

Law Enforcement and Criminal Justice Subcommittee Meeting

Tuesday, March 8, 2022

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South Carolina
House of Representatives



Legislative Oversight Committee

EXECUTIVE SUBCOMMITTEE

The Honorable Chris Wooten, Chairman

The Honorable Kimberly O. Johnson

The Honorable Josiah Magnuson

The Honorable John R. McCravy, III

Tuesday, March 8, 2022

10:00 a.m.

Room 110, Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Subcommittee Meeting Minutes**
- II. Discussion of the study of the Attorney General's Office**
- III. Adjournment**

Chair Wm. Weston J. Newton

*First Vice-Chair:
Joseph H. Jefferson, Jr.*

Legislative Oversight Committee

*Kambrell H. Garvin
Rosalyn D. Henderson-Myers
Jeffrey E. "Jeff" Johnson
John R. McCravy, III
Adam M. Morgan
Melissa Lackey Oremus
Marvin R. Pendarvis
Tommy M. Stringer
Chris Wooten*



South Carolina House of Representatives

*Gil Gatch
William M. "Bill" Hixon
Kimberly O. Johnson
Josiah Magnuson
Timothy A. "Tim" McGinnis
Travis A. Moore
Russell L. Ott
Michael F. Rivers, Sr.
John Taliaferro (Jay) West, IV*

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration
Coordinator*

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Room 228 Blatt Building

*Charles L. Appleby, IV
Legal Counsel*

*Lewis Carter
Research Analyst/Auditor*

*Riley E. McCullough
Research Analyst*

Law Enforcement and Criminal Subcommittee

**Wednesday, October 27, 2021
10:30 a.m.
Blatt Room 321**

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.7, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Chair Chris Wooten on Wednesday, October 27, 2021, in Room 321 of the Blatt Building. Rep. Kimberly O. Johnson, Rep. Josiah Magnuson, and Rep. John R. McCravy, III are present for all or a portion of the meeting.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings.

Approval of Minutes

- I. Representative Magnuson makes a motion to approve the meeting minutes from the August 26, 2021, meeting. A roll call vote was held, and the motion passed.

Rep. Magnuson's motion to approve the meeting minutes.	Yea	Nay	Not Voting
Rep. K. Johnson	✓		
Rep. McCravy			✓(NP)
Rep. Magnuson	✓		
Rep. Wooten	✓		

Administration of Oath

- I. Chair Wooten reminds all others placed under oath at prior meetings that they remain under oath.
- II. Chair Wooten places the following under oath:
 - a. Schwann Hopkins, Region Three Regional Director, Department of Probation, Parole, and Pardon Services (PPP)
 - b. Michaela Talley, Dorchester County Agent-in-Charge, PPP
 - c. Gregory Whittaker, Regional Program Administrator, PPP
 - d. William Speaks, Application Development Manager, PPP
 - e. Hugh Ryan, Executive Director, Commission on Indigent Defense
 - f. Trisha Allen, Director, Victim Advocacy Division, Attorney General's Office
 - g. BJ Nelson, Director, Crime Victims Services Division, Attorney General's Office
 - h. Dr. Delores Dacosta, Executive Director, Commission on Minority Affairs
 - i. Grey Parks, Assistant Executive Director, Employment Services, Department of Employment and Workforce
 - j. Ryan Alphin, Executive Affairs Director, State Law Enforcement Division

- k. Lisa Catalanotto, Executive Director, Commission on Prosecution Coordination
- l. Dexter Lee, Legislative Liaison, Department of Corrections
- m. Eden Hendrick, Executive Director, Department of Juvenile Justice
- n. Kianna Benson, Chief Hearing Officer (responsible for Victim Services), Juvenile Parole Board
- o. David Patterson, Director, Health and Demographics Division, Revenue and Fiscal Affairs Office
- p. Adam Whitset, General Counsel, State Law Enforcement Division
- q. Herverly Young, Commission on Indigent Defense
- r. Brenton Brown, Commission on Minority Affairs

Discussion of Department of Probation, Parole and Pardon Services (PPP)

- III. Director Adger provides introductory remarks about paperless offices. Schwann Hopkins, Region Three Regional Director, Michaela Talley, Dorchester County Agent-in-Charge, Gregory Whittaker, Regional Program Administrator, and William Speaks, Application Development Manager, provide PPP's E-Filing presentation. Topics discussed include:
 - a. E-file offender management system;
 - b. Training;
 - c. Auditing; and
 - d. Benefits of the e-filing process.
- IV. Subcommittee members ask questions relating to the following:
 - a. Timeline for statewide implementation;
 - b. Interstate Compact;
 - c. Offender profile information;
 - d. Forms;
 - e. Data entry;
 - f. Security; and
 - g. Contingency planning for emergencies.

Agency personnel respond to the questions.

Discussion of Subcommittee Findings and Recommendations

- V. Chair Wooten requests a representative from each agency present to explain whether their agency has any objections to potential recommendations in which they are referenced or other comments they would like to make about the opportunities for collaboration. Agencies represented and responses from them are below.

- a. Department of Probation, Parole, and Pardon Services – No objections
- b. Law Enforcement Training Council – No objections
- c. Commission on Indigent Defense – No objections
- d. Attorney General’s Office – No objections
- e. Commission on Minority Affairs – No objections
- f. Department of Employment and Workforce – No objections
- g. State Law Enforcement Division – No objections
- h. Prosecution Coordination Commission – No objections
- i. Department of Corrections – No objections
- j. Department of Juvenile Justice – No objections
- k. Juvenile Parole Board – No objections
- l. RFA – No objections

Agency staff respond to the questions.

- II. Representative McCravy makes a motion to include the findings and recommendations as provided in the meeting packet as the final version for inclusion in the study report. A roll call vote was held, and the motion passed.

Rep. McCravy’s motion that the Subcommittee Study include the findings and recommendations as provided in the meeting packet as the final version for inclusion in the study report.	Yea	Nay	Not Voting
Rep. K. Johnson	✓		
Rep. McCravy	✓		
Rep. Magnuson	✓		
Rep. Wooten	✓		

Discussion of Department of Juvenile Justice (DJJ)

- VI. Executive Director Hendrix provides an overview of DJJ operations and actions since she assumed leadership. Topics included the following:

Before Director Hendrick’s appointment as acting director

- a. Her background and past experience with DJJ;
- b. Initial purpose/areas in which Department of Administration (DOA) was to assist DJJ;
- c. Situations discovered during DOA’s initial assistance to DJJ and impact those situations had on problems occurring at the agency (e.g., assaults, isolation, vacancies, etc.);

After Director Hendrick's appointment as acting director

- d. Changes made including staff, policies, etc. (to the extent not covered during testimony at prior legislative meetings);
- e. Current short-term (less than 6 months), mid-range (6-18 months), and long-term (greater than 18 months) goals in priority order;
- f. Information you regularly receive to track status of progress on the goal and general agency operations, including which you are willing to post online for transparency purposes (e.g., vacancy/application status report, PbS reports, etc.);
- g. Accountability for staff;
- h. Accountability for entities with whom the agency contracts for services (recruitment entity, wilderness camps, etc.); and
- i. Ways in which the Oversight Committee and General Assembly may assist the agency.

Subcommittee members ask questions. Agency personnel respond to the questions.

Adjournment

There being no further business, the meeting is adjourned.

STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the Attorney General's Office (agency) includes actions by the full Committee; Law Enforcement and Criminal Justice Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below in Figure 1.

Legislative Oversight Committee Actions

- December 9, 2019 – Holds **Meeting #1** and prioritizes the agency for study
- January 15, 2020 – Provides the agency notice about the oversight process
- February 28 – April 1, 2020 - Solicits input about the agency in the form of an online public survey
- April 8, 2021 – Holds **Meeting #2** to receive public testimony about the agency

Law Enforcement and Criminal Justice Subcommittee Actions

- March 8, 2022 - Holds **Meeting #3 (TODAY)** to discuss the agency's vision; mission; director responsibilities; organizational structure; history; and general information about finances and employees

Attorney General's Office

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- September 2018 - Submits its **2017-18 Accountability Report**
- September 2019 - Submits its **2018-19 Accountability Report**
- March 23, 2020 - Submits its **Program Evaluation Report**
- September 2020 - Submits its **2019-20 Accountability Report**
- April 2021 – Submits updated Program Evaluation Report
- December, 2019 - Present - Responds to Subcommittee's inquiries

Public's Actions

- February 28 – April 1, 2020 - Provides input about the agency via an **online public survey**
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

Figure 1. Key dates in the study process.

AGENCY SNAPSHOT

Office of the Attorney General

Agency Mission

To serve the citizens of the State of South Carolina by providing legal representation of the highest quality to state government entities, by supporting the law enforcement communities and the legal and judicial branches through the legislative process, and by honorably and vigorously carrying out the constitutional and statutory responsibilities of the Attorney General.

Successes

Identified by the agency

- Increasing efficiency and outreach of services to victims after separate state Crime Victim entities were merged into a single division of the AG.
- Creating regularly occurring self-evaluation practices.
- Upgrading technology hardware and desktop software

History

- 1776 – The first State Constitution identifies the Attorney General (AG) and provides that the position is elected by the General Assembly
- 1868 – Revised State Constitution provides for a general election of the AG
- 1929 – State and US Supreme Courts affirm the authority of the AG as “the chief law enforcement officer”
- 1974 – Criminal Appeals section is formed
- 1978 – Post Conviction Relief actions primarily handled by the Office
- 1983 – Opinions section is created
- 1992 – AG statutorily responsible for litigation involving any state entity
- 1995 – Capital and Collateral Litigation section is formed
- 2004 – Consumer Protection and Antitrust Division is formed
- 2017 – South Carolina Crime Victim Services Division is created

Organizational Units

- Legal Services Division
- Opinions Division
- Criminal Litigation Division
- Criminal Prosecution Division
- Victim Services Division
- Administration Division
- Executive

Resources (FY 18-19)

Employees

275.2
authorized FTEs

Funding

\$78,758,364
appropriated and authorized

Challenges

Identified by the agency

Current:

- Providing competitive attorney salaries
- Retaining attorneys in the Post-Conviction Relief section
- Funding to implement the S.C. Anti-Money Laundering Act of 2016
- Obtaining a seat on the Commission on Prosecution Coordination

Emerging:

- Raising the salary of the Attorney General which has been stagnant for over 28 years and is less than half that of a circuit solicitor
- Lacking office space to accommodate the current size of the agency
- Aging case management system that needs updating

Figure 2. Snapshot of the agency's major organizational units, fiscal year 2018-19 resources (employees and funding), successes, and challenges.¹

AGENCY PRESENTATION – AGENCY OVERVIEW



Alan Wilson
Attorney General

Office of the Attorney General

Caveat for presentation due to COVID-19 delays

This presentation was prepared from information submitted by the agency in its Program Evaluation Report (PER) and originally scheduled for meetings in the Spring of 2020. However, due to the international COVID-19 pandemic, meetings were delayed for nearly two years.

For consistency with the PER submission, information in the presentation primarily remains as originally prepared for 2020. While some updates have been made in the written presentation, the majority will be provided via testimony during the presentation, as well as upon request of the committee members.



Office of the Attorney General

Alan Wilson
Attorney General

Office Overview

I. INTRODUCTION

- A. Purpose
- B. History
- C. Agency Head

II. ORGANIZATIONAL FLOW CHART & STRUCTURE

III. ADMINISTRATION

- A. Personnel/Employee Overview
- B. Finance Overview

IV. EVALUATION

- A. Successes
- B. Challenges
- C. Emerging Issues

V. CLOSING

- A. Response to Public Input
- B. Conclusion



Office of the Attorney General

PART I

INTRODUCTION

- PURPOSE
- HISTORY
- AGENCY HEAD

I. INTRODUCTION

II. ORGANIZATIONAL FLOW CHART & STRUCTURE

III. ADMINISTRATION

IV. ASSESSMENT

V. CLOSING

Agency Mission

The mission of the Attorney General's Office is to serve the citizens of South Carolina by providing legal representation of the highest quality to state government entities, by supporting law enforcement communities and the legal and judicial branches through the legislative process, and by honorably and vigorously carrying out the responsibilities of the Attorney General.

“Attorney General” defined

South Carolina Constitution: “*chief legal officer...*” (Article V, Section 24)

Black’s Law Dictionary: “...*an attorney general, who is the chief law officer of the state. He gives advice and opinions to the governor and the executive and administrative departments or agencies.*” Black's Law Dictionary 129 (6th ed. 1990).

Merriam Webster: “*the chief law officer of a nation or state who represents the government in litigation and serves as its principal legal adviser.*” <https://www.merriam-webster.com/dictionary/attorney%20general>

Constitutional Authority

(7 state constitutions of South Carolina)

1776 – Attorney General chosen by General Assembly (*Article XXII*)

1778 – Attorney General chosen by General Assembly (*Article XXIX*)

1790 – Officers appointed as “hitherto have been” (*Article VI, Section 2*)

1861 – Officers appointed “as they hitherto have been” (*Article VI, Section 2*)

1865 – Officers appointed “as they hitherto have been” (*Article VII, Section 2*)

1868 – Attorney General elected for 4 years (*Article IV, Section 28*)

1895 - Attorney General elected for 2 years” (*Article IV, Section 24*)

- *Term later changed to 4 years as presently stands*

Attorneys General

1698	Nicholas Trott	1764	James Moultrie	1868	Isaac W. Hayne	1905	Leroy Youmans
1700	Henry Wigington	1764	John Rutledge	1872	Samuel Melton	1906	D.C. Ray
1703	James Moore	1765	Sir Egerton Leigh	1876	William Stone	1907	J. Fraser Lyon
1706	George Evans	1774	James Simpson	1876	Robert B Elliott	1913	Thomas Peeples
1708	William Saunders	1776	Alexander Moultrie	1876	James Conner	1918	Samuel Wolfe
1716	George Rodd	1792	John J Pringle	1877	Leroy Youmans	1924	John M. Daniel
1716	Richard Pindar	1808	Langdon Cheves	1882	Charles R. Miles	1950	Tolliver Callison
1718	Richard Allein	1810	John S Richardson	1886	Joseph H. Earle	1959	Daniel McLeod
1721	Benjamin Whitaker	1818	Robert Y Hayne	1890	Young J. Pope	1983	Travis Medlock
1731	James Abercrombie	1822	James L. Petigru	1891	John L. McLaurin	1995	Charlie Condon
1732	Charles Pinckney	1830	Hugh S. Legaré	1892	Daniel Townsend	2003	Henry McMaster
1733	James Abercrombie	1832	Robert Rhett	1894	William A. Barber	2011	Alan Wilson
1742	Sir James Wright	1836	Henry Bailey	1898	Duncan Bellinger		
1757	David Graeme	1848	Daniel Chamberlain	1902	U.X. Gunter, Jr.		

AGENCY ERA

Office to Agency

in last 70 years

			<u>1950</u>	<u>2020</u>
<i>x</i>	31	Authorized FTEs	9	281
<i>x</i>	70	Appropriations	\$60,610	\$ 14,276,825
<i>x</i>	1,837	Total Budget	\$60,610	\$101,045,390
<i>x</i>	30,029	Revenue Generated	\$5,371	\$161,288,830*

Office to Agency
1960

**Does NOT include CY20 \$600,000,000 settlement with the federal government*

- | | | | | | | | |
|------------------|--------------------|-----------------|--------------------|----------------|------------------|-----------------|-----------------|
| <i>Trott</i> | <i>Allein</i> | <i>Moultrie</i> | <i>Richardson</i> | <i>Hayne</i> | <i>Earle</i> | <i>Youmans</i> | <i>McLeod</i> |
| <i>Wigington</i> | <i>Whitaker</i> | <i>Rutledge</i> | <i>Hayne</i> | <i>Melton</i> | <i>Pope</i> | <i>Ray</i> | <i>Medlock</i> |
| <i>Moore</i> | <i>Abercrombie</i> | <i>Leigh</i> | <i>Petigru</i> | <i>Stone</i> | <i>McLaurin</i> | <i>Lyon</i> | <i>Condon</i> |
| <i>Evans</i> | <i>Pinckney</i> | <i>Simpson</i> | <i>Legaré</i> | <i>Elliott</i> | <i>Townsend</i> | <i>Peeples</i> | <i>McMaster</i> |
| <i>Saunders</i> | <i>Abercrombie</i> | <i>Moultrie</i> | <i>Rhett</i> | <i>Conner</i> | <i>Barber</i> | <i>Wolfe</i> | <i>Wilson</i> |
| <i>Rodd</i> | <i>Wright</i> | <i>Pringle</i> | <i>Bailey</i> | <i>Youmans</i> | <i>Bellinger</i> | <i>Daniel</i> | |
| <i>Pindar</i> | <i>Graeme</i> | <i>Cheves</i> | <i>Chamberlain</i> | <i>Miles</i> | <i>Gunter</i> | <i>Callison</i> | |



Agency Head Qualifications & Duties

CONSTITUTIONAL:

- Constitutional
- Statutory
- Common Law
- Other

“Possesses the qualifications of an elector, is not disqualified by age as prescribed in this Constitution, and has not been convicted of a felony under state or federal law or convicted of tampering with a voting machine, fraudulent registration or voting, bribery at elections, procuring or offering to procure votes by bribery, voting more than once at elections, impersonating a voter, or swearing falsely at elections/taking oath in another’s name, or has not pled guilty or nolo contendere to these offenses.” (Article VI, Section 1)

“The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record.” (Article V, Section 24)



Agency Head Qualifications & Duties

STATUTORY (Major Duties):

- *Constitutional*
- **Statutory**
 - Represent the state and officers in courts
Includes all criminal appeals (§§1-7-40 through 1-7-85)
 - Advice to General Assembly and Governor
(§1-7-90)
 - Approve hiring and engagement of attorneys for the state
(§1-7-160, §1-7-170)
 - Administer Office of Crime Victim Services
(§1-7-1100)
 - State Securities Commissioner
(§35-1-102(28))
 - **Commissioner of the SC Anti-Money Laundering Act**
(§35-11-105(4))
- *Common Law*
- *Other*

**One of our “Challenges”*



Agency Head Qualifications & Duties

- *Constitutional*
- *Statutory*
- **Common Law**
- *Other*

COMMON LAW (Duty):

“... exercise all such power and authority as public interests may from time to time require, and may institute, conduct and maintain all such suits and proceedings as he deems necessary for the enforcement of the laws of the State, the preservation of order, and the protection of public rights.” State ex rel Daniel v. Broad River Power Co., 157 S.C. 1, 68, 153 S.E. 537, 560 (1929)

“The Attorney General has a dual role. He is an attorney for the Governor and he is an attorney for vindicating wrongs against the collective citizens of the State.” See Porcher v. Cappelmann, 187 S.C. 491, 198 S.E. 8 (1938)



Agency Head Qualifications & Duties

- *Constitutional*
- *Statutory*
- *Common Law*
- **Other**

OTHER:

No constitutional, statutory or common law requirement to be an attorney;

Only *impliedly* required

The practice of law is required in the duties of the AG.

A non-lawyer elected or assuming duties:

- *Duty of the AG to prosecute unlicensed practice of law;*
- *Not prosecuting the violation is a dereliction of duty;*
- *Prosecuting one-self is a conflict of interest;*
- *With no license to revoke, nor discipline, no administrative relief;*

Electing non-SC Bar member raises ethical & legal issues.



Agency Head Incumbent Background

Alan Wilson
Attorney General

- Personal
- Educational
- Professional

PERSONAL:

Son of Joe and Roxanne Wilson

Married Jennifer (Miskewicz) Wilson

Two Children

(Michael and Anna Grace)

Resident of Lexington, South Carolina

Saxe Gotha Presbyterian Church

Colonel, SC National Guard

Eagle Scout

Rotarian

EDUCATIONAL:

Civilian

Grace Christian School

Francis Marion University (BA)

University of South Carolina (JD)

Military

US Army Field Artillery School

US Army Judge Advocate General School

ILE (*Command and General Staff College*)

Other

Liberty Fellow



Agency Head Incumbent Background

PROFESSIONAL:

- Personal
- Educational
- Professional
 - 1996 *Intern, Office of the Attorney General*
 - 1997 Analyst, DEA
 - 2002 Judicial Law Clerk (Westbrook)
 - 2003 Assistant Solicitor (11th Circuit)
 - 2007 *Assistant Attorney General*
 - 2009 Willoughby & Hoefer
 - 2011 *51st Attorney General* (elected 2010, 2014, 2018)

Chair, Republican Attorneys General Association (current)

Former State Judge Advocate, SC National Guard

Member, SC Bar



Agency Counterparts

FEDERAL:

United States Attorney for South Carolina.

- **Federal**
 - *Local*
 - *Other*
- The AG works with the US Attorney for South Carolina on investigations and coordinating prosecution. While separate entities with specified jurisdiction, much of the jurisdiction is overlapping. Coordination avoids unnecessary duplication, while sharing unique resources, and creates other benefits from an economy of effort. AG prosecutors have been sworn as special Assistant US Attorneys, and US Attorneys have been sworn for the State Grand Jury.

Securities and Exchange Commission (SEC).

As the state Securities Commissioner, the SEC is the federal counterpart for subject matter jurisdiction.



Agency Counterparts

LOCAL:

16 Circuit Solicitors.

- *Federal*
- **Local**
- *Other*

The AG is the chief prosecutor of the State, and there are 16 circuit solicitors. While there is concurrent jurisdiction, the AG grants great deference to solicitors in their respective 16 jurisdictions.

Some areas, such as Medicaid Fraud & ICAC are highly specialized for which the AG assumes statewide jurisdiction. Our office coordinates conflict of interest cases to relieve that solicitor from potential ethical issues. The State Grand Jury pursues specific jurisdiction in certain types of cases that cross county or circuit lines. The Human Trafficking and ICAC task forces coordinate with solicitors and local law enforcement.

Solicitors are criminal law counterparts only (no civil jurisdiction)

However, the AG covers their appeals and PCR



Agency Counterparts

OTHER:

Attorneys General from other jurisdictions

- *Federal*
- *Local*
- **Other**

56 states and jurisdictions comprise the National Association of Attorneys General (NAAG). Each also belongs to NAGTRI, the training arm of NAAG. There are also separate organizations by political party (RAGA & DAGA) that provide interaction with other AGs. The interactions among states provide great resources. Collaborative examples include the MSA with tobacco manufacturers as well as the current opioid litigation.

Securities Commissioners of other jurisdictions.

SC is one of a handful of states with the AG as Securities Commissioner. The North American Securities Administrators Association (NASAA) is an association of state securities administrators charged with protecting consumers who purchase securities or investment advice. NASAA's membership includes 67 administrators from North America.



Office of the Attorney General

PART II

ORGANIZATION FLOW CHART & STRUCTURAL REVIEW

I. INTRODUCTION

II. ORGANIZATIONAL FLOW
CHART & STRUCTURE

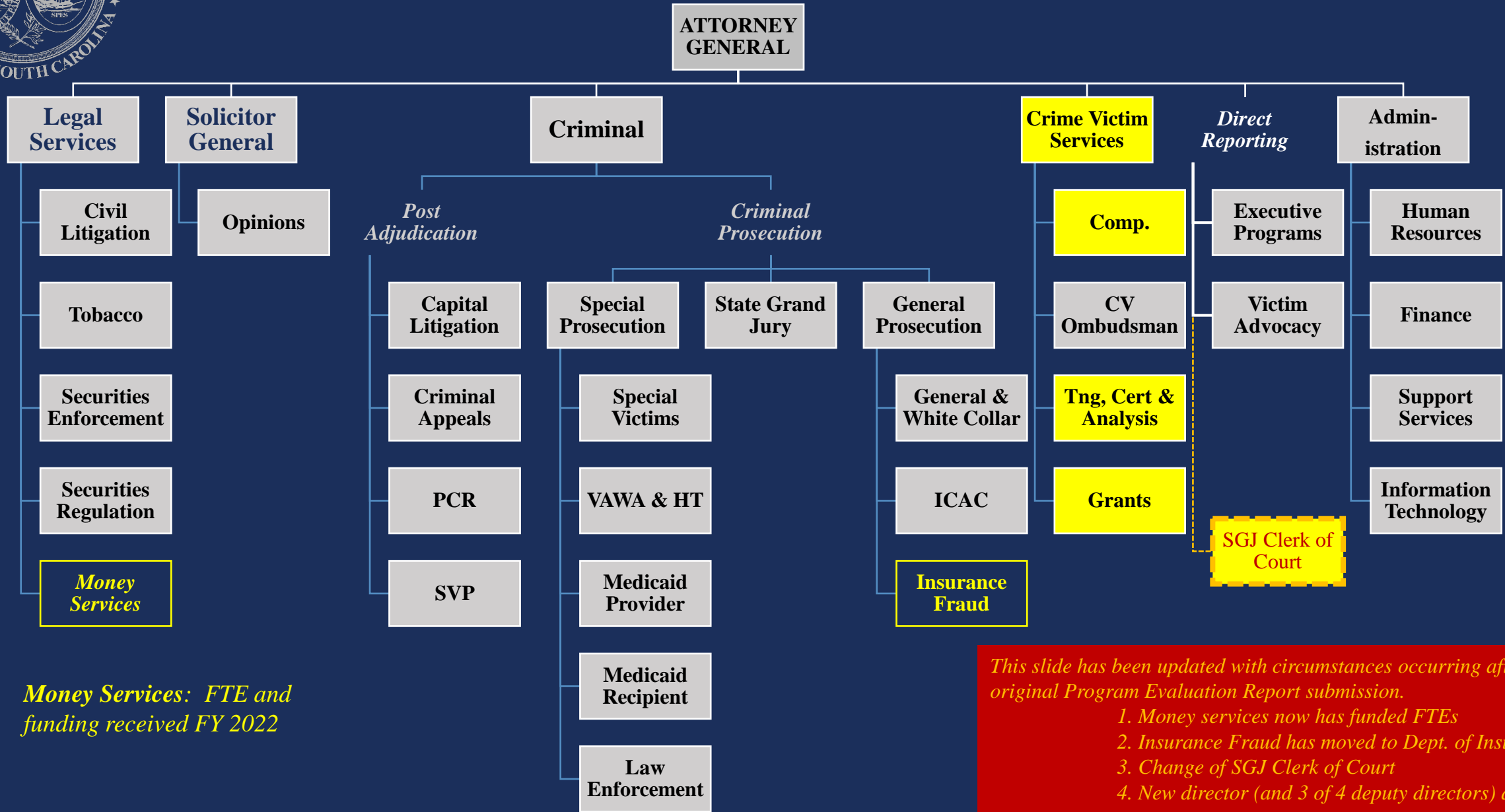
III. ADMINISTRATION

IV. ASSESSMENT

V. CLOSING



Office of the Attorney General



Money Services: FTE and funding received FY 2022

This slide has been updated with circumstances occurring after the original Program Evaluation Report submission.

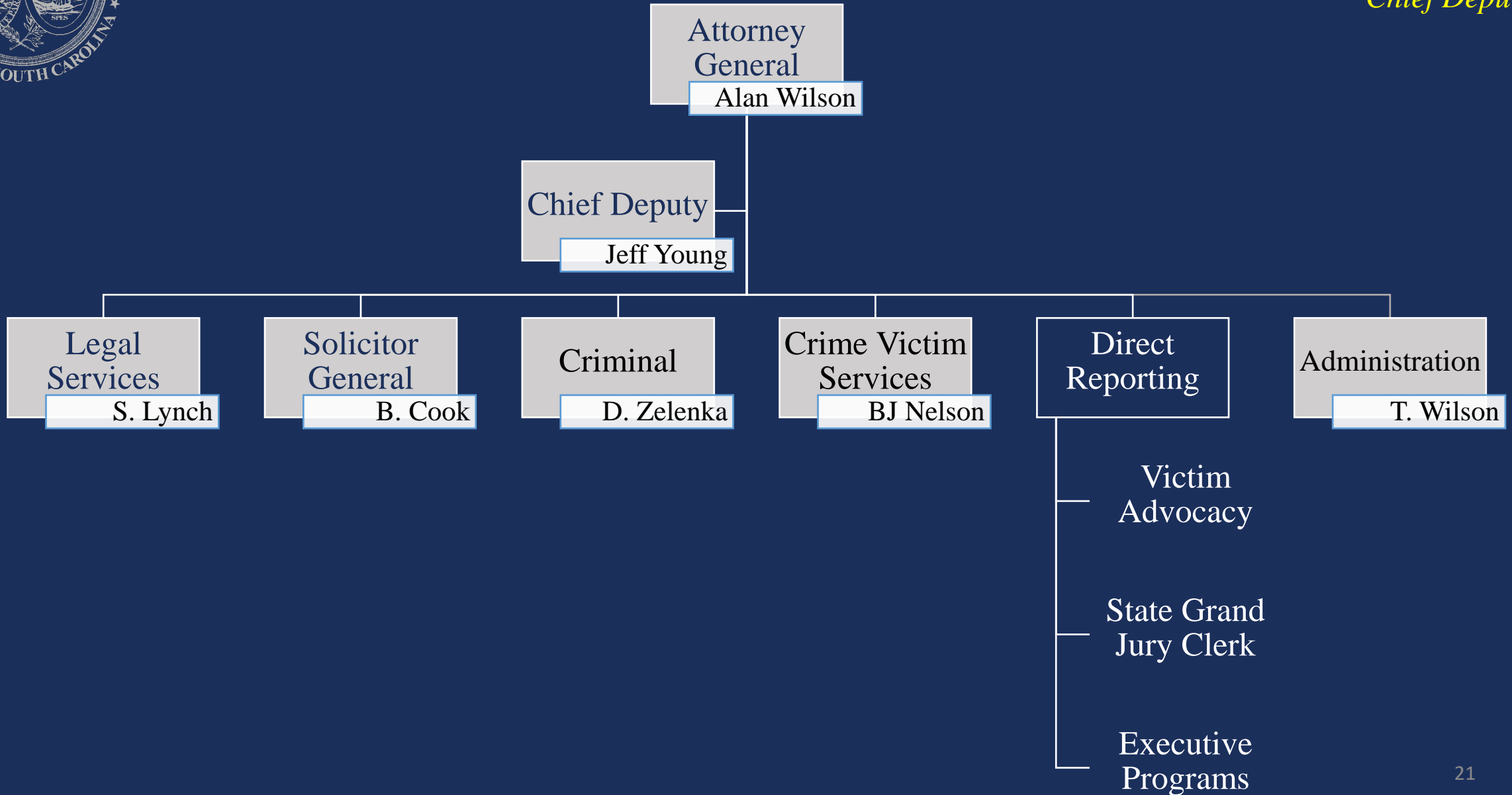
- 1. Money services now has funded FTEs*
- 2. Insurance Fraud has moved to Dept. of Insurance*
- 3. Change of SGJ Clerk of Court*
- 4. New director (and 3 of 4 deputy directors) at CVS.*



Alan Wilson
Attorney General

Jeff Young
Chief Deputy

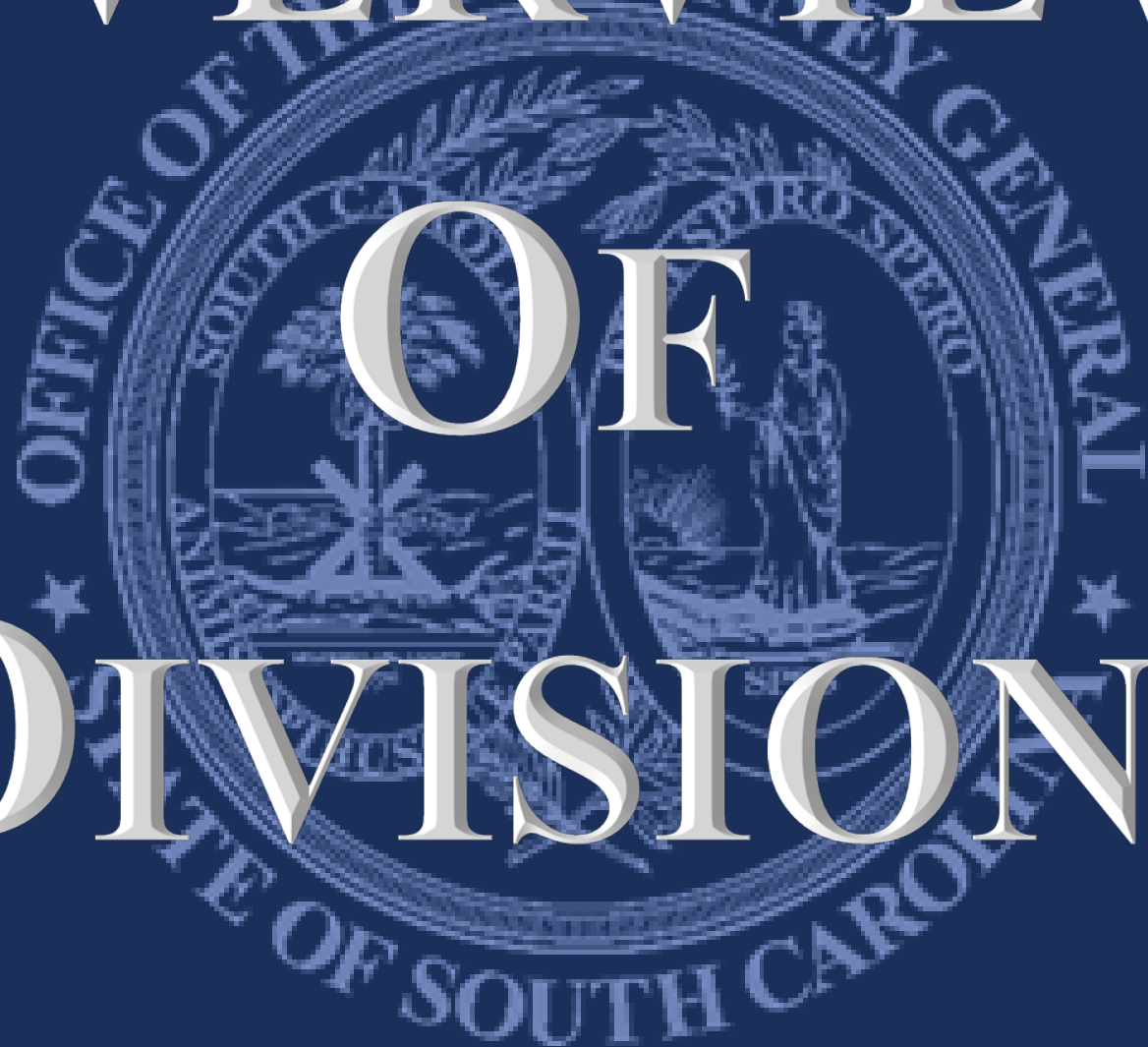
Overview of Divisions



OVERVIEW

OF

DIVISIONS

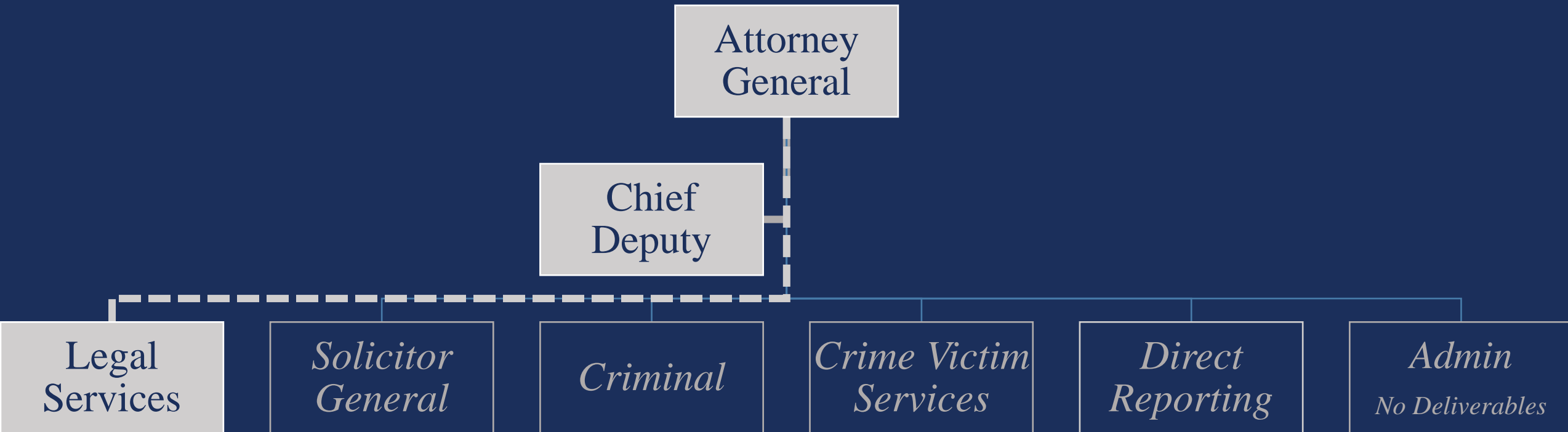




Alan Wilson
Attorney General

Steve Lynch
Deputy AG

Legal Services Division





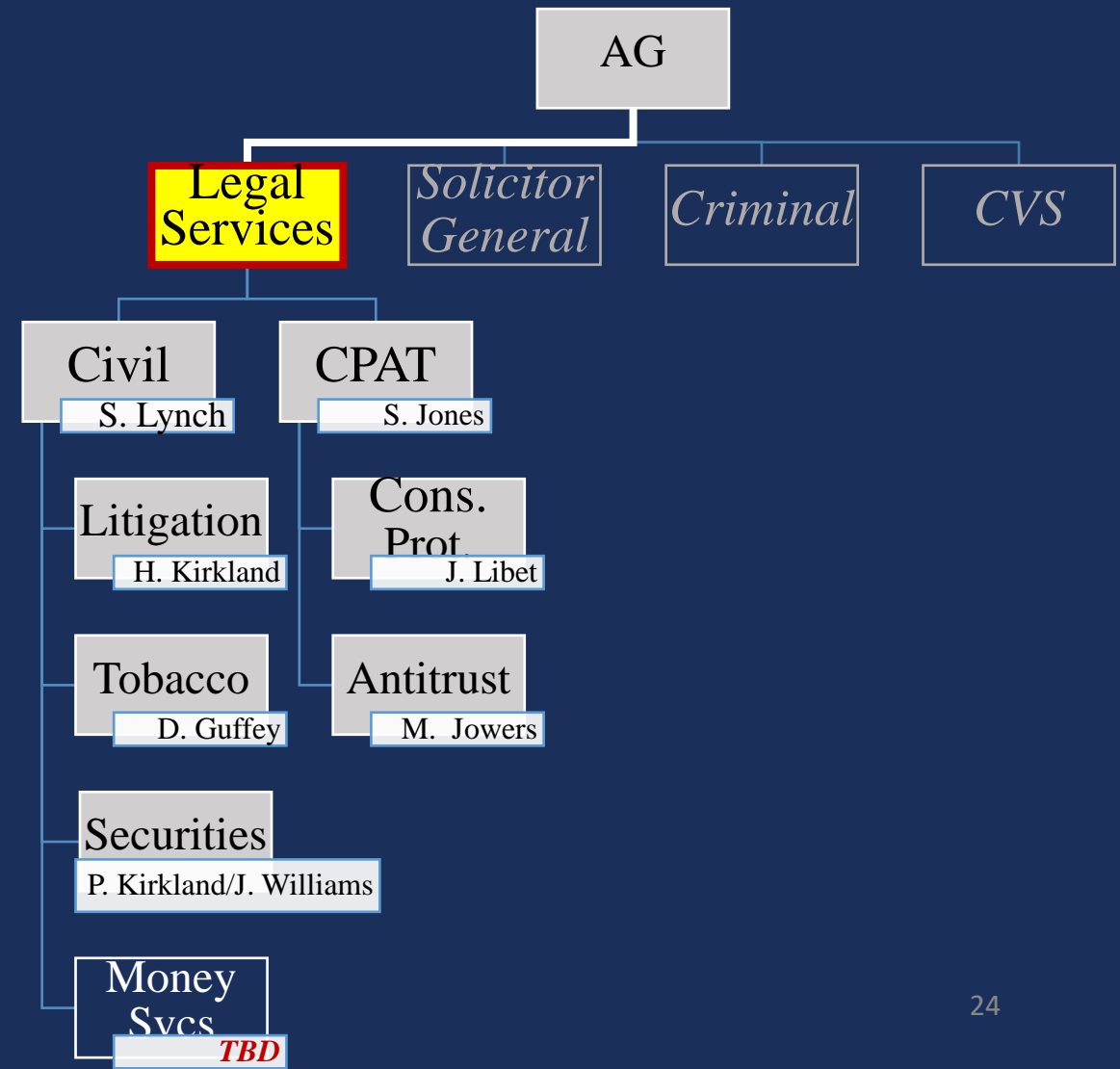
LEGAL SERVICES

LEGAL SERVICES DIVISION:

Legal Services is commonly referred to as the Civil Division.

There are very distinct functions for Litigation, Tobacco, Securities, Money Services, and Consumer Protection and Antitrust (CPAT) sections. These sections generate revenue for the State, and are highly specialized.

Civil Litigation represents and advises the State, its agencies and its officials in civil lawsuits. Additionally, Civil Litigation may defend the State in actions not covered by the Insurance Reserve Fund.



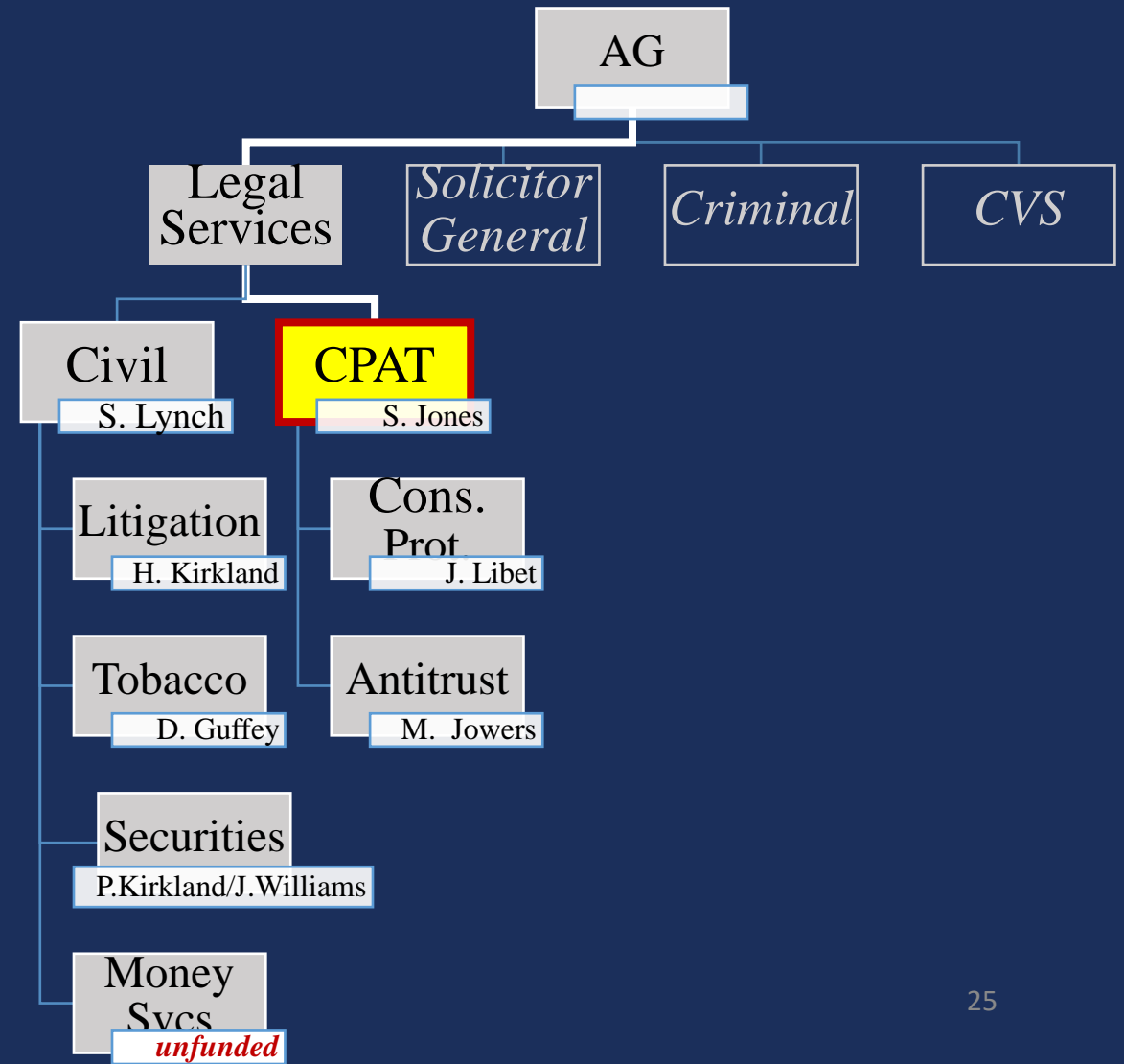


LEGAL SERVICES

Consumer Protection and Antitrust (CPAT):

CPAT has recovered over \$100 million in a single case. It annually has multi-million dollar cases against defendants that have violated the Unfair Trade Practices Act. These cases typically last several years with extraordinary discovery and complex litigation issues.

CPAT *does not* bring individual cases like the Department of Consumer Affairs. Funds generated for the State are inconsistent and difficult to quantitatively analyze. The section brings civil actions to protect the public and the state, not as a revenue stream.

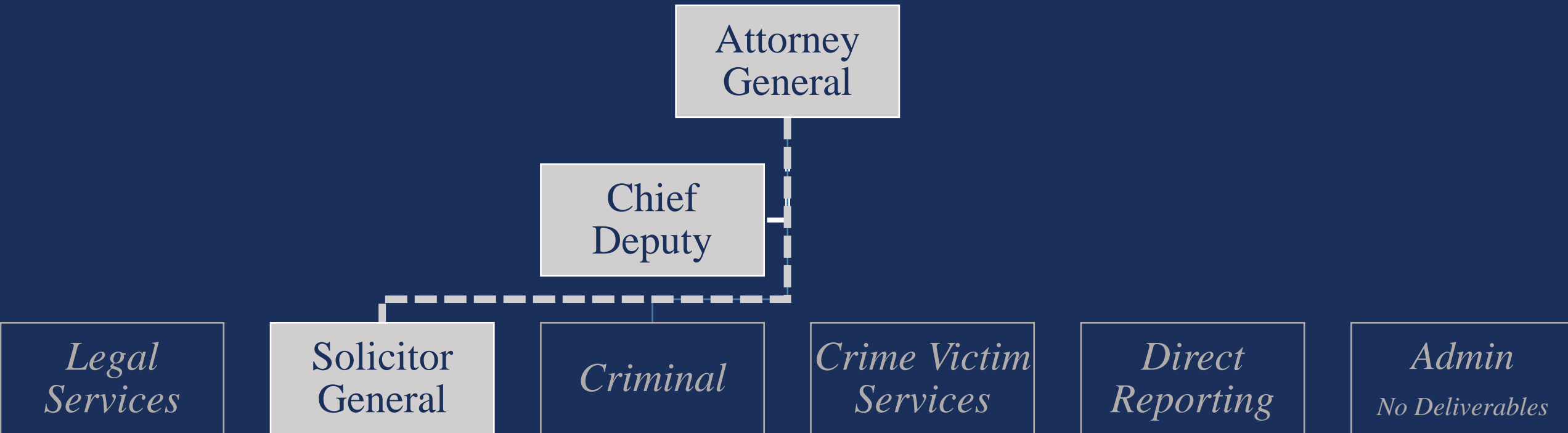




Alan Wilson
Attorney General

Bob Cook
Solicitor General

Solicitor General





SOLICITOR GENERAL

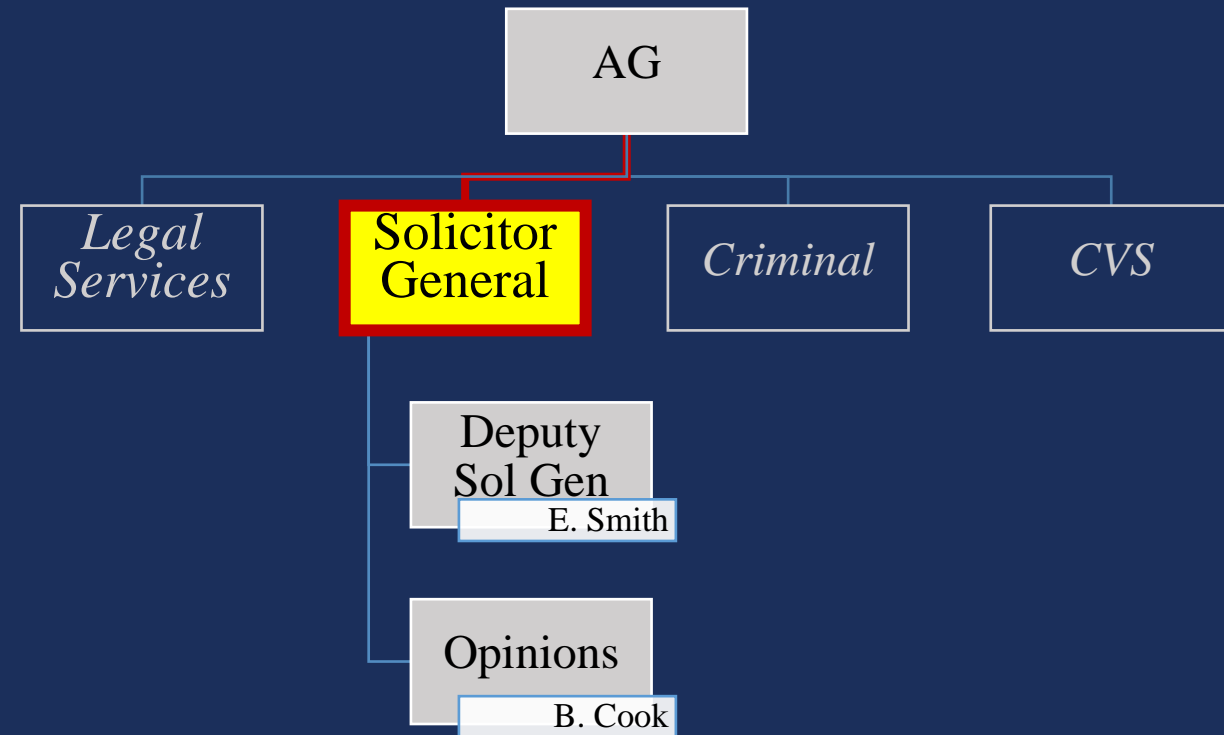
Alan Wilson
Attorney General

Bob Cook
Solicitor General

SOLICITOR GENERAL:

The Solicitor General position was initiated by AG Wilson following the NAAG review in 2013. This formalized an existing relationship, and the organizational structure followed. This follows similar structures in other states and best practices.

Within the division is the Opinions Section. While the OAG has always provided opinions, a separate section was not formalized until 1984. It was made part of the Solicitor General Division when that position was established.





SOLICITOR GENERAL

Alan Wilson
Attorney General

Bob Cook
Solicitor General

Deputy Solicitor General:

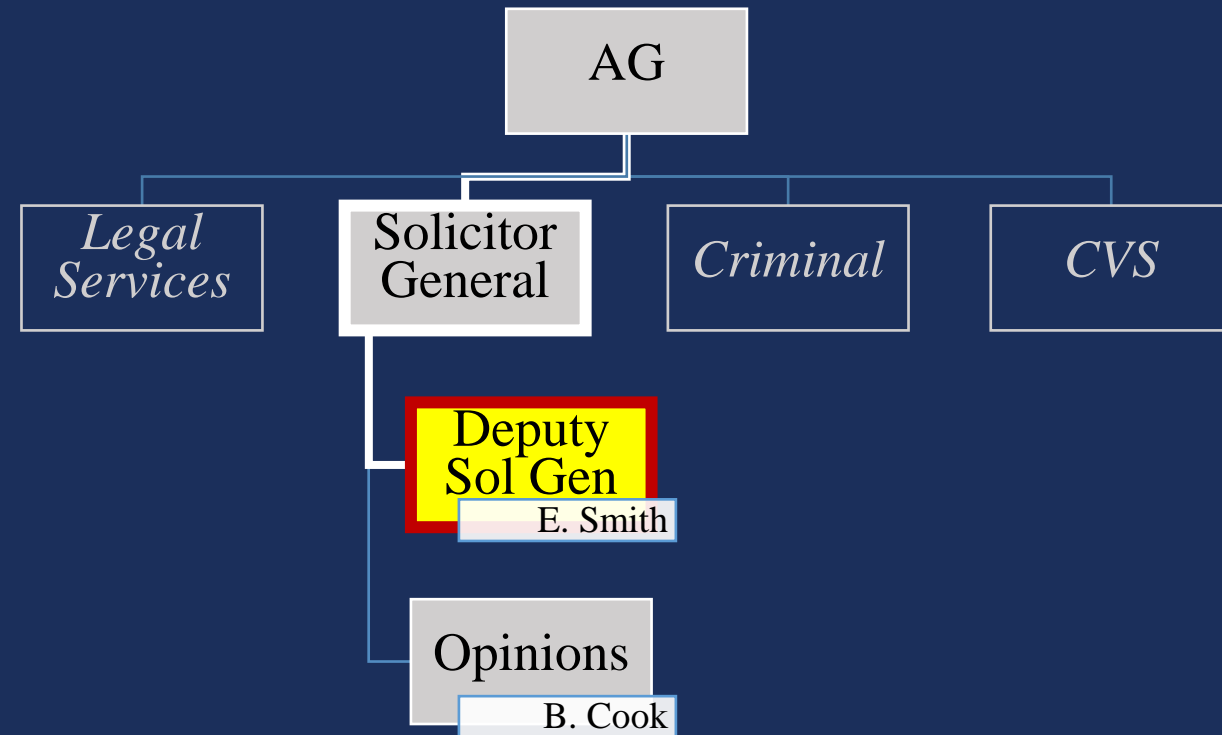
The Deputy Solicitor General assists in strategic legal policy. There are three primary areas that develop from such policy:

“Sign-on” letters

Amicus Briefs

Major court cases impacting policy, including:

- Federal court civil cases
- Major or strategic State Court cases





SOLICITOR GENERAL

Alan Wilson
Attorney General

Bob Cook
Solicitor General

Opinions Section:

Legal opinions are the oldest responsibility of the office. Certain officials, government bodies and agencies are entitled to opinions. An AG opinion is a written response to a specific legal question posed by one of the entitled officials.

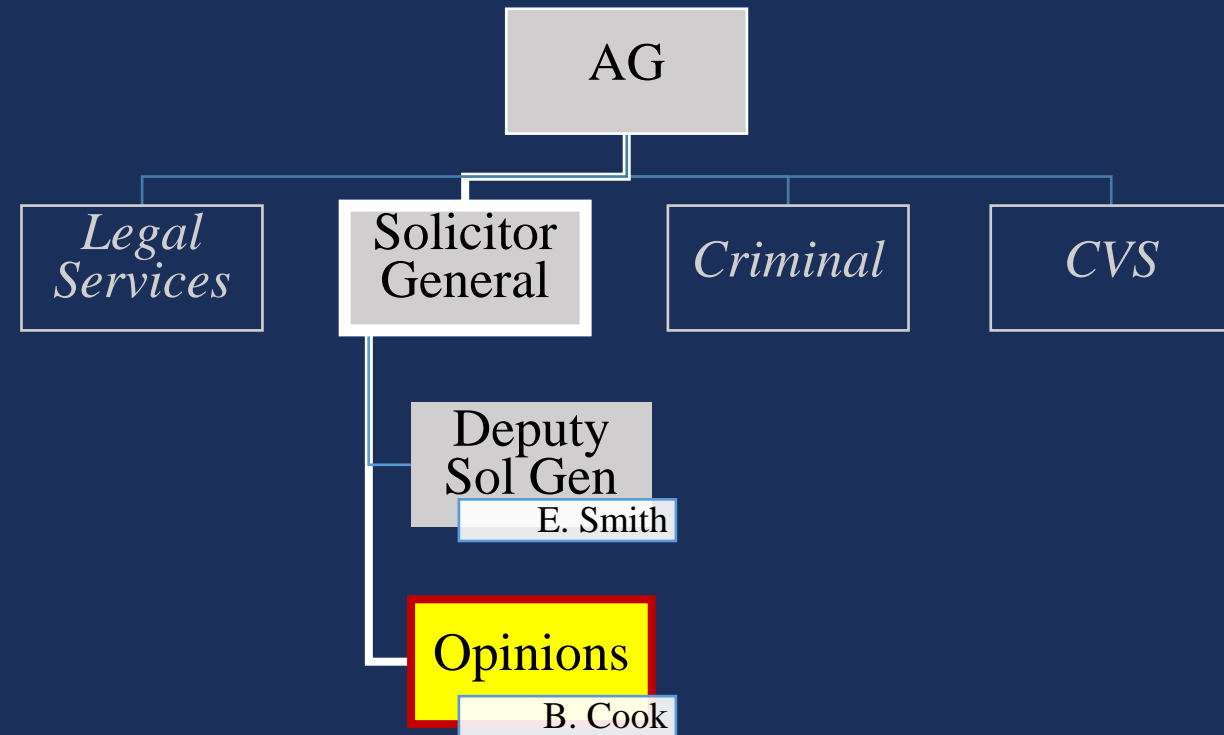
All opinions are reviewed by the Solicitor General. They attempt to resolve questions of law as a court would decide. The courts have given great deference to AG opinions.

140 years of opinions are researchable:

1878-1994: Dept. of Archives and History.

1959-present: Lexis or Westlaw.

1974-present: Online at the AG website.

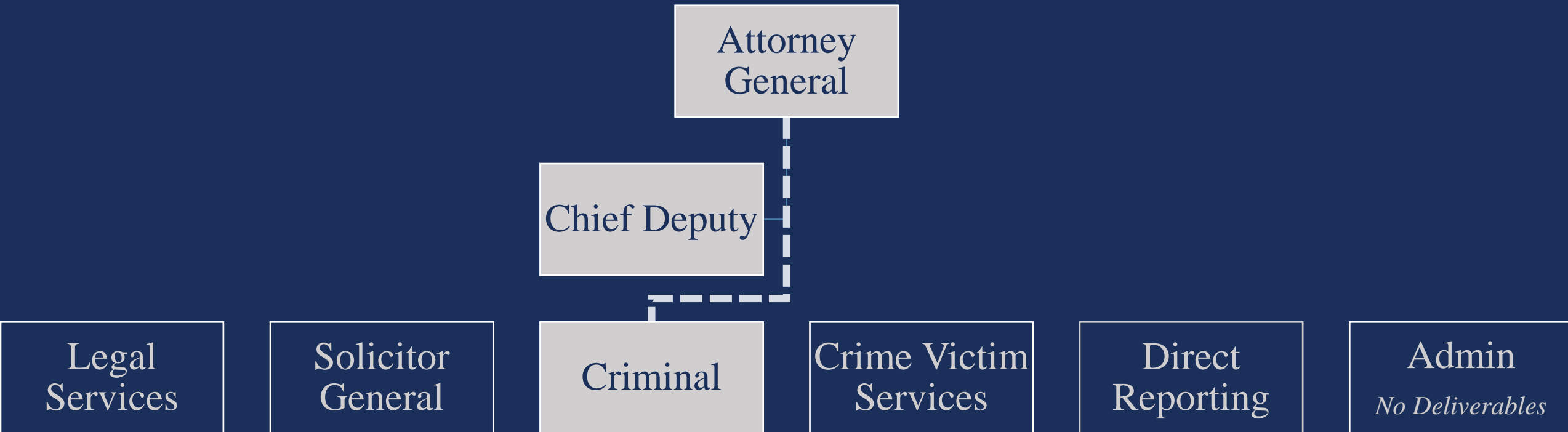




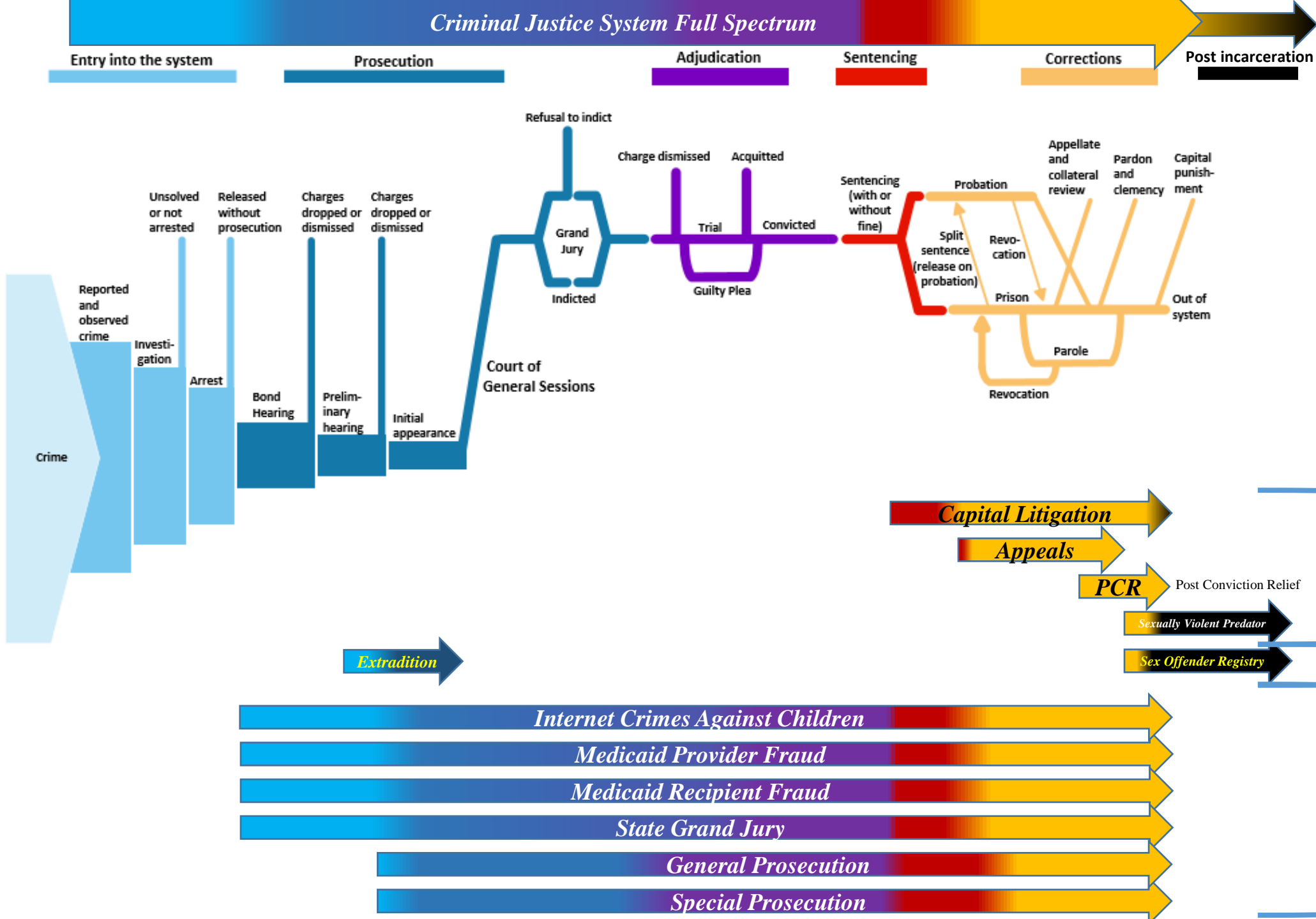
Alan Wilson
Attorney General

Don Zelenka
Deputy AG

Criminal Division



Criminal Justice System Full Spectrum



Note: This slide shows where the Attorney General's Office services fall in the criminal justice system flow chart utilized by prior state criminal justice entities under review. It only includes General Sessions because juvenile justice, summary courts, and diversion programs are not a primary function of the Attorney General's office.



CRIMINAL

Alan Wilson
Attorney General

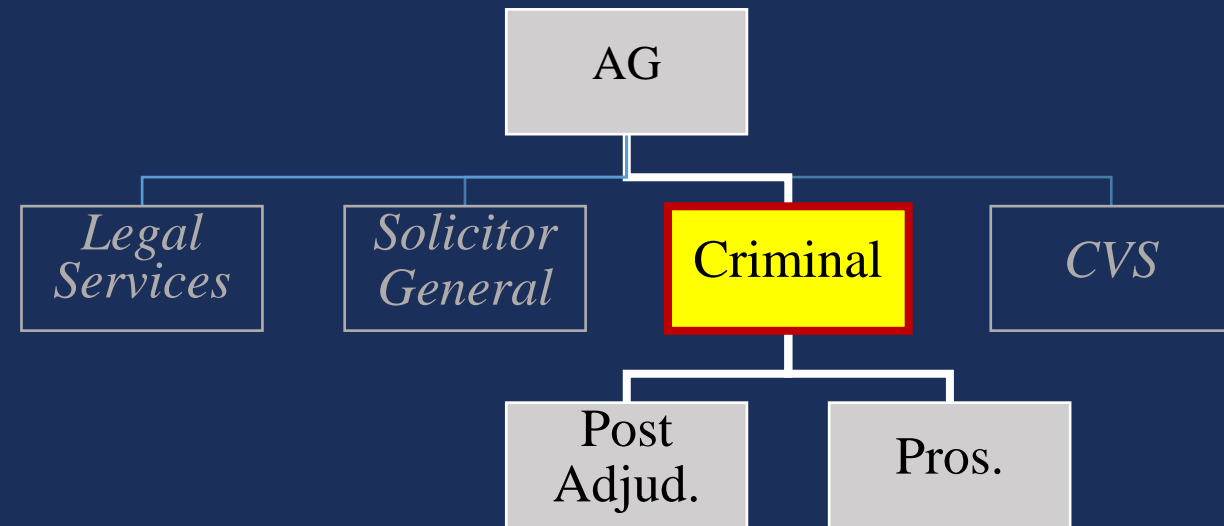
Don Zelenka
Deputy AG

CRIMINAL DIVISION:

All matters based in criminal law fall within the Criminal Division. There are two subdivisions; Post Adjudication and Prosecution.

Post Adjudication. All legal matters that occur after a criminal conviction are deemed Post Adjudication. This includes both criminal appeals and civil attacks against a conviction.

Prosecution. The Prosecution sections handle conflicts of interest from the solicitors, special areas of prosecution, and certain statewide task forces.





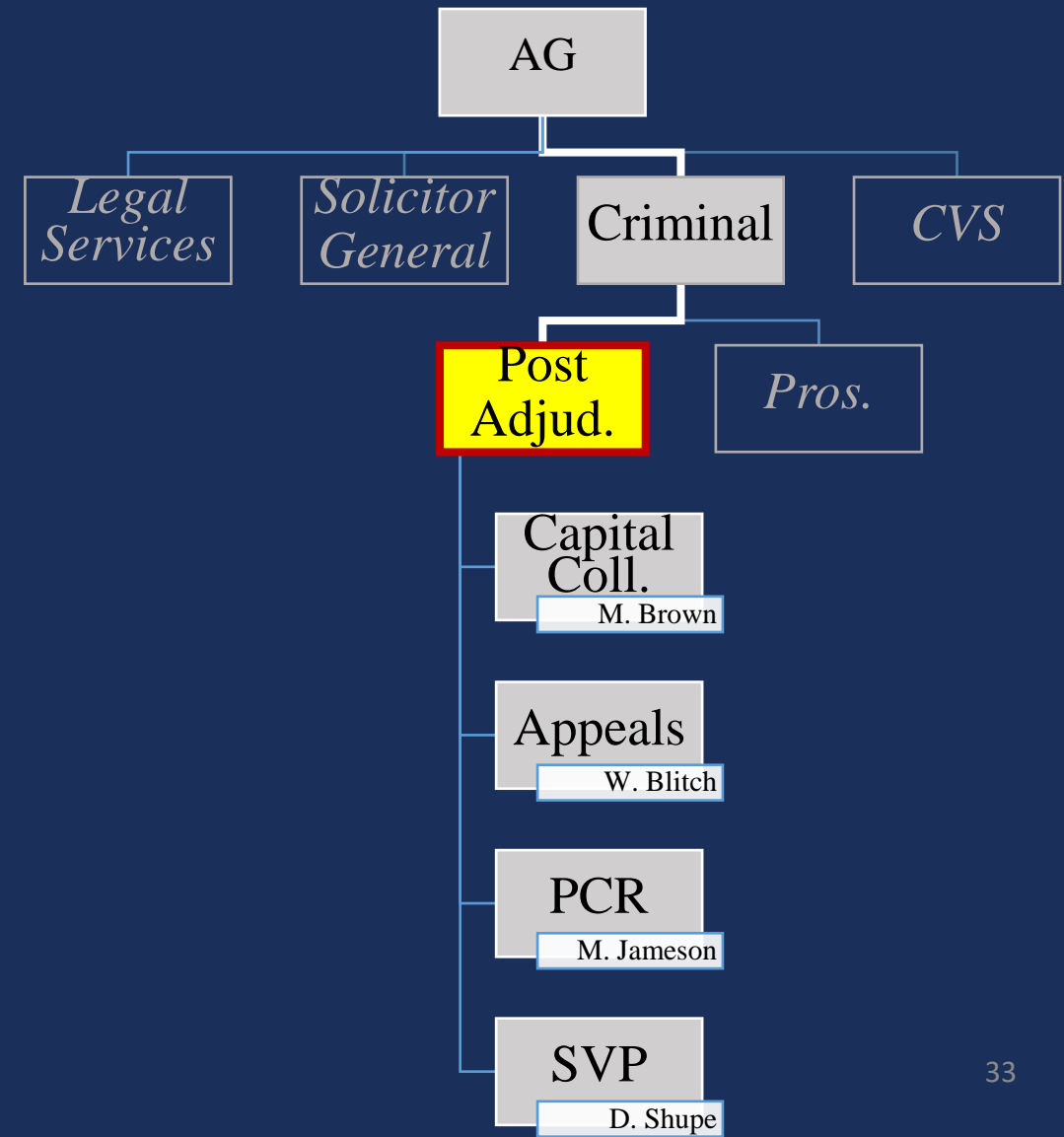
CRIMINAL-Post Adjudication

Alan Wilson
Attorney General

Don Zelenka
Deputy AG

POST ADJUDICATION:

All legal matters that occur after a criminal conviction are deemed Post Adjudication. This includes both criminal appeals and civil matters used to challenge the conviction. Two sections (PCR and SVP) actual litigate actions and follow civil procedure, as do federal habeas corpus actions. However, because of their criminal law foundation they remain in the Criminal Division for consistency and continuity of effort.





CRIMINAL-Prosecution

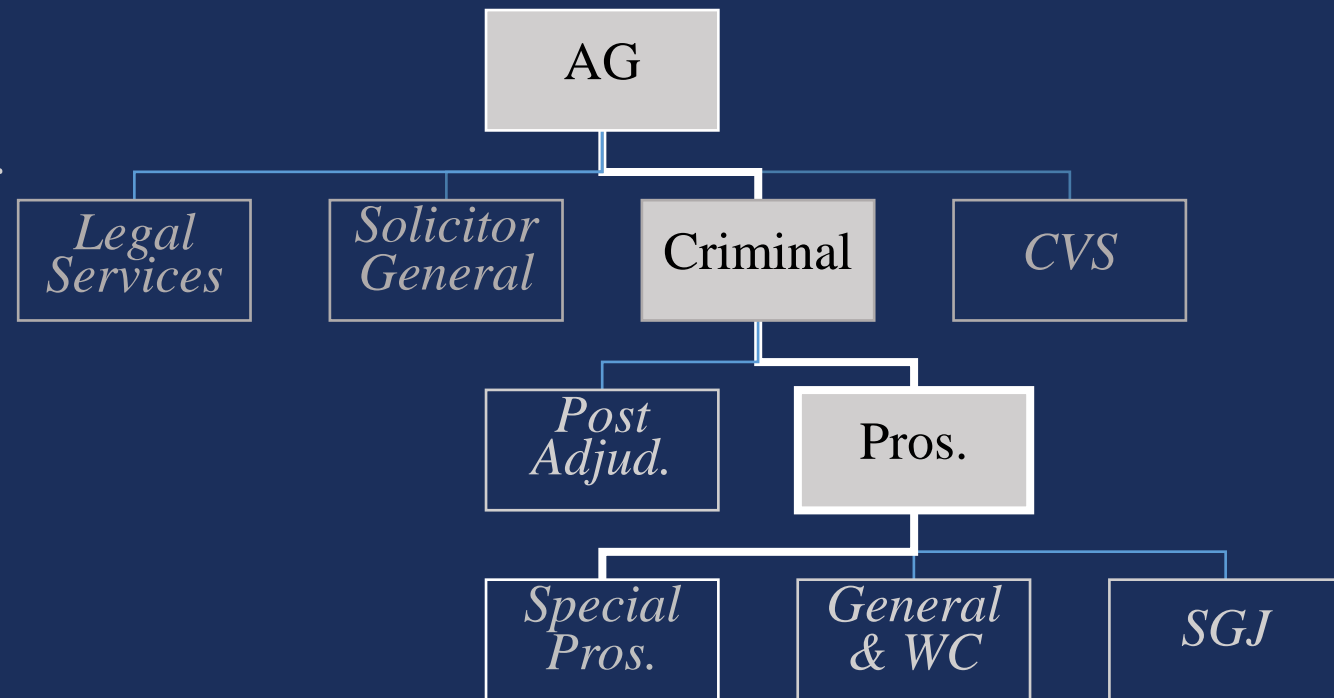
Alan Wilson
Attorney General

Don Zelenka
Deputy AG

PROSECUTION:

The AG is the **chief prosecutor** for the State. To a certain extent, he serves as the “**17th Solicitor.**” Some general prosecution cases arise from conflicts of interest at the local level. Other cases have primary prosecution in our office because of their special nature, such as ICAC, Medicaid Fraud, Securities Fraud, and *Insurance Fraud*.*

The State Grand Jury Section provides prosecution in limited defined multi-county offenses or other specialized areas of inquiry defined in the “State Grand Jury Act.” The Section works with SLED, FBI, the U.S. Attorneys Office, as well as county and local law enforcement as partners in many cases.





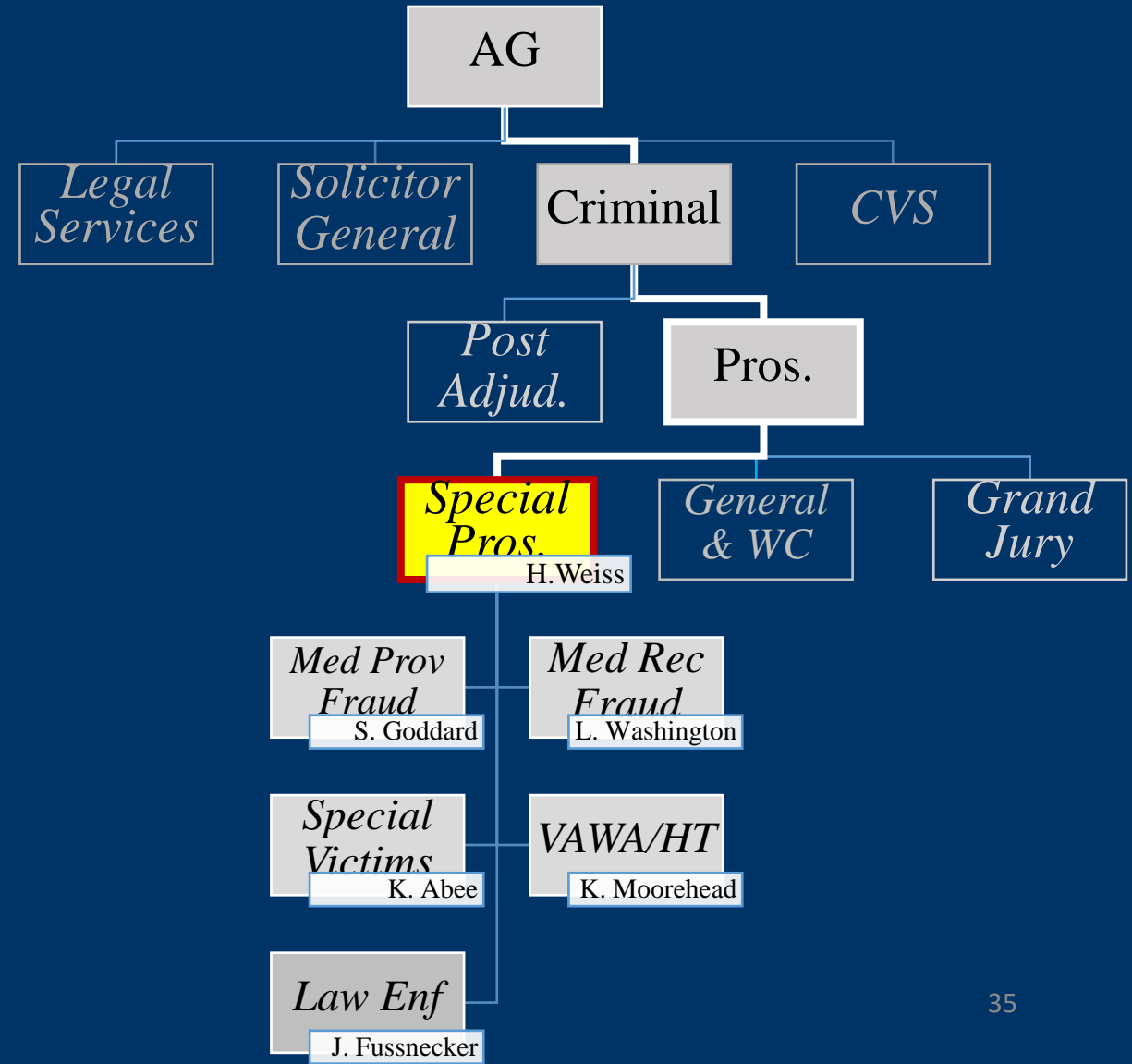
CRIMINAL-Prosecution

Special Prosecution:

Certain areas of prosecution have taken on special expertise and have grown in recent years. The Attorney General provides this expertise statewide.

Medicaid fraud are necessarily divided, but both very specialized with the government as the victim. Medicaid Provider Fraud is a grants from the federal government. Medicaid recipient fraud is in coordination with other state entities.

Other Special prosecution include emerging specialty areas. VAWA is a legacy program from prior administrations, but Human Trafficking has developed under AG Wilson. Special Victim prosecution is in conjunction with local solicitors. Law Enforcement Issues are developing due to circumstances developing in the last 8 years.



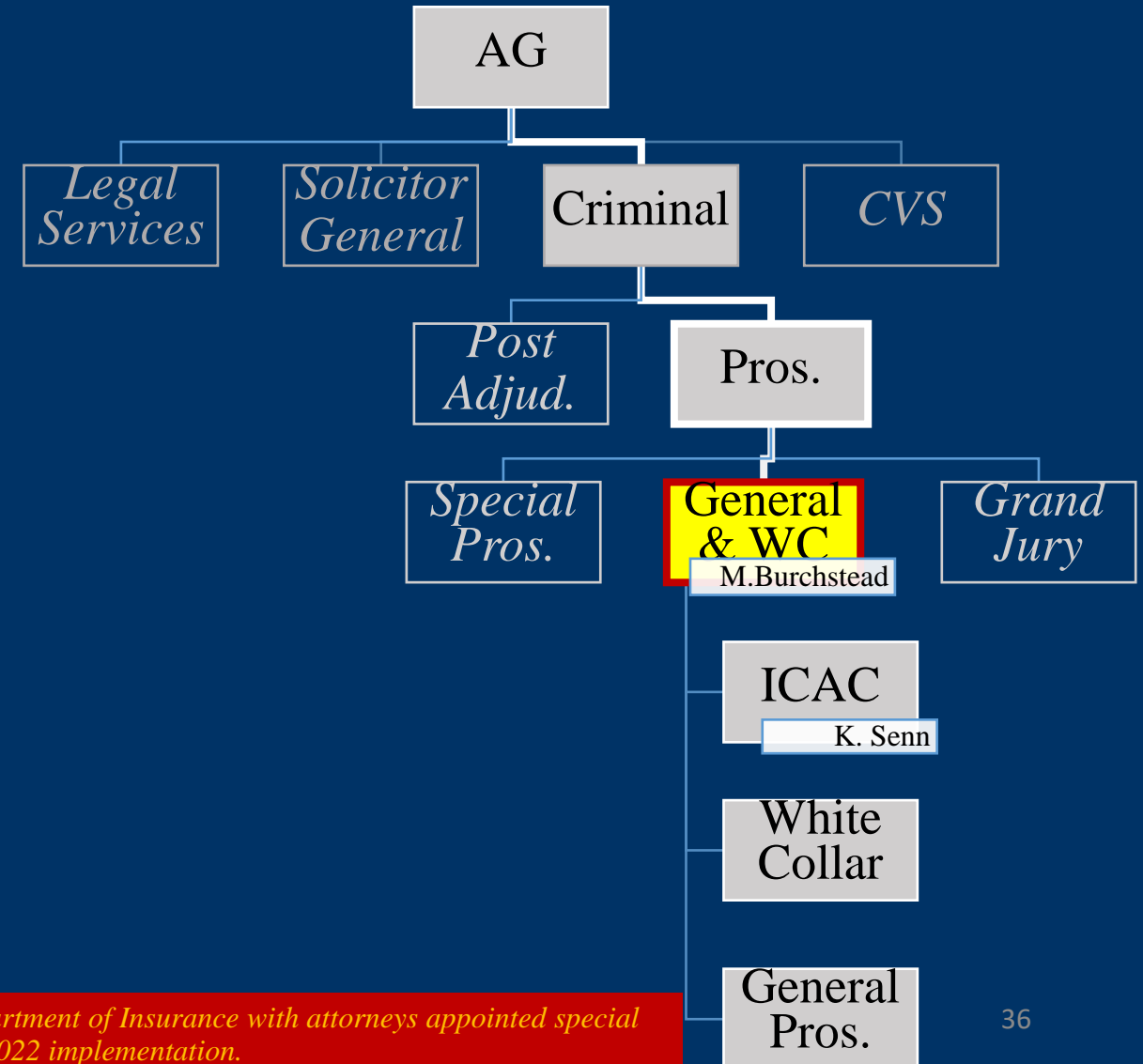


CRIMINAL-Prosecution

General Prosecution & White Collar:

The AG is the Chief Prosecutor. Along with the 16 Circuit Solicitors, the AG is responsible for the prosecution of all criminal matters within the South Carolina judicial system. Much of the General cases are referred by Solicitors due to a conflict of interest.

White collar crimes are highly intensive in documentation and require unique expertise. Securities, insurance and financial fraud are examples. ICAC cases are likewise unique in nature, and though coordinated with solicitors, the AG provides expertise.



*Since these slides were first submitted, Insurance Fraud is prosecuted through the Department of Insurance with attorneys appointed special Assistant Attorneys General authorized to prosecute such cases. This was part of a FY 2022 implementation.



CRIMINAL-Prosecution

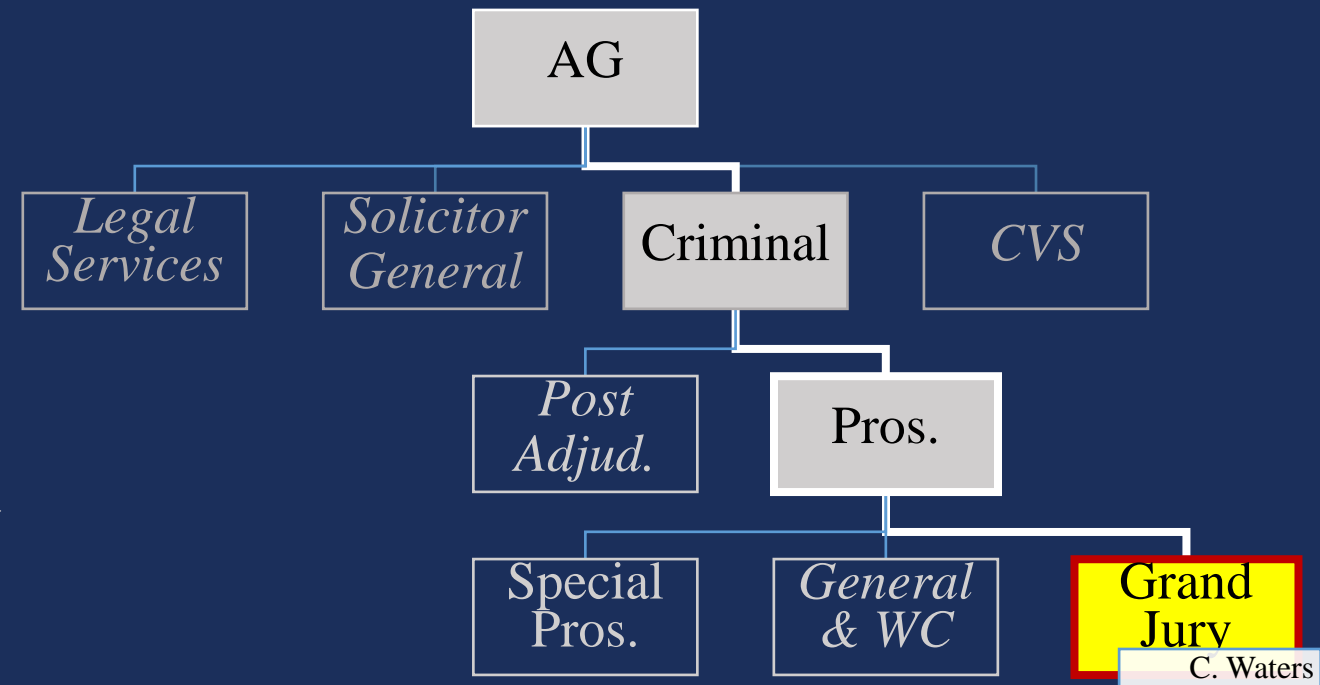
Alan Wilson
Attorney General

Don Zelenka
Deputy AG

State Grand Jury (SGJ) Prosecution:

The SJG Prosecution Section is authorized to investigate and prosecute statutorily defined crimes and areas of inquiry. Public corruption, election fraud, obscenity offenses, and narcotics cases of multi-county significance are some of the primary cases initially placed within its jurisdiction. Jurisdiction now also includes gang, environmental and securities crimes.

Generally, the SGJ is designed for large and complex cases. Cases typically require intensive investigator and attorney time. The SGJ can compel testimony and disclosure of documents, which often requires intensive analysis of voluminous documents.



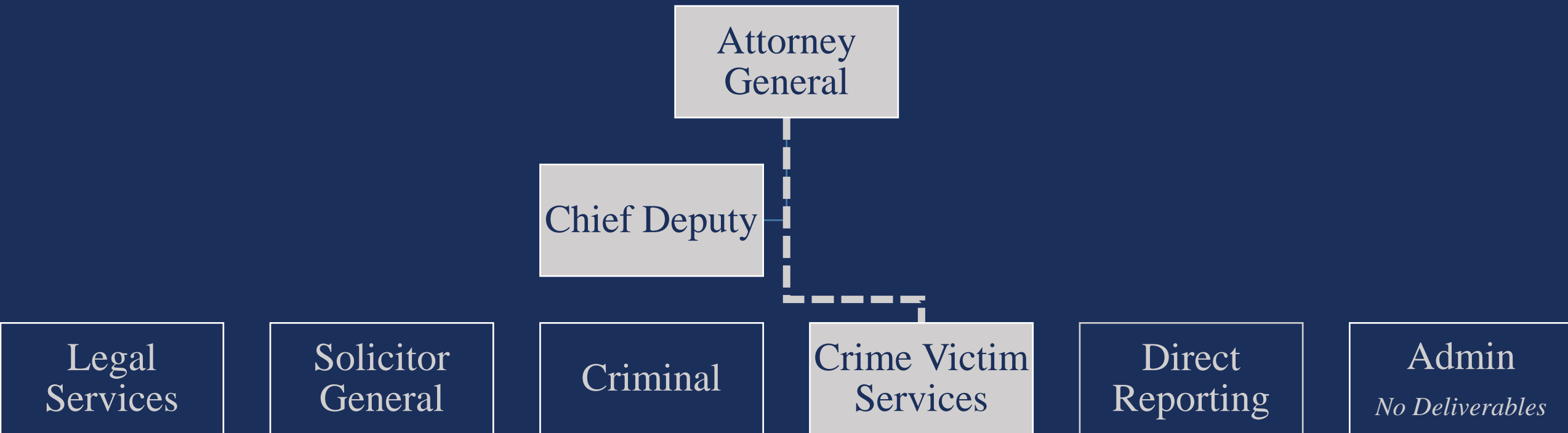
This is the prosecution of SGJ. The SGJ clerk is separate.



Alan Wilson
Attorney General

BJ Nelson
Director

Crime Victim Services Division



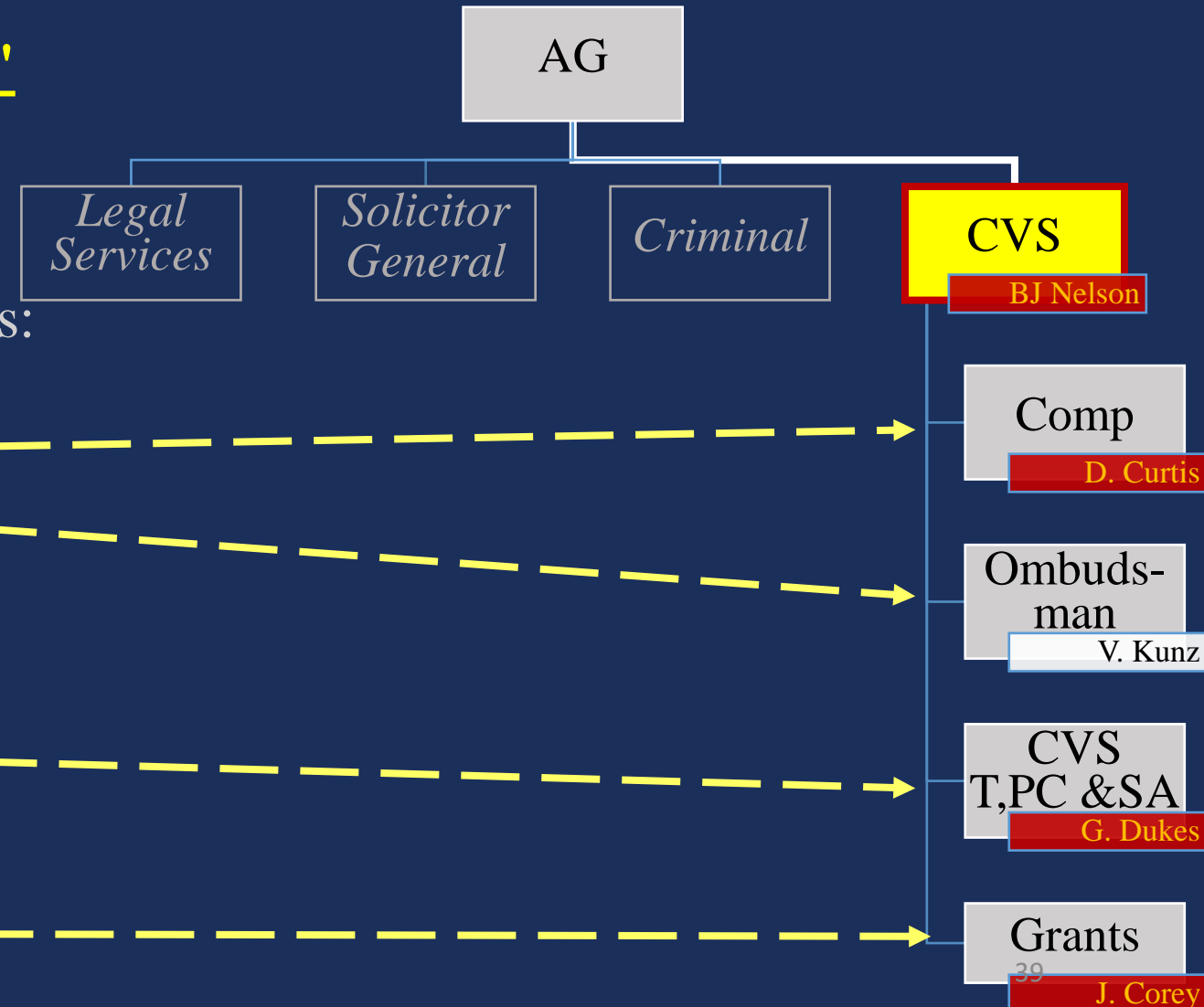


2017 Act No. 96

“South Carolina Crime Victim Services Act”

to restructure and consolidate Victim Services...to create the Office of the Attorney General, **South Carolina Crime Victim Services Division**...and to create four divisions:

- State Office of Victim Assistance and renamed **“Crime Victim Compensation”**
- South Carolina **Crime Victim Ombudsman**
- Office of Victim Services Education and Certification moved from the Crime Victim Ombudsman and re-established as the **“Crime Victim Services Training, Provider Certification, and Statistical Analysis”**
- and Justice Programs under DPS which administers certain grants to become **“Crime Victim Assistance Grants”**



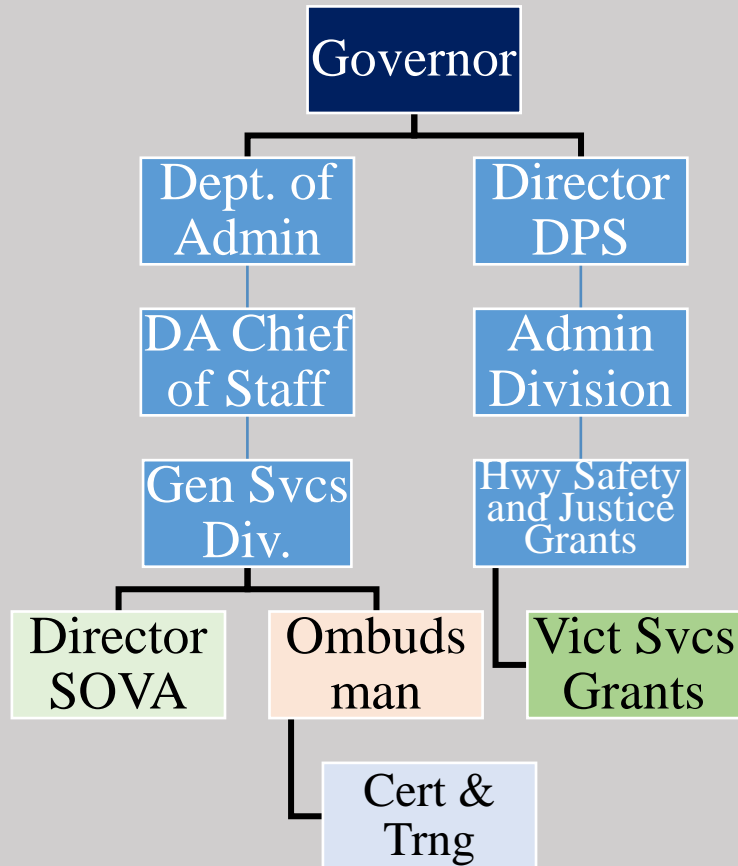


CRIME VICTIM SERVICES

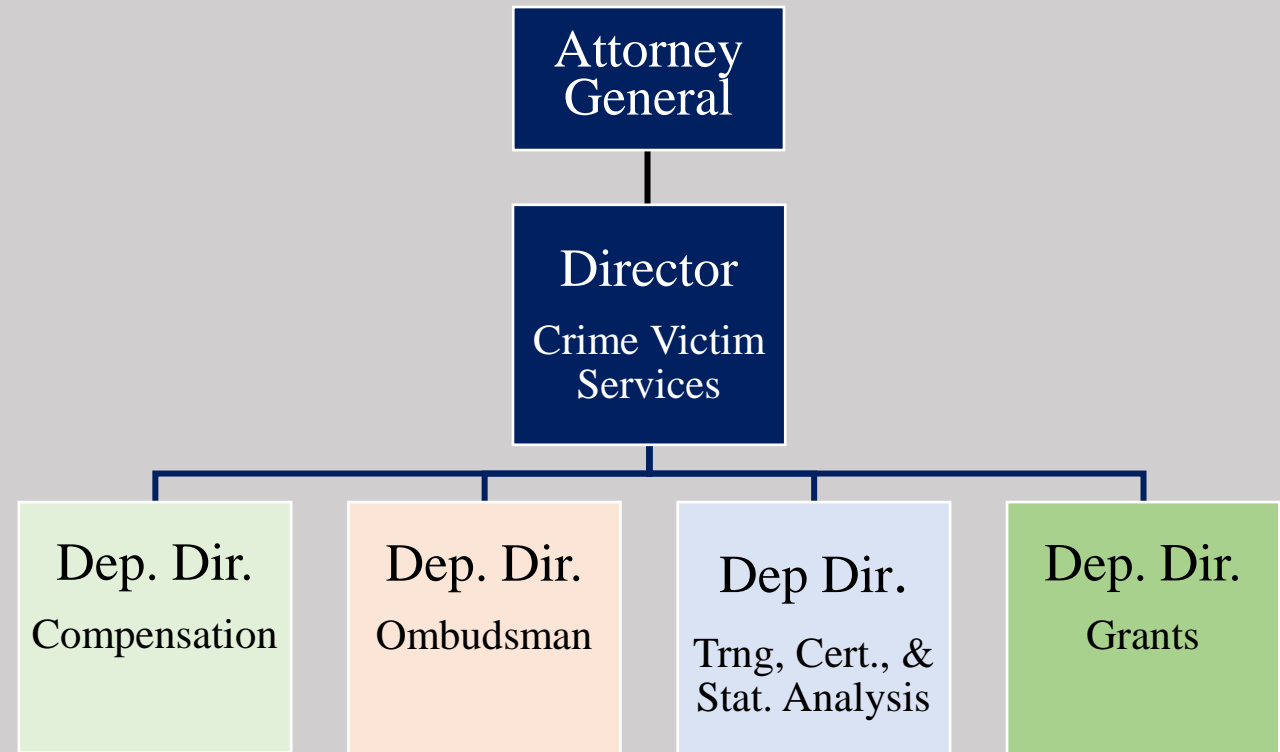
Alan Wilson
Attorney General

BJ Nelson
Director

Pre-State Reorganization:



Post Consolidation under OAG:

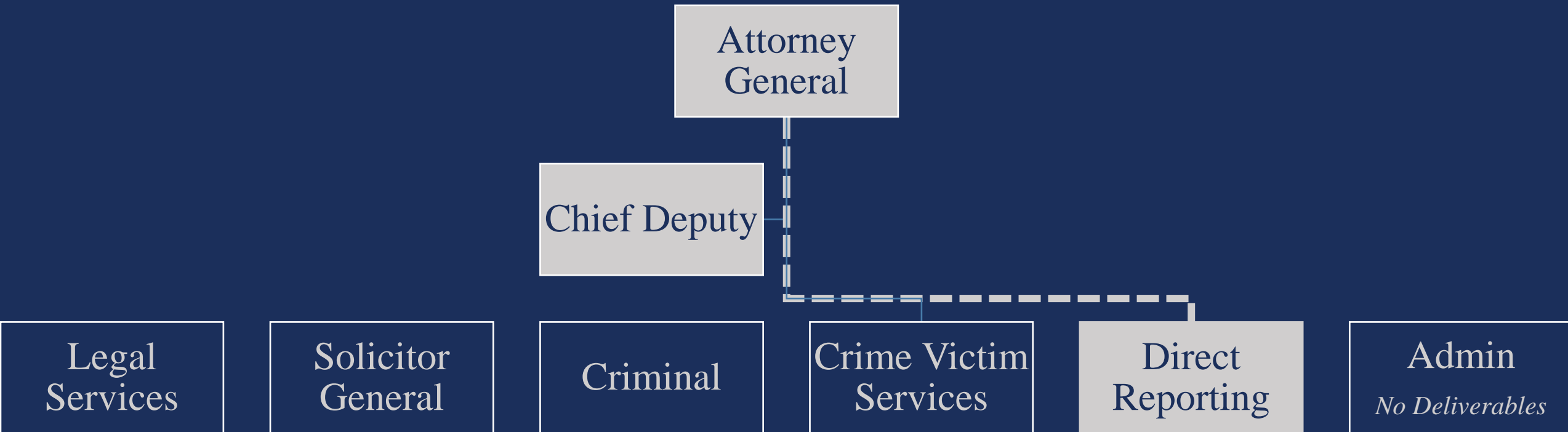




Alan Wilson
Attorney General

Barry Bernstein
Deputy AG

Direct Reporting Sections





Direct Reporting Sections

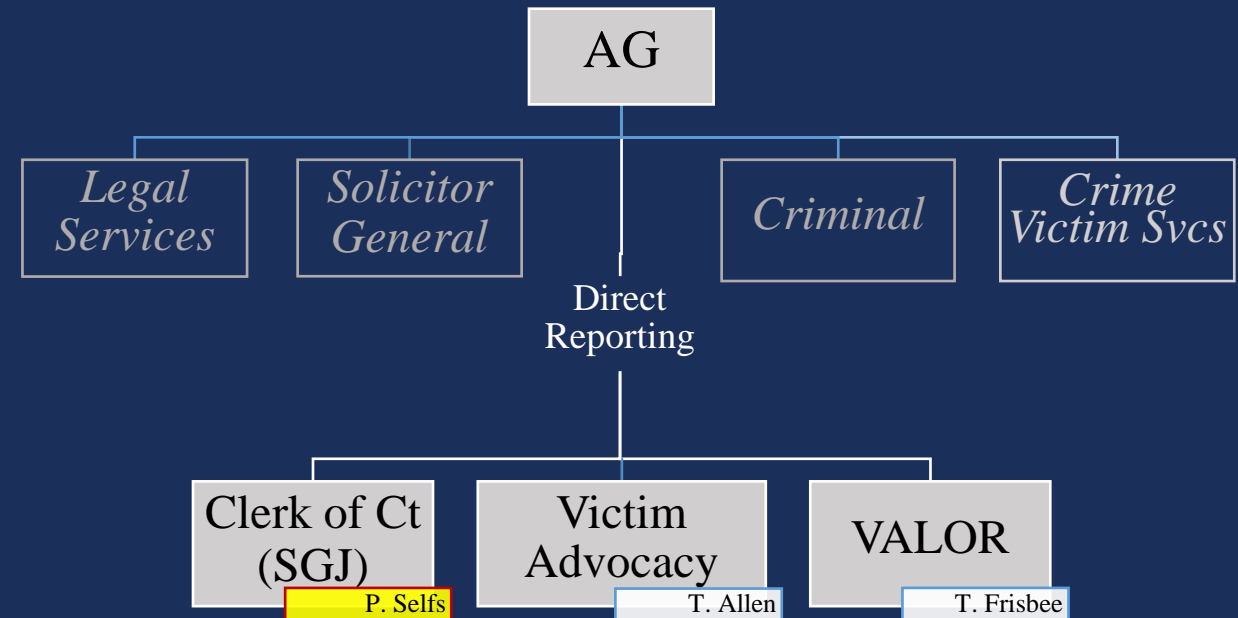
Alan Wilson
Attorney General

Barry Bernstein
Deputy AG

Direct Reporting Sections:

Certain sections report directly to the Attorney General and not through a division. It is with special emphasis of the AG, or to provide independence to those sections for mission security.

- SGJ Clerk of Court is specifically independent of the prosecution section.
- Victim Advocates are independent of the prosecution section.
- The V.A.L.O.R. Program is a new initiative and for its development is within the Executive Section.

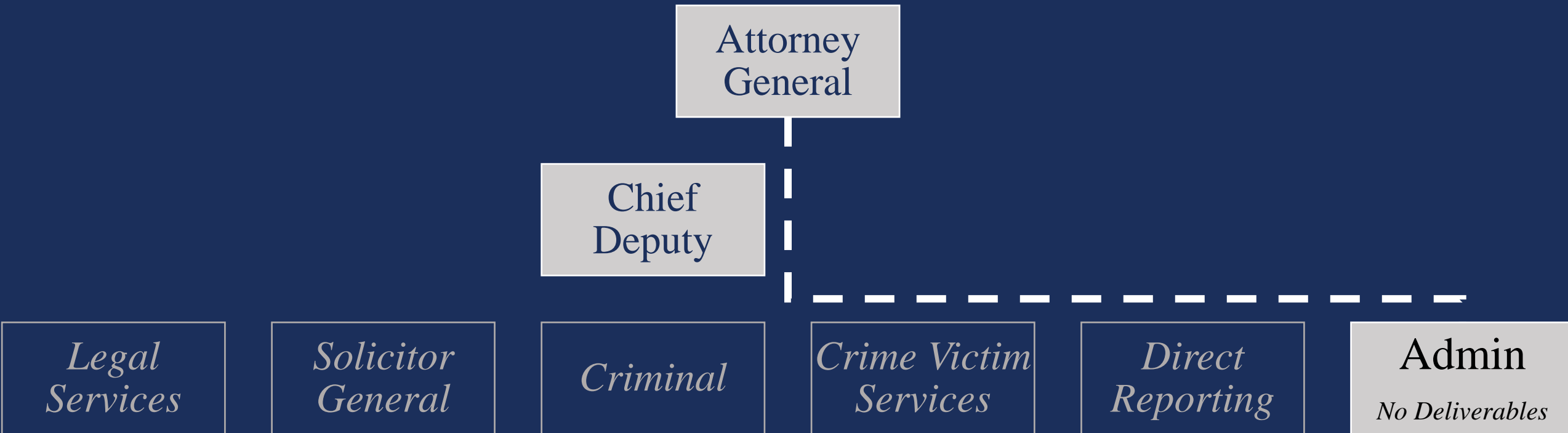




Alan Wilson
Attorney General

Tammie Wilson
Director

Administration Division





Administration

Alan Wilson
Attorney General

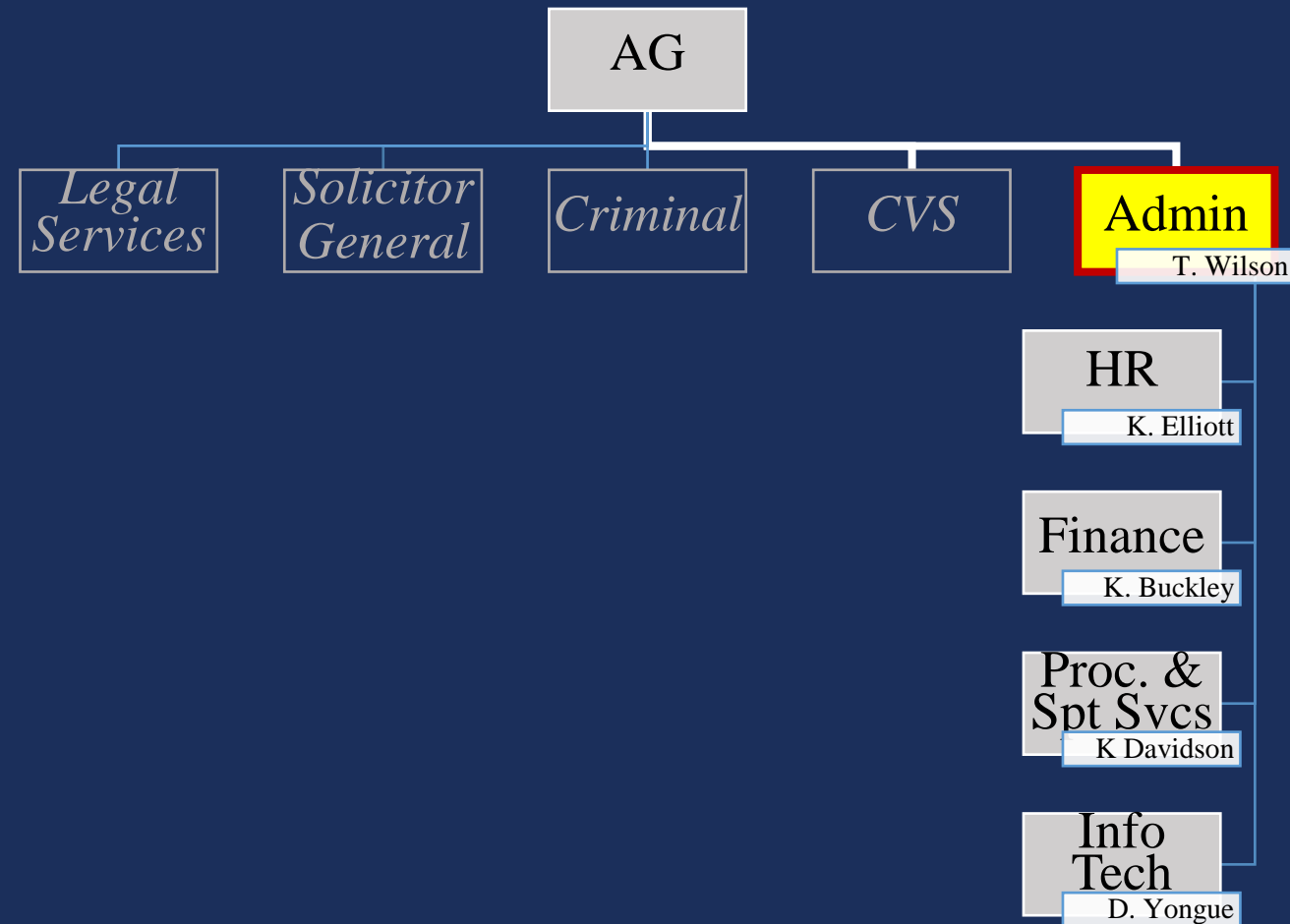
Tammie Wilson
Director

Administration:

The Administration Division provides support and services essential to OAG operations.

This division has evolved and become more resourceful resulting from the NAAG management review. Three departments consolidated to provide coordinated support. In addition to the sections noted later, other services include reception, security and records management. Administration is a one-stop resource for other sections, with the Director serving as the primary logistics advisor to the AG.

The OAG grew by 25% with the addition of CVS, but did not increase administrative FTEs. Administration remains challenged with meeting prior standards of excellence.





Office of the Attorney General

PART III

ADMINISTRATION

I. INTRODUCTION

II. ORGANIZATIONAL FLOW
CHART & STRUCTURE

III. ADMINISTRATION

IV. ASSESSMENT

V. CLOSING



Personnel/Employee Overview

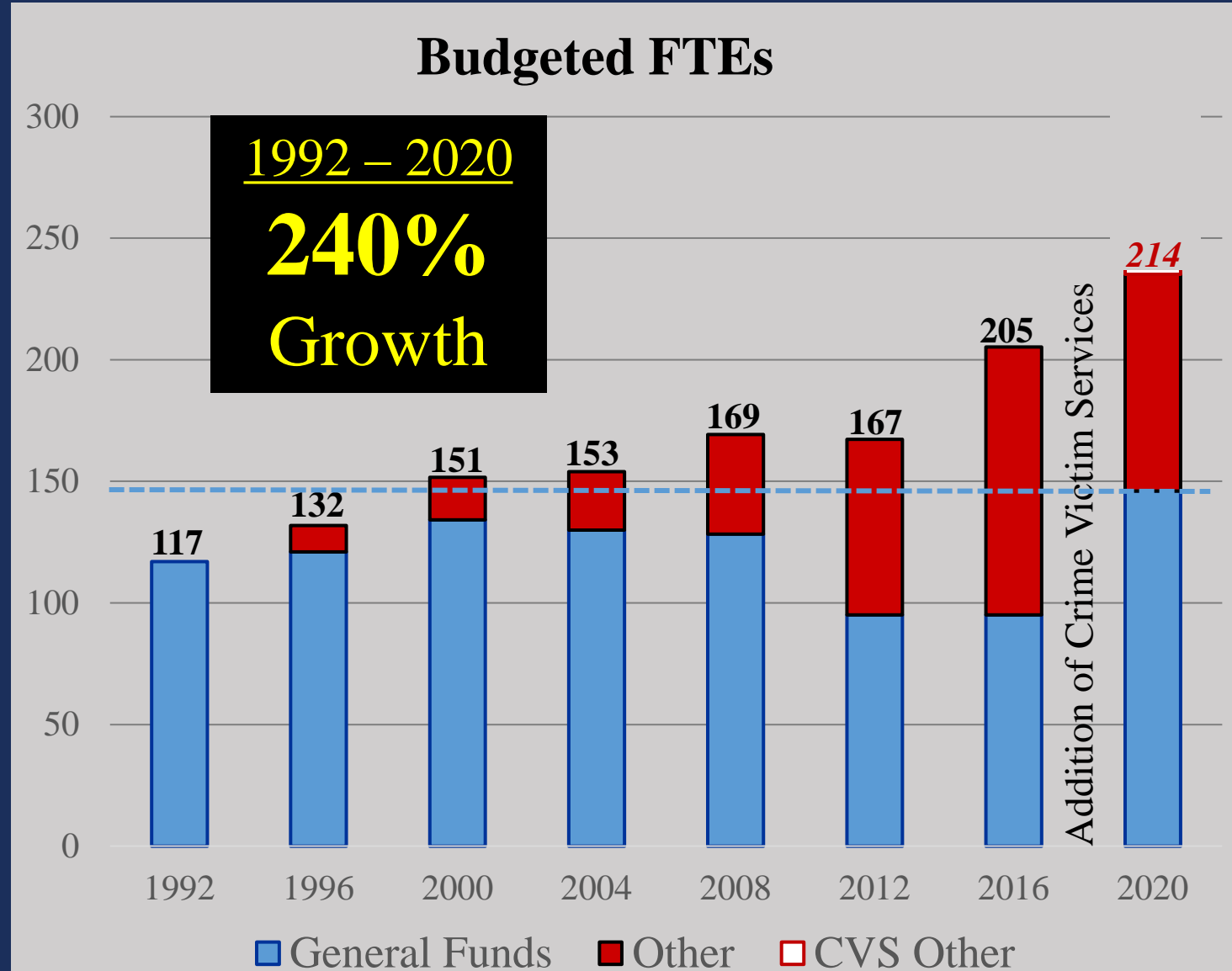
FTEs

Alan Wilson
Attorney General

Katie Elliott
Human Resources

Though the number of FTEs from the General Fund is relatively the same as it was in 1992, the total number of FTEs nearly doubled before the addition of Crime Victim Services (CVS). Combined with CVS, the office is over 240% the size it was in 1992.

This chart is misleading. We have taken great strides in stabilizing FTE salary sources with General Funds. The addition of CVS came with grants funding, *and the post FY 2020 budgets have improved our stability.*





Personnel/Employee Overview

Alan Wilson
Attorney General

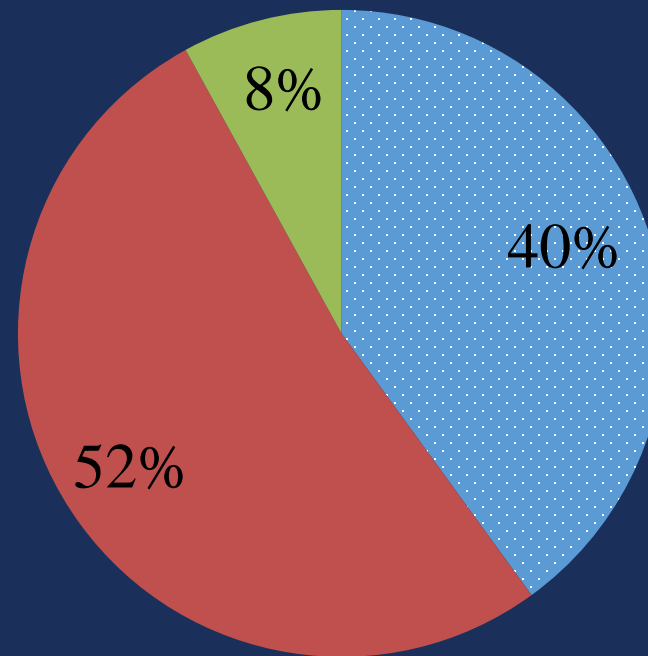
Katie Elliott
Human Resources

The OAG is limited to using the Employee Personnel Management System (EPMS). We found the system to be ineffective to gain a true evaluation of personnel:

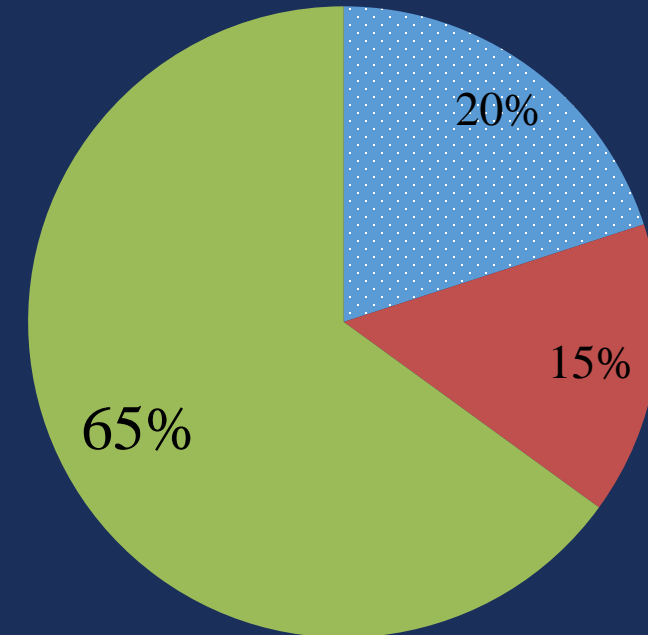
“Successful by Default” accounted for half the evaluations, meaning reviews were not timely, if even conducted. For some, this meant no reviews for years on end.

“Exceptional” ratings were the norm, masking truly exceptional recognition and raising expectations of average employees.

2012



Target Program



■ Exceptional ■ Successful by Default ■ Successful



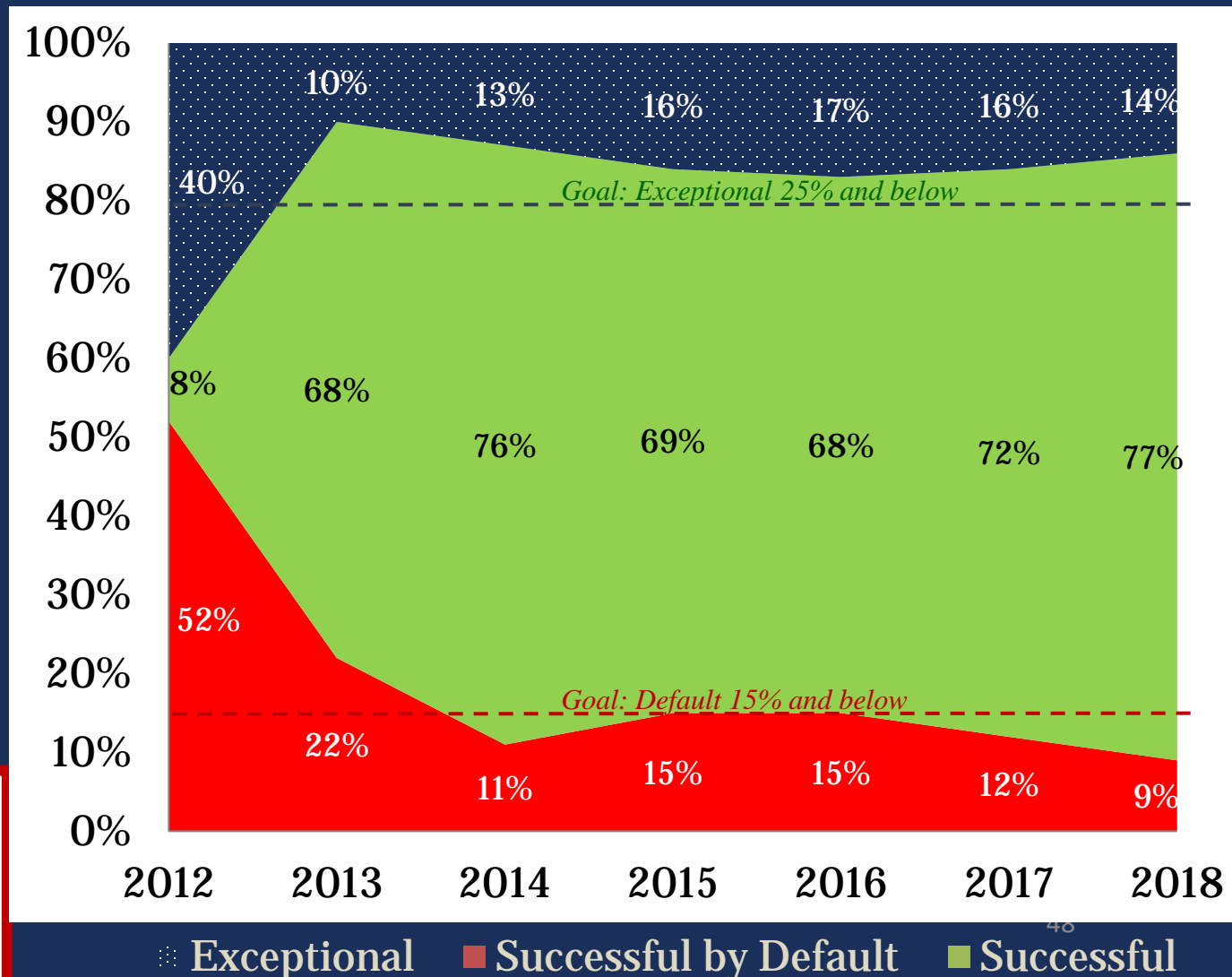
Personnel/Employee Overview

Alan Wilson
Attorney General

Katie Elliott
Human Resources

Beginning in 2013, we established guidelines for OAG use of EPMS. The intent was to:

- Force timely evaluations, reducing the prior 50% level
- Make “Exceptional” meaningful, identifying top performers
- “Successful” became the standard, not a sign of inadequacy
- Create a dialogue of in the supervisory chain. Hold managers accountable for compliance
- Make the system sustainable.



Default Evaluations

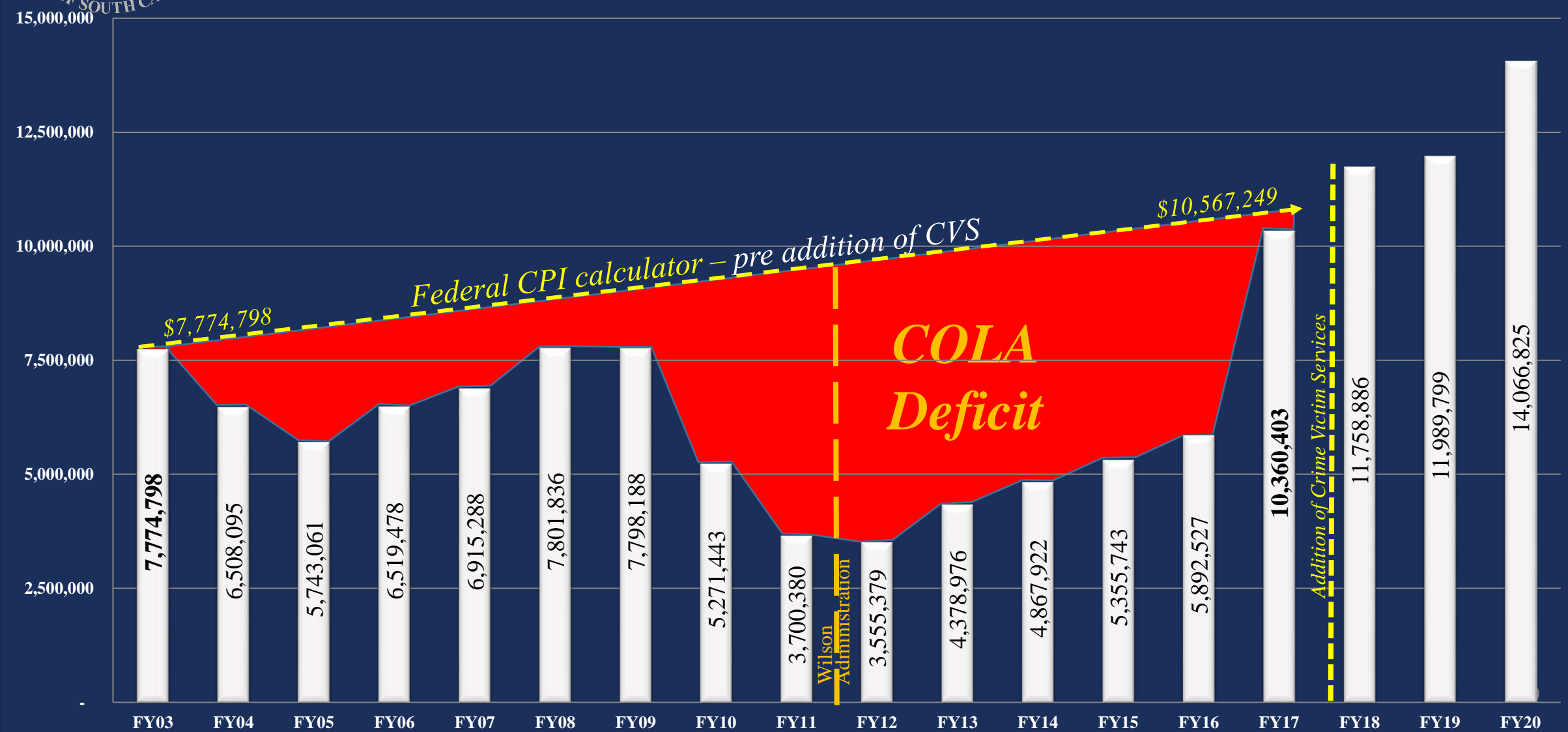
2012	2013	2014	2015	2016	2017	2018	2019
52%	22%	11%	15%	15%	12%	9%	



Alan Wilson
Attorney General

Kim Buckley
Finance Director

APPROPRIATED BUDGETS





Alan Wilson
Attorney General

Kim Buckley
Finance Director

REVENUE GENERATED

Since this slide was originally produced, two more years of revenue have been generated, but a settlement with the federal government for \$600million should be noted

\$300,000,000

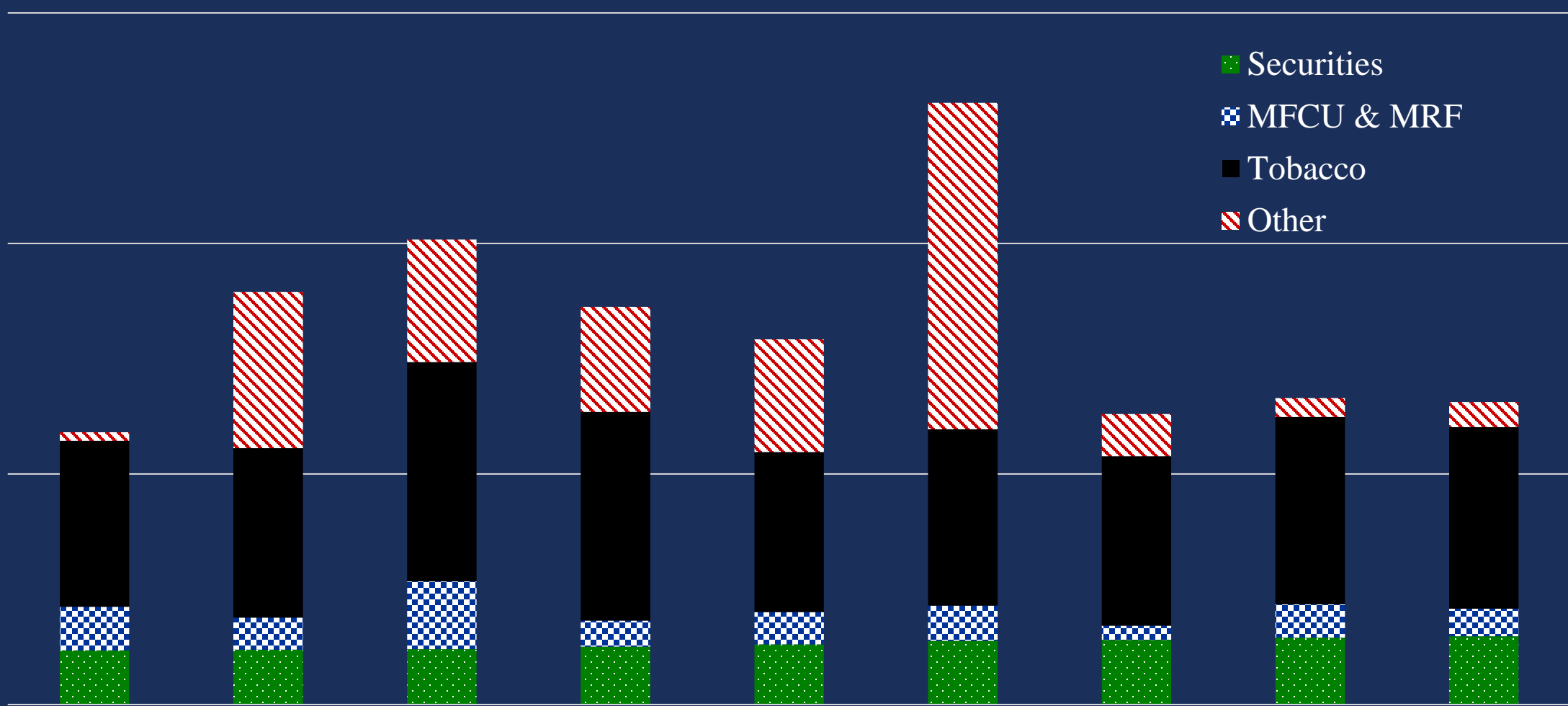
\$200,000,000

\$100,000,000

\$0

- Securities
- MFCU & MRF
- Tobacco
- Other

FY11 FY12 FT13 FY14 FY15 FY16 FY17 FY18 FY19

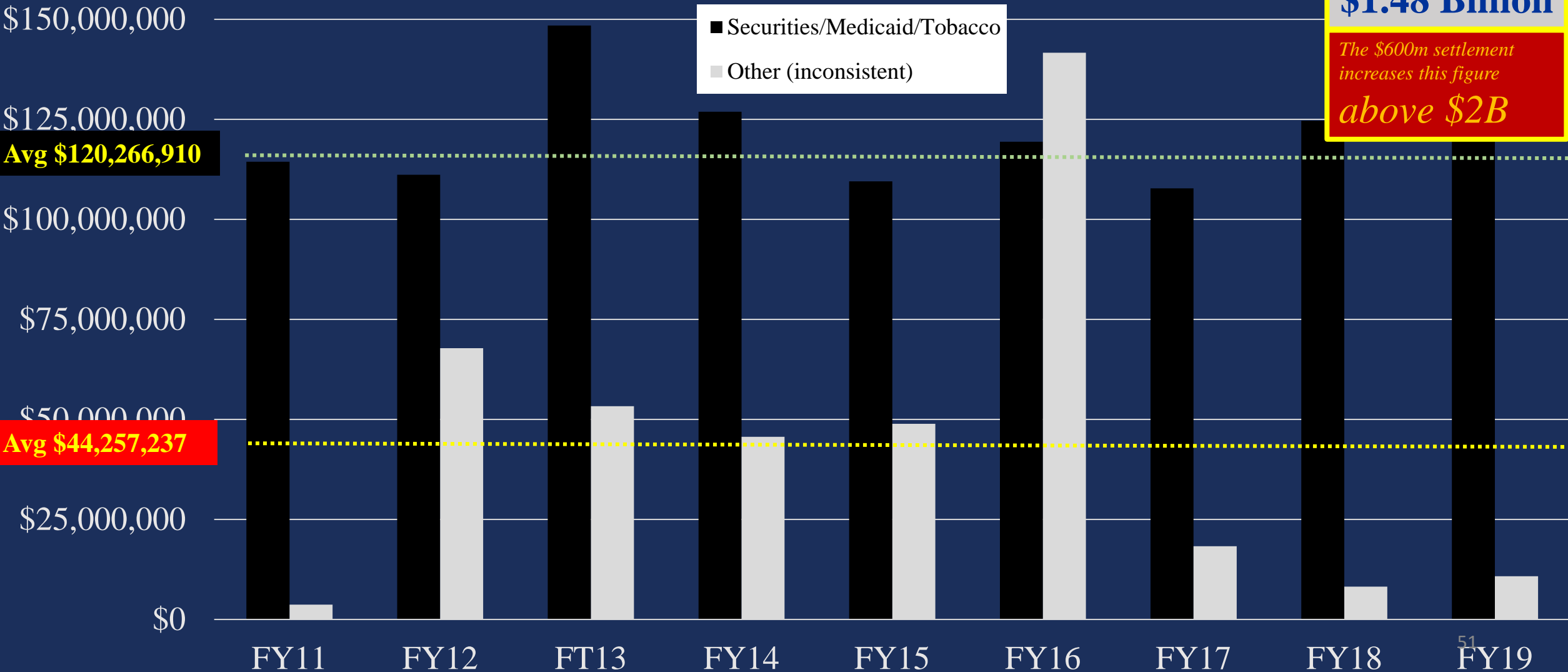




Alan Wilson
Attorney General

CONSISTENT VS. INCONSISTENT REVENUE GENERATED

Kim Buckley
Finance Director



9 year total
\$1.48 Billion

*The \$600m settlement
increases this figure
above \$2B*

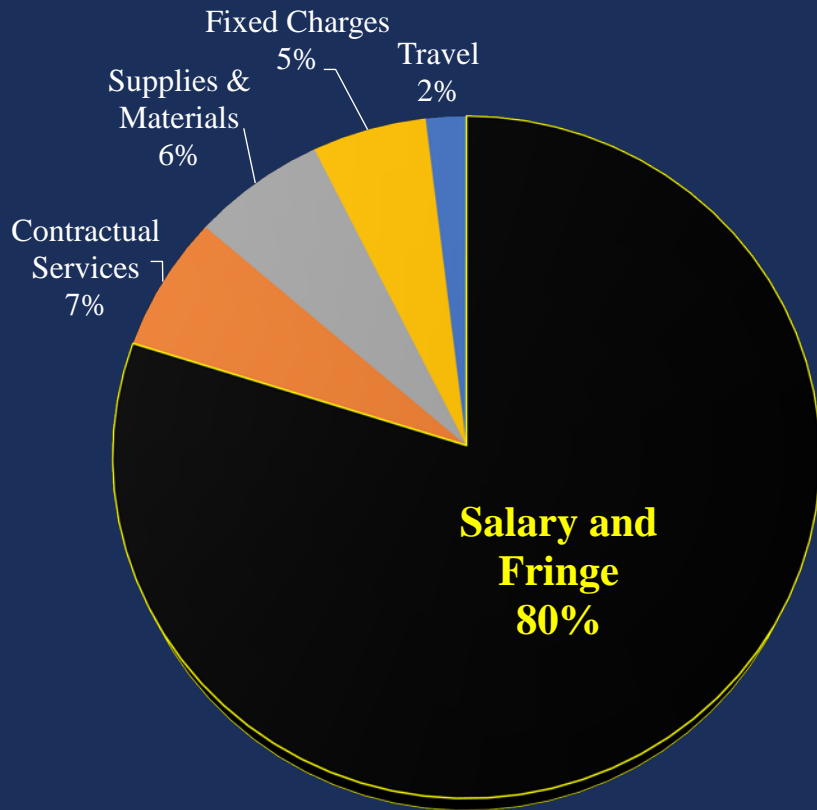
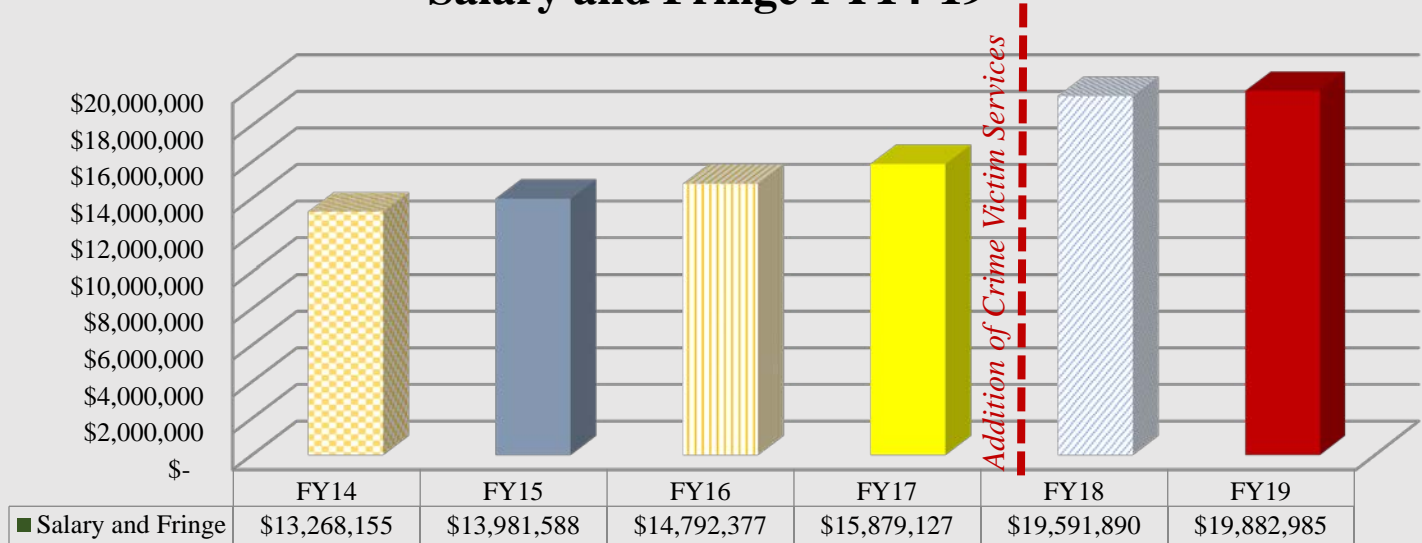


OPERATING BUDGET

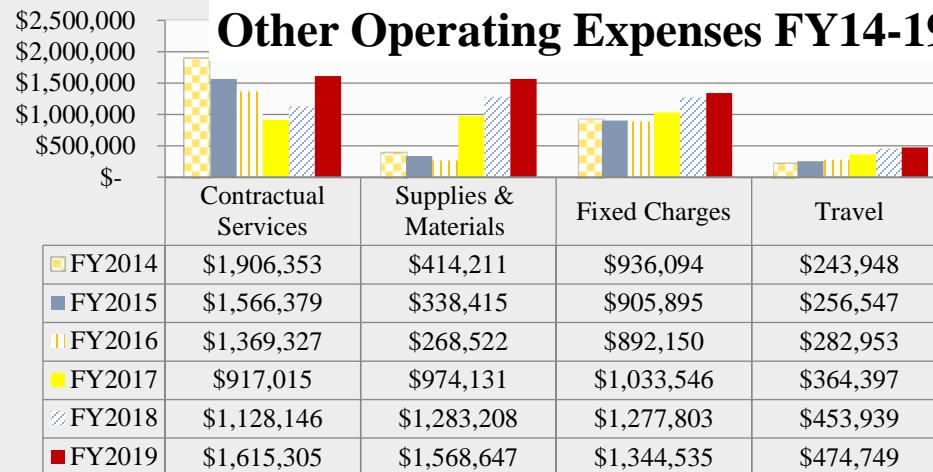
Alan Wilson
Attorney General

Kim Buckley
Finance Director

Salary and Fringe FY14-19



Other Operating Expenses FY14-19



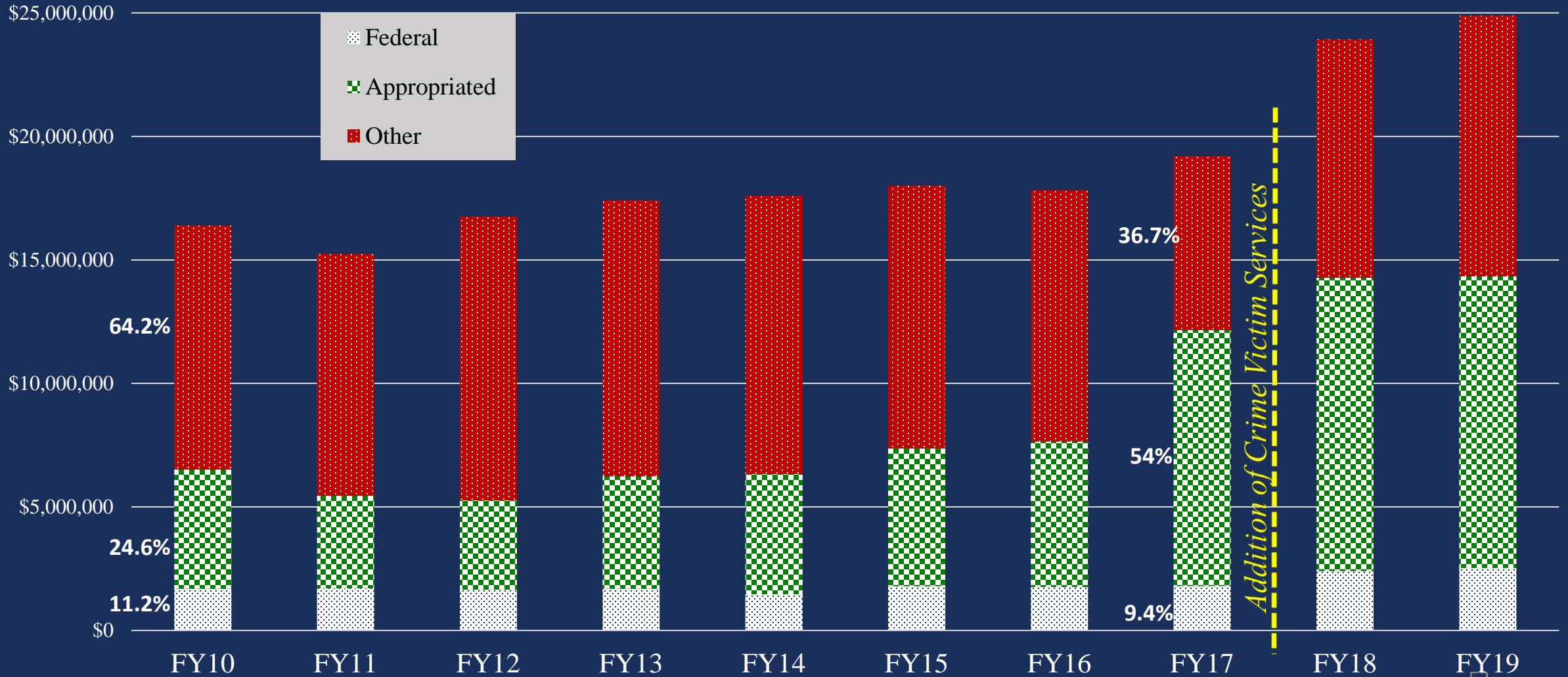
Information Technology	\$ 1,932,901
Rent	\$ 1,109,076
State Grand Jury	\$ 243,765
Transcripts	\$ 153,518
Leased Cars	\$ 153,487
Dues and Membership Fees	\$ 117,250
In-State Auto Mileage	\$ 107,277
Office Supplies & Equipment	\$ 104,672
Non-State Employee Travel	\$ 87,759
Temporary Services	\$ 75,456
Legal Services	\$ 61,328
Promotional Supplies	\$ 59,790
Non-IT Professional Services	\$ 53,779
Insurance	\$ 50,802
In-State Lodging	\$ 47,139
In-State Registration	\$ 45,427
Out-State Lodging	\$ 42,008



EXPENSE BY FUND SOURCE

Alan Wilson
Attorney General

Kim Buckley
Finance Director



SUCCESS: During this Administration, the OAG had recovered reliable funding sources prior to taking CVS



Office of the Attorney General

PART IV ASSESSMENT

SUCCESSSES, CHALLENGES & EMERGING ISSUES

I. INTRODUCTION

II. ORGANIZATIONAL FLOW
CHART & STRUCTURE

III. ADMINISTRATION

IV. ASSESSMENT

V. CLOSING



SUCCESSSES

- **SUCCESSSES**

- *CHALLENGES*

- *EMERGING ISSUES*

1. **PUBLIC SAFETY**

2. **LEADERSHIP & MANAGEMENT PRACTICES**

3. **FISCAL STABILITY**

4. **TECHNOLOGY UPGRADE**

(HARDWARE & DESKTOP)



Public Safety

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

Several years of budget cuts stagnated initiatives of the OAG. In those years, several areas emerged as developing problems in public safety. Although the office is not in the legislative branch, the Attorney General can give a voice to emerging public safety issues. He can also lend his office and resources to bring all stakeholders together to resolve impediments to legislation.

ICAC: emerging technology remains a continuous threat;

Human Trafficking: more prevalent than commonly thought;

Technology has provided new tools to curb crime;

Crime Victims Services improved in government restructuring



Public Safety

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

Legislative Advocacy coordinated with the General Assembly:

2012: The Human Trafficking Task Force was created.

2013: “Ashley Hall Bill” addressed state loopholes precluding enforcement of prohibitions of the mentally ill obtaining firearms.

2014: “Emma’s Law” became effective, providing certain DUI offenders are now required to use ignition interlock devices.

2015: Overhaul of the state’s domestic violence laws. Following the Court striking the Act, the AG moved for reconsideration, which reformed the opinion making its provision upheld as legally compliant.

2017: S.Ct initially ruled Domestic Violence statute unconstitutional, AG led efforts to reconsider and reinstate all but minor language

FY18: OAG assumed 3 sections of Crime Victim support and new GA created division under consolidated Crime Victim Services department



Public Safety

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

Office Measures Taken: Throughout this period, by increasing resources, the office operations have prioritized the criminal division:

- We have increased the number of prosecutors;
- State Grand Jury Public Corruption efforts have increased;
- ICAC replaced decrease in federal funds with state funds. Tripled forensic investigation in support of agencies statewide;
- Increased appellate attorneys to meet the Court of Appeals project to use pro bono defense counsel;
- Maintained SVP actions, even against bureaucratic hurdles;
- Improved outreach for Human Trafficking, Domestic Violence and Securities Fraud awareness.



Public Safety

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

OUTCOME

Resources to public safety increased as a priority of AG Wilson. The OAG increased the number of prosecutors, appellate attorneys and forensic analysts. Technology capabilities have increased and manpower has been organized to address public safety concerns.

As an advisor to the legislature, the AG has been an advocate for for the enactment of improved Human Trafficking laws, the “Ashley Hall” Bill, “Emma’s Law”, and revising Domestic Violence statutes.

When concerns arose about services towards victims of crime becoming less prominent in government restructuring, the AG became a voice for increased support and the OAG became a home for consolidating efforts.

** While we have successfully addressed Public Safety, we remain woefully underfunded in this effort* 59



Leadership & Management Practices

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

The office has grown tremendously in the past 50 years, from a small office to a full agency. However, no prior administration had adapted to multi-administration transition. The growth of the legal profession, emerging agency responsibilities, and technology begged for such review. This Legislative Oversight Review fits within our framework of reviews.

2011: Begin “Annual Reviews” (each year for 11 years)

2013: NAAG external review of management practices

2018: Internal Review (sections @ every 4 years in cycle)

2020: Legislative Oversight (Every 7 years for entire office)

Agency concept of multi-layered, independent, review



Leadership & Management Practices

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

NAAG REVIEW:

This formal review became a foundation for a *culture shift* in the office for management practices. A follow-on survey was conducted using NAAG resources, and an internal process mirroring their methods is established. Our office now has a DAG on the NAAG management review team to evaluate other states.

Requested in 2012, several recommendations were implemented immediately following the on-site visit in 2013. Most recommendations were completely implemented by 2015, the end of the AG's first term, though some recommendations carried into the second term.

New administration & NAAG Review are the seminal events from “Office” to “Agency”



Leadership & Management Practices

2013 NAAG Review

Out of State Review Team
Anonymous Survey by NAAG

Personal Interviews

50% random sampling

15 minute interviews

No follow-up

Confidentiality

Direct Report to Executive Staff

Current Internal Review

Dedicated Deputy Attorney General

Use NAAG independent survey

Personal Interviews

100% section personnel

2 hours scheduled

Unlimited follow-up

Confidentiality

Direct Report to Attorney General

SUCSESSES

Public Safety

*Leadership and Mgmnt
Practices*

Fiscal Stability

Technology Upgrade

CHALLENGES

EMERGING ISSUES



Leadership & Management Practices

NAAG Review Issue	Agency's Status in Implementing	Completion
<i>Establish Chief of Staff</i>	<i>Immediate, but discontinued in reorganization.</i>	<i>2013-2017</i>
<i>Establish Solicitor General</i>	<i>Immediate</i>	<i>2013-present</i>
<i>Consolidate Administration</i>	<i>Delayed implementation.</i>	<i>2015-present</i>
<i>More robust communications dept</i>	<i>Immediate</i>	<i>2013-present</i>
<i>Expand recognition/award efforts</i>	<i>Immediate</i>	<i>2013-present</i>
<i>Optional work hour schedules</i>	<i>Some modification. Post COVID-19 re-review</i>	<i>Evolving</i>
<i>EPMS evaluation reform</i>	<i>Immediate & NAAG model today.</i>	<i>2013-present</i>
<i>Revise training program</i>	<i>Expanded with NAGTRI scholarships and host training.</i>	<i>2013-present</i>
<i>Reorganize Criminal Division.</i>	<i>Delayed implementation.</i>	<i>2017-present</i>
<i>Restructure IT Division</i>	<i>Immediate, user committee formed 2015.</i>	<i>2013-present</i>
<i>Establish litigation support</i>	<i>Immediate</i>	<i>2013-present</i>



Leadership & Management Practices

- **SUCCESSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

ACCOUNTABILITY: Annual Briefs

Fiscal Year re-cap and projections

Office standard format

Section objective standards for annual database

TRAINING: Manager Development

NAAG Management courses (Out of State)

NAAG Management Training (On-site for multiple)

Independent contractor for Management Training

REVIEW: Periodic Analysis:

NAAG Resources

Internal Review



Fiscal Stability

- **SUCCESES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- ***Fiscal Stability***
- *Technology Upgrade*

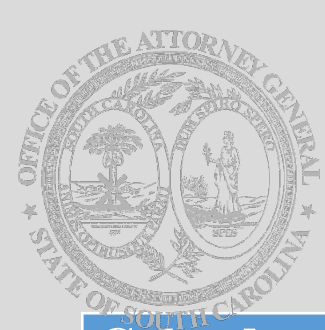
- **CHALLENGES**

- **EMERGING ISSUES**

The 2009 Great Recession was the greatest economic downturn since the Great Depression. While it bottomed in 2009, the impact on the tax base and government funding bottomed shortly after. SC found broad budget cuts. During this funding downturn, costs were still increasing. Areas of the office such as ICAC in the criminal section and CPAT in the civil section required increased FTEs and fiscal commitment. These circumstances created a fiscal crisis for the new administration and executive management team.

**The AG's General Fund bottomed in FY 2012;
less than half of its FY 2002 funding.**

**The Wilson Administration began in January 2011;
already in the FY2012 budget cycle.**



Fiscal Stability Timeline

Calendar Year	Budget Cycle	Completion
2010	2011	<i>Completed before election; Included effects of Great Recession budget reductions</i>
2011	2012	<i>Sworn in 50%+ through 2012 budget planning cycle</i>
2012	2013	<i>1st full budget cycle year in office; Securities proviso minor fix</i>
2013	2014	Long term plan to reverse Great Recession budget cuts.
2014	2015	Nominal increase
2015	2016	
2016	2017	Major Increase in funding
2017	2018	
2018	2019	
2019	2020	
2020	2021	COVID budget freeze
2021	2022	Major Increase in funding
2022	2023	House version increase; Senate pending



Fiscal Stability

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- **Fiscal Stability**
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

B. Measures Taken

A 2014 internal initiative found revenue sustaining the office since 2009 were untenable for continuity of essential operations. Expiring federal grants, diminishing carry-over funds and unreliable contingency revenue had replaced General Funds.

All non-essential office functions had been eliminated. The office had two budget cycles before either deficits spending or cutting necessary functions. The plan became to extend the “insolvency date” until stability funding could be established.

Fiscal instability and established revenue funding was untenable for continuity of necessary operations;

In 2014 the OAG initiated a plan to mitigate instability with continued operational level & stabilized funding.



Fiscal Stability

C. Outcome

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- ***Fiscal Stability***
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

- The Securities Proviso has the Securities Division fully funded.
- The 2017 budget cycle met ½ of the basic need.
 - The insolvency clock/point was extended.
 - ½ of those on “other funds” moved to General Funds.
 - Raises to hold on to key mid-level managers & attorneys
- The 2021 budget met the 2nd half of basic need
 - All but CPAT, Securities and CVS moved off “other funds”.
 - Allowed raises to all levels to be minimally competitive
- Continued attention to competitiveness in state government
 - Still need to be competitive
 - AG office is to become a “destiny” office, not training

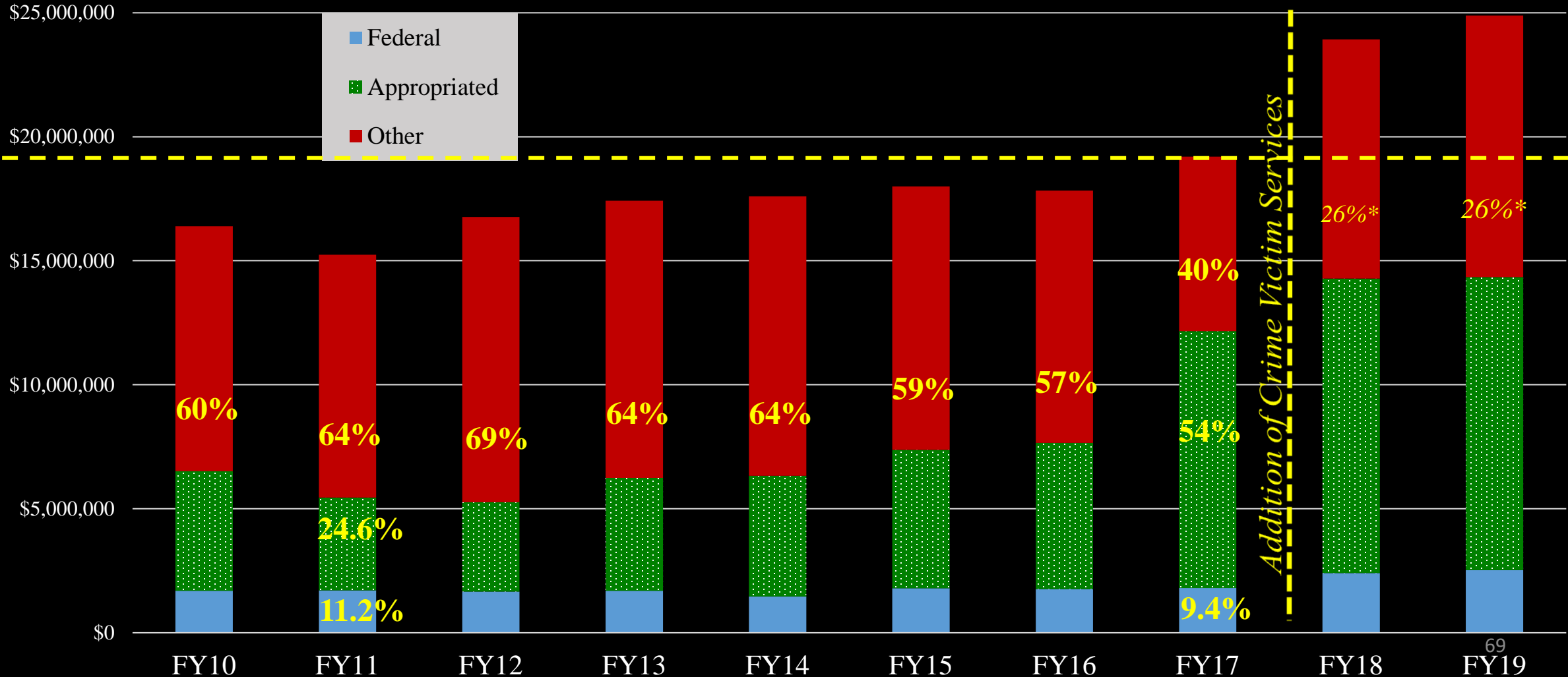


Financial Overview

Alan Wilson
Attorney General

Kim Buckley
Finance Director

EXPENSE BY FUND SOURCE





Technology Upgrade

- **SUCSESSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

Problem Faced:

At the beginning of this administration, IT resources in the OAG were behind the standard of even small law firms. Typewriters were still in use in the office. Not all of the standard Microsoft Office Suite software was actively implemented.

- A generational/cultural shift was necessary for technology.
- Existing hardware did not support platform programs.
- **The OAG was behind the technology of opposing counsel.**
- The addition of CVS require a second round of upgrades up to OAG standards and integration.



Technology Upgrade

- **SUCCESSSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

Measures Taken

- The 2013 budget provided one time funding for multi-purpose room upgrade (*Conference, classroom, trial prep*)
- Desktop hardware was updated and put on replacement cycles
- Desktop software was upgraded to latest Microsoft versions
- Servers have increased storage capacity & processing speed
- Outdated software packages were forced out (*internal resistance from attorneys for some packages*)
- Security Upgrade

Pre and post Department of Revenue breach
Independent system for State Grand Jury



Technology Upgrade

- **SUCSESSES**

- *Public Safety*
- *Leadership and Mgmt Practices*
- *Fiscal Stability*
- *Technology Upgrade*

- **CHALLENGES**

- **EMERGING ISSUES**

Outcome

- **NAGTRI, management and CLE training have been held in the multi-purpose Room. Also used as interim State Grant Jury room during renovation.**

- **Upgrade provided for smooth social distancing plans in 2020.**

- **The OAG now has the infrastructure capability to implement platforms.**



CHALLENGES

- *SUCCESSSES*

- *CHALLENGES*

- *Competitive Salaries*
- *PCR Turnover*
- *Money Services*
- *Prosecution
Coordination Comm.*

- *EMERGING ISSUES*

1. **COMPETITIVE ATTORNEY SALARIES**
2. **POST CONVICTION RELIEF TURNOVER**
3. **MONEY SERVICES**
4. **COMMISSION ON PROSECUTION
COORDINATION**



Competitive Attorney Salaries

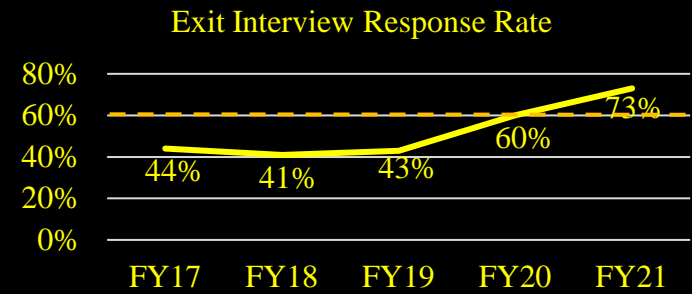
- *SUCCESSSES*
- *CHALLENGES*
 - *Competitive Salaries*
 - *PCR Turnover*
 - *Money Services*
 - *Prosecution*
Coordination Comm.
- *EMERGING ISSUES*

At the onset of this administration, AG Wilson sought for the OAG to be a “destination” for government attorneys.

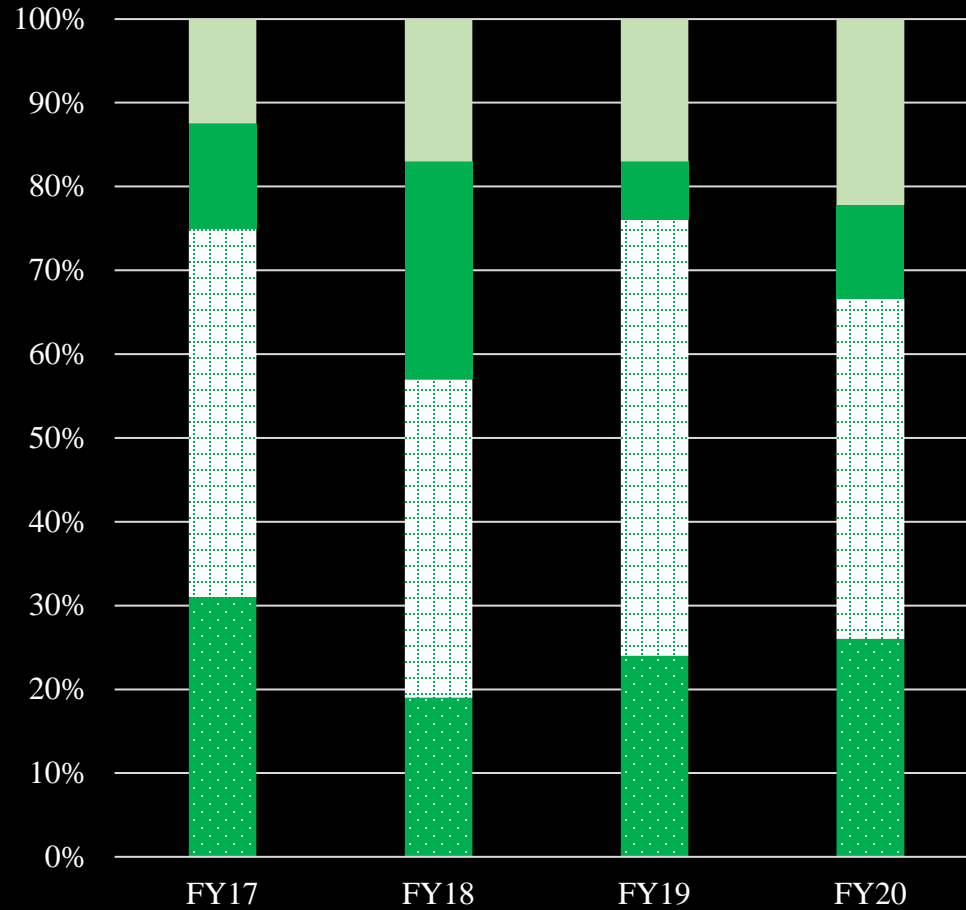
For several years, the OAG had not been retaining lawyers in the office, particularly at the entry and mid-levels. Several reviews were conducted, and we learned that we were not commensurate with salary scales for other entities. While we have taken measures to become competitive, this has been an ongoing challenge.

Competitive Attorney Salaries

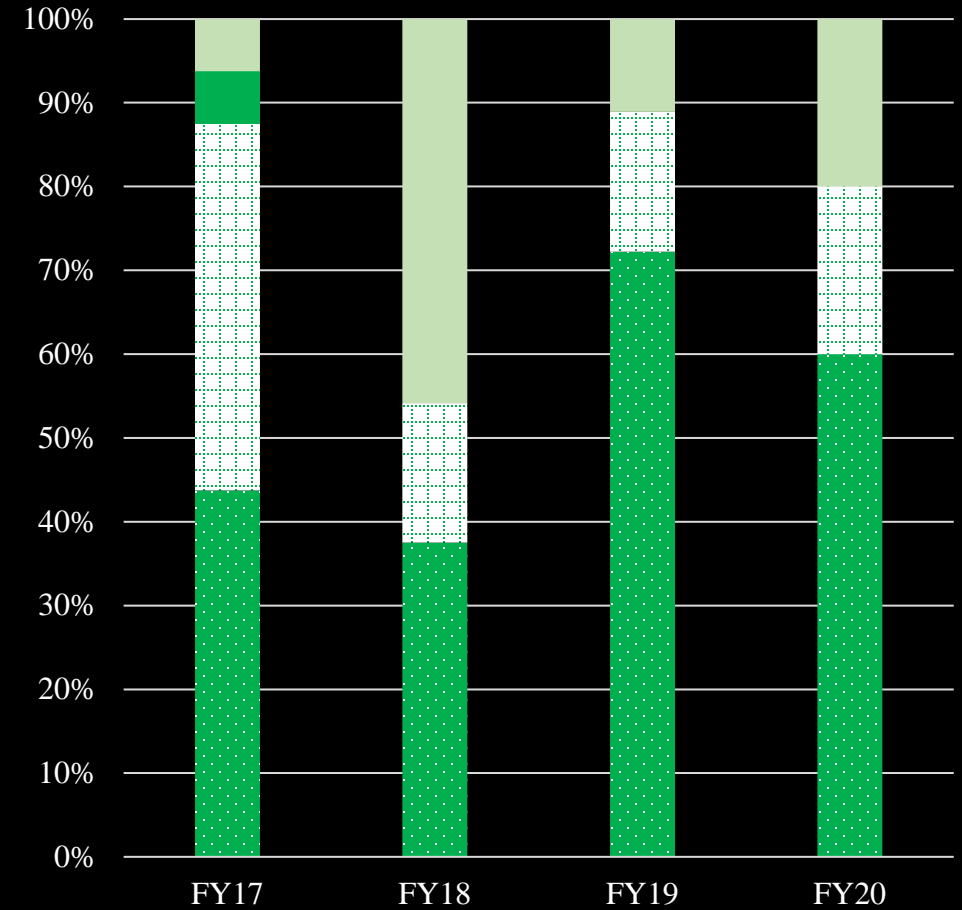
LOSSES BY REASON



Entire Agency



Attorney Only





Competitive Attorney Salaries

- *SUCSESSES*

- *CHALLENGES*

- *Competitive Salaries*
- *PCR Turnover*
- *Money Services*
- *Prosecution*
Coordination Comm.

- *EMERGING ISSUES*

ROOT PROBLEMS:

1. Good lawyers aren't cheap
2. For many years, the OAG did not request funds specifically for salary increases
3. The OAG became a training ground for agencies to poach
4. We mistakenly believed attributed losses from private practice, but learned that other government entities were at a competitive advantage for talent



Competitive Attorney Salaries

- *SUCSESSES*

- *CHALLENGES*

- *Competitive Salaries*
- *PCR Turnover*
- *Money Services*
- *Prosecution
Coordination Comm.*

- *EMERGING ISSUES*

STEPS TAKEN:

- Sought additional appropriation for salaries.
- Attorney categories (Atty I – Atty VI):
 - Realign commensurate with experience
 - Realign with critical need and specialty
- Monitor wages in competing government entities.
- Periodic salary review
- Identify “cost to replace”



Competitive Attorney Salaries

- *SUCSESSES*

- *CHALLENGES*

- *Competitive Salaries*
- *PCR Turnover*
- *Money Services*
- *Prosecution
Coordination Comm.*

- *EMERGING ISSUES*

CHALLENGE:

Attorneys make up about 35% of our office. **Because of the \$50k disclosure threshold, all attorney salaries are public.** Therefore, when one attorney receives an increase, we must consider the ripple effect of salary increases on other attorney expectations.

Competing entities have a smaller percentage of their work force as attorneys. A few lawyer salary increases do not impact their agency as a whole, and they do not have the same ripple among attorneys. Local entities don't have the same transparency as the state, so their salary increases do not appear as easily to the public.



Post-Conviction Relief (PCR) Turnover

- *SUCCESSSES*
- *CHALLENGES*
 - *Competitive Salaries*
 - *PCR Turnover*
 - *Money Services*
 - *Prosecution*
 - *Coordination Comm.*
- *EMERGING ISSUES*

HISTORICAL HIGH TURNOVER. The PCR (PCR) section has had consistently high turnover in the past decade. Throughout AG Wilson’s term, measures have been taken to address this section. Once an issue is addressed, another seems to appear.

Initially the issue was salary and upward mobility. The section primarily hired at the Attorney I level, with an ability to be promoted to Attorney II (entry level attorney positions). The section was taken from under Criminal Appeals, and as a separate section supervisory positions created upward mobility, as high as Attorney IV. This addressed the older issues within PCR of salary, upward mobility and perception.

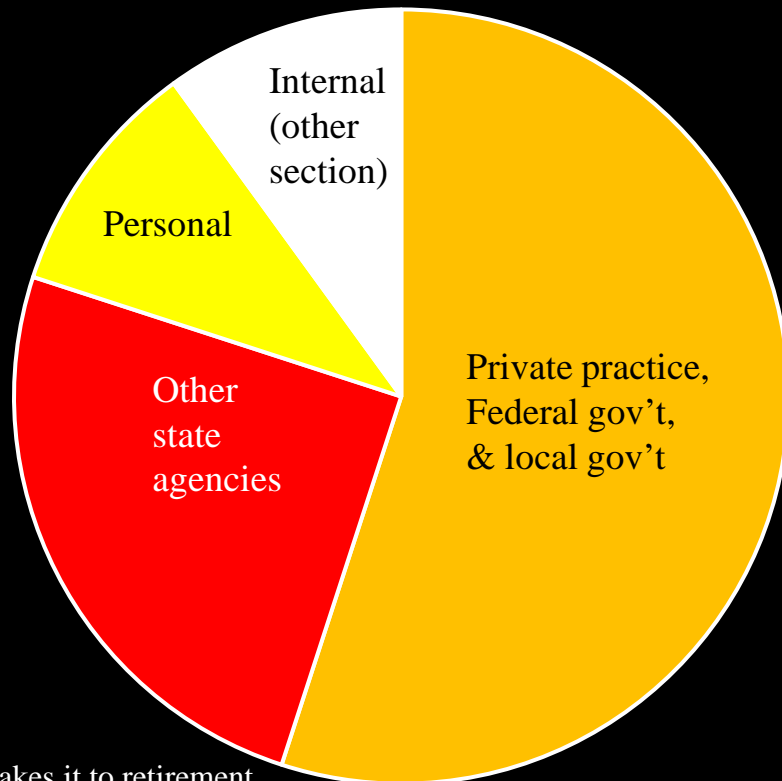
However, the evolution of the PCR practice has created new issues. It had previously been a “burn-out” type position due to the workload, but other issues have evolved to add to the work-load and stress. Though addressing these issues, there remains a high turnover rate.



Post-Conviction Relief (PCR) Turnover

Exit Interviews

Attorney Exit Survey Categories



No PCR attorney makes it to retirement

Increasing Workload/Burnout

- Full week terms of Court
- Successive PCR hearings
 - Statute allows 1
- Detailed written orders
 - Time intensive
 - Detail specific
 - Non-form (such as sentencing)
- Increased number of merits hearings
- Travel to counties from Columbia
- Increased litigation from indigent defense contracts



Post-Conviction Relief (PCR) Turnover

- *SUCCESSSES*
- *CHALLENGES*
 - *Competitive Salaries*
 - *PCR Turnover*
 - *Money Services*
 - *Prosecution*
Coordination Comm.
- *EMERGING ISSUES*

NEW APPROACHES. We previously addressed salary and benefits, but have determined the “burn-out” workload issue as the root problem.

New approaches include:

- Recruiting to the “challenge” of its learning curve, trial experience and even appellate opportunities.
- Identify it as a two-year intensive exposure to create experience for personal marketability.
- PCR attorneys are a priority hire within the OAG after 2 years.
- We are looking at other non-monetary awards or incentives to deal with the “burn-out” issue.
- More positions, lessened assigned circuits



Post-Conviction Relief (PCR) Turnover

- *SUCCESSSES*

- *CHALLENGES*

- *Competitive Salaries*
- *PCR Turnover*
- *Money Services*
- *Prosecution*
Coordination Comm.

- *EMERGING ISSUES*

ONGOING CHALLENGE. The value that a young attorneys gains in PCR makes them extremely marketable. Extensive experience in both civil and criminal law, as well as courtroom time turns a young novice into a seasoned professional quickly. Unfortunately, by the time we have them trained, others make offers and steal them away.

In one recent example, an attorney was hired away for a contract with Indigent Defense (our counterpart).

By offering more money, less stress, and less travel a competing entity took our trained attorney, though we have the same budget source.

In a 2022 circumstance, PCR attorney hired for more than double salary and increased benefits.



Money Services

2016	SC Anti-Money Laundering Act	Attorney General “Commissioner
2017	Proposed regulation submitted	
2018	Effective Date of Act & Regulation	
2019		
2020		Legislative oversight begins
2021	<i>Funding of FTEs for regulating</i>	
2022		LOC presentations

2022: The FTEs have now been provided within the budget.
The plan was always to send the positions to banking.
After COVID delay, uncertain as to Treasurer and General Assembly willingness.



Commission on Prosecution Coordination

ISSUE 1: Chief Prosecutor

As Chief Prosecutor, AG should be on the Commission

In coordinating legislative intent towards crime, AG should be a member

The AG should have replaced the Director of DPS in 2006.

DPS oversaw Crime Victim Compensation as reasoning
CV Compensation is now under the AG.

Not on the Commission on Prosecution Coordination?

CONSTITUTIONAL

“Chief Prosecuting Officer”

“The Attorney General shall be the **chief prosecuting officer** of the State with authority to supervise the prosecution of all criminal cases in courts of record.” Article V, Section 24. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.)

COMMON LAW

“Chief Law Officer”

“As the **chief law officer of the State** [the Attorney General].... maintain all such suits and proceedings as he deems necessary for the enforcement of the laws of the State, the preservation of order, and the protection of public rights.” *State ex rel Daniel v. Broad River Power Co.*, 157 S.C. 1, 68, 153 S.E. 537, 560 (1929)

“Chief Prosecuting Officer” and “Chief Law Officer”

not on the Commission on Prosecution Coordination?

“17th Solicitor”

- (1) Supervisory authority over the prosecution of criminal cases in SC;
- (2) Oversees the State Grand Jury and SGJ prosecution;
- (3) Represents the State in all criminal appeals (state and federal);
- (4) Primary Prosecution:
 - Internet crimes against children and sexual exploitation;
 - Medicaid Fraud (recipient fraud and provider);
 - Insurance Fraud
- (6) All aspects of SC’s Sexually Violent Predators statute;
- (7) Assists victims of crimes the State’s Victims Bill of Rights;
- (8) Represents the State for Post Conviction Relief;
- (9) Coordinates cases for Solicitor conflict of interest

Coordination of Drug Crime Prosecution

With the SGJ Act, AG should be on the Commission

1990 Act No. 485

Commission on Prosecution Coordination

Whereas, the importation, sale, and use of dangerous narcotic substances in South Carolina has reached epidemic levels; and

....this epidemic has resulted in an explosion in drug-related crimes, many of which are violent in nature; and

Be it resolved.....[t]here is created a commission ...known as the South Carolina Commission on Prosecution Coordination.

1992 Act No. 335

State Grand Jury

Section 14-7-1610. **It is the intent of the General Assembly to enhance the grand jury system and to improve the ability of the State to detect and eliminate criminal activity....** The General Assembly finds that **crimes involving narcotics, dangerous drugs, or controlled substances**, as well as crimes involving obscenity, often transpire or have significance in more than one county of this State. When this occurs, these crimes are most effectively detected and investigated by a grand jury system which has the authority to cross county lines....

Uncoordinated Legislation

1990 -2006

SECTION 23-23-30.

Law Enforcement Training Counsel

11 Members:

- (1) the Attorney General of South Carolina;
- (2) the Chief of SLED;
- (3) the Director of PPP;
- (4) the Director of the Department of Corrections;
- (5) the Director of the Department of Natural Resources;
- (6) the Director of the DPS;
- (7) chief of police from a municipality < 10,000;
- (8) chief of police from a municipality > 10,000;
- (9) county sheriff from a county < 50,000;
- (10) county sheriff from a county > 50,000; and
- (11) one detention director.

2006 Act No. 317; 2014 Act No. 225

SECTION 1-7-910. (1990)

Commission on Prosecution Coordination

11 Members:

- (1) Chair of the Senate Judiciary Committee;
- (2) Chair of the Senate Judiciary Committee;
- (3) the Chief of SLED;
- (4) the Director of DPS;
- (5) a Director of a Circuit Pretrial Intervention Program;
- (6) a Circuit Victim-Witness Assistance Advocate;
- (7) Circuit Solicitor
- (8) Circuit Solicitor
- (9) Circuit Solicitor
- (10) Circuit Solicitor
- (11) Circuit Solicitor

1990 Act No. 485; 1996 Act No. 337



EMERGING ISSUES

- *SUCCESSSES*
- *CHALLENGES*
- *EMERGING ISSUES*

1. **ATTORNEY GENERAL COMPENSATION**
2. **OFFICE SPACE**
3. **SYSTEM SOFTWARE**

4. **STATE ATTORNEY SALARY**

**This has been added since the Narrative filings*



Successes, Challenges & Emerging Issues

AG Compensation

- *SUCSESSES*
- *CHALLENGES*
- *EMERGING ISSUES*
 - *AG Compensation*
 - *Office Space*
 - *System Software*
 - *State Atty Salaries*

The AG's salary is a *practical*, not *political* issue.

Raising the salary has been a political issue leaving the salary stagnant for 28 years. As a practical matter, there is dire concern for a diminishing pool of qualified candidates for the minimal salary. Qualified and experienced candidates can't afford to run for the office.

The AG differs from other constitutional offices:

- *Professional Degree (4 college; 3 doctorate level)*
- *Cost of Education (recovery/student loan)*
- *The AG can't sustain an independent practice to augment salary*



This issue has been addressed in sending the matter to the Agency Head Salary Commission

Alan Wilson
Attorney General

Barry Bernstein
Deputy AG

Successes, Challenges & Emerging Issues

AG Compensation

• *SUCCESSES*

• *CHALLENGES*

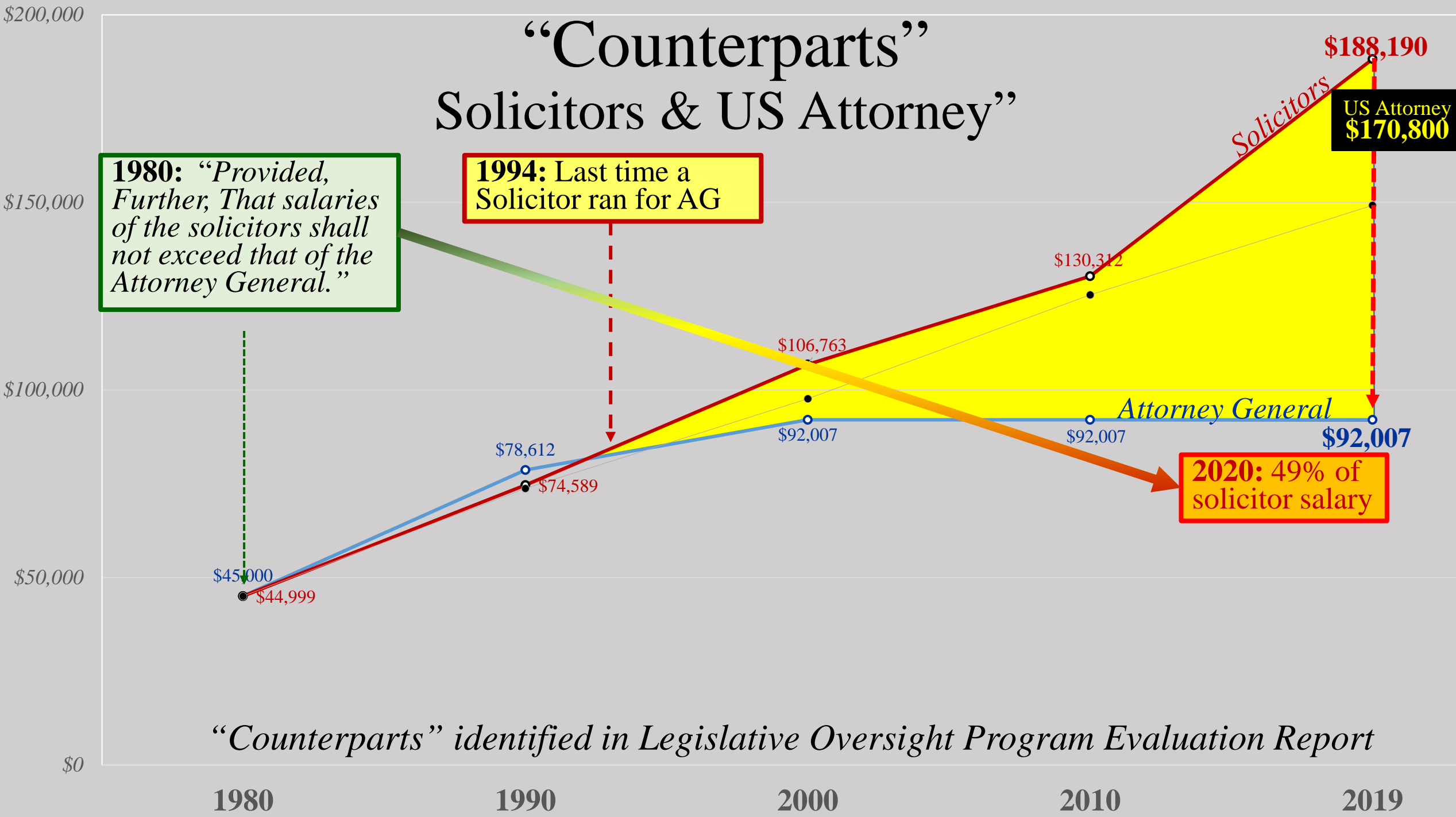
• *EMERGING ISSUES*

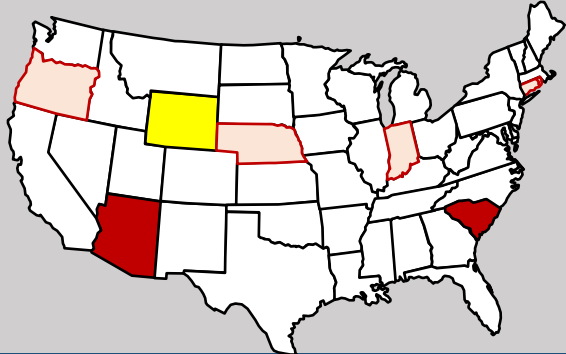
- ***AG Compensation***
- *Office Space*
- *System Software*
- *State Atty Salaries*

AG COMPARISONS

1. “Counterparts” (Solicitors & US Attorney)
2. Other Attorneys General
3. State Government Attorneys
4. Agency Head Comparison
5. Judiciary Counterparts
6. Attorneys in Transparency Database
7. Within the Office of the Attorney General
8. County Attorney Salaries
9. Federal Consumer Price Index
10. Hay Group Report

“Counterparts” Solicitors & US Attorney”

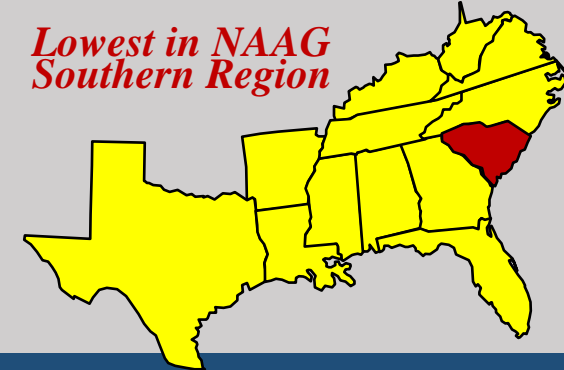




Attorneys General

54 States and Territories¹

*Lowest in NAAG
Southern Region*



Salary

49. New Mexico

50. West Virginia

51. South Carolina

52. Arizona

53. Oregon

54. **American Samoa**

Percent of Chief Justice

49. South Carolina

50. Arizona

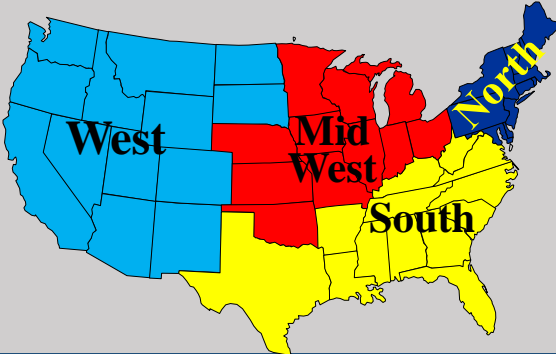
51. Indiana

52. Nebraska

53. Connecticut

54. Rhode Island

**Since we filed our Program Evaluation Report, in the new FY Colorado increased the salary, changing this Powerpoint.*

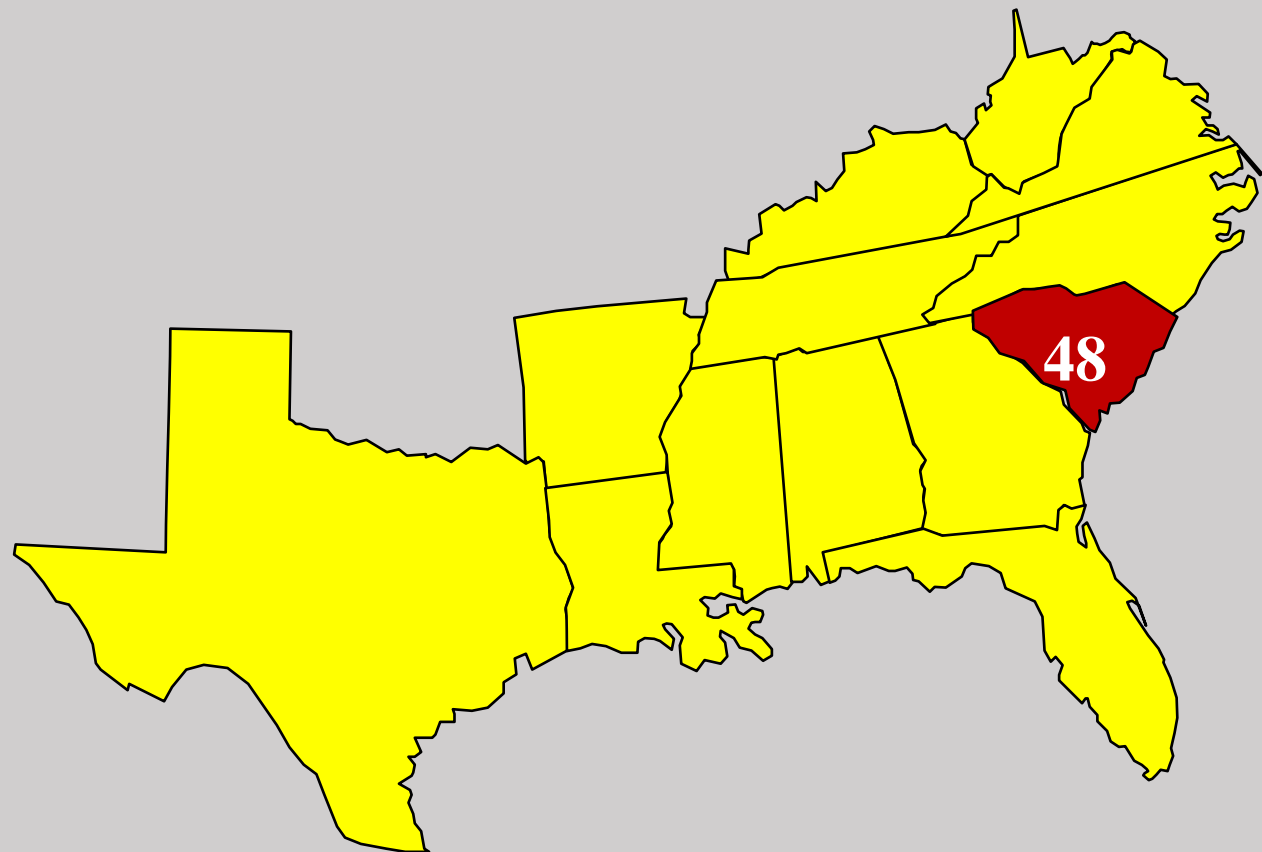
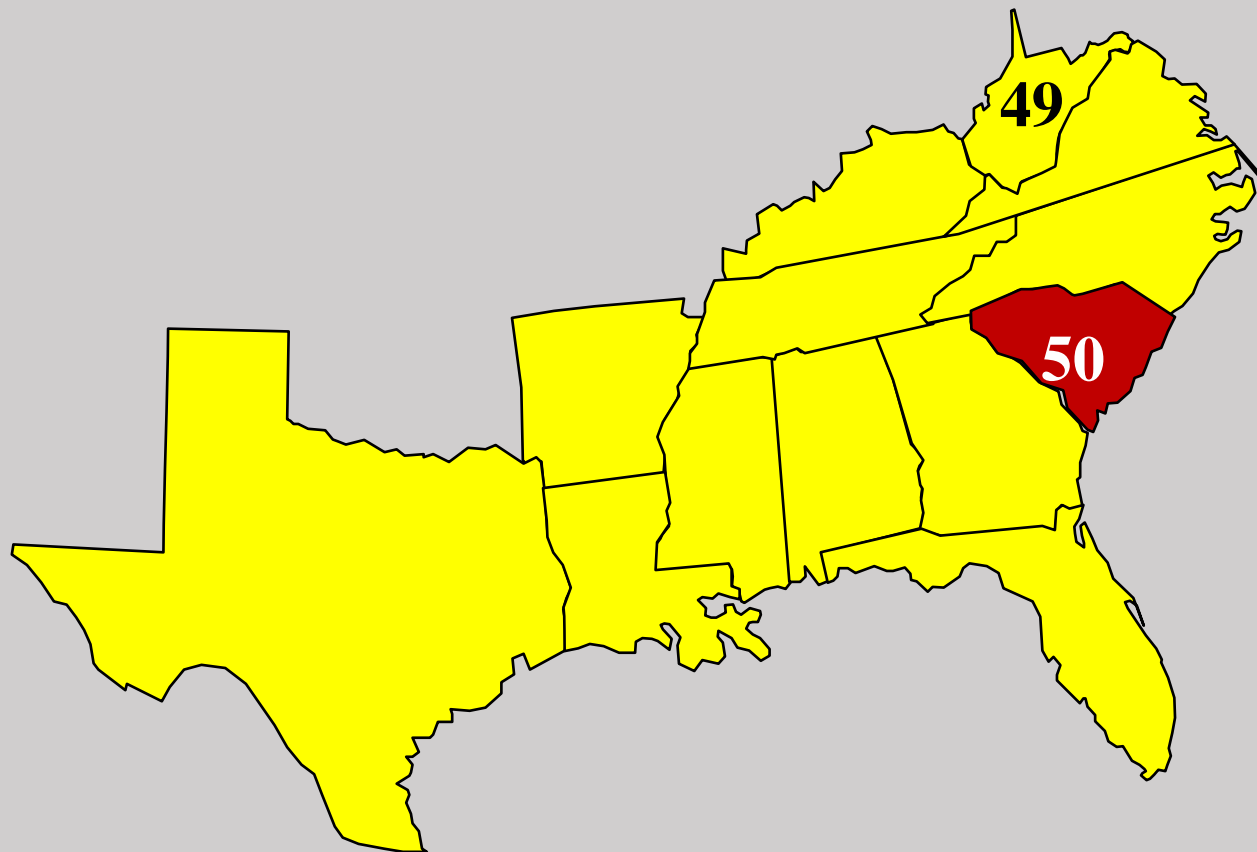


NAAAG Southern Region

Rank among 52 reporting members

Salary

Percent of Chief Justice



Relative SC Government Attorneys

1993 – 2020 (28 Years)

Position	1992 Act No. 164 (<i>rank</i>)		2019 Act No. 91 (<i>rank</i>)		Change
Chief Justice	\$ 97,880	(1)	\$208,000	(1)	213%
Associate Justice (4)	\$ 92,986	(2)	\$198,095	(2)	213%
Chief Judge Ct. of App	\$ 92,056	(3)	\$196,114	(3)	213%
Attorney General	\$ 90,203	(4)	\$ 92,007	(11)	2%
Assoc. Judge, Ct. App	\$ 88,338	(5)	\$193,142	(4)	219%
Judge, Circuit Ct.	\$ 88,338	(6)	\$188,190	(6-t)	213%
Chief, SLED	\$ 82,497	(7)	\$191,863	(5)	233%
Solicitors	\$ 79,502	(8)	\$188,190	(6-t)	237%
Judge, Family Ct.	\$ 79,502	(9)	\$183,237	(9)	230%
Ex Dir., Indigent Def.	\$ 40,854	(10)	\$147,900	(10)	362%
Circuit Public Def.	\$ 0	(11)	\$188,190	(6-t)	N/A

Agency Heads Comparison

Relative Comparison

SOURCE:
Admin.sc.gov
 “Agency Head”

69 Agency Heads

Top

1. Clemson University	\$318,781
2. Tec & Comp Educ Bd	\$259,570
3. Dept of Administration	\$217,643

Bottom

68*Constitutional Officers	\$ 92,007
69. Confederate Relic Room	\$ 91,418
70. John De La Howe	\$ 90,938
71. Higher Ed Tuition Grant	\$ 79,682

Select Comparison

10. Corrections	\$199,857
12. SLED	\$195,700
23. Adjutant General	\$163,257
25. Dept of Pub. Safety	\$160,051
27. Indigent Defense	\$147,900
28. Prob Parole & Pardon	\$145,448
41. Inspector General	\$124,993
42. Law Enf. Tng Council	\$124,448
53. Ethics Commission	\$108,428
67*Constitutional Officers	\$ 92,007

*Not including the Governor, and Lieutenant Governor (part time)

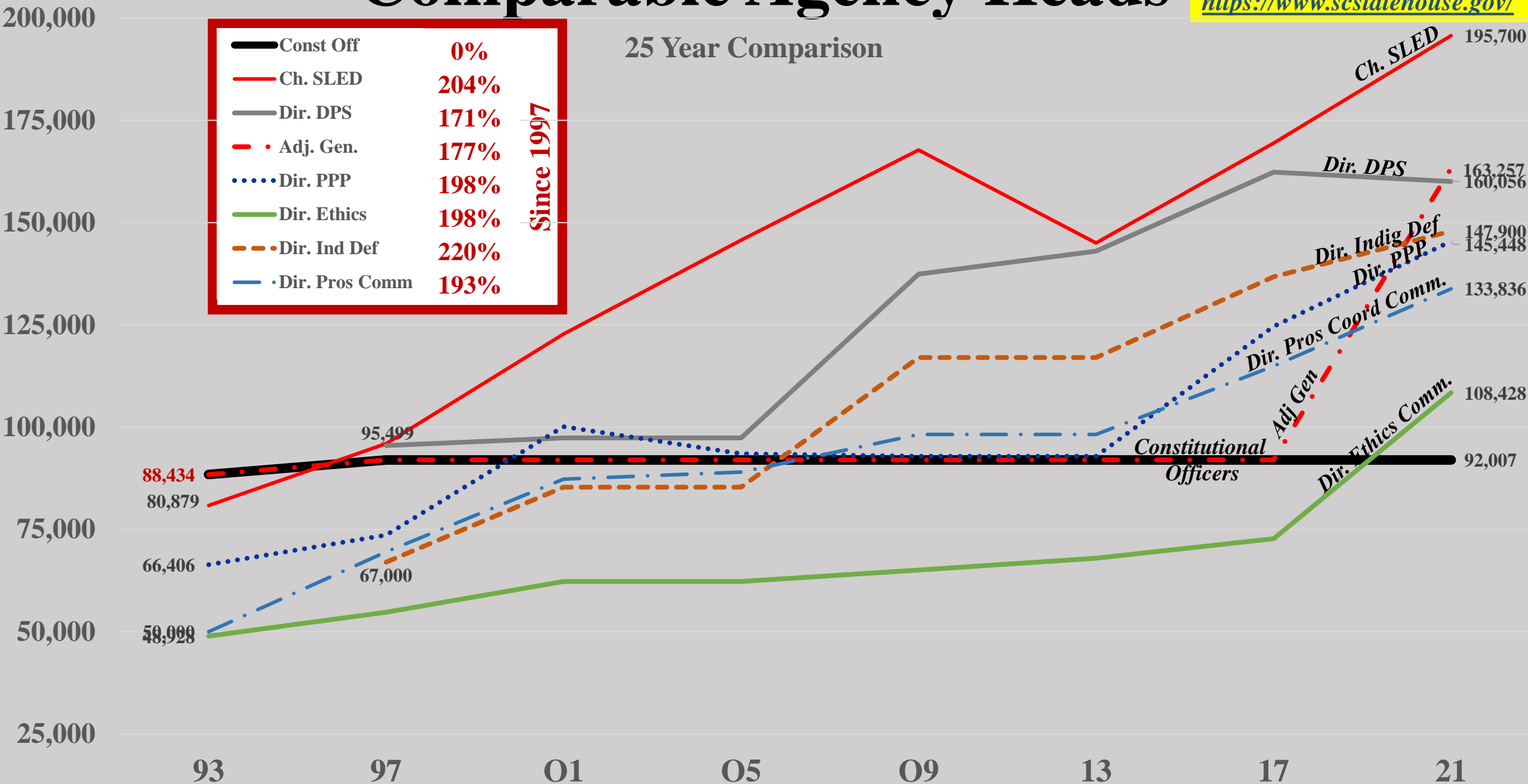
Comparable Agency Heads

SOURCE:
<https://www.scstatehouse.gov/>

25 Year Comparison

— Const Off	0%
— Ch. SLED	204%
— Dir. DPS	171%
-•-•- Adj. Gen.	177%
••••• Dir. PPP	198%
— Dir. Ethics	198%
-•-•- Dir. Ind Def	220%
-•-•- Dir. Pros Comm	193%

Since 1997



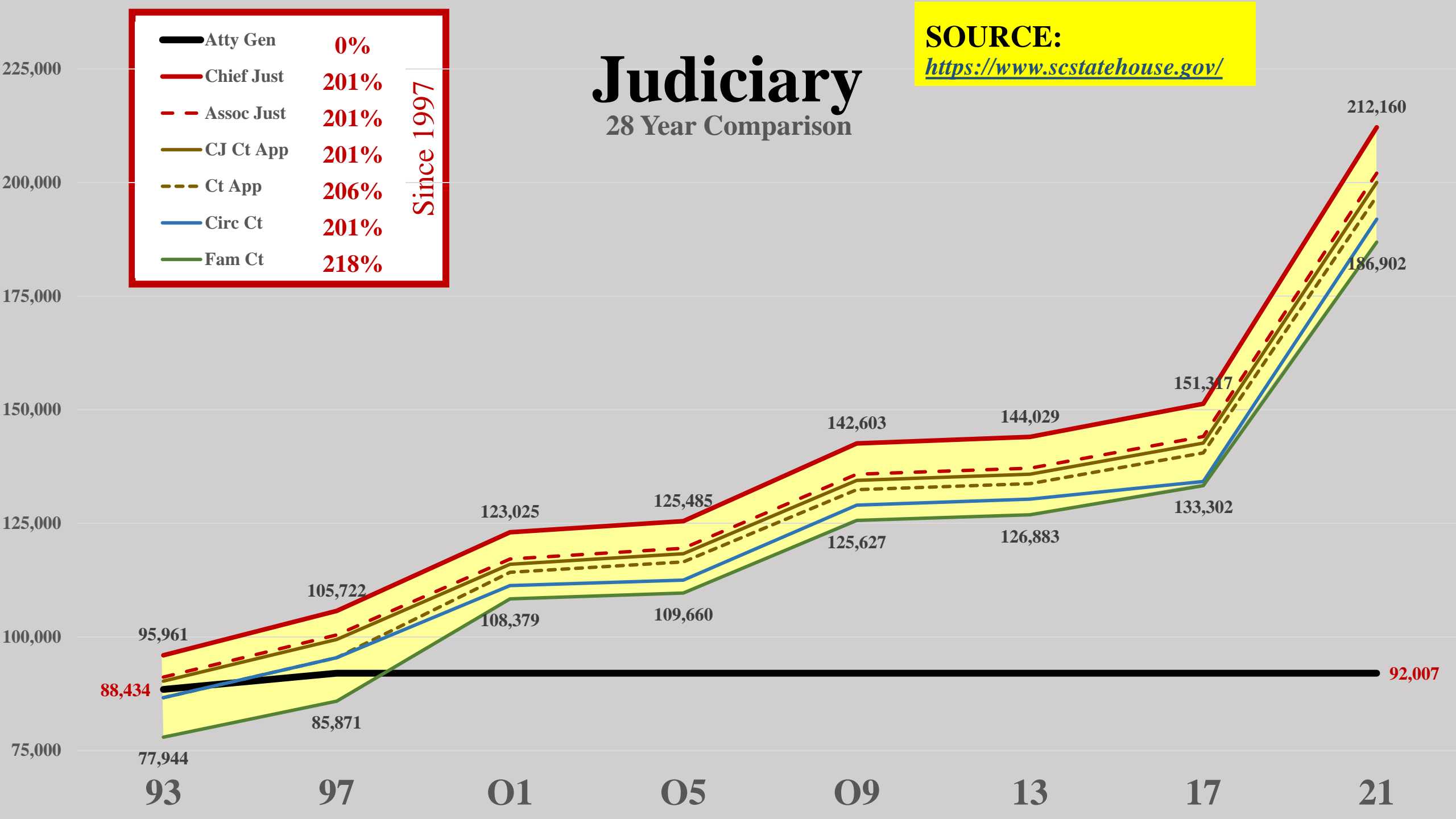
Judiciary

28 Year Comparison

SOURCE:
<https://www.scstatehouse.gov/>

Atty Gen	0%
Chief Just	201%
Assoc Just	201%
CJ Ct App	201%
Ct App	206%
Circ Ct	201%
Fam Ct	218%

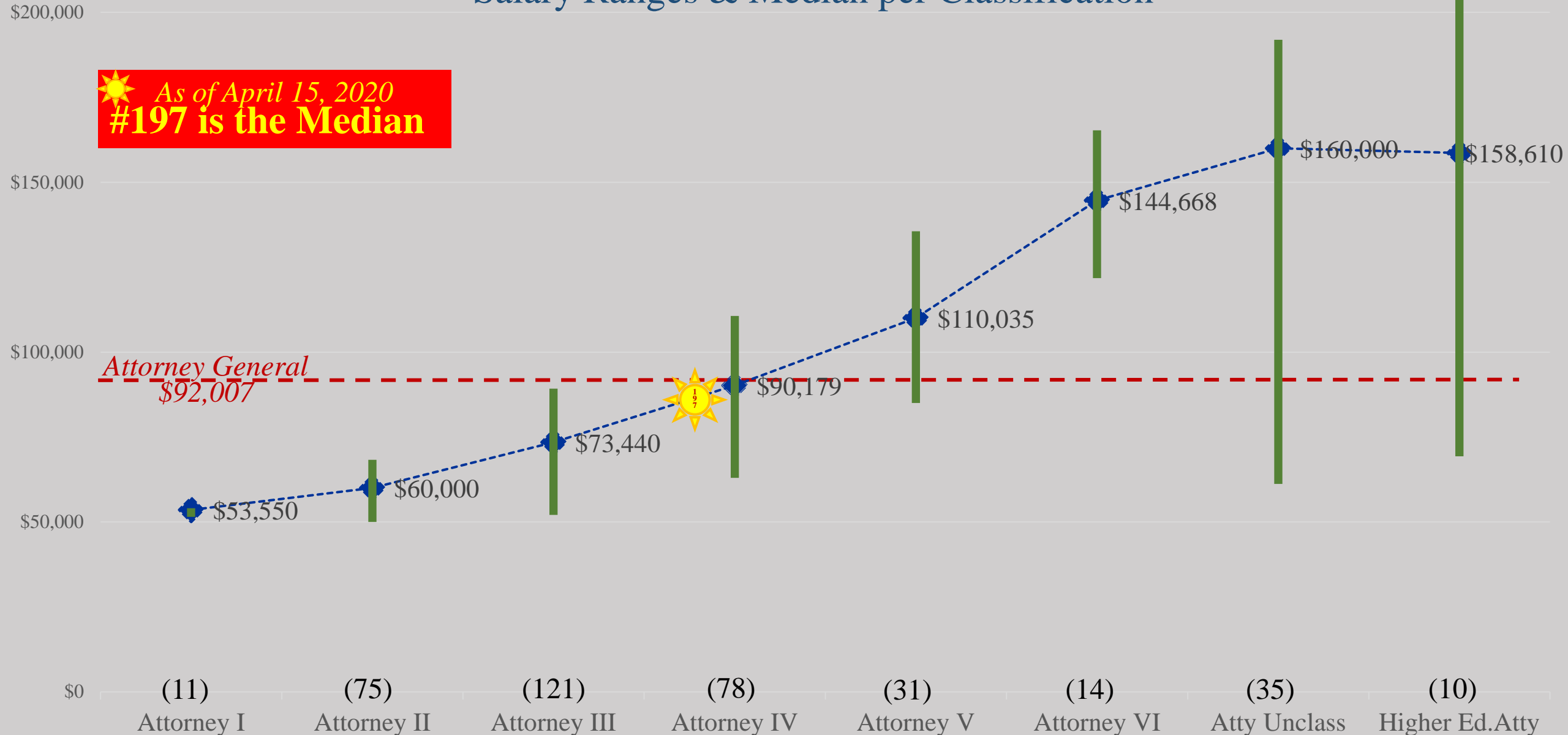
Since 1997



Attorneys in Transparency Database

Salary Ranges & Median per Classification

 *As of April 15, 2020*
#197 is the Median



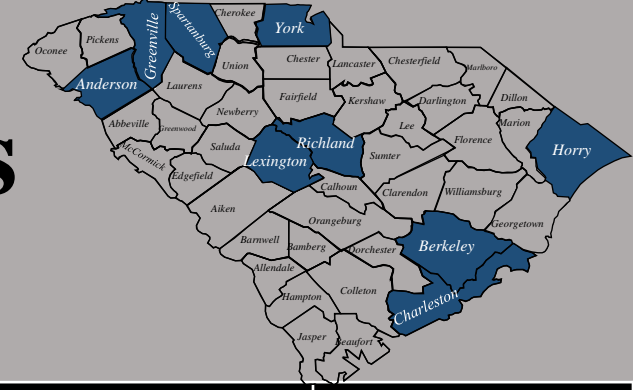
Within the Office

- 23rd Highest paid employee in his agency
- 4 employees ahead of him *do not* have professional degrees
- Within Attorney Classification I-VI, he is in the mid-Attorney IV range (*mirrors state average*)

<u>Rk</u>	<u>Classification</u>	<u>Salary</u>
1	Dep/Div Director-Exec. Comp	171,360
2	Deputy Constitutional Officer	161,764
3	Attorney VI	146,472
4	Attorney VI	144,668
5	Attorney VI	144,471
6	Attorney VI	134,755
7	Deputy Constitutional Officer	128,442
8	Attorney VI	121,810
9	<i>Program Mgr III</i>	<i>\$118,219</i>
10	Attorney V	\$116,191
11	Attorney V	\$110,035
12	<i>IT Manager II</i>	<i>\$107,100</i>
13	<i>Audits Manager II</i>	<i>\$104,641</i>
14	Attorney V	\$102,206
15	<i>Program Mgr III</i>	<i>\$100,900</i>
16	Unclassified	\$100,900
17	Attorney V	\$100,440
18	Attorney V	\$100,132
19	Attorney IV	\$95,502
20	Attorney IV	\$95,219
21	Attorney V	\$94,030
22	Attorney IV	\$92,817
23	<i>Agency Head</i>	<i>\$92,007</i>

SC Association of Counties

Group 1 Counties >200,000



COUNTY	County Attorney	Asst County Attorney	Dep Public Defender	Deputy Solicitor	* Chief Magistrate	Probate Judge	Sheriff
Anderson	N/R	N/R	N/R	N/R	N/R	N/R	137,000
Berkeley	126,302	N/R	N/R	110,316	87,095	98,372	145,631
Charleston	N/R	145,350	100,453	145,350	N/R	139,942	165,131
Greenville	191,531	92,672	104,920	104,920	80,906	195,000	172,012
Horry	126,167	91,744	N/R	89,081	88,888	106,168	133,268
Lexington	N/R	N/R	91,209	91,209	N/R	N/R	N/R
Richland	166,646	126,509	110,008	110,008	119,231	138,064	183,756
Spartanburg	128,254	N/R	N/R	97,675	101,507	152,078	174,211
York	153,076	69,500	109,778	109,778	82,128	121,629	139,406
AVERAGE	\$148,663	\$105,155	\$103,273	\$107,292	\$ 93,292	\$135,893	\$156,302
AG salary	62%	88%	89%	86%	99%	77%	59%

Diminishing Salary Value

Federal Consumer Price Index

	Jan 1991							May 2020	
	<u>1991</u>	<u>1995</u>	<u>1998</u>	<u>2003</u>	<u>2007</u>	<u>2011</u>	<u>2015</u>	<u>2019</u>	<u>2020</u>
<i>Medlock</i>	92,007	102,738	112,308	124,203	138,363	150,535	159,752	172,059	175,260
<i>Condon</i>	92,007	100,577	111,228	123,910	134,810	143,810	143,065	154,086	156,953
<i>Condon</i>	92,007	101,751	113,352	123,324	130,874	140,957	140,957	140,957	143,159
<i>McMaster</i>	92,007	102,497	111,514	118,342	127,458	127,458	127,458	127,458	129,829
<i>McMaster</i>	92,007	100,101	106,230	114,414	116,542	116,542	116,542	116,542	116,542
<i>Wilson</i>	92,007	97,640	105,163	107,119	107,119	107,119	107,119	107,119	107,119
<i>Wilson</i>	92,007	99,095	100,820	100,820	100,820	100,820	100,820	100,820	100,820
<i>Wilson</i>	92,007	93,718	93,718	93,718	93,718	93,718	93,718	93,718	93,718

\$92,007 in May 2020 equals \$48,301 in January 1991

\$92,007 in January 1991 CPI adjusted to \$175,260 in May 2020

Hay Group Final Report (January 2013)

Compensation Review for Constitutional Officers of the State of South Carolina

“...study is in accordance with...(Act 278 of the 2012 Legislative Session)...”

“SC’s pay is comparable to the Elected averages, *except for Attorney General (40% below) and Comptroller General (39% below)*”

<i>Page 8</i>	AG Averages	2012 Analysis	2% COLA to 2020
Regional Average	\$125,046	N/A	\$146,511
Regional Median	\$126,085	N/A	\$147,728
National Average	\$125,202	N/A	\$146,694
National Median	\$119,818	N/A	\$140,385
South Carolina	\$92,007	\$131,409	\$153,966

The study applied 2% as the annual COLA figure to apply for projections



Office Space

- *SUCCESSSES*
- *CHALLENGES*
- *EMERGING ISSUES*
 - *AG Compensation*
 - ***Office Space***
 - *System Software*
 - *State Atty Salaries*

Current office space is insufficient

- Outdated for the digital age.
- Not for modern law office operations.
- Dennis Building Space needs reconfiguration

The OAG is spread over 3 buildings:

- Rembert Dennis Building
- Edgar Brown Building
- Commercial Space on Main Street

Needs:

CONSOLIDATION IN A RECONFIGURED DENNIS BUILDING

This issue has been addressed in 2022 with DNR moving from the Dennis Building and Department of Administration committing that space to the Attorney General's Office. The current House Budget proposal addresses funding for this, but still dependent upon approval on the House floor and Senate concurrence.



Office Space

Background. In 1981, the OAG obtained its current space in the Rembert Dennis Building. The office has doubled in size, but is still in space developed 40 years ago. The layout is outdated with wasted space due to old office space layouts.

Situation. Though still in the Dennis Building, the OAG is now in 3 different locations. With renovation of the current space and one floor from DNR when they leave the building, the OAG can consolidate in one state office building. The major impediment is that renovation of the Dennis Building is extremely expensive, but would eventually save money:

- IT costs reduced by consolidation.
- More persons in smaller square footage.
- More efficient use of office space.

- *SUCCESSSES*
- *CHALLENGES*
- *EMERGING ISSUES*
 - *AG Compensation*
 - *Office Space*
 - *System Software*
 - *State Atty Salaries*



Office Space

- *SUCCESSSES*

1981: 5th, 6th and 7th floors of the Rembert Dennis Building

- *CHALLENGES*

- *EMERGING ISSUES*

- *AG Compensation*
- *Office Space*
- *System Software*
- *State Atty Salaries*

2012: Began leasing commercial office space as 2nd site.
Provided part of 4th floor, taken away 2 years later.

2015: Some space on the first floor of Dennis was acquired

2016: Additional commercial space acquired

2017: With CVS, the Brown Building became a 3rd site



Office Space

- *SUCCESSSES*
- *CHALLENGES*
- *EMERGING ISSUES*
 - *AG Compensation*
 - *Office Space*
 - *System Software*
 - *State Atty Salaries*

1992

117 FTEs

Rembert Dennis Bldg
All Employees

2020

281 FTEs

Rembert Dennis Bldg
Most Employees

Edgar Brown Bldg
Crime Victim Services

Commercial Space
Medicaid Provider Fraud
Internet Crimes Against Children



Office Space

- *SUCCESSES*
- *CHALLENGES*
- *EMERGING ISSUES*
 - *AG Compensation*
 - *Office Space*
 - *System Software*
 - *State Atty Salaries*

In 2016, a statewide reviews of government real estate was initiated by the General Assembly.¹ The problem was *inadequate use of that space due to internal design.*² Applying modern concepts it determined the OAG could use existing the three floors in the Dennis Building to alleviate the need for commercial office space *if*:

- State standard space allocations were used
- Office design accommodated 21st Century equipment/furniture
- Modern file systems & Library alleviated outdated storage
- *Funding availability for internal re-design*

¹ 2016 Citation

² Survey was conducted before CVS made a part of the OAG. This does not include space in Brown Building.



Office Space

- *SUCSESSES*
- *CHALLENGES*
- *EMERGING ISSUES*
 - *AG Compensation*
 - *Office Space*
 - *System Software*
 - *State Atty Salaries*

Creation of the SC Crime Victim Services Division within the OAG (2017 Act No. 96) grew the office 25%. The offices within CVS were combined from different entities into part of one floor in the Edgar Brown Building. The office layout is extraordinarily incompatible with a reasonable office layout, with shared offices and splitting of departments to accommodate space. Office space is of 1950's design.

It is not feasible to invest funds in a redesign of that space when Dennis Building space will be available with DNR's eventual move to off the Capital Complex. It is not anticipated that the office space vacated by DNR would require major renovation. The change would not only improve functionality but cure time issues with IT support, increase efficiency in finance coordination, and aid in supervision/management needs.



Office Space

- *SUCCESSSES*
- *CHALLENGES*
- *EMERGING ISSUES*
 - *AG Compensation*
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Renovation	Year	Budget
State Grand Jury Clerk Office & Jury Room	Complete	N/A
New Server Room Renovation	2021	\$ 100,000
Old server room to Office space	2021	\$ 100,000
6 th Floor Renovation	<i>TBD</i>	TBD
5 th Floor Renovation	<i>TBD</i>	TBD
7 th Floor Renovation	<i>TBD</i>	TBD
Additional 2.5 floors from DNR move	<i>TBD</i>	TBD
ANTICIPATED TOTAL		TBD

Anticipated costs are *construction only* in the State system
 This does not include IT system cabling and upgrade
 This does not anticipate any spike in construction costs



System Platforms/Software

SUCCESSSES

CHALLENGES

EMERGING ISSUES

AG Compensation

Office Space

System Software

State Atty Salaries

The upgrade in office equipment and desktop computing has been a great success in this administration. The upgrade included increasing capacity, and only with that upgrade the OAG can now establish more mature IT capacity. It is only now that the OAG can catch-up on *System Platforms*.

Prior to incorporating CVS, the OAG was on track for establishing these platforms. The two years taken to upgrade CVS hardware and desktop computing delayed implementing platforms. CVS also had platform needs.



System Platforms/Software

SUCCESSSES

CHALLENGES

EMERGING ISSUES

AG Compensation

Office Space

System Software

State Atty Salaries

We have established a new document storage system. Replacing a 20 year old case management system is necessary, and has been problematic to use in the diverse office environment of the OAG. All CVS platforms require an immediate upgrade as well.

The implementation of platform software systems is extremely difficult to any organization in normal circumstances. We are behind the law firms that we go up against. Additionally, such platforms will improve operations and management practices. The absence of such systems will cost more money in personnel costs.



System Platforms/Software

IN PROCESS

PLANNING

SUCCESSSES

CHALLENGES

EMERGING ISSUES

AG Compensation

Office Space

System Software

State Atty Salaries

Platform	Budget
ICAC/Agency Storage	\$1,200,000
Analyst Dynamics	\$ 540,000
CVS Training/Cert System	\$ 120,000
Office 365	\$ 75,000
e-Discovery Nuix Test	\$ 50,000
Website Rebuild	\$ 50,000
Clerk Accounting Software	\$ 50,000
Affinity Consulting	\$ 49,000
TOTAL	\$2,134,000

Platform	Budget
CVS Compensation	\$1,000,000
CVS Affinity Mapping	\$ 50,000
Cyber Security Storage	\$ 300,000
E-Discovery (Permanent)	\$1,000,000
Library Scan (historic books)	TBD
TOTAL	\$2,650,000

Minimal Platform Needs \$4,784,000



State Attorney Salaries

SUCSESSES

CHALLENGES

EMERGING ISSUES

AG Compensation

Office Space

System Software

State Atty Salaries

Prior to the 1980's, few agencies had their own attorney. As agency counsel became common, the AG allowed some agency autonomy, but still retained hiring approval. Salary approval was first set in proviso, and later codified. This remains for professional reasons:

- Only the AG can set legal policy for the state. Agencies cannot individually set separate legal policy.
- The AG has a responsibility to the public to keep agencies within parameters, and preclude inter-agency hiring driving up attorney expense.
- New agency heads are often unaware of the government market and HR departments often inflate offers. The OAG provides guidance. The AG is also a quality control checkpoint for attorneys representing the State

In the past several years, some agencies have avoided the Attorney General's authority over attorneys representing the State.



State Attorney Salaries

The AG, as chief attorney for the State, approves hiring of attorneys for the executive branch:

SUCSESSES

CHALLENGES

EMERGING ISSUES

AG Compensation
Office Space
System Software
State Atty Salaries

Constitutionally

AG has the power and authority to "... conduct and maintain all such suits and proceedings as he deems necessary for the enforcement of the laws of the State." *State ex rel Daniel v. Broad River Power Co.*, 157 S.C. 1, 68, 153 S.E. 537, 560 (1929)

Statutorily

Executive entities "*may not hire a an attorney except upon the written approval of the Attorney General and at compensation approved by him. All of these attorneys at all times are under the supervision and control of the Attorney General.*" S.C. Code of Laws Section 1-7-160

Ethically

"The duty defined in this Rule applies to government entities... duties of lawyers employed by the government ...may be defined by statutes and regulations." South Carolina Rules of Professional Conduct, Rule 1.13, Note 9.



State Attorney Salaries

SUCCESSSES

CHALLENGES

EMERGING ISSUES

AG Compensation

Office Space

System Software

State Atty Salaries

SECTION 1-7-160. Hiring of attorneys.

A department or agency of state government may not hire a classified or temporary attorney as an employee except upon the written approval of the Attorney General and at compensation approved by him. **All of these attorneys at all times are under the supervision and control of the Attorney General** except as otherwise provided by law unless prior approval by the State Budget and Control Board is obtained. This section does not apply to an attorney hired by the General Assembly or the Judicial department.

A trend is emerging where Agencies have taken measures to usurp the legislative intent of the Attorney General as the coordinating voice of State legal policy and attorney hiring. Attorneys in non-lawyer roles are not subject to this. However, using non-attorney classifications has been used to hire attorneys outside of appropriate AG review.



State Attorney Salaries

SUCCESSSES

CHALLENGES

EMERGING ISSUES

AG Compensation

Office Space

System Software

State Atty Salaries

The clear statutory intent is to mandate the AG to control and coordinate legal affairs of the State. Even where an agency hires an in-house attorney or outside counsel, the AG is statutorily responsible for all salary or fee arrangements.

The AG believes General Counsel and legal positions should be classified FTEs to provide legal counsel security in providing honest legal advice and ensuring agency compliance with all state law. Selections should be free of undue favoritism. The AG can ensure above board hiring practices and professional qualifications.

However, agencies have begun to assert independence in such hiring. In doing so, recent hires have shown aggressive steps to circumvent the legislative intent and undermine the statutory limits.



Office of the Attorney General

PART V

RESPONSES TO PUBLIC INPUT AND CONCLUSION

I. INTRODUCTION

II. ORGANIZATIONAL FLOW
CHART & STRUCTURE

III. ADMINISTRATION

IV. ASSESSMENT

V. CLOSING



Public Input, Questions & Conclusion

- *Public Input*
- *Questions*
- *Conclusion*

Public Input:

20 of 341 participants answered questions (6%)

8 of 341 participants provided comments (2%)

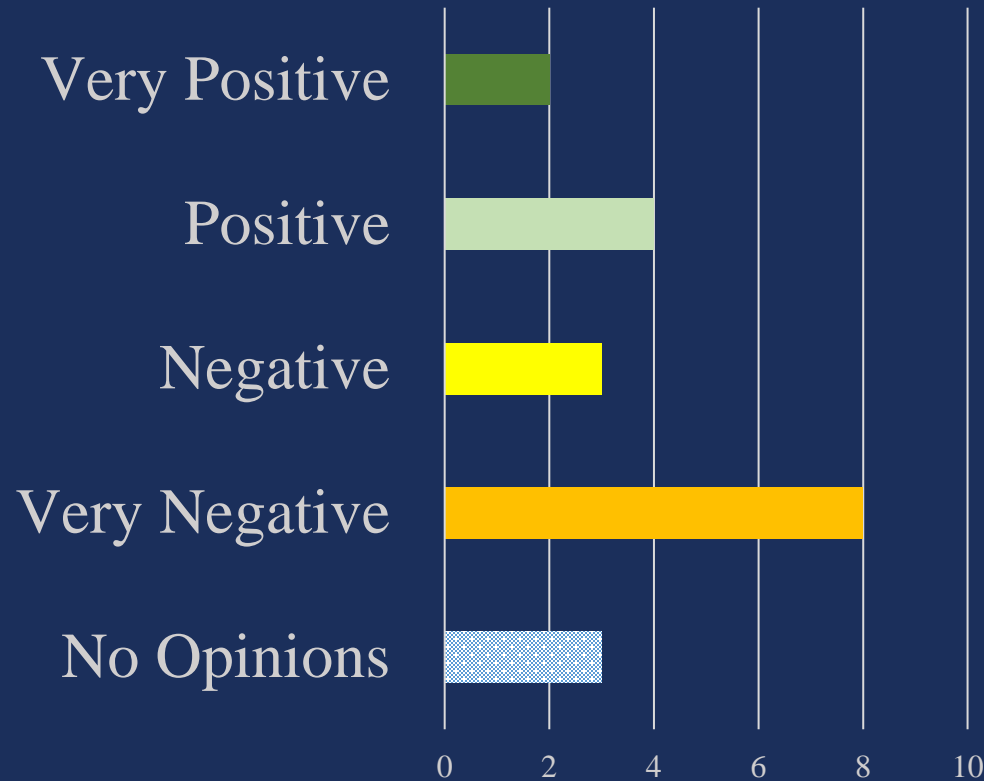
1. *We respect and value each and every piece of input*
The nature of a law office creates adverse parties
We anticipated more dissenting comments
2. *Whether interpreted as positive or negative,*
we do not believe the data is definitive



Public Input, Questions & Conclusion

Q7: Overall, what is your opinion of the Attorney General's Office?

- *Public Input*
- *Questions*
- *Conclusion*



Considering the:

- *prosecutions,*
- *criminal appeals,*
- *post conviction relief,*
- *SVP commitments,*
- *and civil fines*

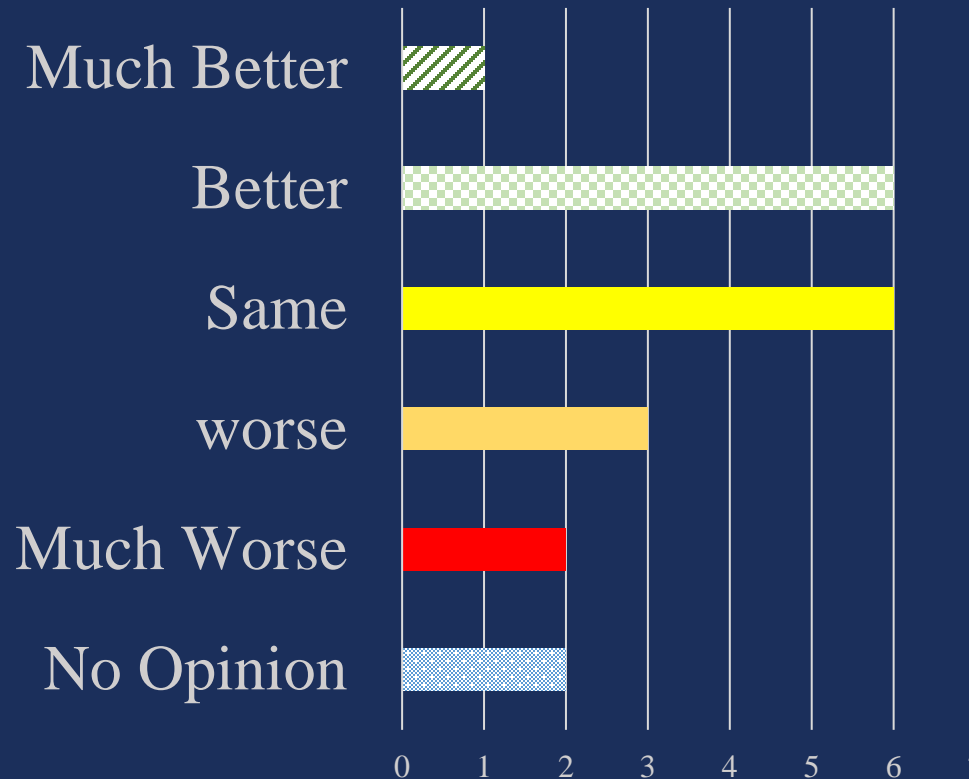
We expected more than 11 negative comments.



Public Input, Questions & Conclusion

Q9: How do you think the Attorney General's Office functions on an Overall basis in comparison to other state agencies in South Carolina?

- *Public Input*
- *Questions*
- *Conclusion*



Of those opining, it is more positive than negative. With the office as adversarial party, we see the results as positive.



Alan Wilson
Attorney General

Barry Bernstein
Deputy AG

Part X:

Public Input, Questions & Conclusion

Q10 Please list any comments, concerns, or suggestions....

- *Public Input*
- *Questions*
- *Conclusion*

#	Summary	OAG Response
1	Stop...trying to eliminate abortion rights...	By law, we defend legislation.
2	Witness delayed action when needed	Unable to determine without case number
3	...Opinions online is quite helpful.	
4	AG should speak as state's attorney not his personal non-legal views	The job is political and he has been consistent with his campaign issues
5	Wilson doesn't keep his promises. He is a liar	Disagree. Unable to ID specific complaint
6	No comment	
7	AG needs to be aggressive with those that flaunt like Columbia and other municipalities	The comment period was in the middle of gun legislation and "stay at home" orders.
8	AG needs to address pay to play issues and other corruption in Columbia	The AG has been very aggressive in prosecuting corruption in Columbia



Public Input, Questions & Conclusions

Legislative Oversight PROCESS

- *Public Input*
- *Questions*
- *Conclusions*

Analogous to going to the dentist....

- Don't want to do it regularly
- Necessary for health
- Feedback to how well you are maintaining
- Feel good when it is over.

It was very thorough

Staff was very helpful, but very detailed

We are better for having done it



Public Input, Questions & Conclusions

Legislative Oversight PROCESS

- *Public Input*
- *Questions*
- *Conclusions*

Internal Results:

- Forced managers at all levels to review
- Where applicable, forced objective review
- Reviewed regulatory requirements
 - We deleted regulations no longer in effect
- Update new legislative needs
 - Instead of prioritizing
- Identify antiquated legislative requirements
- Forced an objective process in a subjective service

Legislative Oversight Committee



South Carolina House of Representatives

Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

Phone Number: 803-212-6810

Email Address: HCommLegOv@schouse.gov

Location: Blatt Building, Room 228

UPCOMING MEETINGS

Law Enforcement and Criminal Justice Subcommittee

All meetings below begin
at 10:00am and are
located in Blatt Room 110

Thursday, March 24
Immediately upon
adjournment
Blatt Room 110

END NOTES

¹ Visual Summary Figure 2 is compiled from information in the Attorney General's Office study materials available online under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and then under "Attorney General's Office"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/AttorneyGeneral.php>
(accessed March 3, 2022).