

2009 Budget Brief – EOCJ – Office of the Attorney General

EOCJ-AG 2

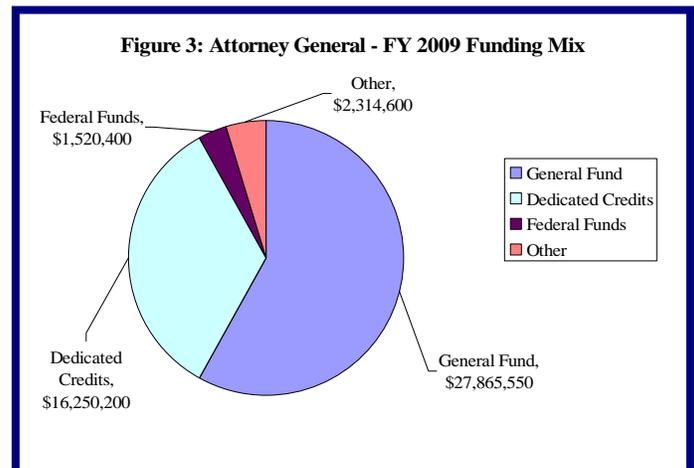
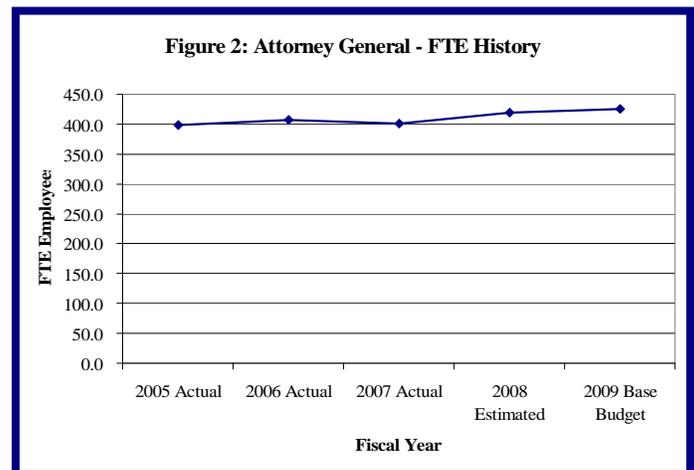
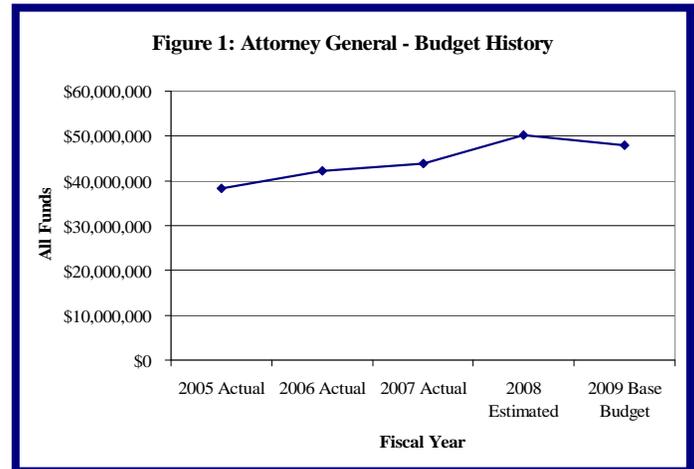
SUMMARY

The Attorney General is the constitutional legal officer of the state, serves as counsel in all cases in which the state or its officers are a party, and provides legal services for the state. The Attorney General’s mission is to protect people from crime, protect children from abuse and neglect, protect the state as an entity, and protect the state’s natural resources.

Agency Structure

The Attorney General has five line items to fulfill its constitutional and statutory responsibilities. They are:

- Attorney General Operations**—includes the executive administration and principle operating divisions of the Attorney General. The operating divisions include: Criminal Justice; Commercial Enforcement; Child and Family Support; Criminal Appeals; Children’s Justice; Child Protection; Investigations; Environment; Education; Tax and Revenue; Natural Resources; State Agency Counsel; Litigation; and Civil Appeals.
- Contract Attorneys**—tracks costs of outside attorneys and expert witnesses hired by the Attorney General in cases where a conflict of interest exists, or where the Legislature has specifically requested the Attorney General to use legal representation outside his/her office. Costs are in addition to and outside of normal operations.
- Utah Prosecution Council (UPC)**—conducts prosecution training sessions and seminars statewide, assists with legal research, and produces a monthly newsletter. It is funded with a portion of the Public Safety Support Fund/Criminal Fine Surcharge collected by the courts. The Prosecution Council is independent of the Attorney General’s Office and has a separate Board of directors. It is housed with the AG for the purpose of budgeting, accounting and management efficiency. Through a grant from the Commission on Criminal and Juvenile Justice, UPC developed a case management system that is used in numerous city and county



prosecution offices. The program automates many prosecutorial functions, tracks cases and parties, and collects prosecution statistics.

- **Children's Justice Centers**—are homelike facilities where physically and sexually abused children can go to be interviewed before appearing in court as witnesses against the accused. A multi-disciplinary team coordinates the interview process and assesses the needs of the children and their families for support services. Children's Justice Centers are currently operating in the following counties: Cache, Carbon, Davis, Duchesne, Emery, Grand, Iron, Salt Lake, Sevier, Tooele, Uintah, Utah, Wasatch, Washington, and Weber/Morgan.
- **Domestic Violence**— provides for statewide training of prevention and prosecution of domestic violence.

ISSUES AND RECOMMENDATIONS

David C. et al. versus Michael Leavitt et al. Plaintiff's Attorney Fees: Pursuant to the Federal District Court's Order of July 2, 2002, the state is obligated to pay plaintiff's attorneys fees. The case is an ongoing class action litigation concerning the state's child welfare system. The defendants are the Governor, DHS director, and the DCFS director, sued in their official capacities. Plaintiffs are all children subject to the state's child welfare system. The plaintiffs' attorneys are the National Center for Youth Law (NCYL), and the law firm of Morrison and Foerster.

Federal Law, 42 USC 1985, authorizes plaintiffs' attorneys to collect fees from the defendant states and local governments if the plaintiffs qualify as prevailing parties. The Federal District Court for Utah and the Tenth Circuit Court of Appeals have both held that the plaintiffs are the prevailing party in this litigation. The US Supreme Court has declined Certiorari.

The Analyst recommends a General Fund supplemental appropriation of \$162,100 for FY 2008 to pay for the last installment.

BUDGET DETAIL

Most of the funding in this budget pays for staff support for the office. Approximately 85 percent of the budget is for personnel services.

Budget Recommendation

The Analyst recommends a total FY 2009 appropriation of \$47,950,750 to the Attorney General. Although not included in the base funding, the Analyst also recommends a supplemental General Fund appropriation of \$162,100 for FY 2008 to pay the final installment of the David C. Case.

Intent Language

The Analyst recommends the Legislature consider continuation of intent language that: *that funds provided for all line items within the Office of the Attorney General shall not lapse.*

BUDGET DETAIL TABLE

Attorney General						
Sources of Finance	FY 2007 Actual	FY 2008 Appropriated	Changes	FY 2008 Revised	Changes	FY 2009* Base Budget
General Fund	23,212,100	27,865,550	0	27,865,550	0	27,865,550
General Fund, One-time	2,478,000	700,000	0	700,000	(700,000)	0
Federal Funds	1,766,500	2,019,400	(321,300)	1,698,100	(177,700)	1,520,400
Dedicated Credits Revenue	16,548,000	17,476,100	(1,205,900)	16,270,200	(20,000)	16,250,200
GFR - Domestic Violence	78,300	78,300	0	78,300	0	78,300
GFR - Public Safety Support	546,000	569,000	0	569,000	0	569,000
GFR - Tobacco Settlement	275,200	275,200	0	275,200	0	275,200
Attorney General Litigation Fund	279,800	321,700	0	321,700	0	321,700
Transfers - Commission on Criminal and Juvenile J	169,600	444,600	(298,700)	145,900	(103,800)	42,100
Transfers - Fed Pass-thru	0	0	65,800	65,800	(65,800)	0
Transfers - Federal	0	0	337,100	337,100	(337,100)	0
Transfers - Other Agencies	369,100	154,700	(74,300)	80,400	402,900	483,300
Beginning Nonlapsing	521,000	143,400	2,237,900	2,381,300	(1,836,300)	545,000
Closing Nonlapsing	(2,381,300)	(8,800)	(536,300)	(545,100)	545,100	0
Total	\$43,862,300	\$50,039,150	\$204,300	\$50,243,450	(\$2,292,700)	\$47,950,750
Line Items						
Attorney General	39,822,500	45,747,750	(311,600)	45,436,150	(1,383,600)	44,052,550
Contract Attorneys	717,900	300,000	458,900	758,900	(458,900)	300,000
Children's Justice Centers	2,591,400	3,184,500	(12,100)	3,172,400	(368,300)	2,804,100
Prosecution Council	651,000	728,600	69,100	797,700	(81,900)	715,800
Domestic Violence	79,500	78,300	0	78,300	0	78,300
Total	\$43,862,300	\$50,039,150	\$204,300	\$50,243,450	(\$2,292,700)	\$47,950,750
Categories of Expenditure						
Personal Services	36,245,200	42,093,950	(1,355,150)	40,738,800	(232,700)	40,506,100
In-State Travel	175,000	158,800	33,900	192,700	(12,000)	180,700
Out of State Travel	148,000	162,400	(13,300)	149,100	(8,900)	140,200
Current Expense	3,610,200	3,873,300	674,550	4,547,850	(1,156,100)	3,391,750
DP Current Expense	462,500	934,500	(157,100)	777,400	(298,000)	479,400
DP Capital Outlay	10,400	0	10,400	10,400	0	10,400
Capital Outlay	0	0	25,000	25,000	(25,000)	0
Other Charges/Pass Thru	3,118,300	2,816,200	986,000	3,802,200	(560,000)	3,242,200
Transfers	92,700	0	0	0	0	0
Total	\$43,862,300	\$50,039,150	\$204,300	\$50,243,450	(\$2,292,700)	\$47,950,750
Other Data						
Budgeted FTE	401.4	419.3	0.0	419.3	6.3	425.5
Vehicles	43.0	34.0	0.0	34.0	0.0	34.0

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.