

# OFFICE OF ATTORNEY GENERAL

## 2018-19 PROPOSED BUDGET

(in thousands \$)

|   | 2017-18<br>Act 1A | 2018-19<br>OAG<br>Request | 2018-19<br>Gov's<br>Request | OAG<br>Reqstd<br>INC/ DEC<br>\$ | OAG<br>INC/<br>DEC % | Gov's<br>Reqstd<br>INC/ DEC<br>\$ | Gov's<br>INC/<br>DEC<br>% |
|---|-------------------|---------------------------|-----------------------------|---------------------------------|----------------------|-----------------------------------|---------------------------|
| <b>General Fund Appropriations:</b>     |                   |                           |                             |                                 |                      |                                   |                           |
| General Government Operations           | \$ 39,363         | \$ 46,496                 | \$ 44,111                   | \$ 7,133                        | 18.12%               | \$ 4,748                          | 12.06%                    |
| Drug Law Enforcement                    | \$ 28,966         | \$ 28,607                 | \$ 30,060                   | \$ (359)                        | -1.24%               | \$ 1,094                          | 3.78%                     |
| Local Drug & Drug Strike Task Forces    | \$ 12,975         | \$ 13,644                 | \$ 13,565                   | \$ 669                          | 5.16%                | \$ 590                            | 4.55%                     |
| Joint Local-State Firearm Task Force    | \$ 4,040          | \$ 4,378                  | \$ 4,285                    | \$ 338                          | 8.37%                | \$ 245                            | 6.06%                     |
| Tobacco Law Enforcement                 | \$ 2,057          | \$ 2,241                  | \$ 2,240                    | \$ 184                          | 8.95%                | \$ 183                            | 8.90%                     |
| Child Predator Interception             | \$ 4,767          | \$ 5,375                  | \$ 5,176                    | \$ 608                          | 12.75%               | \$ 409                            | 8.58%                     |
| Witness Relocation Program              | \$ 1,215          | \$ 1,215                  | \$ 1,215                    | \$ -                            | 0.00%                | \$ -                              | 0.00%                     |
| <i>Strategic Response Team</i>          | \$ 2,000          | \$ 2,460                  | \$ 2,182                    | \$ 460                          | 23.00%               | \$ 182                            | 9.10%                     |
| <b>Grants and Subsidies:</b>            |                   |                           |                             |                                 |                      |                                   |                           |
| County Trial Reimbursement              | \$ 200            | \$ 200                    | \$ 200                      | \$ -                            | 0.00%                | \$ -                              | 0.00%                     |
| <b>TOTAL Office of Attorney General</b> | <b>\$ 95,583</b>  | <b>\$ 104,616</b>         | <b>\$ 103,034</b>           | <b>\$ 9,033</b>                 | <b>9.45%</b>         | <b>\$ 7,451</b>                   | <b>7.80%</b>              |
| Full-time DA Reimbursement (R)          | \$ 8,100          | \$ 8,100                  | \$ 8,100                    | \$ -                            | 0.00%                | \$ -                              | 0.00%                     |
| Gaming Unit (Funded from Gaming Fund)   | \$ 1,300          | \$ 1,323                  | \$ 1,340                    | \$ 23                           | 1.77%                | \$ 40                             | 3.08%                     |
| Cigarette Fire Safety (R)               | \$ 250            | \$ 100                    | \$ 50                       | \$ (150)                        | -60.00%              | \$ (200)                          | -80.00%                   |
| Home Improvement Consumer Protect (R)   | \$ 2,363          | \$ 2,668                  | \$ 2,647                    | \$ 305                          | 12.91%               | \$ 284                            | 12.02%                    |

### Program Highlights:

Governor is recommending an increase of 7.8% for the Attorney General's Office for total funding of \$103.034 Million. Across all appropriations this is an increase of \$7.45 Million. Attorney General is requesting total funding of \$104.616 Million (+\$9.03 M or 9.45%) to fund vacant positions and 21 new positions, mandatory salary & pension increases, annualized cost of 1/2018 management & union pay increases, as well as funds for technology upgrades.

For 2018-19, Attorney General is requesting \$46.5 Million (+\$7.1M, or +18.1% from 2017-18) for General Government Operations. OAG request is \$2.4 Million higher than Governor's budget funding. Attorney General is seeking to fill 64 vacant positions and 17 new positions (funded for 6, 9 or 12 months). Attorney General also seeking funding increases for salary and pension increases. If Governor's Budget funding level is enacted, Attorney General says 19 positions will have to be eliminated (all currently vacant).

The Governor is requesting a 3.8% increase (+\$1.1M) in the Drug Law Enforcement appropriation to fund 197 positions - includes 1 new position (narcotics investigator). Attorney General seeking a decrease of \$0.4M (-1.2%) based on realignment of 8 "Organized Crime Unit" positions to GGO. Attorney General wants to add 4 new positions but purpose not specified.

Governor seeking \$590,000 increase (+4.6%) for the Local Drug and Drug Strike Task Force program in order to maintain 42 filled staff positions that work with the 46 district attorney controlled task forces (46 counties) and the 11 OAG controlled task forces encompassing 19 counties. (Two counties, Fulton and Sullivan have declined to participate in either the district attorney controlled or OAG controlled task forces.) Allocations to district attorney-controlled task forces are based on county population, criminal and drug activity data. Attorney General seeking \$13.6M (+0.7M) to fund 43 positions.

Strategic Response Team, formerly known as Mobile Street Crimes Unit, which was first funded in 2013-14, has 10 filled narcotics investigators and will have sufficient funding to fill 4 vacant positions if Governor's requested funding level of \$2.182M is provided (+9.1%). Attorney General is requesting funding of \$2.5M (+23.0%) to fund 16 positions. Unit responds to requests from local police officials. In fiscal 2016-17 initiated 294 cases and made 265 arrests.

Attorney General and Governor are requesting level funding of \$1.215 Million for the Witness Relocation appropriation. In fiscal 2016-17, the appropriation funded the relocation of 86 witnesses and their families at a cost of \$605,658 -- 48.8% of relocations were referred from Philadelphia DAs Office, including 32 gun-related cases.

OAG seeking increase of \$338 thousand (+8.4%) for the Joint Local-State Firearm Task Force for total funding of \$4.378 Million to covers salaries and benefits for 22 positions (1 new position). Attorney General says funding level recommended by Governor will result in loss of one positon. Objective of Task Force is to specifically address gun violence in Philadelphia. The appropriation was first funded in 2006-07 and to date 2,310 firearms have been recovered and 1,359 arrests made (99 arrests last fiscal year; conviction rate of 75%). Total funds expended through 2016-17 = \$42.244 Million. Governor's budget includes funding of \$4.29M (+\$245,000; +6.1%)

## **Suggested Questions for Office of Attorney General**

**Thursday, March 1, 2018**

1. Your budget hearing materials state that you “continue to invest in rebuilding the Office of Attorney General, and are looking at ways to cut costs and streamline operations.” Given this statement and the continuing fiscal challenges of the Commonwealth, how can you justify a request for a 9.5%, or \$9.0 million, increase in funding over the current year?
  - You are requesting a net of 21 new State-funded positions. We will look carefully at your budget request but it is unlikely that you will receive funding for 21 new positions. If you had to limit positions to the most critically needed functions, what positions would you pick to have funded?
  
2. Your hearing book notes that in 2017 Office of Attorney General agents arrested an average of nearly five drug dealers a day. Diversion arrests, or arrests of doctors, pharmacists, and others who divert prescription drugs to the black market, were up by 72%. I would like to ask you a couple of questions about these statistics.
  - Are the drug dealer arrests occurring in any particular area of the Commonwealth or are they throughout the Commonwealth?
  - What is the conviction rate for the offenders your agents are arresting?
  
3. Your office is the leader among 41 state attorney generals in investigating five opioid manufacturers and 3 drug distributors to see if they should be held accountable for the rising levels of opioid addiction and death. Can you comment on the status of the investigation?
  - When do you anticipate the investigation be completed?
  - Will your office in conjunction with the 41 other attorney generals determine if litigation against the manufacturers and distributors should be pursued?
  
4. Your budget hearing material shows that at December 31, 2017, you had 27 unfilled Drug Enforcement Officer positions. Your budget requests funding of \$28.6 million to fund all vacancies and create four new positions. (*NOTE: AG requesting the transfer of eight Organized Crime positions to General Government Operations appropriation.*) The Governor is requesting funding of \$30.1 million for drug enforcement efforts.
  - Why are there so many vacancies given the fact that funding has been increased to keep your Drug Enforcement efforts fully operational?
  - Will you be able to find individuals to fill the existing vacant and new positions?
  - What efforts are being made to recruit individuals for these much needed positions?



5. With regard to the eight Organized Crime positions you would like to transfer from the Drug Law Enforcement program to General Government Operations, because there are currently 42 active Organized Crime Drug Enforcement Task Force investigations throughout the Commonwealth, wouldn't it be more effective to transfer the positions to the Local Drug and Drug Strike Task Forces appropriation?
6. The hand-out you provided to the committee notes that your plans for 2018 include helping increase treatment availability. Your office "plans to pursue a number of innovative, law-enforcement-led approaches to help more people suffering from addiction receive the treatment they need." Please elaborate on how your office will increase treatment availability and the source of funding for these efforts.
7. What is the cost of the educational program on drug abuse and proper prescription handling that is operated out of the Attorney General's executive office?
  - How many students have participated in the educational program?
  - The Commonwealth stopped providing an appropriation for the Drug Abuse Resistance Education program years ago because research showed that students that participated in the program were more likely to use drugs. Is your office providing an evidence-based drug deterrent program that is effective in reducing experimentation with or use of drugs by young people?
8. What are safe drug disposal bags? What happens to the bags once they have destroyed unwanted prescription drugs dissolved in them? Can our offices obtain safe drug disposal bags?
9. It appears from your materials that you are re-working the operation of the Strategic Response Teams, formerly known as the Mobile Street Crimes Unit. Your materials suggest that you will have a number of regionally-based teams to help local law enforcement handle violent drug crimes. Is this correct?
  - How many regionally-based teams will there be?
  - In what ways are the Strategic Response Teams different from the Local Drug Task Forces?
10. Do you anticipate any impacts on your office's drug enforcement efforts due to the opening of medical marijuana dispensaries?
11. Can you please give us an update on whether the drug interdiction efforts undertaken by your office are having an impact on reducing drug crime in Pennsylvania? We certainly know that this is a very difficult undertaking, but do you think your office is making any headway in controlling the problem?

12. The scourge of drugs is touching people of every socio-economic and ethnic background. It is a problem that is going to take efforts on many different levels to resolve. While I know this is not directly under your jurisdiction, can you please tell us whether you think drug courts are one effective component of dealing with the drug crisis? Why or why not?
13. I have recently been made aware that the FDA has approved clinical testing of methylenedioxymethamphetamine, more easily referred to as MDMA, a psychedelic drug, for treatment of posttraumatic stress disorder. In case you don't know, MDMA is known to some as "magic mushrooms." Since the opioid crisis began with doctors prescribing or over-prescribing pain killers, don't you think there may be a real danger to using psychedelic (potentially addictive drugs) to treat mental and physical illnesses?
14. As the Commonwealth's chief law enforcement officer, please tell me what you believe law enforcement officers are supposed to do when they stop a seemingly impaired driver who hands them a medical marijuana registry card. Law enforcement officers will not be able to check the validity of the registry card in the JNET system. Are you at all concerned for the safety of the Commonwealth's law enforcement officers?