

Attorney General

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- Roughly three-quarters of budget comprised of non-GRF funds
- Non-GRF cash collections permit FY 2006 GRF appropriations reduction

OVERVIEW

Duties and Responsibilities

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 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), and the Capital Crimes Section.
- Administering the state's victim assistance efforts, most notably the Victims of Crime Compensation Program and the federal Victims Assistance Program.
- Initiating legal proceedings in areas related to environmental protection, consumer fraud, antitrust, Medicaid fraud, Workers' Compensation fraud, and patient abuse and neglect.
- Providing legal representation to and initiating litigation on behalf of statewide elected officials (including the Ohio General Assembly), all state departments, agencies, boards, and commissions.
- Issuing formal opinions on questions submitted by state officials and agencies, as well as county prosecutors.
- Enforcing the state's Gambling and Charitable Bingo Laws.
- Collecting delinquent debts owed to the state of Ohio, including taxes, fines, penalties, service fees, and loans.

Agency in Brief

The following table selectively summarizes Attorney General appropriations and staffing information.

Attorney General In Brief					
Number of Employees*	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2006	2007	2006	2007	
1,330**	\$169.99 million	\$172.01 million	\$43.62 million	\$54.15 million	Am. Sub. H.B. 66

*Employee count obtained from the Department of Administrative Services (DAS) payroll reports as of June 2005.

**The Office of the Attorney General stated that the number of full-time positions as of August 2005 was 1,254.

Reduced FY 2006 GRF Appropriations

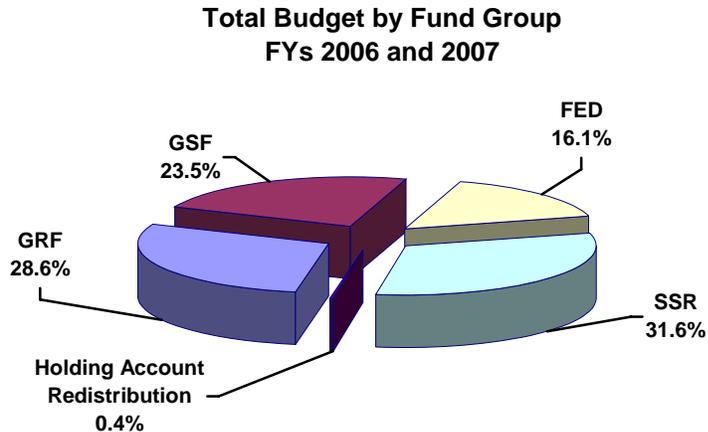
At the Attorney General's request during the legislature's biennial budget deliberations, the agency's total GRF appropriations were reduced by approximately \$10.5 million from the executive recommended FY 2006 funding level. The Office of the Attorney General's plan is to offset a significant portion of this voluntary reduction in total FY 2006 GRF appropriations by tapping into the agency's non-GRF funding streams. This non-GRF cash will largely be drawn from the Claims Section Fund (Fund 419), which has enhanced revenues due to an increase in the amount of delinquent debt collected by the Attorney General's Collections Enforcement Section over the last biennium. Although the FY 2006 increase in non-GRF appropriations does not fully offset the FY 2006 GRF appropriations decrease, staff of the Attorney General has indicated that the agency's existing service levels will not be affected.

GRF Pay Supplements

The enacted biennial budget provides: (1) GRF funding totaling \$760,495 and \$779,509 in FYs 2006 and 2007, respectively, to fully cover statutory county sheriff pay supplements, and (2) GRF funding totaling \$740,704 and \$759,222 in FYs 2006 and 2007, respectively, to fully cover statutory county prosecutor pay supplements.

Appropriation by Fund Group Summary

The pie chart immediately below shows the total appropriations (FYs 2006 and 2007) by fund group. This information is shown for the GRF and for all funds.



The Office of the Attorney General's GRF funding, as measured by spending group, from actual FY 2002 disbursements through enacted FY 2007 appropriations will have decreased by \$5.5 million, or 9.2%. During that same six-year period, the GRF portion of the Office of the Attorney General's budget will have dropped from 39.7% down to 31.5%. 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.

Vetoed Provisions

The Office of the Attorney General is not directly affected by any of the items contained in Am. Sub. H.B. 66 that were vetoed by the Governor.

ANALYSIS OF THE ENACTED BUDGET

What follows is LSC fiscal staff's analysis of the Attorney General's enacted biennial budget covering FYs 2006 and 2007. The presentation of this analysis is organized around the following three program series.

- **Program Series 1: Criminal Justice**
- **Program Series 2: Legal Services**
- **Program Series 3: Program Management**

Program Series 1

Criminal Justice

Purpose: To support law enforcement activities and victims services.

The following table shows the line items that are used to fund the Criminal Justice program series, as well as the enacted funding levels.

Fund	ALI	Title	FY 2006	FY 2007
General Revenue Fund				
GRF	055-321	Operating Expenses	\$22,611,742	\$22,929,554
General Revenue Fund Subtotal			\$22,611,742	\$22,929,554
General Services Fund				
106	055-612	General Reimbursement	\$11,808,428	\$11,678,872
422	055-609	BCI Asset Forfeiture and Cost Reimbursement	\$1,332,109	\$1,332,109
421	055-617	Police Officers' Training Academy Fee	\$1,693,213	\$1,693,213
590	055-633	Peace Officer Private Security Fund	\$98,370	\$98,370
629	055-636	Corrupt Activity Investigation and Prosecution	\$15,000	\$15,000
General Services Fund Subtotal			\$14,947,120	\$14,817,564
Federal Special Revenue Fund				
3E5	055-638	Attorney General Pass-Through Funds	\$1,981,102	\$1,981,102
3R6	055-613	Attorney General Federal Funds	\$3,842,097	\$3,842,097
306	055-620	Medicaid Fraud Control	\$2,799,000	\$2,799,000
383	055-634	Crime Victims Assistance	\$18,439,313	\$18,439,313
Federal Special Revenue Fund Subtotal			\$27,061,512	\$27,061,512
State Special Revenue Fund				
659	055-641	Solid and Hazardous Waste Background Investigations	\$621,159	\$621,159
402	055-616	Victims of Crime	\$30,000,000	\$30,000,000
State Special Revenue Fund Subtotal			\$30,621,159	\$30,621,159
Holding Account Redistribution Fund				
R42	055-601	Organized Crime Commission Account	\$25,025	\$25,025
Holding Account Redistribution Fund Subtotal			\$25,025	\$25,025
Total Funding: Criminal Justice			\$95,266,558	\$95,454,814

This analysis focuses on the following specific programs within the Criminal Justice program series:

- **1.1 Law Enforcement**
- **1.2 Victims Services**

1.1 Law Enforcement

Program Description: The Law Enforcement program encompasses all sections and functions of the Office of the Attorney General charged with providing services to the law enforcement community across the state, as well as those sections providing enforcement-related activities. The program includes the Bureau of Criminal Identification and Investigation (BCII), the Peace Officer Training Academy (POTA), the Organized Crime Investigations Commission (OCIC), and units for capital crimes and health care fraud.

Funding Sources: (1) GRF, (2) civilian record check fees, (3) federal grants, (4) asset forfeitures and cost reimbursements, (5) fees paid to POTA by applicants, (6) fines and civil penalties, (7) fees from applicants or owners of various types of hazardous waste facilities, and (8) court judgments for reimbursement of expenses of the organized crime task forces

Implication of the Enacted Budget: According to staff of the Attorney General, relative to its Law Enforcement program, the enacted budget will permit the agency to:

- Continue efforts to develop and expand the Ohio Law Enforcement Gateway (OHLEG), a secure web site designed to provide law enforcement agencies and prosecutors access to criminal justice databases and to encourage sharing of information between jurisdictions.
- Increase emphasis on programs administered by BCII, ranging from DNA and crime lab analysis to undercover narcotics investigations and the detection of methamphetamine labs, in order to improve operations and eliminate backlogs.
- Provide expanded and state-of-the-art training in the latest techniques to local peace officers at the newly renovated Peace Officers Training Academy as well as the recently opened Tactical Training Center.
- Continue investigations and prosecution of health care providers accused of defrauding the state's Medicaid program as well as the Ohio Workers' Compensation Program.
- Provide assistance to county prosecutors in every phase of death penalty prosecutions (indictment and trial through each stage of appeal).
- Assist in the formation of and logistical and technical support for multi-jurisdictional organized crime task forces to investigate and prosecute organized criminal activity around the state.
- Leverage state funds with federal grant dollars to obtain and upgrade sensitive laboratory and surveillance equipment, perform critical DNA analysis, and improve homeland security measures.

1.2 Victims Services

Program Description: This program encompasses all functions of the office charged with protecting or assisting victims of crime and with protecting children and the elderly. These functions include the following:

- Crime Victims Services and the Victims of Crime/Reparations Fund, which awards compensation to eligible victims of violent crime for their unreimbursed economic losses.
- Victims Assistance Program, which provides funding to rape crisis centers and domestic violence shelters.
- Missing Children's Clearinghouse, which coordinates and improves the availability of information on missing children.
- Identity Theft Passport Program, which is aimed at assisting victims of stolen identities.
- Child and Elder Protection, which uses experienced criminal prosecutors and investigators to assist local prosecutors in child support, physical and sexual abuse cases, Internet and computer crime investigations, and elder abuse cases.

The preponderance of funding under this program (more than 70%) goes to provide direct assistance to victims of crime (30%) or to those organizations that provide services to victims (43%). Recent legislatively enacted changes have expanded both allowable benefits and participation under Ohio's Crime Victims Compensation Law, and permit the use of up to 5% of the cash balance annually for the payment of costs associated with initiatives by the Attorney General for the apprehension, prosecution, and accountability of offenders and the enhancing of services to crime victims. According to the Office of the Attorney General, the percentage of administrative costs under these programs continues to decline as the office implements measures to increase effectiveness and to make more dollars available to victims of crime.

Funding Sources: (1) federal grants, (2) courts costs from felony, misdemeanor, and nonmoving traffic violation conviction, (3) \$75 of the \$425 license reinstatement fee, and (4) miscellaneous other moneys, payments, and proceeds

Implication of the Enacted Budget: According to staff of the Attorney General, relative to its Victims Services program, the enacted budget will permit the agency to:

- Continue and increase awards of compensation to eligible victims of violent crimes for their unreimbursed economic losses through the Crime Victims Compensation Program.
- Provide funding to rape crisis centers, domestic violence shelters, and other providers of direct services to victims through the Victims Assistance Program.
- Maintain the Missing Children's Clearinghouse, a database of children from Ohio that have been abducted, lost, or run away.
- Leverage state funds with federal dollars to pilot new programs such as the Identity Theft Passport program, aimed at assisting victims of stolen identities, and the Parent Project, designed to help parents connect with children who exhibit high-risk behavior.

- Assist local law enforcement, including prosecutors and police, with investigations and prosecution of crimes against children and the elderly including child support, physical and sexual abuse cases, and Internet and computer crime investigations.
- Collect DNA specimens, perform DNA analysis of those specimens, and enter the resulting records regarding those analyses into BCII's DNA database for all felonies, consistent with recently passed legislation.

Program Series 2**Legal Services**

Purpose: To provide legal services protecting the rights of citizens and businesses in Ohio and provides legal representation to various state officials and state agencies.

The following table shows the line items that are used to fund the Legal Services program series, as well as the enacted funding levels.

Fund	ALI	Title	FY 2006	FY 2007
General Revenue Fund				
GRF	055-321	Operating Expenses	\$19,506,408	\$23,152,207
General Revenue Fund Subtotal			\$19,506,408	\$23,152,207
General Services Fund				
106	055-612	General Reimbursement	\$6,356,397	\$6,424,828
107	055-624	Employment Services	\$850,000	\$850,000
195	055-660	Workers' Compensation Section	\$7,769,628	\$7,769,628
4Y7	055-608	Title Defect Rescission	\$250,000	\$250,000
418	055-615	Charitable Foundations	\$4,899,066	\$4,899,066
420	055-603	Attorney General Antitrust	\$446,449	\$446,449
5A9	055-618	Telemarketing Fraud Enforcement	\$7,500	\$7,500
631	055-637	Consumer Protection Enforcement	\$1,373,832	\$1,373,832
General Services Fund Subtotal			\$21,952,872	\$22,021,303
Federal Special Revenue Fund				
381	055-611	Civil Rights Legal Service	\$390,815	\$390,815
Federal Special Revenue Fund Subtotal			\$390,815	\$390,815
State Special Revenue Fund				
419	055-623	Claims Section	\$2,959,415	\$0
State Special Revenue Fund Subtotal			\$2,959,415	\$0
Holding Account Redistribution Fund				
R05	055-632	Antitrust Settlements	\$1,000	\$1,000
R18	055-630	Consumer Frauds	\$300,000	\$300,000
Holding Account Redistribution Fund Subtotal			\$301,000	\$301,000
Total Funding: Legal Services			\$45,110,510	\$45,865,325

This analysis focuses on the following specific programs within the program series:

- **2.1 Citizen Protection**
- **2.2 State Agencies**

2.1 Citizen Protection

Program Description: This program includes consumer protection, charitable law, environmental enforcement, and antitrust. The majority of the funding for the Citizen Protection program budget represents costs for salaries and benefits of personnel required to fulfill the goals of this program through investigation, monitoring, education, and litigation of applicable state and federal laws designed to protect consumers, businesses, and the environment.

Funding Sources: (1) GRF, (2) fees collected from licensed motor vehicle dealers once the balance of the fund drops below \$300,000, (3) recoveries made from violations under the Title Defect Rescission program, (4) various fees, forfeited bonds, and court awards associated with administering the Charitable Gambling Law, (5) 10% of antitrust recoveries, (6) 75% of civil penalties ordered and paid pursuant to the Consumer Practices Act and the Odometer and Rollback Disclosure Act as well as all unclaimed surety bonds associated with that program

Implication of the Enacted Budget: According to staff of the Attorney General, the enacted budget will permit the agency to maintain these Citizen Protection programs, including: (1) providing consumer protection, (2) regulating charitable gaming in Ohio by licensing, auditing, and investigating gaming establishments, (3) maintaining a registry and financial information on charitable organizations, (4) enforcing both state and federal antitrust laws that prohibit collusive business practices such as price-fixing and market allocation agreements, and (5) providing environmental enforcement services.

2.2 State Agencies

Program Description: This program provides legal representation to state officials and state agencies. This legal representation is functionally divided between 14 sections. The program is highly personnel intensive, with more than 90% of its costs attributable to salaries and fringe benefits for the attorneys and support staff who provide these services to various state officials, agencies, boards, and commissions.

Funding Sources: (1) GRF, (2) reimbursement payments for legal services rendered to state agencies pursuant to contracts between the Attorney General and those state agencies, (3) payments pursuant to a contract between the Office of the Attorney General and the Department of Job and Family Services, (4) quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission, and (5) up to 11% of all of the amount collected by the Office of the Attorney General on claims due the state

Implication of the Enacted Budget: According to staff of the Attorney General, the enacted budget will permit the agency to maintain these state agencies' programs. Some of the more notable activities include:

- Representation and litigation in cases involving state boards, agencies, officials, commissions, and pension boards to recover moneys lost through deceitful practices or due to breach of fiduciary duties.

- Provision of legal counsel and representation to the Ohio Bureau of Workers' Compensation and the Industrial Commission of Ohio in jury trials regarding workers' compensation claims and involving the extensive use of medical expert witnesses.
- Serving as counsel for more than 30 state departments and regulatory boards in matters relating to health law, including defense challenges in provider reimbursement and health care delivery programs, enforcement litigation against providers for substandard care, and litigation relating to professional licensure for healthcare providers.
- Supply legal counsel to the Ohio Department of Transportation in litigation involving acquisition of property by eminent domain.
- Provision of legal representation and counsel to an array of state officials, agencies, and commissions to ensure the interest of the state of Ohio is protected.

Program Series 3

Program Management

Purpose: To provide support operations of the Office of the Attorney General and unique programs including county sheriff and county prosecutor pay supplements and the DARE program.

The following table shows the line items that are used to fund the Program Management program series, as well as the enacted funding levels.

Fund	ALI	Title	FY 2006	FY 2007
General Revenue Fund				
GRF	055-321	Operating Expenses	\$0	\$6,528,395
GRF	055-411	County Sheriffs' Pay Supplement	\$760,495	\$779,509
GRF	055-415	County Prosecutors' Pay Supplement	\$740,704	\$759,222
General Revenue Fund Subtotal			\$1,501,199	\$8,067,126
General Services Fund				
106	055-612	General Reimbursement	\$3,205,371	\$3,266,496
General Services Fund Subtotal			\$3,205,371	\$3,266,496
State Special Revenue Fund				
419	055-623	Claims Section	\$20,712,540	\$15,149,954
4L6	055-606	DARE	\$3,927,962	\$3,927,962
State Special Revenue Fund Subtotal			\$24,640,502	\$19,077,916
Holding Account Redistribution Fund				
R04	055-631	General Holding Account	\$275,000	\$275,000
Holding Account Redistribution Fund Subtotal			\$275,000	\$275,000
Total Funding: Program Management			\$29,622,072	\$30,686,538

This analysis focuses on the following specific programs within the Program Management program series:

- **3.1 Program Management**
- **3.2 Programs**

3.1 Program Management

Program Description: This program provides funding for the support operations of the Office of the Attorney General including information technology, finance, human resources, office services, training, communications, and collections enforcement. This program supports 250 employees and primarily benefits the other programs of the Office of the Attorney General.

The largest component of this program is the Collections Enforcement Section, which is responsible for collecting all delinquent debt owed Ohio on behalf of agencies, institutions, universities, and other government entities for taxes, fines, penalties, service fees, loans, and any other debt due.

Funding Sources: (1) GRF, (2) court-ordered reimbursements, and (3) up to 11% of all amounts collected by the Office of the Attorney General on claims due the state

Implication of the Enacted Budget: According to staff of the Attorney General, the enacted budget for this program will permit the agency to: (1) maintain debt collection efforts by the Collections Enforcement Section, and (2) continue provision of overall support functions, including information technology, finance, human resources, office services, training, and communications.

3.2 Programs

Program Description: This program supports three activities: (1) county sheriff pay supplements, (2) county prosecutor pay supplements, and (3) the DARE program. Both pay supplements are GRF funded and statutorily mandated. The DARE program provides grants to local law enforcement agencies to establish and implement drug abuse resistance programs in public schools, and is funded by \$75 of the \$425 license reinstatement fee that is transferred to the Office of the Attorney General for this purpose.

Funding Sources: (1) GRF, (2) \$75 of the \$425 license reinstatement fee, and (3) moneys from court-ordered settlements in a variety of cases

Implication of the Enacted Budget: According to staff of the Attorney General, the enacted budget will permit the agency to: (1) cover the county sheriff pay supplement as mandated by section 325.06 of the Revised Code, (2) cover the county prosecutor pay supplement as mandated by section 325.11 of the Revised Code, (3) continue funding of the DARE program, and (4) distribute settlement moneys to charitable and government organizations consistent with the terms of relevant court orders.