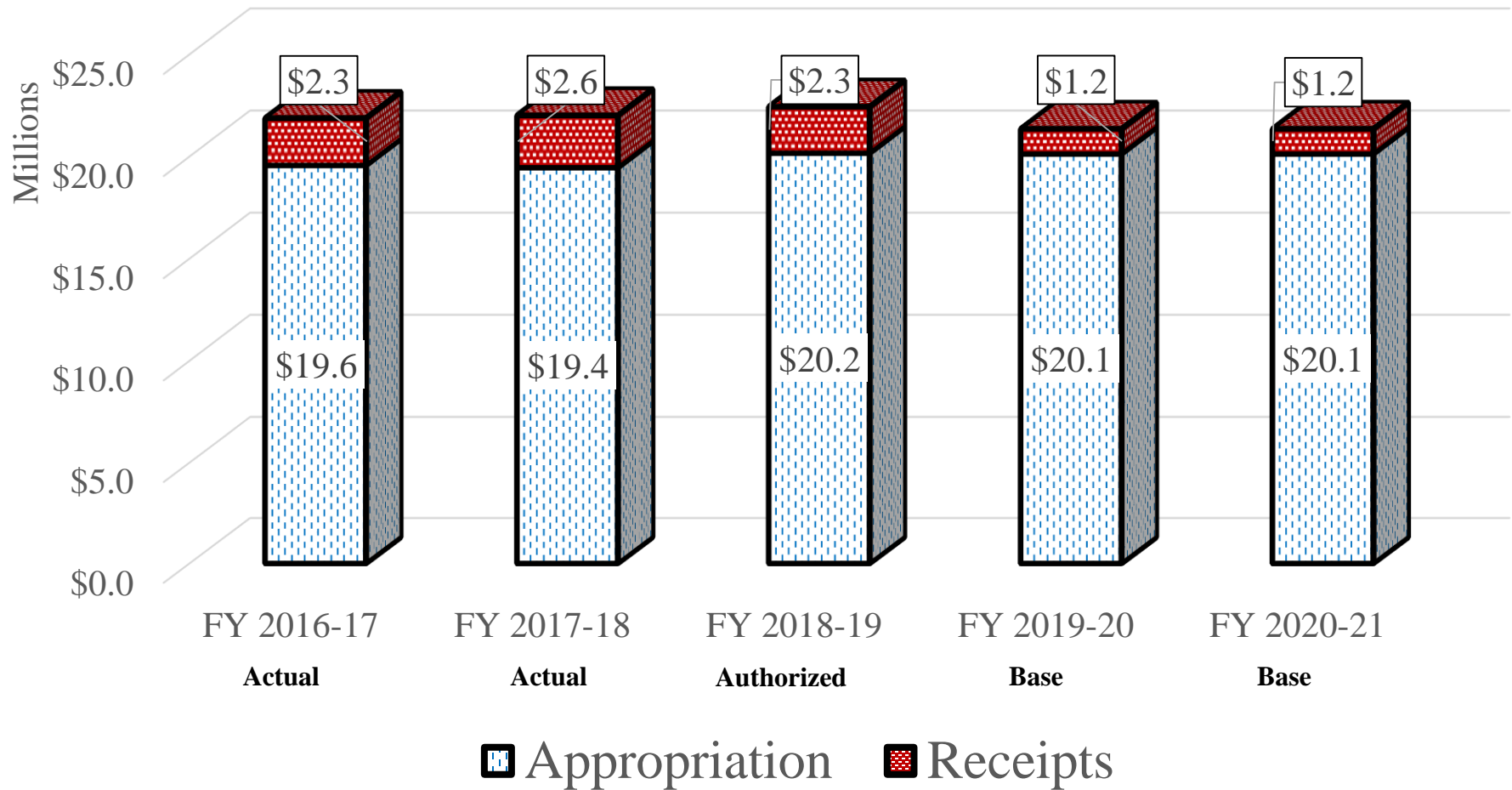
FY 2019-20 Crime Lab Base Budget

Crime Lab By Purpose



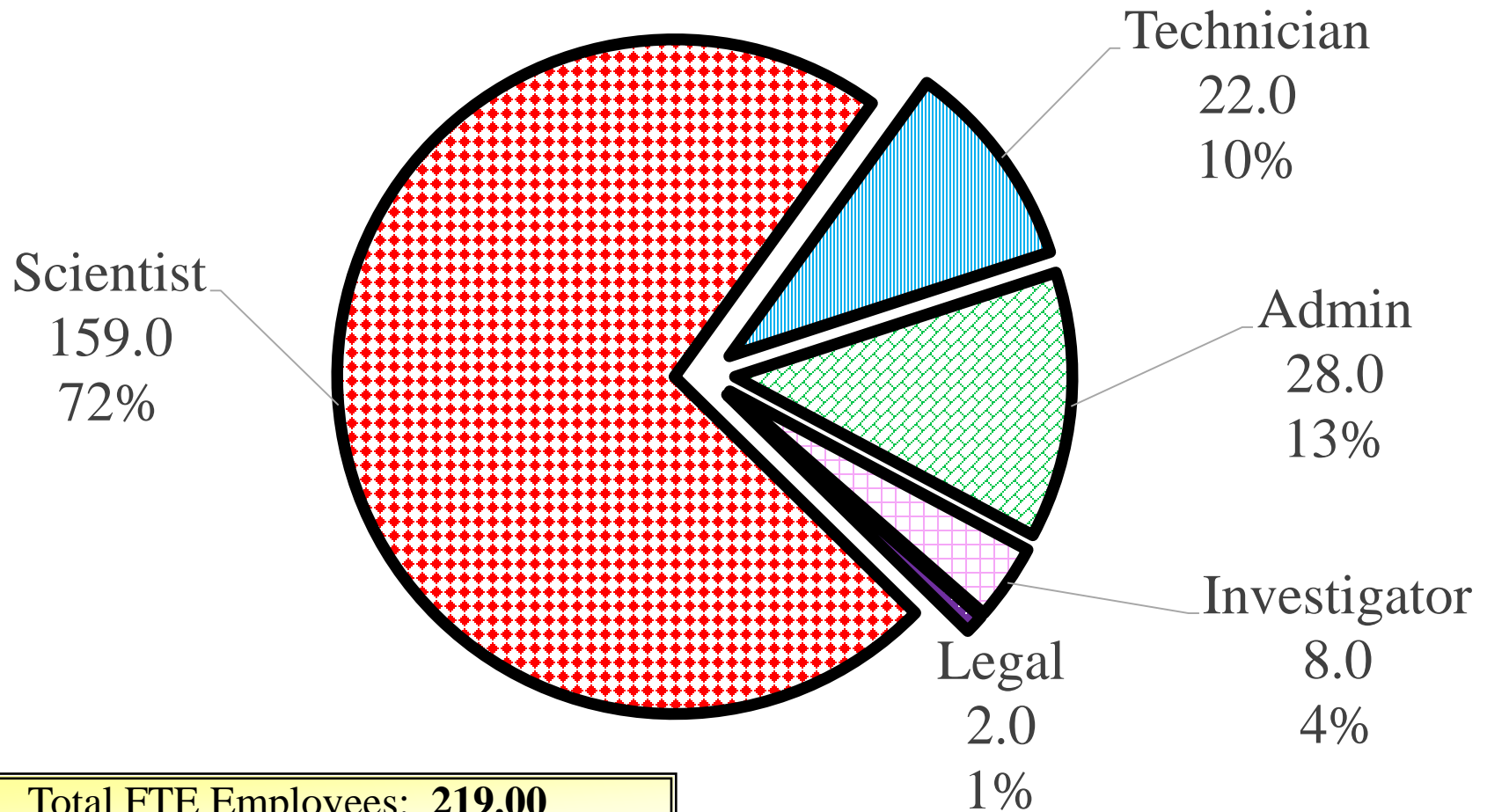
Source: DOJ Base Budget (Worksheet I) 02/16/19

Crime Lab Budget History



Source: NCAS Budget History and DOJ Base Budget (Worksheet I) 02/16/19

Crime Lab Positions: Total by Category



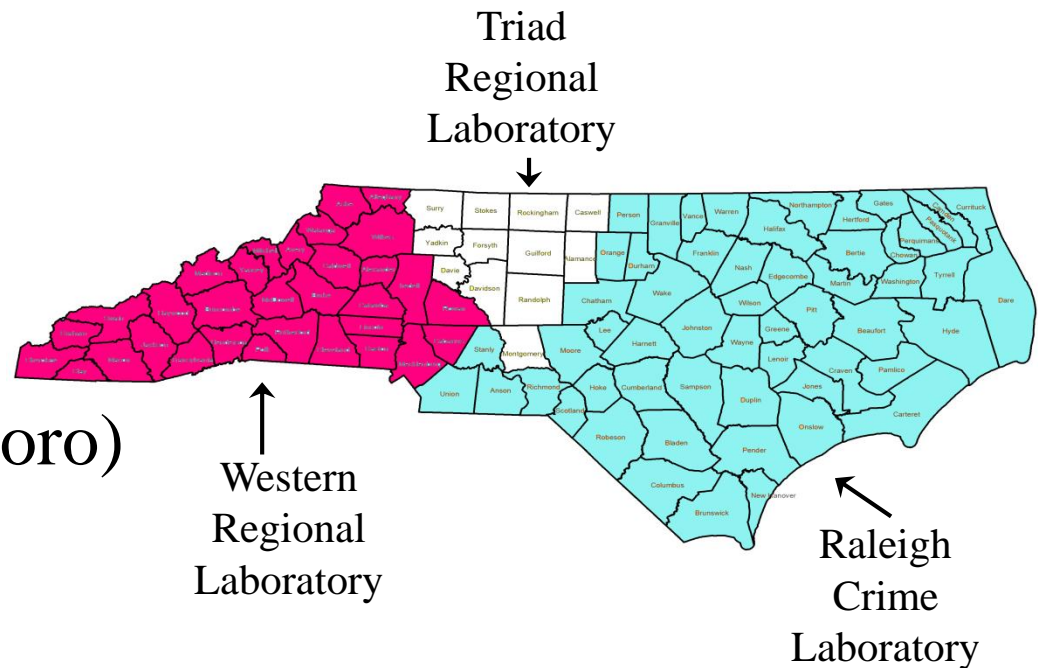
Source DOJ Base Budget (Worksheet I) 02/16/19

Crime Lab Locations

All law enforcement agencies in the State can submit evidence to the Lab for processing

Three regional labs:

- Raleigh (main lab)
- Triad Lab (Greensboro)
- Western Lab (Edneyville)



Crime Lab Disciplines

| Discipline | Forensic Analyses |
|---------------------|---|
| Drug Chemistry | controlled substances |
| Toxicology | controlled substances; alcohol/drugs in blood/urine |
| Forensic Biology | body fluids, DNA testing |
| Latent | fingerprints, palm prints, footprints, footwear, tire impressions |
| Digital | computers, cellphones, audio, video, encryption bypass |
| Trace Evidence | hair, fiber, glass, paint, headlight filaments, gunshot residue, explosives and fire debris |
| Firearm & Tool Mark | weapons, ammunition |
| DNA Database | Process and upload of convicted offender and arrestee samples; maintenance of State DNA Database |

Source: NC State Crime Laboratory

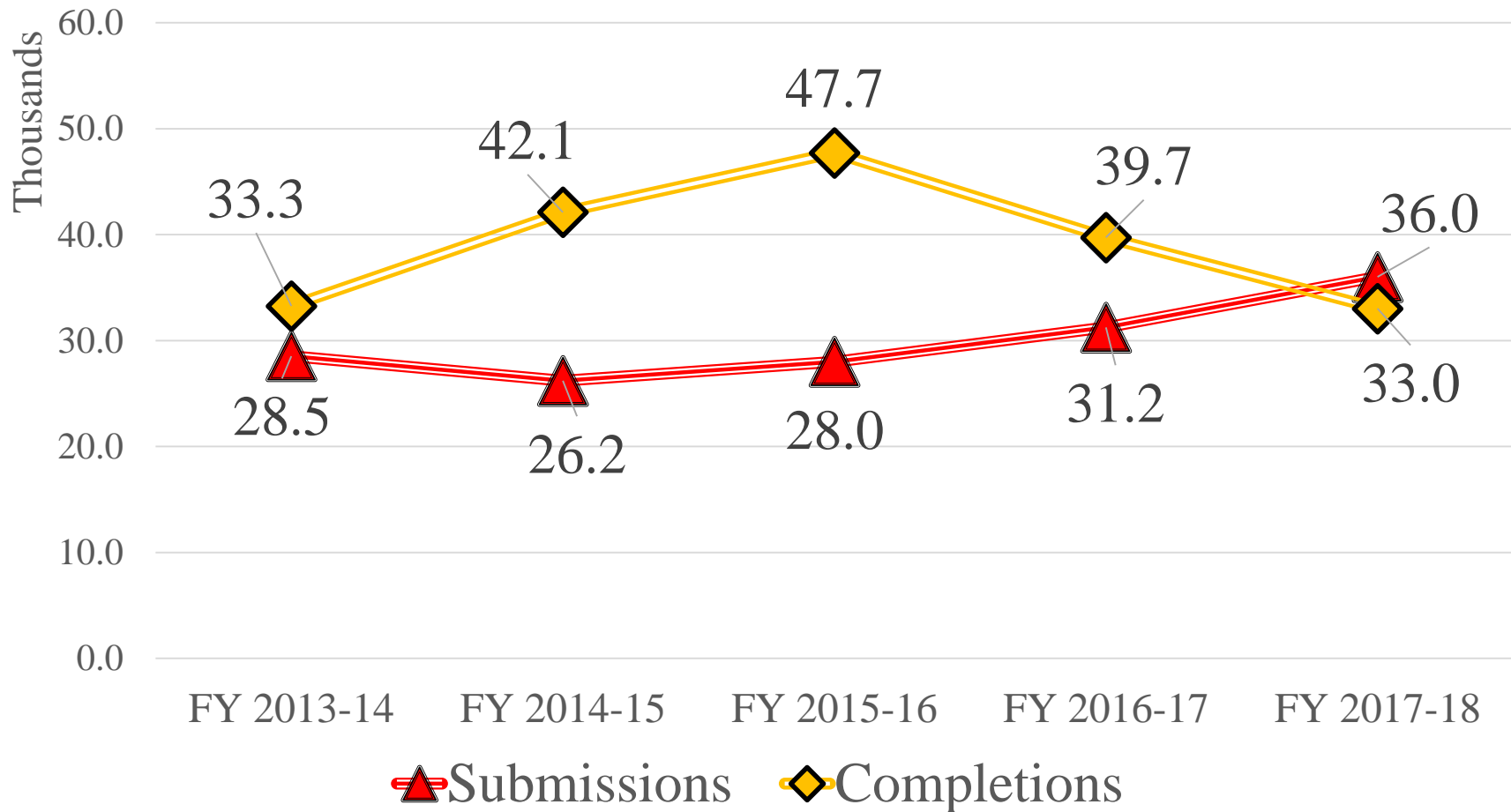
Crime Lab Disciplines

| Discipline | Raleigh Crime Lab | Triad Crime Lab | Western Crime Lab |
|---------------------|-------------------------|-----------------------|-------------------------|
| Drug Chemistry | X | X | X |
| Toxicology | X | X | X |
| Forensic Biology | X | - | X |
| DNA Database | X | - | - |
| Latent | X | X | X |
| Digital | X | - | - |
| Trace Evidence | X | - | - |
| Firearm & Tool Mark | X | - | X |

Source: NC State Crime Laboratory Annual Report, FY 2017-18

Crime Lab Submissions and Completions

Does Not Include DNA Database Submissions

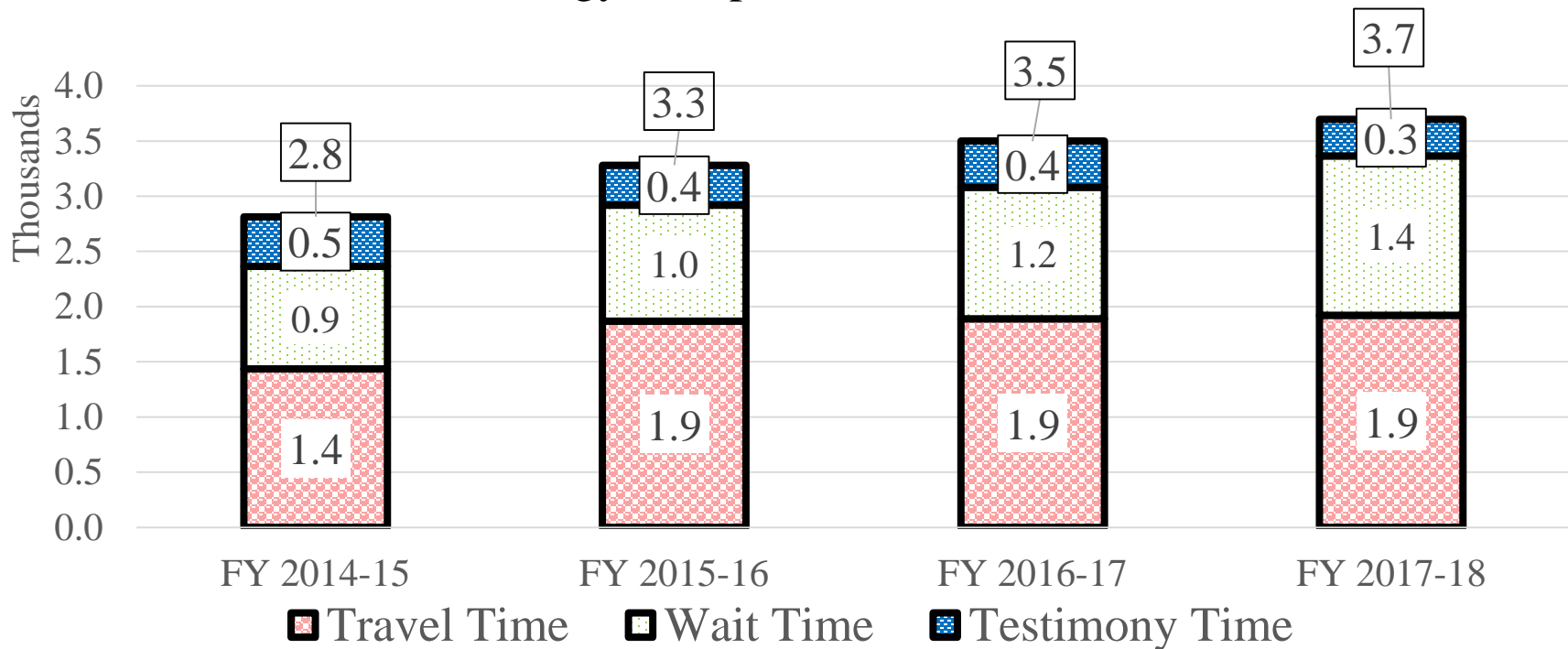


Source: NC State Crime Laboratory Annual Reports, FY 2013-14 through FY 2017-18

Crime Lab Toxicology Issues

Melendez-Diaz v. Massachusetts (2009)

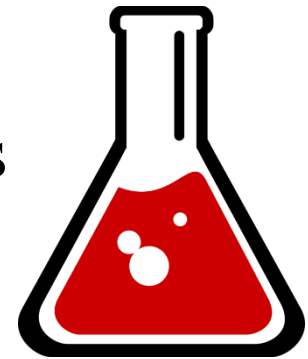
- Requires in-person testimony by lab analysts
- Toxicology is impacted most (DWI cases)



Source: NC State Crime Laboratory

Crime Lab Toxicology Issues

- Outsourcing Appropriations:
 - FY 2004-05: \$250k R to SCL
 - FY 2013-14: \$500k NR to Conf of DAs
 - FY 2015-16: \$750k NR to SCL
 - FY 2016-17: \$2.2m NR to SCL



SCL reports in FY 2016-17 Annual Report that 5,019 toxicology kits were outsourced in this project

Issue: Sexual Assault Evidence Collection Kits

- 2017: DOJ directed to conduct inventory to determine how many untested kits in the hands of local law enforcement: 15,160

| Type of Kit | Number Untested |
|--|-----------------|
| The victim wished to remain anonymous and did not report the incident to the authorities. | 390 |
| The kit was tied to a case that had been resolved in court, whether by conviction, dismissal, or any other matter. | 2,741 |
| The suspect admitted to the sexual act in question. | 1,054 |
| The allegations were determined to be unfounded as a result of further investigation. | 3,820 |
| Kits law enforcement agencies did not place in the above categories. | 7,545 |
| Total Untested Kits | 15,160 |

Source: 2017 Sexual Assault Evidence Collection Kit Law Enforcement Inventory Report, 3/1/2018

Issue: SAECKs

- 2018:
 - SCL acquires new software to manage SAECKs
 - STIMS (SAECK Tracking & Inventory Management System)
 - SCL and DPS set up working group to assess the testability of kits
- FY 2018-19 funding request:
 - \$1.2M R for personnel (12 scientists)
 - \$3M NR for next 2 years to outsource kits

Issue: SAECKs

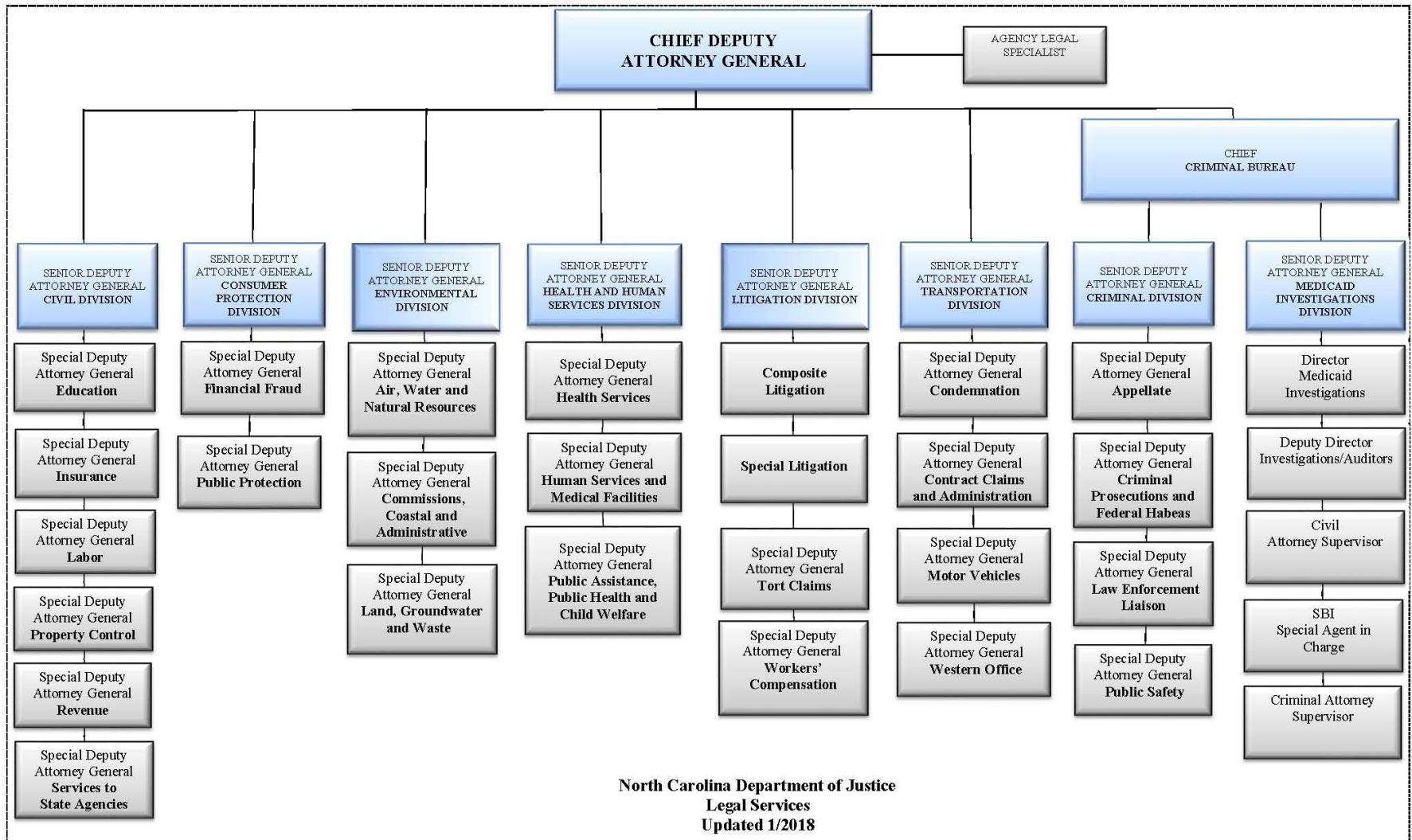
- Untested SAECKs (as of Feb 15, 2019):
 - 1,099 SAECKs requested for outsourcing
 - 973 approved for testing
 - 554 completed by vendors
 - 102 CODIS hits
- Ongoing SAECKs (starting Oct 1, 2018)
 - 120 kits in custody of SCL
 - Collections logged with STIMS:
 - 690 named kits
 - 73 anonymous kits

DOJ

Legal Services



DOJ Legal Services



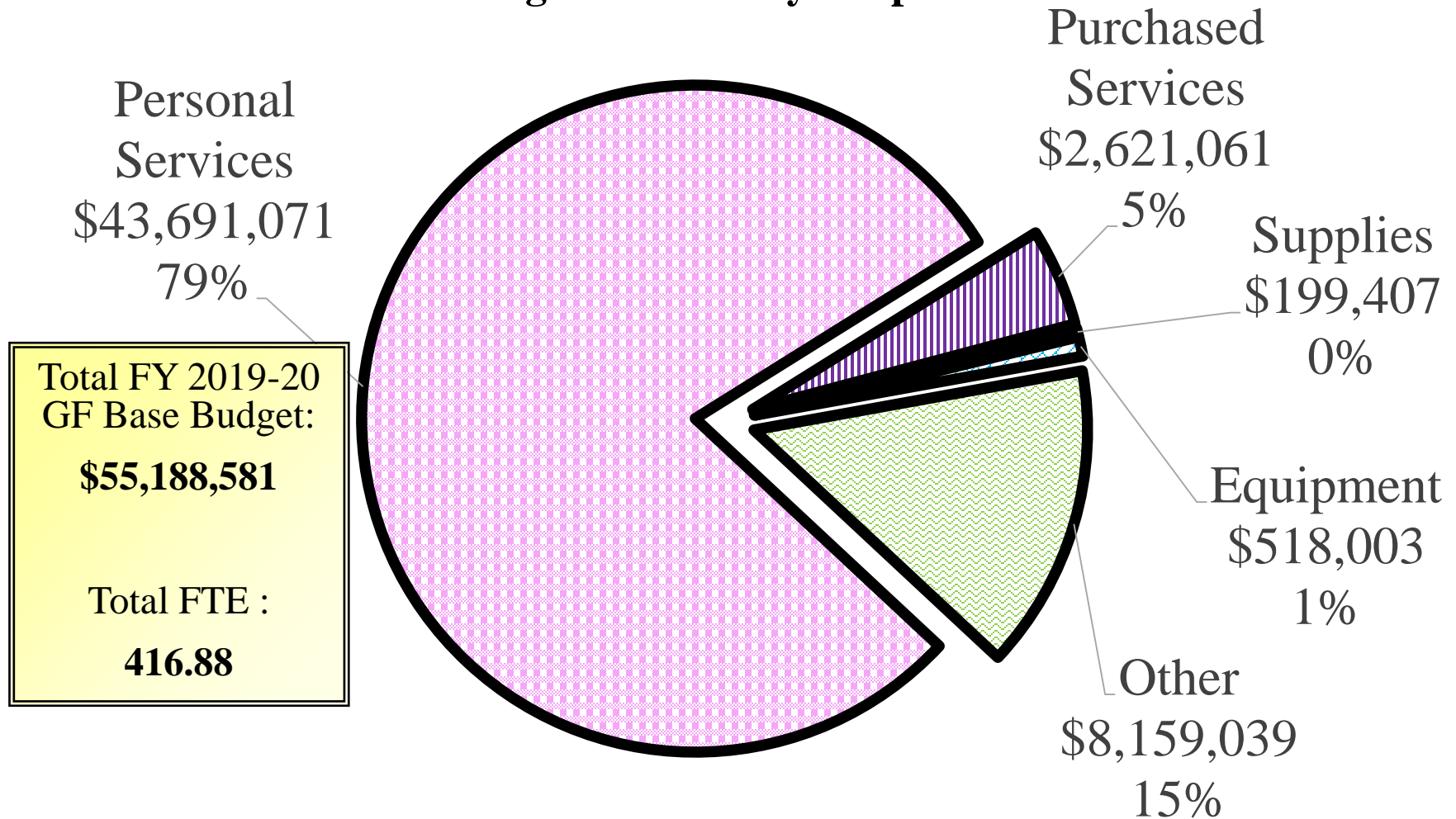
DOJ Legal Services

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
-
- In 2018, more than \$73m in settlements and court awards
 - In 2019:
 - 168 cases with more than \$1m in potential liability each
 - Total potential liability: \$1.38b
 - Defending constitutionality in 841 separate cases

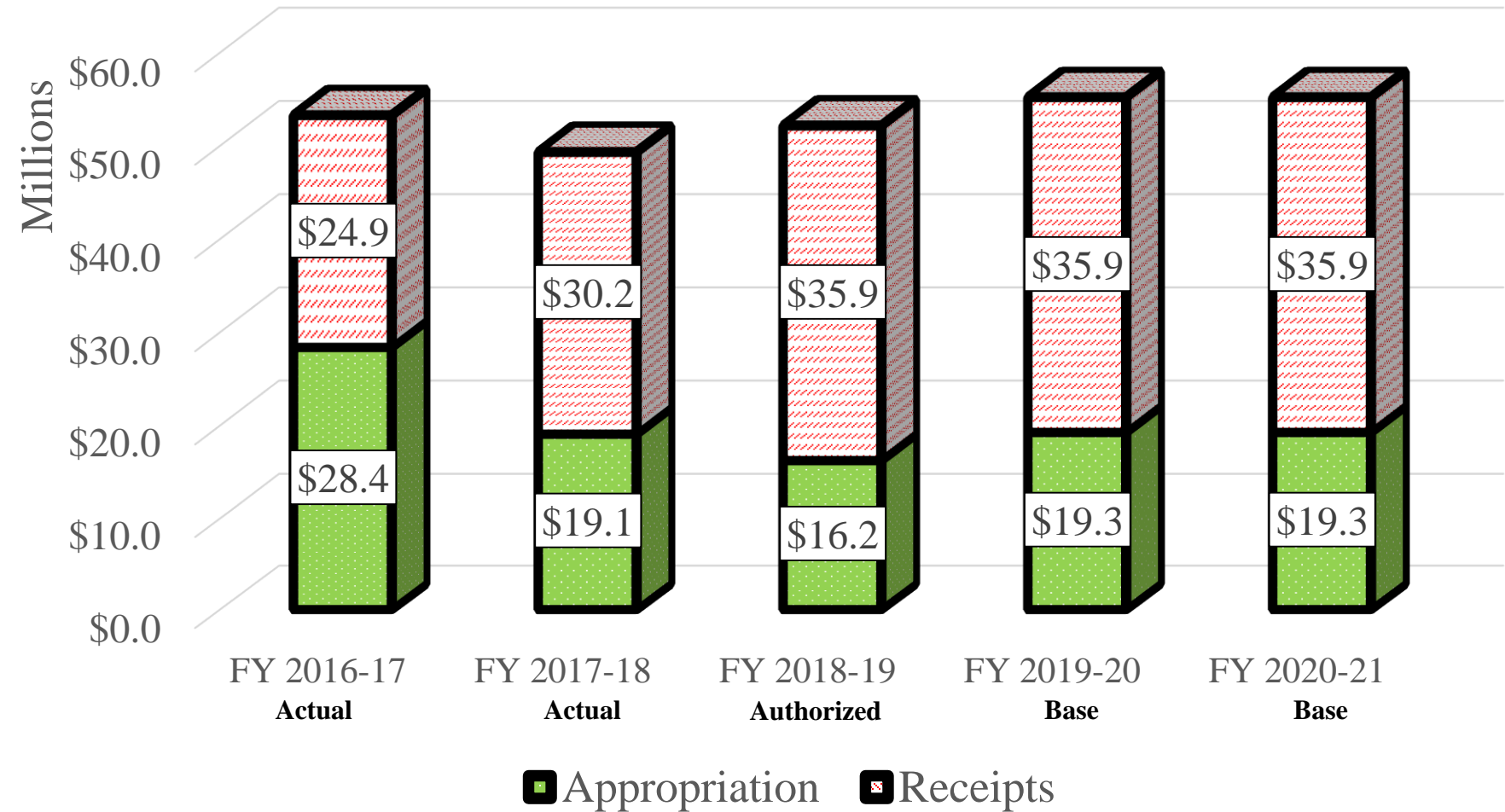
FY 2019-20 Legal Services Base Budget

Legal Services By Purpose



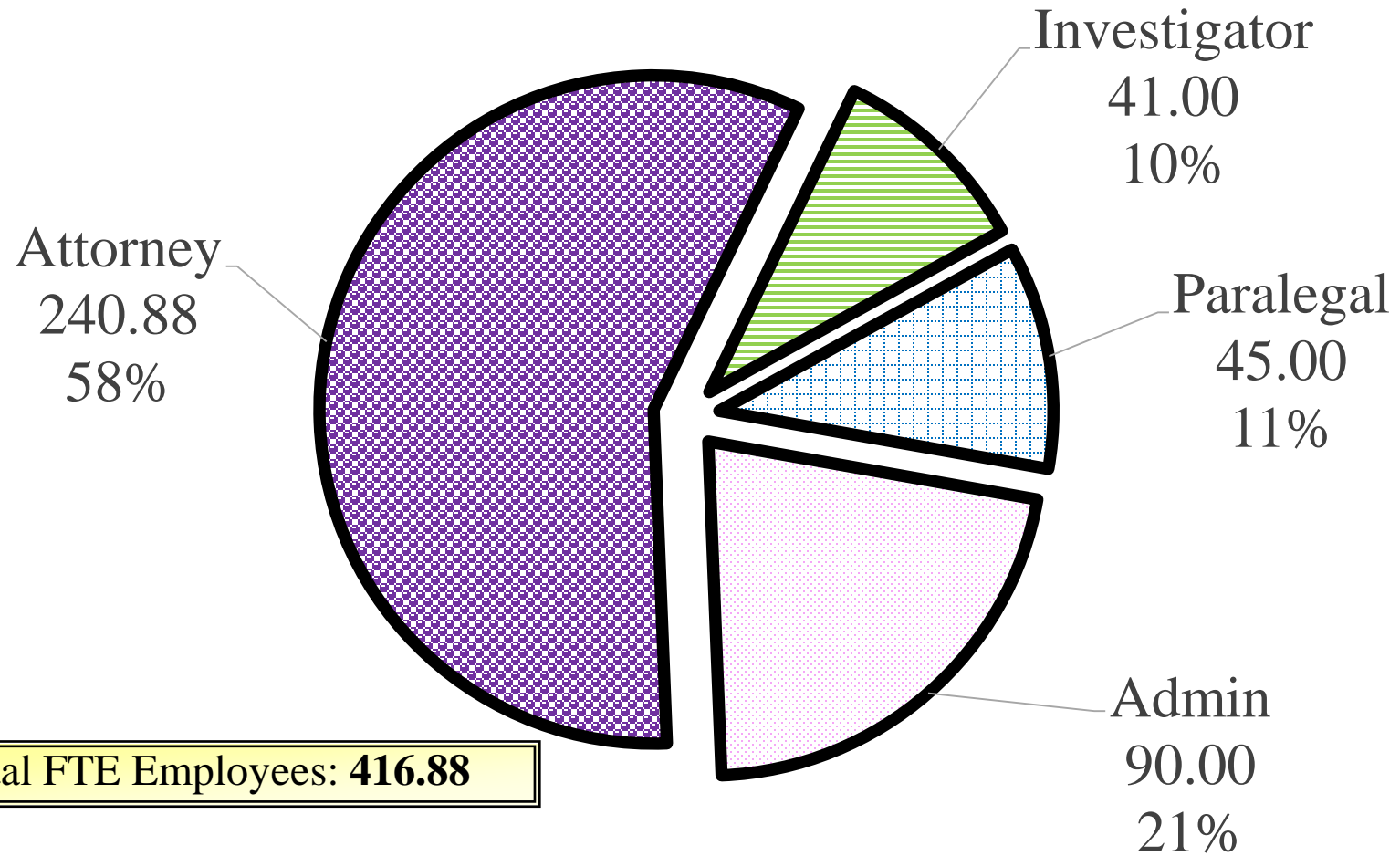
Source: DOJ Base Budget (Worksheet I) 02/16/19

Legal Services Budget History



Source: NCAS Budget History and DOJ Base Budget (Worksheet I) 02/16/19

Legal Svcs Positions: Total by Category



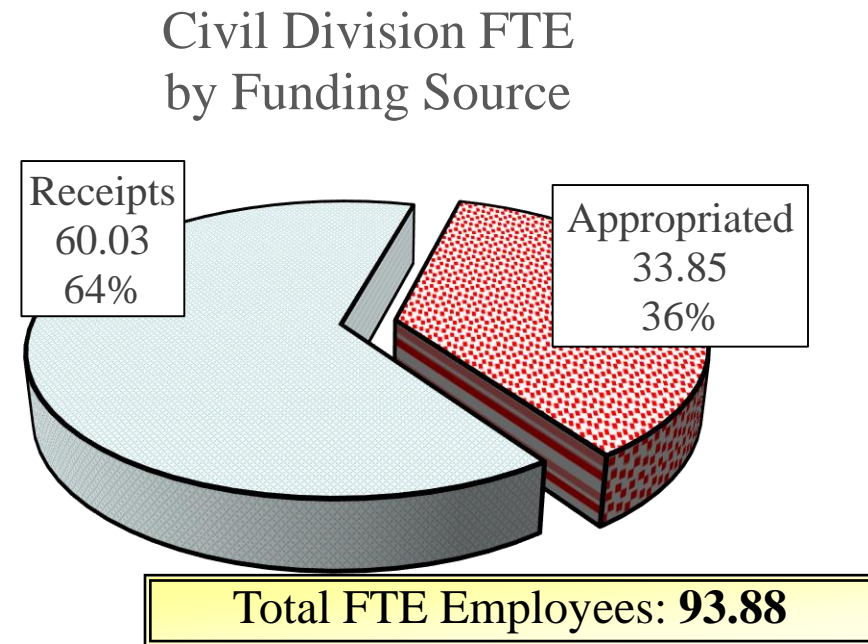
Source DOJ Base Budget (Worksheet I) 02/16/19

Legal Services Civil Division

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

Sections:

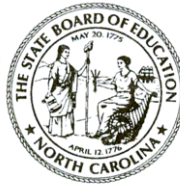
- Education
- Insurance
- Labor
- Property Control
- Revenue
- Service to State Agencies



Source: BEACON BO149, 02/16/2019

Legal Services Civil Division Sections

- Education
- Insurance
- Labor
- Property Control
- Revenue
- Service to State Agencies



NORTH CAROLINA
DEPARTMENT of
COMMERCE



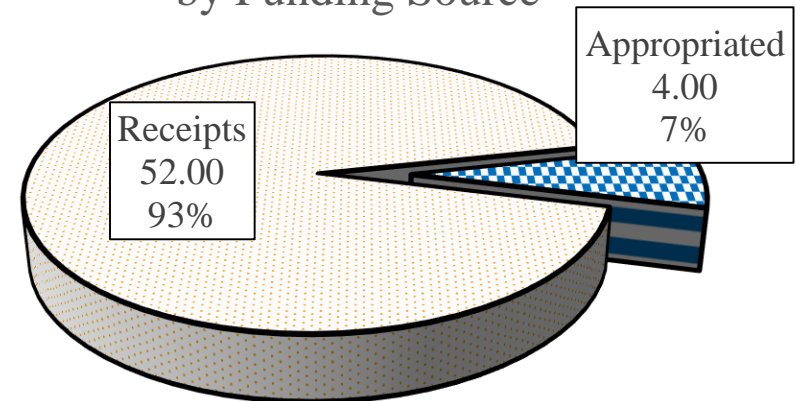
Legal Srvcs Consumer Protection Division

Protect consumers from scams, frauds, unfair or illegal business practices.

2018

- Received 19,022 complaints
- 4,035 related to elder fraud
- Won \$22.7m in consumer settlements
- More than \$15m from Wells Fargo settlement
- Refunded consumers \$3.3m

Consumer Protection Division FTE
by Funding Source



Total FTE Employees: 56.00

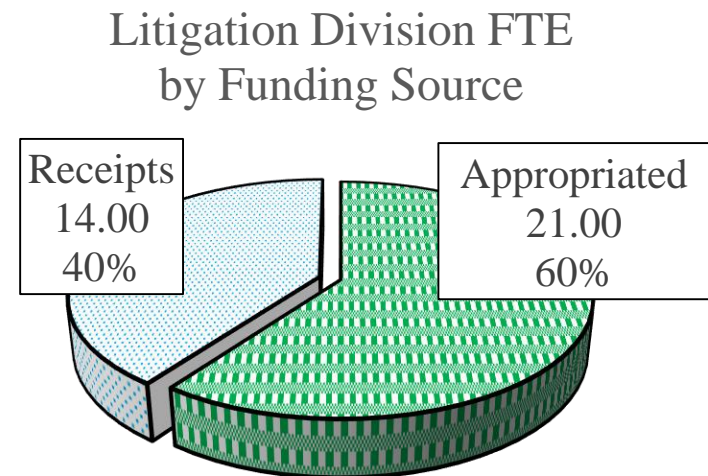
Source: BEACON BO149, 02/16/2019, DOJ

Legal Services Litigation Division

Handles complex litigation of special importance and negligence claims

Sections:

- Special Litigation
- Tort Claims
 - Handled 2k in 2018
 - \$2.5m to public schools
- Workers' Compensation



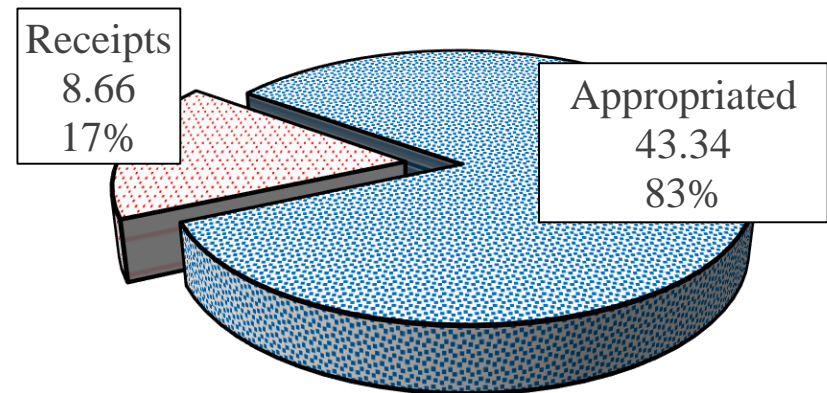
Total FTE Employees: 35.00

Source: BEACON BO149, 02/16/2019, DOJ

Legal Services Criminal Division

Represents the State in criminal appeals, post-conviction litigation, and special prosecutions at the request of a District Attorney and provides legal services for law enforcement agencies and DPS.

Criminal Division FTE by Funding Source



Sections:

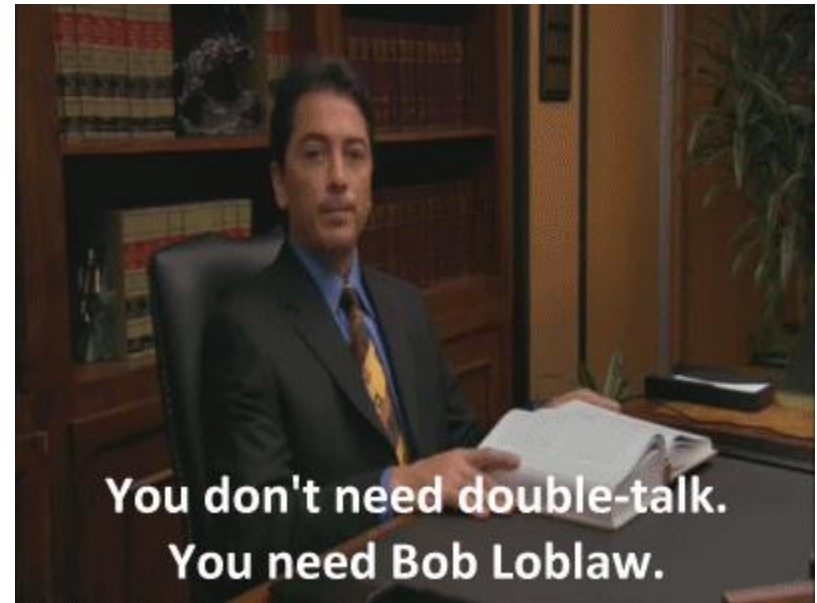
- Criminal Appeals
- Capital Litigation/Federal Habeas Litigation
- Special Prosecutions
- Law Enforcement Litigation
- Public Safety Litigation

Total FTE Employees: 52.00

Source: BEACON BO149, 02/16/2019, DOJ

Legal Services Criminal Division Sections

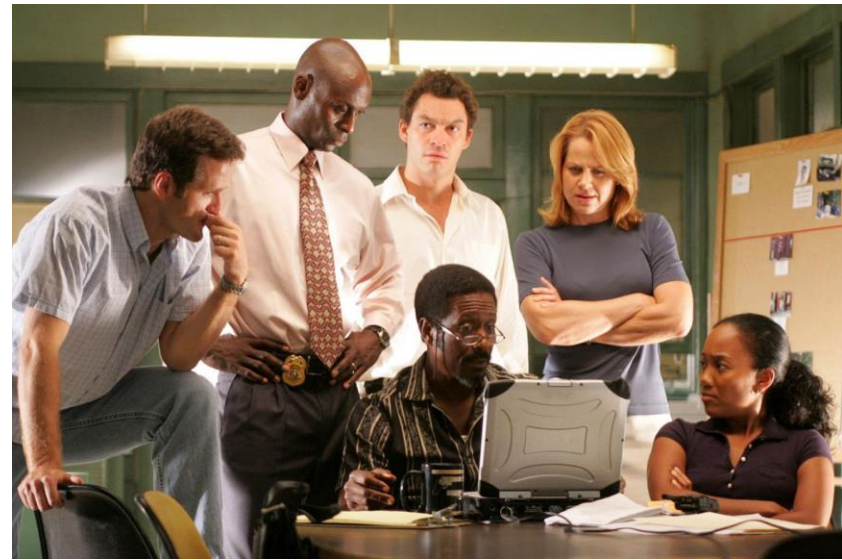
- Criminal Appeals
 - All criminal appeals before the Appellate Courts
 - Petitions for review before US Supreme Court
 - 2018: 602 criminal appellate cases
- Capital Litigation/Federal Habeas Litigation
 - Post-conviction, Motions for Appropriate Relief, complex capital murder cases
 - 2018: 140 capital post-conviction and 74 non-capital habeas



Source: DOJ

Legal Services Criminal Division Sections

- Special Prosecutions
 - Prosecutes at the request of local DA, represents DAs in court, often handle homicides and wiretap prosecutions
 - Prosecutes tax crimes for Dept of Revenue involving tax fraud, tax evasion, embezzlement
 - 2018:
 - 97 complex/conflict cases
 - \$707k in restitution



Source: DOJ

Legal Services Criminal Division Sections

- Law Enforcement Litigation
 - Representing both CJ Training & Standards Commissions
 - 2018: 50 cases defending commissions
- Public Safety Litigation
 - Represents DPS
 - 2018: 140 cases, including prisoner litigation, federal cases, Victim's Compensation Commission appeals, personnel cases

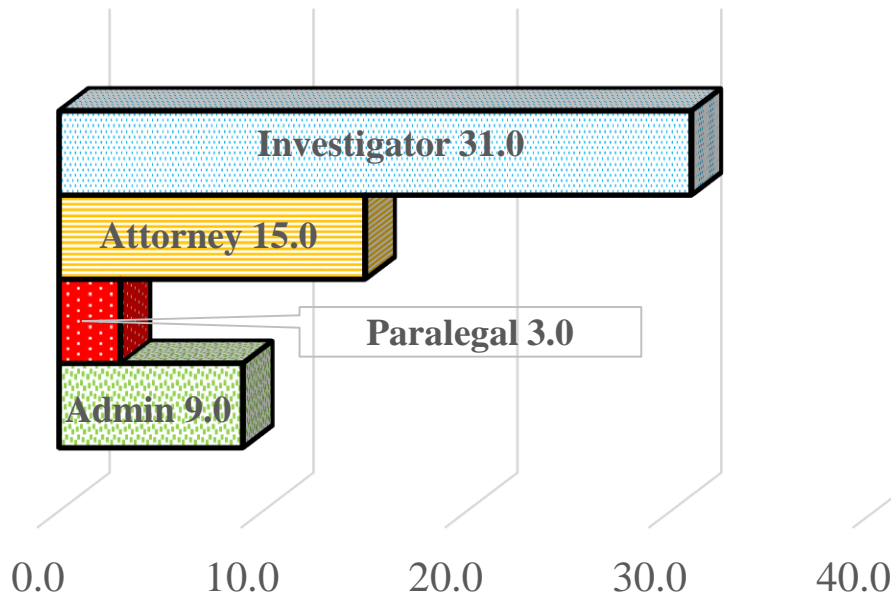


Source: DOJ

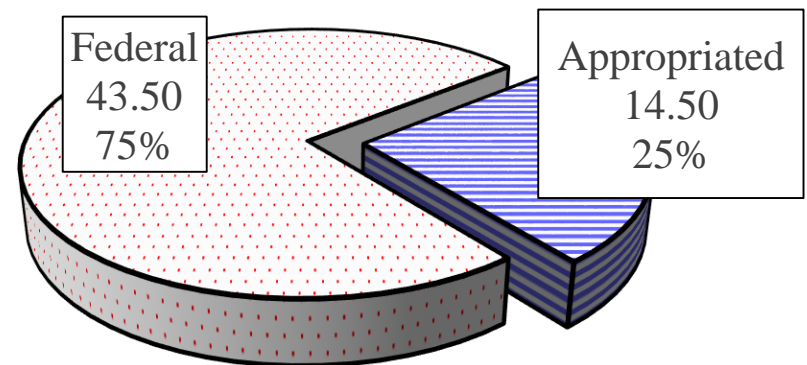
Medicaid Investigations Division

Investigation and prosecution of medical assistance provider fraud

Medicaid Investigations by Role



Medicaid Investigations Division



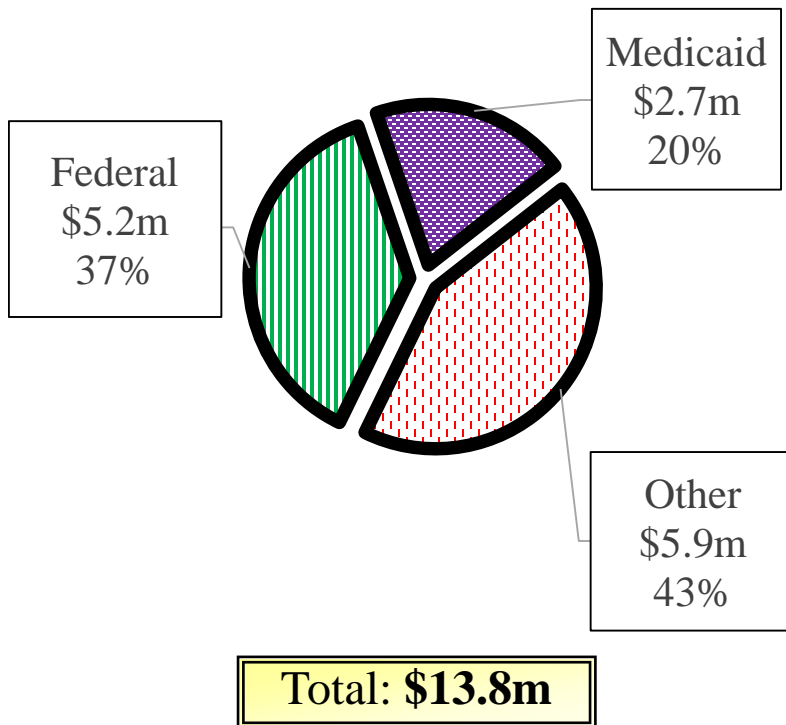
Total FTE Employees: 58.0

Source: BEACON BO149, 02/16/2019, DOJ

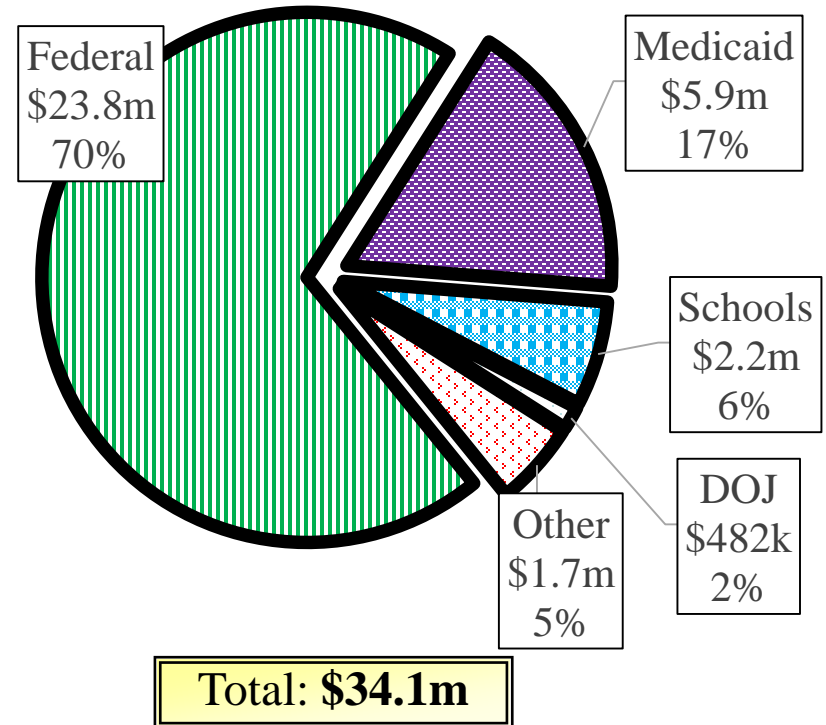
Medicaid Investigations Division

MID Recovered Funds by Recipient, FY 2017-18

Criminal Casework



Civil Casework



Source: Medicaid Investigations Division Annual Report, FY 2017-18

Medicaid Investigations Division

| | FY 2013-14 | FY 2014-15 | FY 2015-16 | FY 2016-17 | FY 2017-18 |
|----------------------|------------|------------|------------|------------|------------|
| Referrals | 423 | 316 | 336 | 260 | 308 |
| Investigations | 561 | 585 | 594 | 535 | 514 |
| Criminal Convictions | 15 | 11 | 27 | 17 | 22 |
| Criminal Restitution | \$14.4m | \$11.4m | \$13.4m | \$3.0m | \$9.6m |
| Civil Settlements | 11 | 17 | 29 | 15 | 20 |
| Civil Recovery | \$41.4m | \$14.8m | \$80.8m | \$2.0m | \$30.1m |

Numbers don't match prior page because of joint awards included above

Source: DOJ Medicaid Fraud Unit Annual Reports

Other Legal Services Divisions

Environmental Division (26.0 FTE: 16 appropriated, 10 receipt-supported)

- Advises and represents DEQ
- In 2018:
 - Handled 300 civil penalty collection cases
 - Collected \$550k

Health and Human Services Division (70.0 FTE: 13 app., 57 receipts)

- Advises and represents DHHS
- In 2018:
 - Handled 2,133 Medicaid cases, 205 child welfare, 59 unlicensed healthcare workers, 223 adult care and mental health licensure
 - Collected \$790k in delinquent child support

Transportation Division (17.0 FTE: all receipts)

- Joint report to DOT and DOJ – completely funded in DOT budget
- In 2018, closed 504 cases involving condemnation, contract claims, and motor vehicles

Source: BEACON BO149, 02/16/2019, DOJ

Issue: Management Flex Cut

- 2017 Appropriations Act:
- \$10,027,276 R reduction to DOJ budget
- Permitted DOJ to only take the cut from Admin and Legal Services
 - Represented 33% of FY 2016-17 appropriation for 1100 (Admin), 1200 (Legal Services), 1991 (Indirect Reserve)

Issue: Management Flex Cut

A. DOJ eliminated 46 positions

- 17 attorneys, 12 legal support, 17 other
- \$3.6m R

B. DOJ increased receipts from other agencies

- \$3.1m R

C. DOJ moved NR funds (including funds for case management system)

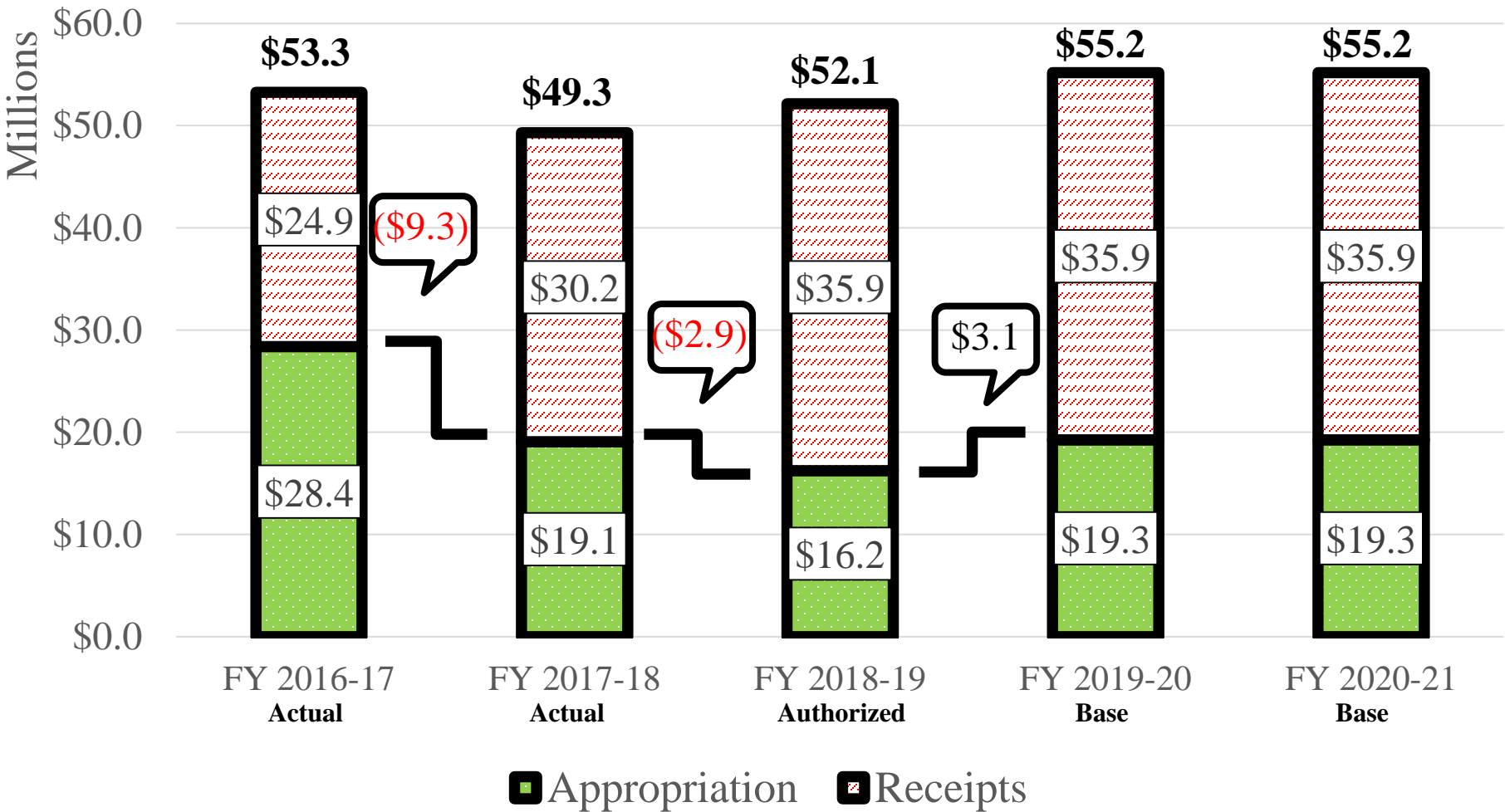
- \$3.7m NR

Source: DOJ Report on Management Flex Cut, 8/1/2018

Issue: Management Flex Cut

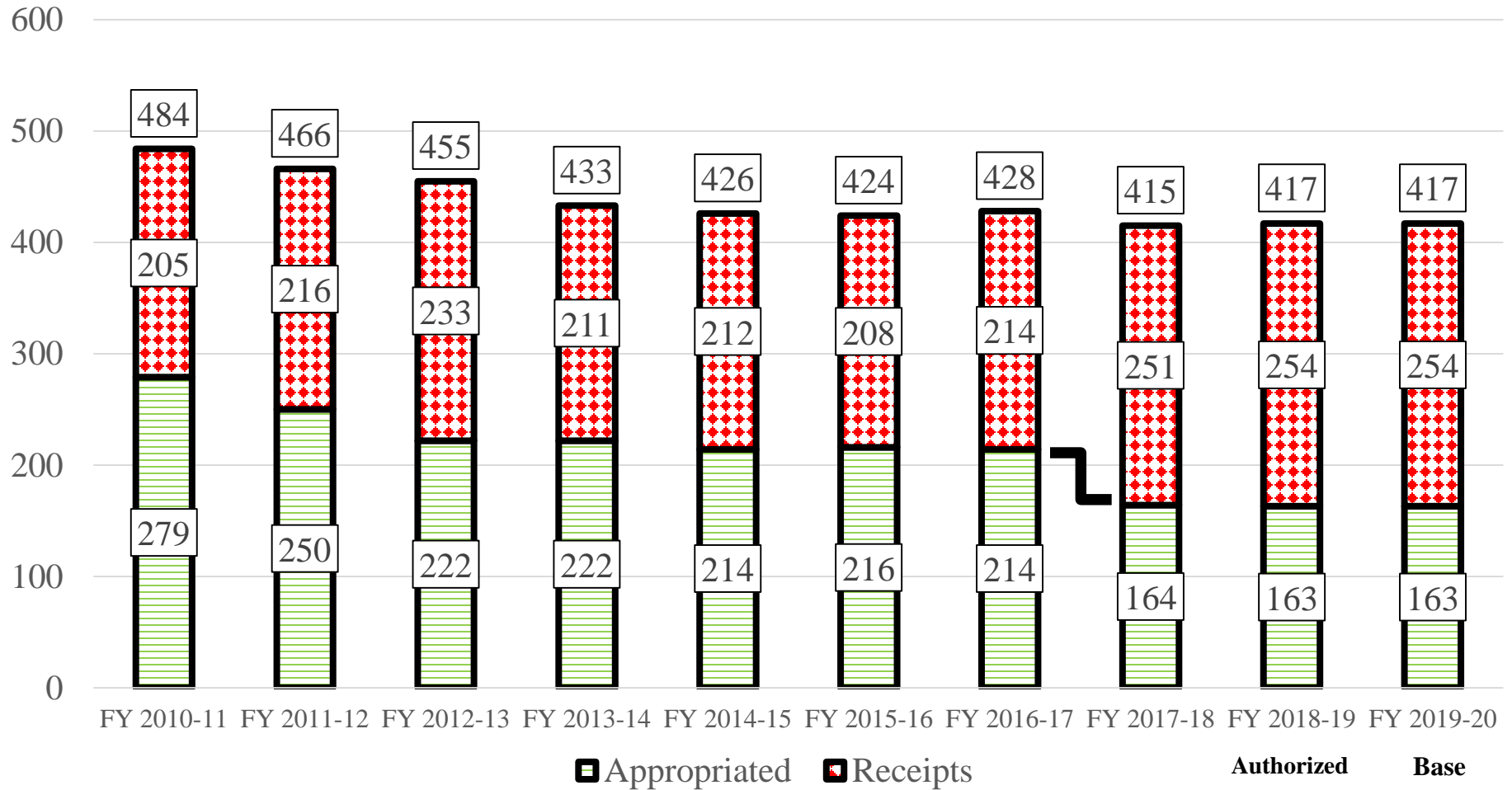
- 2019-21 Biennial Recommended Base Budget
 - Adds \$3.1 R reserve to Legal Services (Fund 1200)
 - Does not increase Admin (Funds 1100 and 1991)
- OSBM cites constitutional need for Governor to protect public safety and present balanced budget

Legal Services Budget History



Source: NCAS Budget History and DOJ Base Budget (Worksheet I) 02/16/19

Legal Services FTE by Funding Source



Source: NCAS Budget History and DOJ Base Budget (Worksheet I) 02/16/19

Questions

