

**FY'22 Budget Performance Review
Attorney General 049**

Lead Administrator: Dawn Cash

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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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Utility Regulation
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.
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.
Justice Reinvestment
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.
Court Appointed Special Advocate
Income Tax Checkoff pass-through for Court Appointed Special Advocates. The entire amount is distributed to Oklahoma CASA programs.

FY'21 Budgeted Department Funding By Source							
Dept. #	Department Name	Appropriations	Federal	Revolving	Local ¹	Other ²	Total
1000001	Administration	\$ 566,869	\$ 174,190			\$ 4,760,734	\$ 5,501,793
1500001	Solicitor General	\$ 617,926				\$ 374,200	\$ 992,126
2500002	Criminal Appeals	\$ 1,854,954				\$ 229,600	\$ 2,084,554
2500003	Consumer Protection	\$ 170,686		\$ 718,436		\$ 1,094,008	\$ 1,983,131
2500004	Conservation					\$ 102,338	\$ 102,338
2500005	Utility Regulation			\$ 210,932		\$ 563,854	\$ 774,786
2500006	Litigation					\$ 2,421,228	\$ 2,421,228
2500007	Legal Counsel			\$ 3,049,397		\$ 84,700	\$ 3,134,097
2500009	Tobacco Enforcement					\$ 471,998	\$ 471,998
2500010	Civil Rights Enforcement	\$ 481,426				\$ 147,927	\$ 629,353
2800001	Legal Aid Services	\$ 959,378					\$ 959,378
3000001	Criminal Justice	\$ 354,091		\$ 780,109		\$ 714,005	\$ 1,848,205
3200001	Justice Reinvestment	\$ 1,252,315					\$ 1,252,315
3500001	Court Appointed Special Advocate					\$ 20,000	\$ 20,000
4000001	Medicaid Fraud Control		\$ 1,807,764	\$ 754,486		\$ 250,000	\$ 2,812,250
4500001	Worker's Compensation and Insurance Fraud			\$ 710,595		\$ 40,000	\$ 750,595
4500003	Social Security Fraud			\$ 279,828			\$ 279,828
5000001	Victims' Services	\$ 4,392,746	\$ 3,173,071	\$ 350,000		\$ 507,172	\$ 8,422,989
8800001	Information Services					\$ 1,854,400	\$ 1,854,400
Total		\$10,650,393	\$5,155,025	\$6,853,784	\$0	\$13,636,164	\$36,295,365

2. Approximately 38% of OAG funding comes from legal services.

FY'20 Carryover by Funding Source						
	Appropriations	Federal	Revolving	Local ¹	Other ²	Total
Carryover	\$0	\$0	\$0	\$0	\$0	\$0

What changes did the agency make between FY'20 and FY'21?

- 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

FY'22 Requested Funding By Department and Source							
Dept. #	Department Name	Appropriations	Federal	Revolving	Other ¹	Total	% Change
1000001	Administration	\$ 5,327,603	\$ 174,190			\$ 5,501,793	0%
1500001	Solicitor General	\$ 617,926			\$ 374,200	\$ 992,126	0%
2500002	Criminal Appeals	\$ 1,854,954			\$ 229,600	\$ 2,084,554	0%
2500003	Consumer Protection	\$ 988,724		\$ 718,436	\$ 275,970	\$ 1,983,131	0%
2500004	Conservation				\$ 102,338	\$ 102,338	0%
2500005	Utility Regulation			\$ 210,932	\$ 563,854	\$ 774,786	0%

Dept. #	Department Name	Appropriations	Federal	Revolving	Other ¹	Total	% Change
2500006	Litigation	\$ 2,421,228				\$ 2,421,228	0%
2500007	Legal Counsel			\$ 3,049,397	\$ 84,700	\$ 3,134,097	0%
2500009	Tobacco Enforcement				\$ 471,998	\$ 471,998	0%
2500010	Civil Rights Enforcement	\$ 481,426			\$ 147,927	\$ 629,353	0%
2800001	Legal Aid Services	\$ 959,378			\$ -	\$ 959,378	0%
3000001	Criminal Justice	\$ 354,091		\$ 780,109	\$ 714,005	\$ 1,848,205	0%
3200001	Justice Reinvestment	\$ 1,252,315				\$ 1,252,315	0%
3500001	Court Appointed Special Advocate				\$ 20,000	\$ 20,000	0%
4000001	Medicaid Fraud Control		\$ 1,807,764	\$ 754,486	\$ 250,000	\$ 2,812,250	0%
4500001	Worker's Compensation and Insurance Fraud			\$ 710,595	\$ 40,000	\$ 750,595	0%
4500003	Social Security Fraud			\$ 279,828		\$ 279,828	0%
5000001	Victims' Services	\$ 4,392,746	\$ 3,173,071	\$ 350,000	\$ 507,172	\$ 8,422,989	0%
8800001	Information Services				\$ 1,854,400	\$ 1,854,400	0%
Total		\$18,650,393	\$5,155,025	\$6,853,784	\$5,636,165	\$36,295,365	\$0

1. Please describe source(s) and % of total of "Other" funding for each department:

FY'22 Top Five Operational Appropriation Funding Requests

Request	Request Description	Request Amount
Request 1:	Funding for Duties Imposed on the Attorney General	\$ 8,000,000
Top Five Request Subtotal:		\$ 8,000,000
Total Increase above FY-21 Budget (including all requests)		\$ 8,000,000
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 '22 as was received in FY '21? (Flat/ 0% change)

Fiscal Year 2022 will be challenging even with the requested Operating Requests. The Office of Attorney General has been fortunate over the past several years to mitigate general appropriation 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 '22?

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

Federal Funds

CFDA	Federal Program Name	Agency Dept. #	FY 21 budgeted	FY 20	FY 19	FY 18	FY 17
93.775	Medicaid Fraud Control	4000001	\$ 1,807,764	\$ 1,750,648	\$ 1,764,954	\$ 1,813,368	\$ 1,662,864
93.671	Family Violence Prevention and Services	5000001	\$ 1,497,757	\$ 1,371,580	\$ 1,402,439	\$ 1,408,911	\$ 1,382,462
16.558	Violence Against Women Act	5000001	\$ 250,401	\$ 201,637	\$ 163,218	\$ 167,134	\$ 162,017
16.575	Victims of Crime Act	5000001	\$ 152,956	\$ 153,418	\$ 115,380	\$ 153,415	\$ 146,318
16.833	Sexual Assault Kit Initiative	5000001	\$ 1,271,957	\$ 79,919			
16.034	Coronavirus Emergency Supplemental Funding	3000001	\$ 174,190				
Total			\$ 5,155,025	\$ 3,557,202	\$ 3,445,990	\$ 3,542,829	\$ 3,353,661

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?

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'21 Budgeted FTE							
Division #	Division Name	Supervisors	Classified	Unclassified	\$0-\$35K	\$35K-\$70K	\$70K+
10	Administration	9	0	30	4	15	11
25	Criminal Appeals	1	0	19	0	11	8
30	Criminal Justice	3	0	18	0	12	6
25	Legal Services	4	0	40	0	15	25
25	Litigation	1	0	23	0	13	10
25	Public Protection	5	0	36	0	21	15
15	Solicitor General	1	0	5	0	1	4
40	Fraud Prevention and Prosecution	3	0	34	1	18	15
Total		27	0	205	5	106	94

FTE History							
Division #	Division Name	2021 Budgeted	2020	2019	2017	2012	
10	Administration	30	30	30	30	21	
25	Criminal Appeals	19	19	20	20	19	
30	Criminal Justice	18	19	18	16	12	
25	Legal Services	40	36	37	35	34	
25	Litigation	23	25	26	25	20	
25	Public Protection	36	38	37	33	28	
15	Solicitor General	5	5	5	6	2	
40	Fraud Prevention and Prosecution	34	33	32	40	42	
Total		205	205	205	205	178	

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.					

Revolving Funds			
	FY'18-20 Avg. Revs.	FY'18-20 Avg. Expend.	June '20 Bal.
200: Attorney General			
Revenue sources: proceeds from sales of copies of surplus bound volumes and opinions; bond issuance fees; tobacco manufacturer certification fees; legal services fees from state agencies; groundwater drillers' administrative penalties. Fund uses: general operations; general counsel to other state agencies; tobacco manufacturer certification directory.	\$4,140,255	\$4,156,310	\$911,004
205: Telemarketer			
Revenue sources: fines for telemarketing violations. Fund uses: implementing, administering, or enforcing the provisions of the Telemarketer Restriction Act.	\$94,800	\$86,739	\$24,704
210: Charitable Solicitations Enforcement			
Revenue sources: registration fee (with SoS) paid by charitable organizations, individual fundraisers, and professional solicitors. Fund uses: AG operations in furtherance of its duties under the provisions of the Oklahoma Solicitation of Charitable Contributions Act.	\$187,489	\$149,978	\$168,564

220: Workers Compensation Fraud			
Revenue sources: monies designated to the fund by law. Fund uses: suspected workers' comp fraud investigation, civil action, or referral to the district attorney.	\$96,627	\$97,320	\$1,016
225: Insurance Fraud			
Revenue sources: transfers from the Insurance Department; any monies designated to the fund by law. Fund uses: suspected insurance fraud investigation, civil action, or referral to the district attorney.	\$426,450	\$393,226	\$135,393
240: Court Appointed Special Advocate			
Revenue sources: income tax donations. Fund uses: grants to Oklahoma CASA Association for the purpose of providing support for Court Appointed Special Advocates for abused and neglected children; enforcement and prosecution of cases involving criminal and forfeiture laws of this state and the USA; or to match federal grants.	\$28,919	\$32,844	\$9,303
245: Medicaid Fraud Control			
Revenue sources: fines and penalties related to Medicaid fraud investigations. Fund uses: Activities of the Medicaid Fraud Control Unit.	\$1,510,566	\$711,272	\$2,111,235
250: Legal Aid Services			
Revenue sources: payment for legal services provided to other state agencies. Fund uses: providing legal services to other state agencies.	\$934,796	\$956,022	\$242,089
255: Domestic Violence Sexual Assault			
Revenue sources: individual and corporate income tax refund Fund uses: grants to domestic violence and sexual assault services providers.	\$103	\$2,536	\$148
260: Victims Services			
Revenue sources: \$150 certified domestic violence shelter/sexual assault program certification/application fees. Fund uses: victim services.	\$434,208	\$474,877	\$459