

THOMAS J. MILLER
ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
P: 515-281-5164
www.iowaattorneygeneral.gov

DEPARTMENT OF JUSTICE

ATTORNEY GENERAL TOM MILLER

PRESENTATION TO

JUSTICE SYSTEMS

APPROPRIATIONS SUBCOMMITTEE

FEBRUARY 15, 2017

Department of Justice Requests for General Fund Appropriations

Office of the Attorney General

The Department respectfully requests the Legislature to approve a *status quo budget* for the Office of Attorney General for FY18 and FY19 - **\$7,989,905**.

Legal Services

The Department administers a state grant that funds civil legal services for indigent Iowans. Due to the end of funding for representation in foreclosure defense cases from the Mortgage Servicing Settlement Fund, substantial cuts in federal funding, reductions in other revenues, and rising employee costs, Iowa Legal Aid is unable to provide services to thousands of eligible individuals. The current state appropriation for Iowa Legal Aid is \$2,400,000. The Board of Directors of Iowa Legal Aid has requested that state funding be increased by \$500,000.

The Department respectfully requests that both the FY18 and FY19 appropriation levels be increased by \$500,000, for a total of **\$2,900,000**, annually.

Crime Victim Assistance Grants

The Department administers a grant program that funds local domestic abuse, sexual abuse and shelter-based programs. The Department respectfully requests the Legislature to approve a *status quo budget* for victim services for FY18 and FY19 - **\$6,734,400**.

Iowa Mediation Service

The Department is required to contract with a non-profit organization to provide mandatory farm mediation services. Since the farm crisis of the 1980's, the Office has contracted with the Iowa Mediation Service ("IMS"). During the 30-year tenure of this program, it has handled approximately 40,000 farmer-creditor cases where most of these cases revolve around farm debt. More than 70% of these cases reach an agreement, including mediation releases that allow entities to proceed with legal action. Farmers and lenders used IMS mediators to satisfactorily resolve their disputes and as a result, farmers remained on their farms and lenders retained their customers. Agricultural economists project that the need for such mediation is set to increase due to lower commodity prices and decreasing profit margins resulting in the inability to meet debt repayment.

For FY86-FY92, the Legislature annually appropriated General Fund amounts ranging from \$150,000-\$300,000 to the Department for farm mediation services. For FY08-09, the Legislature annually appropriated \$300,000 from the General Fund to the Department for these services.

For FY17, the Legislature appropriated \$300,000 from the Department's Consumer Education and Litigation Fund for these services. The Consumer Education and Litigation Fund is intended to support the Department's efforts to fight consumer fraud. Farm mediation services are important to the state and merit support from the General Fund.

The Department respectfully requests the Legislature to approve the re-establishment of a **\$300,000** line item appropriation for farm mediation services for FY18 and FY19.

Office of Consumer Advocate

The Department respectfully asks the Legislature to approve a status quo budget for the Office of Consumer Advocate ("OCA") for FY18 and FY19 - \$3,137,588. OCA is funded through the Department of Commerce Revolving Fund.

**Office of Attorney General
Duties and Statistics
February 15, 2017**

Introduction/Overview

For FY17, the Office of Attorney General (“Office”) has a budget of about \$27,250,855 comprised of **\$7,989,905 in General Fund** dollars and about \$19,260,949 in reimbursements from state agency clients and dedicated internal funds.

For FY17, the Joint Justice Systems Appropriations Subcommittee appropriated \$741.1 million dollars from the General Fund - \$566.5 in the Justice Systems Appropriation and \$181.8 in the Judicial Branch Appropriation. The Attorney General’s General Fund Appropriation accounts for **about 1%** of the total amount appropriated by the Subcommittee.

General Fund Operations

The Office uses the General Fund appropriation primarily in four areas – administration, area prosecutions, criminal appeals, and tort defense.

Area Prosecutions Division

In Iowa, county attorneys have the original jurisdiction to prosecute crimes. However, when there is conflict of interest or there is a lack of resources or expertise, county attorneys invite the Office’s Area Prosecutions Division to handle the prosecution. There are 9 Area Prosecutors who primarily handle murders, kidnapping, sexual assault and white collar crimes. The number of Area Prosecutors is down 2 from historical levels. Some statistics from calendar year 2016:

- 122 referrals received on criminal cases and officer-involved deaths and excessive use of force claims.
- 21 were referrals of death cases (including vehicular homicide).
- 39 were referrals of sexually based offenses.
- 32 cases tried to verdict.
- 77 cases set for trial during calendar year 2017 as of 12/31/16.
- Cases were handled in 71 of Iowa’s 99 counties.
- 11 Sexually Violent Predator civil commitment cases - 5 original commitments and 6 annual reviews.

Criminal Appeals Division

The Office handles all criminal appeals in front of the Iowa Court of Appeals or the Iowa Supreme Court. The Office has the responsibility to defend criminal convictions obtained at the county level. The Division has had about 19 attorneys for some time. However, since 2011 the caseload has increased by 40-60% due to a rule change by the Iowa Supreme Court concerning "frivolous" cases. Some statistics for calendar year 2016:

- 669 appellate briefs were filed.
- 66 oral arguments - 44 in the Court of Appeals and 22 in the Supreme Court.
- Attorneys file about 4 briefs/month although the National Association of Criminal Defense Attorneys has a standard indicating criminal appeals attorneys should file 2.4 brief/month.
- 85 extradition requests handled.
- 65 habeas corpus petitions resolved, either by motion or briefing on the merits, all favorably.

Special Litigation Division

The Special Litigation Division defends the State's financial interests in tort, workers compensation, and prisoner litigation. Due to budget reductions, the Office is not able to fill a Director vacancy. Notably, in FY16, the Division tried and won defense verdicts in three medical malpractice cases for the University of Iowa Hospitals and Clinics, saving the State millions of dollars. Some Division statistics for FY16:

- 752 tort claims filed, 405 claims denied, 289 claims settled.
- 293 general claims filed, 311 claims resolved.
- 76 new post-conviction relief cases, 83 cases resolved.
- 114 new prisoner litigation cases, 102 resolved.
- 79 Worker Compensation cases opened, 178 resolved.
- 241 Second Injury Fund cases opened, 274 resolved.

State Agency Representation

Most of the attorneys in the Office represent state agency clients. The Office is reimbursed by the agencies for legal services provided.

Human Services Division

The Office's Human Services Division represents the Department of Human Services. The Division has 50 attorneys, including 38 attorneys who represent the Child Support Recovery Unit across the state. Some Division statistics for FY16:

- Child Protection

- 92 child-in-need of assistance cases opened, 11 delinquency cases opened, and 244 termination of parental rights cases opened.
 - 685 child abuse registry appeals opened.
- Child Support Recovery
 - 4400 child support cases assigned to each of 38 child support attorneys.
 - 1,745 contempt of court actions for nonpayment of child support initiated.
 - 602 judicial orders establishing paternity obtained.
 - 5,301 administrative paternity/support orders obtained.
 - 4,572 orders modifying support obtained.
 - \$322.8 million collected through Iowa Child Support Recovery Unit.
 - Other DHS matters
 - 15 appellate decisions in involuntary hospitalization appeals.
 - 7 successful decisions in 1983 litigation.
 - 5 revocations of Sexually Violent Predators who were violating conditions of release or transition.
 - 15 other administrative appeals.
 - 2 DHS employment cases resolved, 4 pending currently.
 - 100 petitions for gun rights restoration opened and most resolved.

Licensing and Administrative Law Division

The Office's Licensing and Administrative Law Division is comprised of 18 attorneys. The Division represents over 100 state agencies, including professional licensing boards, the Judicial Branch, and statewide elected officials. Larger state agencies represented include the Department of Public Safety, the Department of Education, the Department of Public Health, and the Department of Administrative Services.

Transportation Division

The Office's Transportation Division is located in Ames and represents the Department of Transportation. The Division is comprised of 6 attorneys and 2 compliance officers. Some Division statistics for FY16:

- 3,106 driver license hearings conducted.

Revenue Division

The Office's Revenue Division is comprised of 6 attorneys. The Division represents the Department of Revenue in tax and collection matters. Some statistics for FY16:

- 218 new protests and 199 closed protests.
- 40 answers to protests, 8 director appeals, 4 new district court cases, 2 new Supreme Court cases.
- \$4,262,028 - taxes collected or saved.
- 90 probate claims filed – \$620,949 collected on probate claims.
- 102 garnishments filed – \$282,286 paid on 27 garnishments.
- \$1,888,814 collected in levies, bankruptcy, litigation, settlements.
- \$2,792,050 – total amount of collections in tax area.

Consumer Protection Division

The Office's Consumer Protection Division consists of 9 attorneys and 8 investigators. The Division handles consumer complaints and enforces the Iowa Consumer Fraud Act and other state and federal consumer protection laws. The Division often conducts litigation in a multi-state manner. The Division is funded through settlement recoveries and fees on consumer credit lenders. No General Fund dollars are used to fund the Division. Some statistics for calendar 2016:

- 5,496 consumer contacts via email.
- 2,836 consumer complaints opened. Top categories: (1) Used auto sales practices – 207. (2) Home improvements – 172. (3) Home mortgage – 149. (4) Internet service providers and bundles – 135. (5) Cell phones 104.
- \$ 1,379,994 – amount of restitution, recovery, or savings obtained for complainants.
- 39 litigation settlements or judgments.
- \$2,451,700 – amount of consumer refunds/savings for Iowans from litigation.
- \$861,562 collected from litigation for consumer fraud education/litigation.
- Over 10,000 consumers reached via 35 educational presentations.
- 2 cases totaling \$2,375,000 in debt relief for consumers (\$2,160,000 for former students of La'James and \$215,000 for veterans via USA Discounters)
- 1 antitrust case with \$5 million in consumer restitution.

Crime Victim Assistance Division

The Office's Crime Victim Assistance Division ("CVAD") is comprised of 29 staff. The Division administers two main programs - victim compensation and victim service grants. Victim of certain crimes can apply to CVAD for compensation from the Crime Victim Compensation Fund which is comprised of criminal fines and penalties. CVAD also grants money to local crime victim service organization providing domestic violence, sexual assault, shelter-based, and specialized services. Some statistics for FY16:

- \$4,623,376 in victim compensation paid - \$1,327 average per victim.
- \$1,936,427 paid for sexual abuse exams - \$816 average per victim.

- \$6,142,398 in victim assistance grants to domestic violence programs, \$6,033,404 to sexual assault programs, \$4,870,290 to shelter programs, and \$4,921,842 to other programs (hotlines, coalitions, homicide programs, etc.).
- 46,643 - estimated number of victims served.
- 72,441 crisis calls handled by funded programs.
- 1,336 trainings conducted for 25,964 professionals.
- Iowa Victim Information and Notification Everyday (“Iowa VINE”) – 62,624 registrations, 133,172 notifications and 4,812,697 searches for information.
- Iowa Protective Order Notification for Domestic Abuse (IPONDA) system - 752 registrations and 485 notifications.

Prosecuting Attorneys Training Coordinator Division

The Office’s Prosecuting Attorneys Training Coordinator Division (“PATC”) consists of three attorneys. PATC provides training for county attorneys and their assistants in criminal and civil law. A particular emphasis is training related to highway traffic safety. PATC is funded by a combination of General Fund and grant dollars. Some statistics for calendar year 2016:

- 11 statewide trainings conducted attended by more than 1300 county attorneys, assistant county attorneys, law enforcement officers, magistrates and county officials.
- Participated in over 20 local and regional trainings attended by over 790 attorneys, magistrates, and law enforcement officers.
- Provided opinions, research, consultations, and advice to county attorneys and assistants on approximately 850 occasions.
- Publish twice annually 3 major practice manuals (Criminal Law Handbook, OWI- Traffic Offenses, and Charging Manual) that serve over 800 Judicial Branch employees, State Public Defenders, County Attorneys, Assistant County Attorneys and law enforcement officials with each publication.
- Publish 5 statewide traffic safety newsletters provided to state and local enforcement agencies and county attorney offices.

Office of Consumer Advocate

The Office of Consumer Advocate (“OCA”) is a semi-independent office in the Department of Justice. The OCA is headed by the Consumer Advocate who is appointed by the Attorney General for a 4-year term, subject to the approval of the Iowa Senate. OCA consists of 6 attorneys and 7 technical staff members. OCA represents the interests of consumers and rate-payers in matters before the Iowa Utility Board. OCA is funded through the Department of Commerce Revolving Fund. No General Fund dollars go to OCA.