

- Law enforcement initiatives constrained by GRF budget
- AG assumes full control of Victims of Crime Compensation Program

## Attorney General

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### ROLE

The Office of the Attorney General is involved in the state's justice and corrections system in a variety of ways including, but not limited to, the following:

- Providing legal representation to, and initiating litigation on behalf of, statewide elected officials (including the Ohio General Assembly), and all state departments, agencies, boards, and commissions;
- Issuing formal opinions on questions submitted by state officials and agencies, as well as county prosecutors;
- Initiating legal proceedings in areas related to environmental protection, consumer fraud, antitrust, Medicaid fraud, workers' compensation fraud, and patient abuse and neglect;
- Providing Ohio's 1,200-plus law enforcement agencies with training, investigative, technological, financial, prosecutorial, and other assistance available through such arms as the Ohio Peace Officer Training Academy (POTA), the Bureau of Criminal Identification and Investigation (BCII), the Ohio Organized Crime Investigations Commission (OCIC), the Community Police Match and Law Enforcement Assistance Program, and the Capital Crimes Section; and
- Administering the state's victim assistance efforts, most notably the Victims of Crime Compensation Program.

Agency In Brief					
Number of Employees	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2002	2003	2002	2003	
1,377	\$161.5 million	\$169.4 million	\$63.4 million	\$66.2 million	Am. Sub. H.B. 94

### OVERVIEW

The total amount of funding appropriated to the Office of the Attorney General in FY 2002 is \$16.8 million, or 11.6 percent, higher than its total actual FY 2001 expenditures of \$144.7 million. For FY 2003, the total amount of funding appropriated to the Office of the Attorney General increases again, but by roughly half that amount – \$8.0 million, or 4.9 percent. Relative to total actual FY 2001 expenditures, a large portion of these annual increases are the result of a sizeable increase in the appropriation authority of the Office of the Attorney General's Victims of Crime Fund (Fund 402). This increase is because the FY 2002-2003 biennium represents the first time in which the Office of the Attorney General will exercise full control over the Victims of Crime Compensation Program. Although

control of the program was assumed by the Office of the Attorney General on July 1, 1999, the Court of Claims, which had been the program's primary administrator, continued to process previously submitted reparations claims during FY 2001. By the end of FY 2001, the court had closed out its involvement in the paying of these reparations claims.

## ***REVENUE***

The Office of the Attorney General's GRF funding, as measured by spending group from actual FY 1998 expenditures through FY 2003 appropriations, will have increased by \$17.0 million, or 34.4 percent. During that same six-year period, the GRF portion of the Office of the Attorney General's budget will have dropped from 46.6 percent to 39.1 percent. The Office of the Attorney General has filled that difference by tapping into other non-GRF funds, most noticeably the revenue-generating capability of its accounts lodged in the State Special Revenue Fund Group.

## ***SPENDING***

Over the six-year period that covers FY 1998 through FY 2003 appropriations, roughly 75 percent, or three-quarters, of the Office of the Attorney General's spending will have gone to finance operating expenses (personal services, purchased personal services, maintenance, and equipment). This reflects the fact that the performance of the Office of the Attorney General's duties and responsibilities are very labor-intensive.

## **BUDGET ISSUES**

### ***STAFF & PAYROLL***

Despite the increase in total funding for each of FYs 2002 and 2003 relative to total actual FY 2001 expenditures, the Office of the Attorney General may still need to slightly reduce its total number of staff, specifically GRF-funded staff. This is because, in the Office of the Attorney General's view, the amount of GRF funding provided in each of those fiscal years is below its calculated future cost of providing the level of GRF-funded law enforcement and civil legal services that were performed in FY 2001. There are at least two fiscal strategies that the Office of the Attorney General could follow in order to trim the size of its annual GRF payroll: (1) by leaving unfilled staff positions vacant, and (2) by shifting the burden to non-GRF funding streams.

Because of existing collective bargaining agreements, around 580, or roughly 40 percent, of the Office of the Attorney General's staff were awarded mandatory increases in annual compensation averaging 3.5 percent on July 1, 2001. The remaining staff, specifically division chiefs and attorneys, were not awarded any increase in their annual compensation, and it is unclear at this time as to when, if at all, it will be possible to raise the annual compensation of those staff. The Office of the Attorney General will face a similar situation again at the start of FY 2003.

### ***SUB-PROGRAMS***

The Office of the Attorney General is a single program agency, composed of 20-plus sections, units, and organizations that perform various legal representation and law enforcement related duties. For the purposes of this analysis of the Office of the Attorney General's budget issues, we have grouped these 20-plus entities into seven sub-program areas as follows: (1) officewide operations, (2) civil litigation,

(3) criminal justice assistance, (4) agency counsel, (5) victim assistance, (6) redistribution funds, and (7) education. Each of those seven sub-program areas and their related budgets are discussed briefly below.

Because of the nature of the Office of the Attorney General's activities and budget structure, an important caveat must be kept in mind: it is not always possible to associate a particular line item exclusively with a particular section, unit, or organization. In fact, many of the Office of the Attorney General's line items, most notably 055-321, Operating Expenses, and 055-612, General Reimbursement, fund a host of legal and law enforcement related activities.

### **Office-wide Operations**

This sub-program essentially captures the two major line items (GRF 055-321 and non-GRF 055-612) that finance the entire range of legal and law enforcement related tasks performed by the Office of the Attorney General, including, but not limited to, the Bureau of Criminal Identification and Investigation (BCII) and the Ohio Peace Officer Training Academy (POTA).

Although relative to total actual FY 2001 expenditures, the amount of GRF funding appropriated to this sub-program in FYs 2002 and 2003 reflect annual increases of around 4 percent. It represents, at best, what might be termed continuation funding. This means that the Office of the Attorney General may be able to continue delivering its FY 2001 level of GRF-funded services in each of FYs 2002 and 2003. If that turns out not to be the case, then the Office of the Attorney General will have to trim its GRF spending, including payroll costs, which could involve shifting essential expenditures to available non-GRF funding streams. No additional GRF funding was explicitly appropriated in either of FYs 2002 or 2003 for the Office of the Attorney General to expand existing activities or to undertake new initiatives.

### **Civil Litigation**

The Office of the Attorney General is authorized to enforce state laws, and in certain cases federal laws, that regulate the marketplace as it relates to business and consumer transactions, including the collection of overdue taxes and fees for various state agencies.

The FY 2002-2003 biennial budget essentially adjusts the appropriation authority in each of the sub-program's non-GRF funding streams so that the Office of the Attorney General can deliver its FY 2001 level of services in each of FYs 2002 and 2003. Also provided at the request of the Office of the Attorney General is an appropriation increase in the fund used by the Charitable Foundations Section (line item 055-615). That appropriation increase will be used to hire one additional investigator and one account clerk, who are needed, respectively, to address increases in complaints and inquiries, primarily related to instant bingo and video slot machines, and increases in the number of charitable trusts that are registering each year.

### **Criminal Justice Assistance**

The Office of the Attorney General has various responsibilities in the criminal justice area, including the provision of training, investigative, and technical assistance to local law enforcement agencies. The Criminal Justice sub-program captures all of the line items that we can track exclusively to the Office of the Attorney General's law enforcement related activities.

With regard to this sub-program, the FY 2002-2003 biennial budget contains three significant things. First, it generally adjusts the appropriation authority in each of the sub-program's non-GRF funding

streams so that the Office of the Attorney General can deliver its FY 2001 level of non-GRF funded services in each of FYs 2002 and 2003.

Second, and more importantly, the level of GRF funding does not in some respects provide continuation funding. Specifically, although the Office of the Attorney General will in all likelihood be able to generally continue delivering its FY 2001 level of GRF-funded law enforcement services in each of FYs 2002 and 2003, that looks unlikely to be the case with regard to the supplemental annual compensation that is paid to county sheriffs and certain county prosecutors. The appropriated amounts for these subsidies that finance these compensation supplements (GRF line items 055-411 and 055-415) are on the whole lower than the total amounts that were distributed in FY 2001, which will mean that county sheriffs and certain county prosecutors will generally receive less in supplemental annual compensation from the state in each of FYs 2002 and 2003 than they did in FY 2001.

Third, the Office of the Attorney General had requested additional GRF funding of \$400,079 in FY 2002 and \$2,400,067 in FY 2003 for various law enforcement related initiatives, including: (1) the hiring of seven new staff for BCII to beef-up its investigative assistance to local law enforcement in processing felony crime scenes and prosecuting computer crimes, (2) the hiring of seven new staff to operate the law enforcement training (POTA) facility currently under construction in Richfield, (3) the hiring of an additional assistant attorney general to handle federal death penalty appeals and requests for help with capital cases from county prosecutors, and (4) the creation of the Computer Crimes Task Force staffed with four assistant attorneys general. That additional GRF funding was not explicitly appropriated, which appears, with two notable exceptions, to temporarily at least have slowed momentum on these four law-enforcement initiatives.

The first notable exception involves the new POTA training facility, which is scheduled to be fully operational by the start of FY 2003. The Office of the Attorney General intends to proceed with this initiative, including the phased-in hiring of seven staff and the purchase of equipment and will cover these costs by increasing the tuition charged to state and local law enforcement officers (or their departments) for various POTA-operated law enforcement training programs. Under current practice, this tuition is deposited in the state treasury to the credit of the Police Officers' Training Academy Fee Fund (Fund 421).

The second notable exception involves the creation of the Computer Crimes Task Force, to be stationed at BCII. The task force was actually created in FY 2001 and is already operational. What is unclear is when and how the Office of the Attorney General will fund the hiring of four assistant attorneys general.

### **Agency Counsel**

Although the Office of the Attorney General provides legal services to numerous state agencies, this sub-program captures the legal services reimbursement payments deposited into non-GRF funds that are traceable to work performed for the Ohio Civil Rights Commission, the Bureau of Workers' Compensation, the Ohio Industrial Commission, and the part of the Department of Job and Family Services formerly known as the Ohio Bureau of Employment Services.

The FY 2002-2003 biennial budget essentially provides a continuation level of funding in each fiscal year for the Office of the Attorney General's Civil Rights, Employment Services, and Workers' Compensation sections. Additional GRF funding to allow for the hiring of a paralegal for the Civil Rights Section to lighten the workload and better assist the Ohio Civil Rights Commission was requested but not explicitly appropriated.

## **Victim Assistance**

The Office of the Attorney General assists the victims of crime in two major ways. First, the Crime Victims Compensation Section investigates applications for compensation filed under Ohio's Crime Victims Compensation Law, a law that provides for payment to victims of violent crime to cover their economic losses. Upon completing the investigation, the office renders a decision and sends payment to the victim and/or the victim's providers. Second, the Crime Victims Assistance Office administers state and federal grants to local crime victim assistance programs.


The FY 2002-2003 biennial budget fully funded the Office of the Attorney General's request to increase spending related to the Victims of Crime Fund. Specifically provided was an additional \$1,000,000 in FY 2003 appropriation authority to pay for the enhanced benefits made available by Am. Sub. S.B. 153 of the 123rd General Assembly. In addition, another \$1,000,000 in appropriation authority was also provided in each fiscal year for payments under the state's Sexual Assault Forensic Examination (SAFE) Program. This program reimburses hospitals and emergency medical facilities for medical examinations performed on sex offense victims. Also provided was additional appropriation authority that will permit the Office of the Attorney General to undertake a computer applications development project that, when completed, will make it possible to conduct victim assistance activities online (\$100,000 in FY 2002 and \$50,000 in FY 2003).

## **Redistribution Funds**

The Office of the Attorney General holds certain moneys as custodian or agent. All of these funds are distributed to individuals, corporations, private organizations, other state funds, or local governmental units. Revenues and disbursements for these line items are rather unpredictable. Generally, the appropriations for these line items reflect continuation funding or an estimate based on historical spending needs.

## **Education**

Although the Office of the Attorney General is charged with performing numerous education-related functions, the Education sub-program captures the two line items that exclusively finance education activities (GRF line item 055-405 and non-GRF line item 055-606).

The FY 2002-2003 biennial budget essentially provides a continuation level of funding for the GRF subsidy that is distributed to the Ohio Center for Law-Related Education, as well as for the non-GRF grants that are disbursed to law enforcement in support of the Drug Abuse Resistance Education (DARE) programs in public schools. 

# FY 2002 - 2003 Final Appropriation Amounts

# All Fund Groups

## Line Item Detail by Agency

**FY 1999:**    **FY 2000:**    **FY 2001:**    **FY 2002**    **% Change**    **FY 2003**    **% Change**  
**Appropriations:**    **2001 to 2002:**    **Appropriations:**    **2002 to 2003:**

## Report For: Main Operating Appropriations Bill

Version: Enacted

### AGO Attorney General

GRF	055-321	Operating Expenses	\$ 47,936,849	\$ 52,924,131	\$56,554,322	\$ 59,120,482	4.54%	\$ 61,775,856	4.49%
GRF	055-405	Law-Related Education	\$ 184,984	\$ 190,164	\$195,489	\$ 196,793	0.67%	\$ 201,713	2.50%
GRF	055-406	Community Police Match and Law Enfo	\$ 3,136,322	\$ 3,261,208	\$2,875,502	\$ 2,968,262	3.23%	\$ 3,064,666	3.25%
GRF	055-411	County Sheriffs	\$ 572,973	\$ 589,654	\$619,291	\$ 611,198	-1.31%	\$ 626,479	2.50%
GRF	055-415	County Prosecutors	\$ 481,544	\$ 495,027	\$558,249	\$ 512,283	-8.23%	\$ 525,090	2.50%
<b>General Revenue Fund Total</b>			<b>\$ 52,312,672</b>	<b>\$ 57,460,184</b>	<b>\$ 60,802,853</b>	<b>\$ 63,409,018</b>	<b>4.29%</b>	<b>\$ 66,193,804</b>	<b>4.39%</b>
420	055-603	Attorney General Antitrust	\$ 229,458	\$ 150,783	\$235,005	\$ 435,560	85.34%	\$ 446,449	2.50%
4Y7	055-608	Title Defect Rescission	\$ 62,705	\$ 78,244	\$70,160	\$ 840,260	1,097.64%	\$ 870,623	3.61%
4Z2	055-609	BCI Asset Forfeiture and Cost Reimbur	\$ 226,356	\$ 396,946	\$458,694	\$ 324,009	-29.36%	\$ 332,109	2.50%
106	055-612	General Reimbursement	\$ 11,202,501	\$ 12,536,124	\$12,452,147	\$ 14,997,546	20.44%	\$ 15,786,163	5.26%
418	055-615	Charitable Foundations	\$ 1,238,396	\$ 1,359,769	\$2,249,898	\$ 1,841,113	-18.17%	\$ 1,899,066	3.15%
421	055-617	Police Officers' Training Academy Fee	\$ 980,292	\$ 1,035,437	\$1,142,530	\$ 1,134,861	-0.67%	\$ 1,193,213	5.14%
5A9	055-618	Telemarketing Fraud Enforcement	\$ 0	\$ 0		\$ 51,100	N/A	\$ 52,378	2.50%
107	055-624	Employment Services	\$ 931,836	\$ 927,862	\$797,884	\$ 1,211,307	51.81%	\$ 1,284,396	6.03%
590	055-633	Peace Officer Private Security Fund	\$ 70,938	\$ 63,439	\$53,371	\$ 94,784	77.60%	\$ 98,370	3.78%
629	055-636	Corrupt Activity Investigation and Pros	\$ 240,000	\$ 0		\$ 105,590	N/A	\$ 108,230	2.50%
631	055-637	Consumer Protection Enforcement	\$ 578,258	\$ 1,510,139	\$914,589	\$ 1,254,020	37.11%	\$ 1,373,832	9.55%
195	055-660	Workers' Compensation Section	\$ 5,689,987	\$ 6,506,920	\$6,761,243	\$ 7,343,128	8.61%	\$ 7,769,628	5.81%
<b>General Services Fund Group Total</b>			<b>\$ 21,450,727</b>	<b>\$ 24,565,663</b>	<b>\$ 25,135,521</b>	<b>\$ 29,633,278</b>	<b>17.89%</b>	<b>\$ 31,214,457</b>	<b>5.34%</b>
3L3	055-605	Center for Human Identification	\$ 0	----		----	N/A	----	N/A
381	055-611	Civil Rights Legal Service	\$ 269,533	\$ 313,572	\$312,459	\$ 334,249	6.97%	\$ 354,304	6.00%
3R6	055-613	Attorney General Federal Funds	\$ 534,880	\$ 306,921	\$1,556,479	\$ 1,929,110	23.94%	\$ 1,998,972	3.62%
306	055-620	Medicaid Fraud Control	\$ 2,029,106	\$ 2,255,827	\$2,213,990	\$ 2,633,348	18.94%	\$ 2,765,015	5.00%
383	055-634	Crime Victims Assistance	\$ 12,340,461	\$ 12,914,460	\$12,709,091	\$ 14,500,000	14.09%	\$ 15,225,000	5.00%
3E5	055-638	Anti-Drug Abuse	\$ 1,838,330	\$ 3,219,041	\$2,689,691	\$ 2,939,693	9.29%	\$ 2,939,693	0.00%
3H1	055-642	Ohio Incident-Based Reporting System	\$ 0	----		----	N/A	----	N/A
<b>Federal Special Revenue Fund Group Total</b>			<b>\$ 17,012,310</b>	<b>\$ 19,009,821</b>	<b>\$ 19,481,710</b>	<b>\$ 22,336,400</b>	<b>14.65%</b>	<b>\$ 23,282,984</b>	<b>4.24%</b>
4L6	055-606	DARE	\$ 3,147,703	\$ 3,146,165	\$3,279,722	\$ 3,830,137	16.78%	\$ 3,927,962	2.55%
402	055-616	Victims of Crime	----	----	\$16,293,873	\$ 26,144,763	60.46%	\$ 27,933,893	6.84%

**FY 2002 - 2003 Final Appropriation Amounts**

**All Fund Groups**

<b>Line Item Detail by Agency</b>			<b>FY 1999:</b>	<b>FY 2000:</b>	<b>FY 2001:</b>	<b>FY 2002 Appropriations:</b>	<b>% Change 2001 to 2002:</b>	<b>FY 2003 Appropriations:</b>	<b>% Change 2002 to 2003:</b>
<b>AGO Attorney General</b>									
417	055-621	Domestic Violence Shelter	\$ 13,091	\$ 0		\$ 14,139	N/A	\$ 14,492	2.50%
108	055-622	Crime Victims Compensation	\$ 3,809,290	\$ 4,515,067	\$129,636	\$ 0	-100.00%	\$ 0	N/A
419	055-623	Claims Section	\$ 13,982,825	\$ 13,135,224	\$11,413,468	\$ 14,017,852	22.82%	\$ 14,749,954	5.22%
176	055-625	Victims Assistance Office	\$ 332,982	\$ 389,139		\$ 0	N/A	\$ 0	N/A
177	055-626	Victims Assistance Programs	\$ 2,168,667	\$ 1,741,000	\$9,783	\$ 0	-100.00%	\$ 0	N/A
659	055-641	Solid and Hazardous Waste Backgrou	\$ 678,991	\$ 629,463	\$454,541	\$ 834,417	83.57%	\$ 880,751	5.55%
<b>State Special Revenue Fund Group Total</b>			<b>\$ 24,133,549</b>	<b>\$ 23,556,058</b>	<b>\$ 31,581,024</b>	<b>\$ 44,841,308</b>	<b>41.99%</b>	<b>\$ 47,507,052</b>	<b>5.94%</b>
674	055-643	Asbestos Abatement Distribution	\$ 69,894	\$ 87,708		\$ 0	N/A	\$ 0	N/A
<b>Agency Fund Group Total</b>			<b>\$ 69,894</b>	<b>\$ 87,708</b>	<b>----</b>	<b>\$ 0</b>	<b>N/A</b>	<b>\$ 0</b>	<b>N/A</b>
R42	055-601	Organized Crime Commission Account	\$ 34,448	\$ 200,000	\$200,000	\$ 200,000	0.00%	\$ 200,000	0.00%
R03	055-629	Bingo License Refunds	\$ 850	\$ 950	\$925	\$ 5,200	462.16%	\$ 5,200	0.00%
R18	055-630	Consumer Frauds	\$ 457,892	\$ 326,310	\$7,282,227	\$ 750,000	-89.70%	\$ 750,000	0.00%
R04	055-631	General Holding Account	\$ 74,857	\$ 1,147,955	\$208,316	\$ 275,000	32.01%	\$ 275,000	0.00%
R05	055-632	Antitrust Settlements	\$ 1,284	\$ 0		\$ 10,400	N/A	\$ 10,400	0.00%
<b>Holding Account Redistribution Fund Group Total</b>			<b>\$ 569,331</b>	<b>\$ 1,675,215</b>	<b>\$ 7,691,467</b>	<b>\$ 1,240,600</b>	<b>-83.87%</b>	<b>\$ 1,240,600</b>	<b>0.00%</b>
<b>Attorney General Total</b>			<b>\$ 115,548,483</b>	<b>\$ 126,354,649</b>	<b>\$ 144,692,574</b>	<b>\$ 161,460,604</b>	<b>11.59%</b>	<b>\$ 169,438,897</b>	<b>4.94%</b>