

Office of the
Legislative Fiscal Analyst

FY 2002 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices and Criminal Justice

Attorney General

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1.0 Attorney General

The Attorney General’s Office is charged by the Utah Constitution with the exclusive responsibility to act as legal advisor to the Governor and all of the executive branch agencies. The Attorney General must also prosecute or defend, in federal and State courts, all cases where the State of Utah or any of its officers, boards or commissions is a party.

	Analyst FY 2002 Base	Analyst FY 2002 Changes	Analyst FY 2002 Total
Financing			
General Fund	17,397,800		17,397,800
Federal Funds	1,071,800		1,071,800
Dedicated Credits Revenue	10,231,200		10,231,200
GFR - Commerce Service	407,400		407,400
GFR - Public Safety Support	512,000	35,000	547,000
Antitrust Revolving	159,300		159,300
Transfers	55,000		55,000
Transfers - CCJJ	101,900		101,900
Total	\$29,936,400	\$35,000	\$29,971,400
Programs			
Administration	1,290,600		1,290,600
Attorney General	21,654,100		21,654,100
Child Protection	4,022,400		4,022,400
Financial Crime	228,500		228,500
Children's Justice Centers	2,032,300		2,032,300
Antitrust Prosecution	159,300		159,300
Prosecution Council	473,800	35,000	508,800
Domestic Violence	75,400		75,400
Total	\$29,936,400	\$35,000	\$29,971,400
FTE/Other			
Total FTE	387		387
Vehicles	30		30

2.0 Issues: Attorney General

2.1 Attorney Salaries

Review and discussion of salaries for the Attorney General’s staff is an annual event. The Utah Code provides a career status plan for attorneys (Utah Code 67-8-3) however, the funding mechanism for this plan has not been in place. The chart below shows the average salary of entry level, mid range and expert attorneys in the Attorney General’s Office:

Entry Level:	\$55,100
Mid Range:	\$75,000
Expert:	\$88,900

There are also indirect costs (including secretarial, paralegal and law clerk support) of approximately \$38,400 associated with the hiring of a new attorney. Currently, attorneys are not part of the state pay plan. Since there is no funding mechanism in place, the appropriations subcommittee must make a recommendation to the Executive Appropriations Committee to include increases for attorneys as part of the compensation package.

The Attorney General has also requested special consideration for additional salary relief of \$1,148,000. This would translate to a 10 percent increase in attorney salaries. Additional funding of approximately \$333,000 in dedicated credits would be required if the request is approved. The Analyst recommends that the Attorney General provide the rationale for this request to the Legislative committee.

2.2 Tobacco Settlement Funds

Funding from tobacco settlement cost reimbursement funds was awarded to the National Association of Attorney’s General. Utah’s portion in the current year is \$107,600. These funds are provided to insure that the state has the ability to monitor and enforce the provisions of the settlement decree. This funding is in addition to the tobacco settlement revenue. Funding should be considered one-time. The Attorney General has used these funds to hire additional staff. Should the funding cease to exist the Attorney General could potentially come before the Legislature to ask for replacement with General Fund to continue funding the FTE’s they have hired.

2.3 Dedicated Credits in the Office of the Attorney General

Dedicated credits in the Office of the Attorney General are assessed as fees for services provided to agencies. Where funding for attorneys has been provided directly to the Attorney General, the funding stream is General Fund. These dedicated credit funds quite often show up as General Fund request in another agencies budget. It is important for the subcommittee to remember that when they are authorizing dedicated credit increases in the Attorney General's Office, other committees need to authorize General Fund increases for the agencies receiving the service.

Another problem for the Attorney General is the use of closet attorneys. Many agencies are hiring their own counsel and are paying for them out of General Fund appropriations. There are 50 of these attorneys in state wide compared to an attorney staff in the Attorney General's office of approximately 180.

2.4 Child Protection Attorneys and Support Staff

If additional funding becomes available the Analyst would recommend two additional attorneys and support costs in the Child Protection division. Total funding requirements for this position would be \$148,400 in General Funds and \$55,000 in Dedicated Credit Revenues.

2.5 Obscenity and Pornography Ombudsman

In the 2000 General Session the Legislature appropriated half of the funding for the Obscenity and Pornography Ombudsman. If additional funding becomes available the Analyst recommends fully funding the position with an additional \$75,000 in General Fund.

2.6 Prosecution Council

The Analyst recommends an additional \$35,000 for the Prosecution Council from the Public Safety Support Fund.

2.7 Medicaid Fraud Unit

Last year the Medicaid Fraud Unit was transferred to the Attorney General's Office from the Department of Public Safety. However, in the last days of the session a portion of the responsibility was transferred to the Department of Health. Because of the timing the funding necessary for the Department of Health to implement the new responsibilities was not transferred. The Analyst therefore, has transferred \$120,000 to the Department of Health from the Medicaid Fraud Unit to account for the change in responsibilities.

2.8 Transition Funding

The new Attorney General has requested some additional personnel costs in conjunction with the transition to a new administration. Most of the executive staff from the previous administration are merit employees who have chosen to remain and resume other positions in the office. Therefore, the Attorney General's Office requests a \$650,000 increase in FY 2002 and a supplemental of \$325,000 in FY 2001 in order to bring on his own executive staff.

2.9 Crime Prevention Strategy

The Attorney General has made a request for \$650,000 in General Fund to create a crime prevention section. This section would consider the following:

- 1) Methamphetamine initiatives
- 2) Assistance with Case Management
- 3) Closed societies investigations
- 4) Internet Crimes against children
- 5) Computer forensics lab
- 6) Utah Tracking and Analysis Project

2.10 Nonlapsing Intent Language

The Analyst recommends the following intent:

It is the intent of the Legislature that funding for the Attorney General's Administration be nonlapsing.

It is the intent of the Legislature that funding for the Attorney General's Office be nonlapsing.

It is the intent of the Legislature that funding for Child Protection be nonlapsing.

It is the intent of the Legislature that funding for Domestic Violence be nonlapsing.

It is the intent of the Legislature that funding for the Prosecution Council be nonlapsing.

It is the intent of the Legislature that funding for Financial Crimes be nonlapsing.

It is the intent of the Legislature that funding for Children's Justice Centers be nonlapsing.

It is the intent of the Legislature that funding for Anti-Trust Prosecution be nonlapsing.

3.1 Administration

Recommendation

The Analyst recommends \$1,290,600 for Administration.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	1,288,700	1,337,600	1,290,600	(47,000)
General Fund, One-time		(8,000)		8,000
Beginning Nonlapsing		800		(800)
Closing Nonlapsing	(800)			
Total	<u>\$1,287,900</u>	<u>\$1,330,400</u>	<u>\$1,290,600</u>	<u>(\$39,800)</u>
Expenditures				
Personal Services	1,145,300	1,192,600	1,173,300	(19,300)
In-State Travel	(3,700)	4,200	4,200	
Out of State Travel	15,200	16,300	17,100	800
Current Expense	106,200	94,400	72,600	(21,800)
DP Current Expense	24,900	22,900	23,400	500
Total	<u>\$1,287,900</u>	<u>\$1,330,400</u>	<u>\$1,290,600</u>	<u>(\$39,800)</u>
FTE/Other				
Total FTE	17	17	17	
Vehicles		2	2	

Purpose

The Administration coordinates and supervises the work of attorneys, directs prosecutorial efforts on a State level, and provides all central services for the office. These services include fiscal, budgetary, computer, facilities and personnel matters as well as acquisitions and other expenditures.

3.2 Public Advocacy

The Analyst recommends \$6,595,900 for Public Advocacy

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	4,414,500	4,691,700	4,585,300	(106,400)
General Fund, One-time		(30,000)		30,000
Federal Funds	77,800	937,800	937,800	
Dedicated Credits Revenue	1,120,800	1,031,000	1,008,100	(22,900)
Transfers - CCJJ	64,700	64,700	64,700	
Total	\$5,677,800	\$6,695,200	\$6,595,900	(\$99,300)
Expenditures				
Personal Services	4,920,000	5,826,900	5,743,800	(83,100)
In-State Travel	13,900	55,300	53,600	(1,700)
Out of State Travel	27,000	52,600	47,100	(5,500)
Current Expense	571,700	633,100	640,300	7,200
DP Current Expense	145,200	127,300	111,100	(16,200)
Total	\$5,677,800	\$6,695,200	\$6,595,900	(\$99,300)
FTE/Other				
Total FTE	84	84	84	
Vehicles		27	27	

Purpose

Public Advocacy consists of four divisions: Tax and Revenue, Criminal (including investigators), Environment and Consumer Rights. Unlike the State Counsel functions, this program focuses on regulatory functions and prosecutorial activities.

Tax and Revenue

The attorneys of the Tax and Revenue Division provide support to the State Tax Commission, State Insurance Department, Department of Financial Institutions, and state entities that issue bonds. They insure that Utah’s monetary assets are defended against those who would avoid paying their fair share of taxes due. The state’s vigilant efforts to audit and collect taxes from all that owe assures each taxpayer a fair but not excessive burden. They also represent the agencies that regulate insurance companies and financial institutions, so our citizens have the insurance and protection of deposits they expect. They also represent State entities issuing general obligations and revenue bonds to be certain amounts and conditions imposed by the Legislature are observed.

	2000	1999
Matters handled for the Tax Commission	599	447
Approximately dollars at issue	\$130 Million	\$120 Million
Matters handled for the Insurance Department	156	74
Matters handled for Financial Institutions	20	20
Matters handled for State Auditor	7	
State Bonding Cases	4	10

Criminal

The Division has extensive experience in criminal prosecutions, with special expertise in homicide and public corruption cases. They investigate and prosecute crimes when county attorneys are disqualified or need additional resources; assist county attorneys throughout the state with other major prosecutions; review and investigate and respond to complaints and inquiries from law enforcement agencies, citizens, and legislators; provide assistance to state and federal agencies. The Division incorporates prosecutors specializing in insurance fraud, narcotics enforcement, medicaid fraud, welfare fraud, criminal nonsupport, and money laundering.

	2000	1999
General Prosecution		
Cases in which assistance was provided to county attorneys	424	430
Criminal complaints handled	322	315
Open criminal investigations	61	53
Capital cases	5	5
Capital motions handled	19	48
Criminal Non-Support		
Cases filed	73	34
Amount of child support collected	\$847,000	\$686,000
Convictions	30	30
Defendants sent to jail	20	31
Investigations	55	37
Referred for prosecution	15	11
Criminal cases files	15	8
Defendants convicted	12	7
Defendants sent to prison	7	7
Medicaid Fraud		
New Investigations	71	115
Investigations Closed	45	51
Number Convicted	13	14
Welfare Fraud		
Cases filed	12	60
Convictions obtained	12	40
Offenders sentenced to jail or prison	6	27
Restitution ordered	\$100,400	\$315,000
Community service hours ordered	860	2,136
Insurance Fraud		
Cases screened	233	120
Cases filed	98	45
Defendants convicted	88	38
Felony Convictions	140	N/A
Methamphetamine Lab Prosecution		
Felony charges filed	109	180
Felony convictions obtained	75	27
Internet Crimes Against Children		
Cases	76	
Travelers and/or Molestation	21	
Child Porn Producer	3	
Child Porn Possessor	34	
Search Warrants	12	
Subpoenas	10	
Forfeitures	1	
Referrals	47	

Environment

The Environment Division provides legal support to the Utah Department of Environmental Quality (DEQ). The Divisions objectives include protection of the Utah environment against those who would pollute or otherwise destroy it. Major programs implemented are in the areas of air quality plans and permitting, hazardous waste treatment and disposal, leaking underground storage tanks, historical hazardous substances disposal/superfund sites, surface water and groundwater protection, drinking water, and radiation. The Environment Division is also responsible for investigation of environmental crimes and coordination with local and federal law enforcement officials.

Recent major cases include challenges to the proposed high level nuclear waste storage site on the Goshute reservations, criminal actions against companies discharging hazardous wastes and cost recovery cases for state expenditures to clean up releases of petroleum products.

	2000	1999
Cases in litigation at any one time	25-30	25-30
Administrative cases average	40-45	40-45
Enforcement cases average	45	45
Criminal investigations	20-25	20-25

Consumer Rights

The attorneys of this division represent the Department of Commerce; specifically Division of Occupational and Professional Licensing (which licenses over 50 professions in the state), Division of Real Estate (which licenses real estate agents and brokers and appraisers), Division of Securities (which licenses stock brokers and agents), Division of Consumer Protection, and Division of Corporations. In addition, this division of the Attorney General’s Office enforces antitrust laws and participates in multi-state antitrust enforcement. Finally, the division criminally and civilly prosecutes securities, consumer, and other white collar fraud cases. The also supervise the Financial Crimes unit of the office.

	2000
DOPL cases opened	94
DOPL cases closed	172
Real Estate cases opened	31
Real Estate cases closed	32
Lien Recovery fund cases opened	70
Lien Recovery fund cases closed	153
Securities civil cases opened	43
Securities civil cases closed	31
Consumer Protection cases opened	17
Consumer Protection cases closed	8
Consumer complaints and inquiries processed	741
Consumer complaints resolved by AG mediation	126
Consumer complaints pending by AG	79
Consumer complaints referred to other appropriate agencies	536
Amount of restitution collected for victims of white collar crime	\$546,780

3.3 Water Rights Adjudication

Recommendation The Analyst recommends \$146,800 for Water Rights Adjudication.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
Financing				
General Fund	137,600	150,400	146,800	(3,600)
General Fund, One-time		(1,000)		1,000
Total	<u>\$137,600</u>	<u>\$149,400</u>	<u>\$146,800</u>	<u>(\$2,600)</u>
Expenditures				
Personal Services	131,300	142,900	140,300	(2,600)
In-State Travel	300	300	300	
Out of State Travel	600	600	600	
Current Expense	4,300	4,400	4,400	
DP Current Expense	1,100	1,200	1,200	
Total	<u>\$137,600</u>	<u>\$149,400</u>	<u>\$146,800</u>	<u>(\$2,600)</u>
FTE/Other				
Total FTE	2	2	2	

Purpose

The Attorney General’s Office is responsible for representing the State Engineer in the twelve general water rights adjudication actions currently pending on most of the major drainage basins in the State. These adjudication actions are pending in several of the judicial districts in which those drainage systems are located. This program consists of two attorneys working full time with the State Engineer’s Office of Water Rights Adjudication. In addition, the two general fund attorneys in the Natural Resources Division who are assigned to the State Engineer’s Office also devote significant time to this effort. The program was set up by the Legislature to insure that at least two attorneys are working full time on these adjudications.

The water adjudication attorneys work with the State Engineer’s staff in preparing recommendations to the various district courts on pending adjudication actions. Where disputes over those recommendations arise, the attorneys prepare answers and litigate or negotiate settlements of the various disputes. The adjudication of the tens of thousands of water rights throughout the State will provide certainty over water rights for thousands of water users. Some of these adjudications actions have been pending for more than twenty five years.

The general adjudication process also includes the various reserved water rights claims of the United States, including reserved water rights for Indian reservations, national parks and monuments, national wildlife refuges and forest service lands. Under federal law, these claims must be adjudicated in State court as part of the general adjudications process.

	2000	1999
Contested claims in water adjudications resolved by litigation or settlement	130	112

3.4 State Counsel

Recommendation

The Analyst recommends \$13,601,000 for State Counsel.

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	5,004,300	5,371,800	5,253,200	(118,600)
General Fund, One-time		(31,400)		31,400
Dedicated Credits Revenue	7,776,600	8,189,100	8,005,400	(183,700)
GFR - Commerce Service	290,000	416,600	407,400	(9,200)
GFR - Tobacco Settlement	160,000	269,300		(269,300)
Transfers	60,900	55,000	55,000	
Beginning Nonlapsing	31,700	1,400		(1,400)
Closing Nonlapsing	(1,400)			
Total	\$13,322,100	\$14,271,800	\$13,721,000	(\$550,800)
Expenditures				
Personal Services	11,725,600	12,999,900	12,639,500	(360,400)
In-State Travel	44,800	47,500	47,500	
Out of State Travel	30,100	32,200	32,200	
Current Expense	908,100	1,030,800	840,400	(190,400)
DP Current Expense	524,700	154,600	154,600	
DP Capital Outlay	88,800	6,800	6,800	
Total	\$13,322,100	\$14,271,800	\$13,721,000	(\$550,800)
FTE/Other				
Total FTE	195	195	195	

Purpose

There are six divisions within the State Counsel section: Child and Family Support, State Agency Counsel (formerly referred to as public affairs), Education, Appeals, Natural Resources and Litigation. The functions of this Department involve advising state agencies and defending these agencies against pending litigation.

Performance Measures

The **Child and Family Support Division** serves as legal counsel to the Office of Recovery Services (ORS) and the Department of Health (DOH).

As counsel to ORS, the Division assists in carrying out federally mandated services such as establishing paternity, establishing child support obligations, modifying support orders, enforcing support orders in the state and establishing and enforcing support orders from other states and countries. With welfare reform limiting the period in which a custodial parent can receive financial assistance, it becomes crucial that child support is paid. The division also handles appeals for ORS.

The Division also recoups Medicaid funds and TANF funds which are improperly received, and recovers Medicaid funds from liable third parties.

For the Department of Health, the Office provides legal advice on a variety of legal issues, including: Medicaid eligibility; contract disputes, health care facility licensing and program compliance; records access, including confidentiality issues. The Division also appears as counsel in administrative hearings to determine Medicaid and UMAP (Utah Medical Assistance Program) eligibility.

The information below is for the entire Office of Recovery Services:

	2000	1999
Child Support Collections	\$122 Million	\$112 Million
Collections – entire Office of Recovery Services	\$146 Million	\$134 Million
Outstanding Child Support Dollars for Collections	\$426 Million	\$394 Million

State Agency Counsel: The State Agency Counsel Division provides legal advice and representation to 36 state agencies.

Education: The Education Division provides legal counsel to the State Board of Regents and the nine state higher educational institutions, and also the State Board of Education and the various state public education entities under its direct control and supervision. The Division provides attorneys to handle legal issues such as civil rights, employment disputes, collections, contracts, torts, real property, copyright and patent, and compliance with state and federal statutory and regulatory requirements.

	2000	1999
Delinquent student loan accounts collected for Utah Higher Education Assistance Administration	\$8.1 Million	\$8.7 Million
Delinquent patient accounts collected for University of Utah Hospital	\$2.4 Million	\$2 Million

Appeals: The Appeals Division handles the following types of cases:

- ▶ all direct appeals involving state capital homicide convictions;
- ▶ all direct appeals involving state felony conviction and sentences;
- ▶ all interlocutory appeals involving pre-conviction rulings in state felony or capital homicide cases;
- ▶ all direct and interlocutory appeals involving Serious Youth Offenders;
- ▶ all direct and interlocutory appeals from juvenile court involving juveniles retained in juvenile court but charged or adjudicated guilty of an offense which would be a felony if committed by an adult;
- ▶ all State’s appeals of dismissals or other termination of felony prosecutions, typically from pretrial dismissal of a felony information or suppression of evidence;
- ▶ all post-conviction state trial proceedings under rule 65c, Utah Rules of Civil Procedure, in which a convicted felon or capital murderer collaterally challenges his conviction or sentence;
- ▶ all direct appeals of state post-convictions proceedings;

- ▶ all habeas corpus federal trial proceedings in which state-convicted felons or capital murderers collaterally challenge their convictions in de novo federal proceedings;
- ▶ all direct appeals of federal habeas corpus proceedings;
- ▶ all petitions for certiorari review filed in the United States Supreme Court involving state felony or capital homicide convictions;
- ▶ all rule 23B, Utah Rules of Appellate procedure, proceedings in district and appellate courts (evidentiary proceedings involving claims of ineffective assistance of counsel) involving felony or capital homicide convictions;
- ▶ all petitions for release of convicted felons, petitions for certificates of probable cause, filed in appellate courts;
- ▶ all summary disposition appellate proceedings involving felons.

In addition, the Criminal Appeals Division consults and otherwise assists trial prosecutors throughout the state on a regular basis in capital murder trials, search and seizure cases, and other major trials involving complex evidentiary or constitutional issues. This includes weekly requests for research, requests for help in preparing memorandums, requests for review of district court rulings, assistance in preparing jury instructions, and advice on the admissibility of evidence during trials.

The Division regularly participates in providing training to trial prosecutors, as well as police and probation officers, through the SWAP and other educational forums. They have also developed a computerized index of major Utah and U.S. Supreme Court cases which prosecutors throughout the State may use for quick research and reference through the AG Internet page.

The appellate courts insist on very tight deadlines, with priority given to capital murder and imprisoned defendants. The appellate courts are extremely reluctant to grant more than one 30-day extension to the State in submitting a brief. The Rules of Appellate Procedure permit the appellate court to refuse to accept a late-filed brief or to prohibit the State from orally arguing a case in which a brief was submitted as little as one day late.

	2000	1999
Felony and Juvenile Court Appeals Pending	349	N/A
Felony and Juvenile Court Appeals Cases Closed	38	N/A
Felony Postconviction Trials Pending	54	63
Felony Postconviction Cases Closed	61	24
Capital Appeals and Postconviction Trials Pending	11	12
Capital Appeals and Postconviction Cases Closed	1	0

Natural Resources: This division provides legal and litigation support to Utah Department of Natural Resources and its various divisions:

	2000	1999
Cases in litigation at any one time	70-75	65-70
Administrative hearing average per year	50	45-50

The Division also represents the State in matters of Indian Law.

Litigation: The Litigation division defends lawsuits against the State, its agencies, school districts and employees from lawsuits involving claims for damages. These cases typically involve civil rights, employment matters and personal injury claims. The Division also acts as agency counsel for Risk Management; and handles most of the office’s civil appeals.

	2000	1999
Risk Management cases currently being handled	336	380

3.5 Contract Attorneys

Recommendation

The Analyst recommends \$300,000 for Contract Attorneys.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	44,300			
Dedicated Credits Revenue	448,000	300,000	300,000	
Total	<u>\$492,300</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$0</u>
Expenditures				
Current Expense	492,300	300,000	300,000	
Total	<u>\$492,300</u>	<u>\$300,000</u>	<u>\$300,000</u>	<u>\$0</u>

Purpose

This program is used to record the costs of outside contract attorneys used through the state. Agencies desiring outside counsel which is approved by the Attorney General have expenses paid from this fund and they must reimburse the fund in full.

3.6 Children’s Justice

Recommendation

The Analyst recommends \$890,400 for Children’s Justice.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	722,100	897,400	878,400	(19,000)
Federal Funds			12,000	12,000
Transfers - CCJJ	7,900	12,000		(12,000)
Total	\$730,000	\$909,400	\$890,400	(\$19,000)
Expenditures				
Personal Services	591,200	765,700	751,100	(14,600)
In-State Travel	19,100	19,100	19,100	
Out of State Travel	3,200	3,200	3,200	
Current Expense	111,500	115,600	111,200	(4,400)
DP Current Expense	5,000	5,800	5,800	
Total	\$730,000	\$909,400	\$890,400	(\$19,000)
FTE/Other				
Total FTE	12	12	12	
Vehicles		1	1	

Purpose

The division provides advice expertise and training on criminal prosecution of child abuse to prosecutors and investigators throughout the state who need technical or hands on assistance in investigation and prosecuting child abuse cases. The attorneys often act as co-counsel with local prosecutors on complex, multi-jurisdictional, or conflict of interest child abuse cases. Frequently, an attorney from the division will assume complete control of a case.

The division is also responsible for coordination of the Children’s Justice Center program and staff support to the State Advisory Board on Children’s Justice. One division attorney provides domestic violence training throughout the state to prosecutors, law enforcement officials, DCFS employees and other professionals. This attorney also prepares and updates a domestic violence manual. A division attorney represents the Division of Youth Corrections.

The division employs forensic investigators who investigate allegations of abuse or neglect committed by foster parents or other licensed providers against children in DCFS custody. Division attorneys draft legislation in the areas of child abuse, domestic violence and elder abuse. They participate as members of Primary Children’s Medical Center Child Protection Team, the state Child Fatality Review Committee, the state Domestic Violence Advisory Council, the Domestic violence Governmental Affairs Subcommittee, the Governors Cabinet Council on Domestic Violence, the Disproportionate Minority Confinement Task force, American Professional Society for the Abuse of Children, Child Abuse and Neglect Advisory Council and other state committees related to child abuse and domestic violence.

	2000	1999
Prosecution – active cases	35	19
Investigations – active cases	26	19
Citizen Complaints – cases closed	45	25
Consultations – cases closed	33	26

3.7 Prosecution Council

Recommendation The Analyst recommends \$445,900 for the Prosecution Council.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
GFR - Public Safety Support	417,500	418,100	471,600	53,500
Transfers - CCJJ	37,200	37,200	37,200	
Beginning Nonlapsing	105,700	24,300		(24,300)
Closing Nonlapsing	(24,300)			
Total	\$536,100	\$479,600	\$508,800	\$29,200
Expenditures				
Personal Services	326,500	262,500	257,000	(5,500)
In-State Travel	37,700	38,300	38,300	
Out of State Travel	19,400	19,400	19,400	
Current Expense	146,600	154,100	188,800	34,700
DP Current Expense	5,900	5,300	5,300	
Total	\$536,100	\$479,600	\$508,800	\$29,200
FTE/Other				
Total FTE	5	5	5	

Purpose

The Prosecution Council was created by legislative act in 1990. The statutory charge of the council is to “(a) provide training and continuing legal education for the State and local prosecutors; (b) provide assistance to local prosecutors; and (c) as funds are available provide reimbursement for unusual expenses relative to prosecution for violations of State Laws.” The council is funded from the Public Safety Support Fund.

Performance Measures

	2000	1999
Basic Prosecutor Course	30	25
Fall Prosecutor Training Conference	110	110
Forensics Conference	80	N/A
Spring Conference	200	180
Juvenile Justice	50	100
White Collar Crime	125	120

The Prosecution Council, though housed in the Attorney General’s office for administrative purposes, has a separate, statutorily created Charter and Board of Directors to whom the UPC Director and staff are responsible. The AG’s office provides budgeting and accounting support and day-to-day management supervision through the Criminal Division.

Implementation of a statewide computerized case management system for prosecutors has significantly increased the workload on the Council staff. The case management software has been installed in 10 county attorney offices and 19 city prosecutor offices, with additional offices awaiting installation.

UPC staff has developed a web page, located at www.upc.state.ut.us. Staff has also worked with the AG's Criminal Appeals Division to set up a brief bank which will be accessible by prosecutors around the state.

UPC Staff are coordinators for the Interstate Agreement on Detainers and the Uniform Criminal Extradition Act. In that capacity they review extradition cases on behalf of the Attorney General's Office and advises the Governor's Extradition's Coordinator on legal matters concerning extradition.

3.8 Domestic Violence

Recommendation

The Analyst recommends \$75,400 for Domestic Violence prosecution.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
GFR - Public Safety Support	79,400	72,200	75,400	3,200
Beginning Nonlapsing	18,800	3,600		(3,600)
Closing Nonlapsing	(3,600)			
Total	\$94,600	\$75,800	\$75,400	(\$400)
Expenditures				
Personal Services	41,800	45,100	45,100	
In-State Travel	9,100	7,800	7,800	
Out of State Travel	300	300	300	
Current Expense	43,000	22,200	21,800	(400)
DP Current Expense	400	400	400	
Total	\$94,600	\$75,800	\$75,400	(\$400)
FTE/Other				
Total FTE	1	1	1	

Purpose

The legislature provides funding for the training of municipal and county prosecutors in the prosecution of domestic violence offenses. Responsibility for the administration of the training effort was given to the Attorney General. Funding for the program is .05 percent of the Criminal Fine Surcharge Account. Since 1991, Utah Prosecution Council has sponsored an annual, multi disciplinary Domestic Violence Conference at which prosecutors meet and confer with domestic violence professionals from other agencies.

	2000	1999
Annual Training Attendance	166	265

In addition to the Utah Prosecution Council’s annual Domestic Violence Conference, the Attorney General’s Office has been actively involved in other projects aimed at decreasing domestic violence in the community.

	2000	1999
Citizens trained in Domestic Violence Prevention	63,103	54,202
Leaders in police and sheriff’s offices trained	525	703

3.9 Child Protection

Recommendation

The Analyst recommends \$4,022,400 for Child Protection.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	3,067,900	3,174,700	3,104,700	(70,000)
General Fund, One-time		(17,900)		17,900
Dedicated Credits Revenue	908,200	943,000	917,700	(25,300)
Beginning Nonlapsing	27,800	900		(900)
Closing Nonlapsing	(900)			
Total	<u>\$4,003,000</u>	<u>\$4,100,700</u>	<u>\$4,022,400</u>	<u>(\$78,300)</u>
Expenditures				
Personal Services	3,513,300	3,637,900	3,569,400	(68,500)
In-State Travel	33,600	33,600	33,600	
Out of State Travel	11,600	12,500	12,500	
Current Expense	400,800	372,600	362,800	(9,800)
DP Current Expense	43,700	44,100	44,100	
Total	<u>\$4,003,000</u>	<u>\$4,100,700</u>	<u>\$4,022,400</u>	<u>(\$78,300)</u>
FTE/Other				
Total FTE	60	60	60	

Purpose

The Child Protection Division of the Attorney General’s office is the result of the passage of House Bill 265 (The Child Welfare Reform Act) in the 1994 General Session. Under the Child Welfare Reform Act, the Attorney General represents the Division of Family Services in abuse and neglect cases.

Providing a safe living environment can involve something as drastic as permanently removing a child from an abusive home and making the child available for adoption. Usually it will involve other alternatives such as temporary shelter, foster care, or protective supervision of the child in his or her own home. All of these circumstances require court action and the involvement of the AG’s office.

The Child Protection Division advises the Division of Child and Family Services (DCFS) regarding a decision to remove a child from his or her home; represents DCFS in all court and administrative proceedings related to child abuse, neglect, and dependency, including but not limited to shelter hearings, dispositional hearings, dispositional review hearings, periodic review hearings, and petitions for termination of parental rights; advises DCFS caseworkers on an ongoing basis; and represents the Division of Human Services Department of Licensing that issues licenses for social service programs, such as child care centers and residential treatment centers.

	2000	1999
Number of children removed	2,437	2,004
Number of shelter hearings attended	1,398	1,156
Number of 24 hour meetings attended	1,175	1,001
Number of verified petitions filed	1,624	1,322
Number of pre-trials attended	2,642	2,006
Number of adjudications/dispositions	1,428	1,148
Number of review hearings attended	4,904	3,793
Number of motion hearings	599	502
Number of administrative hearings	179	336
Number of delinquency referrals	201	124
Number of delinquency hearings	349	203
Number of other hearings	1,018	761
Number of case staffings	5,396	3,983
Number of citizen reviews attended	166	245
Number of parental terminations filed	214	195
Number of parental terminations tried	295	269
Number of parental terminations won	281	260
Number of parental terminations lost	6	6
Number of parental terminations under advisement	8	3

3.10 Antitrust

Recommendation

The Analyst recommends \$159,300 for Antitrust Prosecution.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
Dedicated Credits Revenue	1,000			
Antitrust Revolving	154,500	159,900	159,300	(600)
Beginning Nonlapsing		500		(500)
Closing Nonlapsing	(500)			
Total	<u>\$155,000</u>	<u>\$160,400</u>	<u>\$159,300</u>	<u>(\$1,100)</u>
Expenditures				
Personal Services	139,300	143,900	143,900	
In-State Travel	200	200	200	
Out of State Travel	6,000	6,700	6,700	
Current Expense	9,200	9,300	8,200	(1,100)
DP Current Expense	300	300	300	
Total	<u>\$155,000</u>	<u>\$160,400</u>	<u>\$159,300</u>	<u>(\$1,100)</u>
FTE/Other				
Total FTE	3	3	2	(1)

Purpose

The Antitrust Act allows the Attorney General to pursue antitrust cases. Funds in this revolving trust account are restricted for use in investigation and prosecution of antitrust litigation. Use of these funds is limited to amounts appropriated by the Legislature.

	2000	1999
Antitrust lawsuits filed	4	3
Cases in litigation at year end	7	5
Cases settled	5	4
Mergers reviewed	4	8
New investigations opened	11	11
Total investigations open at year end	18	20
Civil investigative demands (subpoenas) issued	40	21
Participation in amicus briefs	4	2
Amount received into antitrust	\$136,326	\$5,500

3.11 Children’s Justice Centers

Recommendation The Analyst recommends \$2,032,300 for the Children’s Justice Centers.

	2000	2001	2002	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	1,561,600	1,914,000	1,910,300	(3,700)
Federal Funds	112,000	122,000	122,000	
Dedicated Credits Revenue	10,000			
Beginning Nonlapsing	50,100	39,300		(39,300)
Closing Nonlapsing	(39,300)			
Total	\$1,694,400	\$2,075,300	\$2,032,300	(\$43,000)
Expenditures				
Personal Services	315,500	388,500	350,000	(38,500)
In-State Travel	26,600	26,700	26,700	
Out of State Travel	5,500	5,500	5,500	
Current Expense	1,342,300	1,650,100	1,645,600	(4,500)
DP Current Expense	4,500	4,500	4,500	
Total	\$1,694,400	\$2,075,300	\$2,032,300	(\$43,000)
FTE/Other				
Total FTE	7	7	7	

Purpose

The Children’s Justice centers are homelike facilities that serve children who have been physically or sexually abused and who will be required to appear in court as witnesses against their abusers. A multi-disciplinary team coordinates the interview and investigation process. The CJC staff assess the needs of the children and families for support services. The focus and function of the Children’s Justice Centers is to coordinate all involved agencies to reduce trauma to the child and enhance communication and services for victims.

	2000	1999
Interviews conducted at the centers	3,886	3,497
Multidisciplinary staffings	2,333	1,913
Children and families served by the centers	11,527	11,285
Adult perpetrators	2,050	2,022
Juvenile perpetrators	1,423	1,236
Unknown perpetrators	511	549

3.12 Financial Crimes Unit

Recommendation The Analyst recommends \$228,500.

	2000	2001	2002	Est/Analyst
	Actual	Estimated	Analyst	Difference
Financing				
General Fund	232,200	235,000	228,500	(6,500)
General Fund, One-time		(600)		600
Beginning Nonlapsing	900	200		(200)
Closing Nonlapsing	(200)			
Total	<u>\$232,900</u>	<u>\$234,600</u>	<u>\$228,500</u>	<u>(\$6,100)</u>
Expenditures				
Personal Services	217,000	221,700	216,100	(5,600)
In-State Travel	1,300	1,300	1,300	
Out of State Travel	3,600	3,600	3,600	
Current Expense	8,100	7,600	7,100	(500)
DP Current Expense	2,900	400	400	
Total	<u>\$232,900</u>	<u>\$234,600</u>	<u>\$228,500</u>	<u>(\$6,100)</u>
FTE/Other				
Total FTE	3	3	3	

Purpose

The Attorney General Financial Crimes/Money Laundering Unit was officially formed in July, 1994. Since that time the Unit has taken a leading role in the investigation and prosecution of financial crimes and money laundering cases. All of the Unit’s cases involve the process of legitimizing the proceeds of a specified predicate offense. This process is known as money laundering and it constitutes a charge that is separate and distinct from the specified predicate offense. The Unit’s case selection criteria permits consideration of a relatively wide range of specified illegal activity. The unit has examined money laundering cases in which the specified unlawful activity involved the sales of illegal drugs, investment fraud, security violations, prostitution, odometer rollback, antitrust, extortion, embezzlement, arson, medicaid violations, tax avoidance, welfare fraud, counterfeiting and theft. Many of the cases involve resourceful criminals who will engage in multiple forms of illegal activity on a repeated basis. About 50 percent of the cases also contemplate a racketeering component.

Cases undertaken by the Unit are large in magnitude and scope. The magnitude of the typical crime investigate by this Unit is measured in the millions of dollars. Because of the size of these cases, it is not unusual for case investigations and prosecutions to take from 1 to 5 years to complete.

The prosecution unit works closely with investigators from the Consumer Rights Division; the Utah Division of Consumer Protection; the Utah Division of Securities; the Utah Division of Occupational and Professional Licensing; the Utah Department of Public Safety’s Criminal investigations Bureau and several other investigative agencies throughout the state.

Recently the Unit has taken on the added responsibility of assisting the Division of Securities and the Division of Consumer Protection in handling their administrative hearings as well as criminal prosecutions which were previously conducted by the Salt Lake County District Attorney's Office.

The Unit in joint cooperation the Department of Public Safety's Criminal Investigation Bureau, has the statutory responsibility to receive and evaluate reports of large cash transactions and/or suspicious cash transactions reported by Utah's financial institutions. The Unit is also responsible for insuring that financial institutions comply with the reporting requirements pursuant to Utah's Money Laundering and Currency Transaction Reporting Act.

	2000
Number of cases pending from prior year	20
Number of new criminal cases opened	18
Number of criminal cases closed	4
Number of criminal cases completed	10
Number of defendants identified and/or charged	45
Number of victims identified for restitution	4,200
Restitution ordered/convictions	\$4.9 Million

4.0 Additional Information: Attorney General

4.1 Funding History

	1998	1999	2000	2001	2002
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	14,348,200	15,862,000	16,473,200	17,772,600	17,397,800
General Fund, One-time	10,000			(88,900)	
Federal Funds	211,700	325,400	189,800	1,059,800	1,071,800
Dedicated Credits Revenue	9,244,100	9,875,600	10,264,600	10,463,100	10,231,200
GFR - Commerce Service	281,800	281,800	290,000	416,600	407,400
GFR - Public Safety Support	417,200	467,500	496,900	490,300	547,000
GFR - Tobacco Settlement			160,000	269,300	
Antitrust Revolving	50,000	151,700	154,500	159,900	159,300
Transfers			60,900	55,000	55,000
Transfers - CCJJ	328,400	87,100	109,800	113,900	101,900
Beginning Nonlapsing	(64,600)	283,100	234,900	71,000	
Closing Nonlapsing	(283,100)	(234,900)	(71,000)		
Lapsing Balance		(39,800)			
Total	\$24,543,700	\$27,059,500	\$28,363,600	\$30,782,600	\$29,971,400
Programs					
Administration	1,608,000	1,609,600	1,287,900	1,330,400	1,290,600
Attorney General	17,596,600	18,990,400	20,359,800	22,325,800	21,654,100
Child Protection	3,107,300	3,980,200	4,003,000	4,100,700	4,022,400
Financial Crime	207,100	226,200	232,900	234,600	228,500
Children's Justice Centers	1,401,200	1,600,000	1,694,300	2,075,300	2,032,300
Antitrust Prosecution	45,900	155,100	155,000	160,400	159,300
Prosecution Council	519,700	449,800	536,100	479,600	508,800
Domestic Violence	57,900	48,200	94,600	75,800	75,400
Total	\$24,543,700	\$27,059,500	\$28,363,600	\$30,782,600	\$29,971,400
Expenditures					
Personal Services	19,991,100	21,695,800	23,066,800	25,627,600	25,029,500
In-State Travel	172,300	187,100	182,900	234,300	232,600
Out of State Travel	96,800	114,000	122,500	152,900	148,200
Current Expense	3,261,700	3,785,300	4,144,000	4,394,200	4,203,200
DP Current Expense	979,900	999,500	758,600	366,800	351,100
DP Capital Outlay	26,400	146,600	88,800	6,800	6,800
Capital Outlay	15,500	131,200			
Total	\$24,543,700	\$27,059,500	\$28,363,600	\$30,782,600	\$29,971,400
FTE/Other					
Total FTE	362	362	388	388	387
Vehicles				30	30