

FY21 Budget Performance Review

Office of Attorney General-049

Lead Administrator: Dawn Cash

Lead Financial Officer: Curt McMurphy

Agency Mission

It is the mission of the Oklahoma Attorney General to protect and defend the interests of Oklahomans and the State of Oklahoma by acting with excellence as its chief legal officer.

Division and Program Descriptions

Administration

Administration is primarily responsible for agency management and direction. Administration is responsible for setting the agency mission and goals and performance measures needed to obtain that mission. Administration also houses the centralized functions of the agency essential to all other units and sections. This program also establishes the direction the agency will go in reaching out to the citizens of Oklahoma. Administration plans on continuing the identification and implementation of new legal solutions to persistent problems and looking for innovative ways to maintain employee morale and work product.

Civil Rights Enforcement

The Office of Civil Rights Enforcement serves Oklahoma citizens by educating and providing educational resources to the public regarding anti-discrimination rights and responsibilities; enforcing the Oklahoma Anti-Discrimination Act, which prohibits discrimination in employment, housing, and public accommodation, and other civil rights related laws; partnering with the public to positively and proactively advance the cause of civil rights for the equal benefit and enjoyment of all Oklahomans.

Conservation Unit

The Conservation Unit protects the people and the environment of Oklahoma by providing legal counsel and guidance to state offices and agencies and by bringing litigation on behalf of the state. The Conservation Unit serves as general counsel to the Environmental Quality Board and provides legal assistance to the Secretary of Energy and Environment, who is the state's natural resources trustee.

Consumer Protection

Through its Consumer Protection Unit, the Oklahoma Attorney General is committed to combating consumer scams and fraud. To achieve this goal, the Consumer Protection Unit assists consumers through community outreach and education programs; intake and investigation of consumer complaints; and initiating prosecutorial action, when necessary, against those engaged in illegal, deceptive, fraudulent, or unfair advertising or sales practices. Throughout the year, Consumer Protection attorneys, investigators, and staff participate in community events to educate Oklahomans on subjects ranging from government imposter scams and cyber threats to avoiding fraud in the wake of weather-related disasters. In addition, the Consumer Protection Unit annually sponsors the Attorney General's Consumer Protection Day, which unites representatives from many state and federal agencies to directly engage with consumers and provide informational materials regarding the dangers of consumer fraud. The Consumer Protection Unit manages thousands of consumer complaints, and as a result, tens of thousands of dollars are returned to consumers every year. The Consumer Protection Unit is responsible for the enforcement of numerous state and federal laws that protect consumers against deceptive, unfair and fraudulent business practices. In addition, the Consumer Protection Unit is charged with enforcing various laws that regulate charitable giving within the state. Through these laws, the unit ensures that charitable organizations are engaging in proper solicitations and that the intent of charitable donors is honored by reviewing and enforcing restrictions on charitable gifts and trusts.

Criminal Appeals

The primary purpose of the Criminal Appeals Unit is to preserve convictions of the guilty and to ensure the punishments rendered by trial courts and/or juries are carried out. Criminal Appeals accomplishes this purpose by filing quality briefs and/or responses in the courts and providing oral arguments of the highest caliber to claims seeking reversal of convictions in state and federal courts.

Internet Crimes Against Children

The Internet Crimes Against Children Unit (ICAC) serves as an investigation and prosecution unit for cases involving the exploitation of minor children. Its serves to investigate and prosecute individuals who distribute, manufacture and possess child pornography, as well as lewd molestation of minor children. The ICAC Unit works with both state, local and federal law enforcement in the investigation and prosecution of these cases.

Legal Counsel

Legal Counsel assists 136 state officials, agencies, boards, and commissions by providing objective, responsive legal counsel, using comprehensive and specialized expertise. In addition, Legal Counsel reviews all bond issues on behalf of the Oklahoma Attorney General, as an Ex Officio Bond Commissioner for the State of Oklahoma, to ensure they are in compliance with the Constitution and the laws of the State of Oklahoma.

Litigation

The primary purpose of the Litigation Unit is to defend the State, its agencies, officers and employees in lawsuits filed against them in all state and federal courts. With regard to officers and employees, the Litigation Unit defends individuals who have been sued for performing acts in the course and scope of their employment, which includes lawsuits ranging from a car accident to a class action. The Litigation Unit aspires to provide quality legal representation to all of our clients and to assist our clients in determining how to best respond to lawsuits.

Medicaid Fraud Control Unit

The Medicaid Fraud Control Unit investigates and prosecutes fraud, waste, and abuse in the Medicaid Program and investigates and prosecutes abuse, neglect, exploitation, and drug diversion in long-term care and board facilities.

Multi-County Grand Jury

The Multi-County Grand Jury Unit serves as the legal advisor to the Multi-County Grand Jury; processes and assists in special prosecutions with District Attorneys and other Oklahoma Attorney General investigations; can serve as the legal advisor for County Grand Juries where the District Attorney was disqualified; investigates and acts upon Title 51 Citizen Complaints; reviews and presents wiretap applications to the Oklahoma Court of Criminal Appeals; organizes and hosts quarterly Human Trafficking Working Group for law enforcement entities state wide; represents State Medical Examiner in 22 OS 751 hearings, investigates and prosecutes internet crimes against children.

Social Security Fraud

The Social Security Disability Unit serves as an investigation unit for cases involving fraudulent use or obtaining of social security disability. Its serves to investigate individuals who commit fraudulent acts regarding their social security disability. The Social Security Disability Unit works with federal law enforcement in the investigation and prosecution of these cases.

Solicitor General

The Office of Solicitor General represents the State in defense of the constitutionality of State laws and in appeals on these and other issues of public importance at the highest level (including the Oklahoma and United States Supreme Courts). The Solicitor General also plays a key role in representing the State on the national stage, engaging in interactions with and litigation against the federal government and other States.

Tobacco Enforcement

As part of the Master Settlement Agreement, Oklahoma was required to enact a Qualifying Statute, the purpose of which included effectively and fully neutralizing the cost disadvantages the Participating Manufacturers experience vis-a-vis Non-Participating Manufacturers who have not joined the Master Settlement Agreement. In essence, manufacturers that did not join the Master Settlement Agreement were required to deposit money into an escrow account for each cigarette sold in Oklahoma in an amount equivalent to what they would have paid if they had joined the Master Settlement Agreement. If, during a calendar year, a Qualifying Statute failed to be in full force and effect or to diligently enforce its Qualifying Statute, the State could lose its entire Master Settlement Agreement payment for that year. Thus, the Qualifying Statute requires Oklahoma to identify the non-participating manufacturers selling in Oklahoma and the number of non-participating manufacturers' cigarettes sold in the State. In addition, the Escrow Statute requires the Oklahoma Attorney General file court complaints seeking compliance from those non-participating manufacturers that failed to fund or fully fund an escrow account. Complementary legislation that increased remedies available against non-conforming non-participating manufacturers and eliminated the allocable share release provision was enacted in Oklahoma in 2004 and became effective in January 2005. Statutory changes were made to the Complementary Act to protect Oklahoma's future Master Settlement Agreement payments and increase staffing of the Tobacco Enforcement Unit. All tobacco product wholesalers and a substantial number of retailers located in Oklahoma are audited and inspected annually.

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Utility Regulation Unit

The purpose of the Utility Regulation Unit is to carry out the Oklahoma Attorney General's duty "[t]o represent and protect the collective interests of all utility consumers of this state in rate-related proceedings before the Corporation Commission or in any other state or federal judicial or administrative proceeding." The Utility Regulation Unit seeks to accomplish this purpose by fully and consistently advancing positions on utility customers' behalf in state and federal proceedings. To this end, the Utility Regulation Unit also monitors legal and regulatory developments, participates in rulemakings, and participates in legislative and working group initiatives related to Oklahoma public utilities.

Victims Services

The Victim Services Unit works to provide and improve services for crime victims across the state. The duty of the unit pursuant to 74 O.S. § 18p-1 is to provide services for persons who require domestic violence or sexual assault services through programs that offer shelter, residential services or support services to victims of domestic abuse, sexual assault stalking and those who are homeless as a result of those abuses. The Victim Services Unit oversees certification for domestic violence, sexual assault and adult human sex trafficking programs and batterer's intervention programs across the state. The Victim Services Unit contracts with the domestic violence and sexual assault programs to offer funding for their core services. The statutory authority for many of the duties can be found in 74 OS § 18p-1 through 18p-9. The Victim Services Unit also provides direct services in the form of advocacy and referral services, appellate notification and advocacy to survivors and victims' families in death penalty cases. The Unit provides for a 24-hour Safeline that can be accessed statewide by victims and family members for immediate support and service connection and referral; an Address Confidentiality Program for victims of domestic violence, sexual assault and stalking who need help preventing an abuser from locating their residence; the Victim Information and Notification Everyday (VINE) notification system to keep victims and family members updated on an offender's location and incarceration status and to notify of protective order status changes; statewide and regional training for law enforcement officers, prosecutors, victim advocates, health care professionals, and various other service providers; facilitation of the Domestic Violence Fatality Review Board and statistical database maintenance and a statewide Victim Assistance Academy to equip service providers to adequately respond to crime victims of all types.

Worker's Compensation and Insurance Fraud

The Workers' Compensation and Insurance Fraud Unit provides the exclusive prosecution of social security and workers' compensation fraud occurring in the State of Oklahoma. In addition, the Workers' Compensation and Insurance Fraud Unit provides added prosecution of insurance fraud by prosecuting complex cases and cases that have a statewide impact.

Justice Reinvestment Initiative

Established in 2012, The Justice Reinvestment Initiative (Safe Oklahoma Grant Program) is funded by an annual appropriation from the state legislature. All local law enforcement agencies and sheriff's offices are eligible for the grant. Grants are made for a one-year period. The Safe Oklahoma Grant Program provides local law enforcement agencies and sheriff's offices with additional resources to address violent crime in the state. The money from the grant helps pay overtime costs for officers, technology upgrades, enhanced analytical capabilities and funds community partnership projects that focus on preventing youth violent crime.

Legal Aid Services

Appropriated pass through funds to provide legal representation to indigent persons in the State of Oklahoma in civil legal matters.

FY'20 Budgeted Department Funding By Source

Dept. #	Department Name	Appropriations	Federal	Revolving	Local ¹	Other ²	Total
1000001	Administration					4,908,763	\$4,908,763
1500001	Office of Solicitor General	600,870				34,900	\$635,770
2500002	Criminal Appeals	1,978,131				125,900	\$2,104,031
2500003	Consumer Protection			539,324		1,183,442	\$1,722,766
2500004	Conservation Unit	99,982				102,444	\$202,426
2500005	Utilities Regulation Unit	626,524		180,825		94,400	\$901,749
2500006	Litigation					2,612,555	\$2,612,555
2500007	Legal Counsel			3,039,462		80,200	\$3,119,662
2500009	Tobacco Enforcement					620,730	\$620,730
2500010	Civil Rights			559,869		24,700	\$584,569
2800001	Legal Aid Services	999,352					\$999,352
3000001	Criminal Justice	442,349				1,343,567	\$1,785,916
3200001	Justice Reinvestment Initiative	764,996				735,004	\$1,500,000
3200002	Tribal Compact					300,000	\$300,000
3500001	Court Appointed Children's Advocate			35,000			\$35,000
4000001	Medicaid Fraud Control Unit		1,803,637	601,212		250,000	\$2,654,849
4500001	Worker's Compensation and Insurance Fraud			794,187		50,000	\$844,187
4500003	Social Security Fraud			267,922			\$267,922
5000001	Victim's Services	4,400,802	2,001,079	400,000		486,987	\$7,288,868
8800001	Information Services					1,691,530	\$1,691,530
Total		\$9,913,006	\$3,804,716	\$6,417,801	\$0	\$14,645,122	\$34,780,645

1. Please describe source of Local funding not included in other categories:

2. Please describe source(s) and % of total of "Other" funding if applicable for each department: Approximately 35% of OAG funding comes from legal services.

FY'19 Carryover by Funding Source

Carryover	Appropriations	Federal	Revolving	Local ¹	Other ²	Total
	\$0	\$0	\$0	\$0	\$1,035,004	\$1,035,004
	\$0					\$0

1. Please describe source of Local funding not included in other categories:

2. Please describe source(s) and % of total of "Other" funding if applicable: Remaining Special Fund reappropriated for duties

What changes did the agency make between FY'19 and FY'20?

1.) Are there any services no longer provided because of budget cuts?

No

2.) What services are provided at a higher cost to the user?

N/A

3.) What services are still provided but with a slower response rate?

N/A

4.) Did the agency provide any pay raises that were not legislatively/statutorily required?

Yes

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FY'21 Requested Funding By Department and Source

Dept. #	Department Name	Appropriations	Federal	Revolving	Other ¹	Total	% Change
1000001	Administration	\$1,468,007	\$0	\$0	\$3,440,756	\$4,908,763	0.00%
1500001	Office of Solicitor General	\$600,870	\$0	\$0	\$34,900	\$635,770	0.00%
2500002	Criminal Appeals	\$1,978,131	\$0	\$0	\$125,900	\$2,104,031	0.00%
2500003	Consumer Protection	\$0	\$0	\$539,324	\$1,183,442	\$1,722,766	0.00%
2500004	Conservation Unit	\$99,982	\$0	\$0	\$102,444	\$202,426	0.00%
2500005	Utilities Regulation Unit	\$626,524	\$0	\$180,825	\$94,400	\$901,749	0.00%
2500006	Litigation	\$2,612,555	\$0	\$0	\$0	\$2,612,555	0.00%
2500007	Legal Counsel	\$0	\$0	\$3,039,462	\$80,200	\$3,119,662	0.00%
2500009	Tobacco Enforcement	\$0	\$0	\$0	\$620,730	\$620,730	0.00%
2500010	Civil Rights	\$584,569	\$0	\$0	\$0	\$584,569	0.00%
2800001	Legal Aid Services	\$999,352	\$0	\$0	\$0	\$999,352	0.00%
3000001	Criminal Justice	\$442,349	\$0	\$0	\$1,343,567	\$1,785,916	0.00%
3200001	Justice Reinvestment Initiative	\$2,000,000	\$0	\$0	\$0	\$2,000,000	33.33%
3200002	Tribal Compact	\$0	\$0	\$0	\$300,000	\$300,000	0.00%
3500001	Court Appointed Children's Advocate	\$0	\$0	\$35,000	\$0	\$35,000	0.00%
4000001	Medicaid Fraud Control Unit	\$0	\$1,803,637	\$601,212	\$250,000	\$2,654,849	0.00%
4500001	Worker's Compensation and Insurance Fraud	\$0	\$0	\$794,187	\$50,000	\$844,187	0.00%
4500003	Social Security Fraud	\$0	\$0	\$267,922	\$0	\$267,922	0.00%
5000001	Victim's Services	\$4,400,802	\$2,001,079	\$400,000	\$486,987	\$7,288,868	0.00%
8800001	Information Services	\$1,196,439	\$0	\$0	\$900,435	\$2,096,874	23.96%
Total		\$17,009,580	\$3,804,716	\$5,857,932	\$9,013,761	\$35,685,989	2.60%

1. Please describe source(s) and % of total of "Other" funding for each department:
Approximately 35% of FY20 OAG funding comes from legal services.

FY'21 Top Five Operational Appropriation Funding Requests

Request by Priority	Request Description	Appropriation Request Amount (\$)
Request 1:	Return Attorney General Appropriations to FY14 Level	\$5,315,135
Request 2:	Office of Civil Rights Enforcement	\$585,000
Request 3:	Victims Information Notification Everyday (VINE)	\$791,095
Request 4:	OMES-ISD Rate Changes	\$405,344
Request 5:		
	Top Five Request Subtotal:	\$7,096,574
Total Increase above FY-20 Budget (including all requests)		\$ 7,096,574
Difference between Top Five requests and total requests:		\$0

Does the agency have any costs associated with the Pathfinder retirement system and federal employees?

The Office of Attorney General received federal approval to fund the Pathfinder benefit for employees fully or partially funded through the Medicaid Fraud Control federal grant funds.

How would the agency be affected by receiving the same appropriation for FY '21 as was received in FY '20? (Flat/ 0% change)

Fiscal Year 2021 will be challenging even with the requested Operating Requests. The Office of Attorney General has been fortunate over the past several years to mitigate appropriated cuts and overcome funding deficits however this is not sustainable and several Office of Attorney General duties and programs will need to be drastically cut without additional funding.

How would the agency handle a 2% appropriation reduction in FY '21?

A 2% appropriation cut would require employee furloughs, additional cuts to the Justice Reinvestment Initiative Grant program and further hinder the Office of Attorney General from performing statutory duties.

Is the agency seeking any fee increases for FY '21?

	Fee Increase Request (\$)	Statutory change required? (Yes/No)
No		

What are the agency's top 2-3 capital or technology (one-time) requests, if applicable?

Description of request in order of priority	Appropriated Amount (\$)	Submitted to LRCPC? (Yes/No)
Priority 1		
Priority 2		
Priority 3		

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Federal Funds

CFDA	Federal Program Name	Agency Dept. #	FY 20 budgeted	FY 19	FY 18	FY 17	FY 16
93.775	Medicaid Fraud Control	4000001	1,803,637	1,764,954	1,813,368	1,662,864	1,819,385
93.671	Family Violence Prevention and Services Act	5000001	1,522,145	1,402,439	1,408,911	1,382,462	1,344,888
16.558	Violence Against Women Act	5000001	164,634	163,218	167,134	162,017	161,139
16.575	Victims of Crime Act	5000001	134,178	115,380	153,415	146,318	121,114

Federal Government Impact

1.) How much federal money received by the agency is tied to a mandate by the Federal Government?
 All federal money is tied to mandates.

2.) Are any of those funds inadequate to pay for the federal mandate?
 Yes, most require a pre-determined match level.

3.) What would the consequences be of ending all of the federal funded programs for your agency?
 Funding for the 26 State domestic violence, sexual assault, human trafficking, and children's services shelters would be reduced by approximately 30%.
 Funding for the Attorney General's Medicaid Fraud Control Unit would be reduced by approximately 75% and would drastically reduce the recovered funds and the number of cases the Medicaid Fraud Control Unit could investigate annually.

4.) How will your agency be affected by federal budget cuts in the coming fiscal year?
 At this time there are no planned Federal budget cuts related to provided services.

5.) Has the agency requested any additional federal earmarks or increases?
 Not at this time however, the Attorney General's Office continues to research federal grant opportunities that align with Office duties.

FY'20 Budgeted FTE

Division #	Division Name	Supervisors	Classified	Unclassified	\$0 - \$35 K	\$35 K - \$70 K	\$70 K - \$\$\$
10	Administration	11		30	3	15	12
25	Criminal Appeals	1		19	0	11	8
30	Criminal Justice	4		19	0	13	6
25	Legal Services	5		36	0	17	19
25	Litigation	1		25	0	15	10
25	Public Protection	9		38	0	26	12
15	Solicitor General	1		5	0	1	4
40	Fraud Prevention and Prosecution	1		33	0	25	8
Total		33	0	205	3	123	79

FTE History

Division #	Division Name	2020 Budgeted	2019	2018	2016	2011
10	Administration	30	30.0	30.0	26.0	22.0
25	Criminal Appeals	19	20.0	20.0	22.0	17.0
30	Criminal Justice	19	18.0	19.0	16.0	13.0
25	Legal Services	36	37.0	39.0	38.0	29.0
25	Litigation	25	26.0	26.0	24.0	18.0
25	Public Protection	38	37.0	37.0	34.0	28.0
15	Solicitor General	5	5.0	5.0	6.0	0.0
40	Fraud Prevention and Prosecution	33	32.0	35.0	41.0	34.0
Total		205.0	205.0	211.0	207.0	161.0

Performance Measure Review

	FY 19	FY 18	FY 17	FY 16	FY 15
State Legal Team Continue to be the State's most knowledgeable and economical legal team.					
Legal Liability Training Offer instruction, training and education to state agencies through seminars and educational material directed at helping agencies avoid legal liability.					