



South Carolina Office of Attorney General

Fiscal Year 2009-2010  
Agency Accountability Report

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# Accountability Report – FY 2010

## SECTION I: Executive Summary

### *1. Organization's stated purpose, mission, vision and values*

**Purpose:** The purpose of the Attorney General's Office is to serve as the law firm for the State of South Carolina.

**Mission:** As chief prosecutor, the Attorney General (1) oversees the activities of the State Grand Jury, including the prosecution of multi-jurisdictional drug offenders, multi-county pornography, public corruption, election fraud, computer crime violations, terrorism, security fraud, and environmental crimes; (2) prosecutes all cases of insurance fraud; (3) investigates and prosecutes cases of Medicaid fraud by both providers and recipients; (4) prosecutes cases of patient abuse; (5) operates a program that trains pro bono private attorneys to prosecute criminal domestic violence cases; (6) through a federal grant, prosecutes in State courts defendants accused of criminal domestic violence; (7) prosecutes cases of Internet crimes against children, including those involving sexual exploitation; (8) investigates and prosecutes those accused of involvement in the illegal sport of animal fighting and related crimes; (9) represents the State of South Carolina in criminal cases when defendants file for Post Conviction Relief and when they appeal their convictions; (10) assists the victims of crimes in claiming the benefits guaranteed under the State's Victims Bill of Rights; and (11) sponsors a Youth Mentor Program designed to prevent juvenile crime and rescue at-risk youngsters before they commit violent offenses. The Attorney General serves as the S.C. Securities Commissioner, provides information on securities laws and practices, and investigates allegations of fraud or other violations of securities laws and takes appropriate enforcement action. Through his staff, he also handles the registration of all persons engaged in the sale of securities in the State of South Carolina. The Attorney General also has important responsibilities in the area of civil law. When the State is a party to a lawsuit, either as plaintiff or defendant, attorneys in the securities division may represent and advise the State, its agencies, and its officials. The Office represents the State in civil proceedings against dangerous sex offenders for commitment under South Carolina's Sexually Violent Predators statute. The Office maintains official liaison with the General Assembly and researches, writes, and issues opinions when requested by certain state and local officials.

**Vision:** The Office envisions itself as the first line of defense against those elements in society that flout its laws, prey on its citizens, and abuse its legal system.

**Values:** In addition to encouraging those values prized by society at large - honesty, respect for others, compassion, responsibility - the Attorney General's Office has a special commitment to maintain the highest standards of professional conduct demanded by the legal community. The primary activities of the Office are prosecution and litigation, and its staff is composed largely of attorneys and their support personnel. Therefore, the values that set the Attorney General's Office apart from other State agencies pertain to the practice of law. These include: respect for the legal system, an impartial administration of justice, an adherence to prescribed timetables, and diligence in preparation.

## *2. Major Achievements from Past Year*

**Civil Division** -- In this fiscal year, the Civil Division continued with its many responsibilities, including representing the State and its agencies and officials when named in civil suits. When necessary, this Division also participated in legal actions against companies to protect consumers of this State from fraudulent activities. Attorneys continued to represent South Carolina in its suit against North Carolina, charging that state with over consumption of water from the Catawba River Basin. The highly complicated case is now in the discovery phase. In addition, on behalf of the Office, the Division has represented the State in a multi-state suit challenging the 2010 Federal Health Care Act and in suits regarding the ownership of tideland areas, including marshes. **The Securities Division** spent considerable time working both on its own and with other state securities regulators to investigate issues involving the sales practices and liquidity of products sold at auction rate securities markets across the country. As a result of the efforts of the Securities Division and other state securities regulators, billions of dollars were repaid to investors who had not been given correct information and /or disclosures at the time of their purchases of auction rate securities products. **The Criminal Appeals Division** – consisting of **The Criminal Appeals Section and the Post-Conviction Relief Section** – disposed of literally thousands of cases during FY '10. **The Criminal Appeals Section** handled all appeals from non-murder convictions in the state, 540 in all, an increase of some 10 percent from FY '09. In addition, **The Post-Conviction Relief Section (PCR)** handled 3,402 Post-Conviction cases, an increase of some 7 percent over '09, as well as 1,437 Post-Conviction-Relief appeals. In anticipation of an officially instituted data-management program, PCR staff has continued to digitalize online rosters and files, permitting our Office to save the cost of duplicating, storing, and mailing the numerous documents that accumulate during litigation. **The VAWA Section** was responsible for a new centralized CDV court in Bamberg, SC and since 1/1/10 has prosecuted over 165 summary court offenses across the state, as well as circuit court cases in Aiken, Dillon, Florence, Lexington, and Spartanburg. **The Victim Services Unit** continues to manage an ever-growing caseload without an increase in staff. It has been able to utilize computers to serve victims more effectively, while at the same time reducing costs. In FY '10, the Unit increased its caseload by almost 10 percent.

## *3. Key Strategic Goals for the Present and Future Years (this supports the organization's budget request);*

Over the past decade, South Carolina has ranked among the top ten states in the category of “men killing women”; and twice the state has ranked #1. Consequently, the Attorney General has made the reduction of criminal domestic violence (CDV) his top goal. Immediate goals for the future include: additional funding for the continuation of litigation with the state of North Carolina over water rights, and the restitution of our federal grant to investigate and prosecute rural domestic violence, expansion of our capacity to prosecute environmental crimes and reduce gang violence in the state.

***4. Your Key Strategic Challenges (i.e., mission, operational, human resources, financial, and community-related strategic challenges);***

**Mission:** Violent crimes, particularly against women, remain the greatest single challenge for this Office. Internet crimes against children have increased with the exponential growth of the worldwide web, and the Office is challenged to do more to protect our young people from these predators. A new responsibility for environmental crimes also poses a special challenge to the Office, which now uses the State Grand Jury to indict and prosecute offenders. As noted above, litigation with North Carolina over water rights continues to loom large in the immediate future. Finally, gang violence statewide has challenged law enforcement at every level.

**Operational:** The expansion of operations in these areas has necessitated a reexamination of how the Office allocates its limited space and subsequent modification.

**Human Resources:** To meet these challenges, we would hope to receive federal funding for additional prosecutors. At some point in the future we may need to hire additional attorneys for such programs as the Internet Crimes Against Children project.

**Financial:** To bring in these reinforcements, the Office would require supplemental funding. Currently, two VAWA prosecutors and one Internet prosecutor are funded by the federal government. Given budget constraints, if this funding were to cease, we would be severely challenged to find support elsewhere.

**Community-Related Strategic Challenges:** The Office continues in its efforts to involve the private sector in projects of benefit to the entire community. Both our pro bono prosecution program and our mentor program solicit the help of communities throughout the state.

***5. How the accountability report is used to improve organizational performance (describe the process and improvements achieved through the accountability report preparation and self-assessment process):***

The process used to prepare the accountability report involves all leaders of the organization. The Finance Division, which sends out to division directors and unit chiefs those questions raised by the Report, coordinates this preparation. Division directors and unit chiefs are asked (1) to read that portion of last year's account relevant their areas, (2) to remove any statements no longer accurate or applicable, and (3) to update the segment to reflect changes in personnel and operations. These comments are collected, incorporated into the new Report, and forwarded to the Chief of Staff for final review. The division directors and unit chiefs, in answering the questions raised by the Accountability Report, are in a better position to improve performance and measure achievement. Indeed, senior staff members use this comprehensive view of the entire office to make corrections and plans for the future.

**SECTION II: Organizational Profile**

***1. Your organization's main products and services and the primary methods by which these are delivered:*** Our main products and services include (1) representing the State in civil actions -- i.e., suing on behalf of the State as well as representing the State when it becomes the defendant in a

lawsuit; (2) prosecuting those accused of crimes in areas where the Office has jurisdiction; (3) when requested to do so by state and local officials, the writing and issuing of opinions on legal and constitutional questions; (4) promoting legislation designed to strengthen the criminal justice system and enhance the safety of South Carolina's citizens; and, (5) because the Attorney General serves as South Carolina's Securities Commissioner, taking responsibility for the protection of the state's investors against securities fraud and unfair trade practices in the stock and bond markets. (See Appendix I) These services are delivered primarily through the distribution of information and the practice of law.

**2. *Your key customers groups and their key requirements/expectations:*** The key customers of the Office are: the citizens of South Carolina; agencies of the State government; members of the S.C. General Assembly, local and county officials; law enforcement and judiciary officers; and the local, state, and national press. Key customers expect the Office to conduct the legal business of the State fairly and efficiently and to render other services defined by the legislature.

**3. *Your key stakeholder groups (other than customers):*** The key stakeholders are those South Carolinians who are neither offenders nor victims of crimes but who have a stake in domestic peace, rule of law, and right order.

**4. *Your key suppliers and partners:*** The six key suppliers of the Office are: State Fleet Management Division, which supplies all monthly and daily leased vehicles and related maintenance (since the Office owns no vehicles); Thomson West legal publishers, the source of numerous legal publications, including a subscription to WestLaw, an online database; Xerox, the source for copiers on state contract and related supplies; the South Carolina Budget and Control Board, Chief Information Office, which provides telephone service; its Real Property Office, which leases State office space; and Associated Counsel, for the Water Rights case. When deemed advisable, the Office also partners with other State and Federal law enforcement agencies and with private organizations whose purview is law enforcement or the victims of crimes.

**5. *Your operating locations:*** The Attorney General's offices occupy the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> floors of the Rembert C. Dennis Building at 1000 Assembly Street in Columbia, S.C.

**6. *The number of employees you have, segmented by employee category (i.e., classified, unclassified, contract, etc.):*** At the end of June 2010, the Attorney General's Office had 199 employees: 5 grant, 36 temporary/hourly, 1 unclassified, 157 classified.

**7. *The regulatory environment under which your organization operates (i.e. occupational health and safety regulations, certifications, financial and service requirements):*** The Office of the Attorney General operates under the Constitution and statutes of the State of South Carolina, under the U.S. Constitution and applicable state and federal statutes, and under the jurisdiction of state and federal courts. The physical environment must also conform to codes enforced by the Columbia fire marshal, to city building codes, and to health regulations monitored by DHEC. The Office is under the financial authority of the State's Treasurer, Comptroller, and Auditor. The Budget and Control Board also oversees some of the Office's activities.

**8. *Your performance improvement systems:*** The Office practices self-evaluation at regularly scheduled meetings of Division and Unit directors chaired by the Attorney General. Directors in turn hold meetings with their staff members. The purpose of these meetings is the improvement of performance at every level. In addition, the Office monitors performance through several databases that track cases and other work product.

**9. *Your organizational structure:*** The Attorney General's Office operates under a hybrid structure that consists of Divisions, Sections, Sub-Sections, and Programs. Though the chain of command is clearly delineated, divisions and subdivisions are based on actual operations rather than on any abstract model. **(See attached chart)**

**10. *Your Expenditures/Appropriations chart (use chart form available at [www.budget.sc.gov](http://www.budget.sc.gov)):*****(See attached chart)**

**The Honorable  
Henry McMaster  
Attorney General**

**Gene McCaskill  
Senior Executive Asst.**

Public Relations/Press  
Mark Plowden  
Communications Director

Kristy Quattrone, Admin. Asst.  
Shayne Sonnenberg, Intern

Constituent Services  
Len Williams, Director

**John McIntosh  
Chief Deputy AG**

Deborah Staberg, Admin. Asst.

**Trey Walker  
Chief Executive Asst.**

**Garden Frampton  
Executive Asst.**

**Securities Division**

Steve Lynch, DAG

**Securities**

Tracy Meyers, SAAG  
Cheryl Grant, AAG  
J.C. Nicholson, AAG  
Michael Traynham, AAG  
Robb McBurney, Enforc. Spec  
Tommy Windsor, Enforc. Spec  
Stephen Fulmer, Enforc. Spec  
Pamela Kirkland, Dir, Sec. Reg.  
Sandra Matthews, Auditor  
Patricia Simmons, Paralegal  
Lisa Lomas, Inv. Adv. Regr  
Teresa Lake, Asst. Regr  
Thresechia Navarro, AA  
Carolina Barnes, Asst. Regr.  
Chris Gibbs, LC  
Trey Jones, LC  
Harrison Bowen, Supp. Clerk

**Civil Division**

Steve Lynch, DAG

**Gov Litigation**

Emory Smith, Asst Dep  
Parkin Hunter, AAG  
Warren Ganjehsani, AAG  
Dona Guffey, AAG  
Jonathan Williams, AAG  
Geoffrey Chambers, AAG  
Ashley Buchanan, LA  
Jonathan Eckstrom, LA

**Consumer Protection & Antitrust**

Sonny Jones, SAAG  
Mary Frances Jowers, AAG  
Jay Smith, Research Anal.  
Anthony Quattrone, Research Anal.  
Susan Ballington, AA

**Opinions**

Bob Cook, Special Coun.

Charles Richardson, SAAG  
Cydney Milling, AAG  
Elizabeth Smith, AAG  
Leigha Blackwell, AAG  
Abby Nevitt, AA

**Capital Collateral Litigation**

Don Zelenka, Chief  
Ed Salter, SAAG  
Melody Brown, AAG  
Anthony Mabry, AAG  
Brendan McDonald, AAG  
Alphonso Simon, AAG  
Lonnie Brawley, AA  
Donna D'Alessio, LA  
Erin Jett, LA

**Medicaid**

Bill Gambrell, Asst Dep  
Ken Moore, SAAG  
Fay Scott, AAG  
Sara McCartha, AAG  
Jimmy Bagnall, Chief INV  
Harry Bracy, Chief INV  
David Addison, INV  
Jay Evans, INV  
Thomas Holliday, INV  
Larry Huffstetler, INV  
Chris Radcliff, INV  
Cheryl Bryson, Auditor  
Ryenne Gillum, Inv. Analyst  
Lee Teed, LA  
Ava Thomas, LA  
Shawn DeBruhl, AA  
Frances Covar, PT Clerk

**Sexual Violent Pred.**

(Deborah Shupe, Supv.)  
Jim Bogle, SAAG  
Gabriel Martin, LA  
Alexis Vitali, Intern

**Criminal Appeals**

Salley Elliott, Chief  
Harold Coombs, SAAG  
William Blitch, AAG  
Christina Catoe, AAG  
Mark Farthing, AAG  
Deborah Shupe, AAG  
David Spencer, AAG  
Angela Bennett, AA  
Norma Bigbee, LA  
Ellen DuBois, LA  
Jonathan Wells, Supp. Clerk

**PCR**

Matthew Friedman, AAG  
West Lee, AAG  
Brian Petrano, AAG  
Karen Ratigan, AAG  
Mary Williams, AAG  
Suzanne White, AAG  
Jennifer Kinzeler, AAG  
Judy Carey, LA  
Molly Flowers, LA  
Jean Indriago, LA  
Lauren Meara, LA  
Anne Mueller, LA  
Lisa Suber, LA  
Chandra Young, LA  
Harrison Brant, SLC  
Thomas Holliday, Jr. Supp. Clerk

**Criminal Division**

**Prosecution/SGJ**

Susan Porter, Chief  
John Crout, AAG  
Cary Goings, AAG  
Robert Maldonado, AAG  
Ashely McMahan, AAG  
Robert McNair, AAG  
Curtis Pauling, AAG  
DeWayne Pearson, AAG  
Joshua Underwood, AAG  
Dale Scott, AAG  
Jonathan Waller, AAG  
Meghan, Walker, AAG  
Creighton Waters, SAAG  
Pete Logan, Chief INV  
Joe Jordan, INV  
Bob Cathey, INV  
Alice Douglas, Paralegal  
Kia Goins, Paralegal  
Miranda Young, AA  
Kaye Fusaro, LA  
Tess McDougal, Dir  
Deborah Robinson, LA  
Blanche McBride, LC  
John Paul Carroll, LC  
Marvin Sapp, Supp. Clk.  
Karen Drexelius, Intern

**Insurance Fraud**

John Potterfield, AAG  
Melissa Manning, AAG  
April Vance, AAG  
C. Wilson Smith, AAG  
Mary Conyers, LA  
Laura Church, LA  
Nancy Smith, LA  
Daniel Mallory, LC

**ICAC**

(Deborah Shupe, Grant Supv.)  
Megan Wines, AAG  
Priscilla Jones, AAG  
Kyle Senn, AAG  
Lucinda McKellar, INV  
Chip Payne, Prog Mgr  
Bobby Belton, Forensic Examiner  
Patti Fowler, Prog Assistant  
Lisa Gray, LA  
Guy Dabbs, LC

**Governmental Affairs**

Bryan Stirling, Dep AG

**Prosecution Services**

Allen Myrick, Chief

**Medicaid Recipient Fraud**

Camille Guthrie, AAG  
Dan Meyer, INV  
Michael Williams, INV  
Stuart Register, INV  
Sonya Carree, LA  
Austin Jackson, LC  
Ben Burress, Intern

**Violence Against Women**

Mardi Fair, AAG  
Kelly Hall, AAG  
Yolanda Knox, Prog. Coord  
Nancy Smith, LA  
Kristen Bajles, LC

**Victim Services**

Sandi Wofford, Dir  
Trisha Allen, V, Svcs Coun  
Marie Higgins, V, Svcs Spec

**Youth Mentor Program**

Josh Lorick, Dir  
James Smith, Prg Coord, C

**Information Technology**

Sandee Sprang, Dir.

BJ Bradley, Info Res Consult  
Paul Gowder, Webmaster  
Sheila Hoffman, Database Spec  
John Loy, Systems Engineer  
Sherri Rabon, Data Coord

**Records**

Jay Johnson, Rec Supv

**Finance Division**

Tom Osmer, Dir.

Joan Potts, Acct Supv  
Sandi Chamberlain, Acct  
Patrick Jarvis, Fiscal Tech  
Tom Landess, Prog Coord

**Clerk's Office**

Jim Parks, Clerk of Court

Peggy Self, Deputy Clerk  
Annalisa Queen, Asst Clerk  
Collier Jones, Intern

**Administrative Division**

Tammie Wilson, Dir.

Courtney Jackson, Receptionist

**Human Resources**

Brenda Reiser, HR Manager  
Katie Elliott, HR Specialist

**Purchasing**

Natasha Greer, Procurement Spec.

**Support Services**

James Allen, Supp Svcs Asst  
Wilma Goins, Supp Svcs Asst  
Tony Mack, Supp Svcs Asst

**Library**

Amanda Fleming, Librarian



## Accountability Report Appropriations/Expenditures Chart

### Base Budget Expenditures and Appropriations

Major Budget Categories	FY 08-09 Appropriations Act		FY 09-10 Appropriations Act		FY 10-11 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$8,443,750	\$5,408,382	\$6,683,528	\$3,873,160	\$ 5,714,849	\$ 2,854,481
Other Operating	\$5,407,429	\$861,734	\$5,274,522	\$473,327	\$ 8,744,198	\$ 260,503
Special Items						
Permanent Improvements						
Case Services						
Distributions to Subdivisions	\$130,000					
Fringe Benefits	\$2,400,415	\$1,528,072	\$1,729,799	\$924,956	\$ 1,405,239	\$ 585,396
Non-recurring						
<b>Total</b>	<b>\$16,381,594</b>	<b>\$7,798,188</b>	<b>\$13,687,849</b>	<b>\$5,271,443</b>	<b>\$ 15,864,286</b>	<b>\$ 3,700,380</b>

**11. Your major programs areas chart: (See attached):** Major programs include the following:

**THE SECURITIES DIVISION** - The Attorney General serves as the state's Securities Commissioner, and the Securities Division assists the Attorney General in carrying out his duties in this area. These duties include registering broker-dealers, broker-dealer agents, investment advisers, and investment-adviser representatives prior to their doing business in this state; registering certain securities offerings; receipt of disclosure materials from issuers; receipt of appropriate materials and notice filings of mutual funds, unit investment trusts, and other federally exempt offerings; investigating allegations of violations of security laws and taking any appropriate action; and support of an equitable, competitive, and efficient securities industry that contributes to the economic health of the state and its citizens.

**THE CIVIL DIVISION** - As the state's Chief Legal Officer, the Attorney General has important responsibilities in the area of civil law as well as in the area of criminal law. When the State is a party to a lawsuit, either as plaintiff or defendant, attorneys in this division may represent and advise the State, its agencies, and its officials in civil lawsuits. The Civil Division represents the State in such areas as constitutional law, extradition, charitable trusts, election law, reapportionment, contracts, unfair trade practices, anti-trust suits, and foreclosures where the State has an interest.

**THE CRIMINAL DIVISION** – As the state's Chief Prosecutor, the Attorney General is charged with representing the interests of the State in some specific areas of criminal prosecution. The Office's Criminal Division is divided into seven sections, three subsections, and three programs. The sections are: the State Grand Jury, Capital and Collateral Litigation Section, the Medicaid Fraud Control Section, the Criminal Appeals Section, the Post-Conviction Relief Section, the Internet Crimes Against Children Section, and the Prosecution/Insurance Fraud Section. The subsections are: The Violence Against Women Sub-Section, the Office of Victim Services, and the Pro Bono Domestic Violence Sub-Section, and the Youth Mentor Program. The State Grand Jury Clerk's Office - This office serves the State Grand Jury as a clerk of court's office serves a General Sessions court, maintaining all records relevant to the conduct of trials and legal matters under the jurisdiction of the State Grand Jury.

**THE ADMINISTRATIVE DIVISION** - The Administrative Division provides support and planning services essential to the efficient operation of the Office. These services include: space planning and construction, resource allocation, drug testing, law library, procurement, coordination of security, visitor and telephone reception, and building services. The Division is divided into four Sections - Human Resources, Library, Receptionists, and Support Services.

**THE FINANCE DIVISION** - The Finance Division prepares the budget, receives and disburses funds, manages the cash flow of the Office, and prepares applications for grants. The staff of the Finance Division solicits grants to support programs administered by the Attorney General's Office. Such grants help defray the cost of general services that benefit the people of South Carolina.

**INFORMATION TECHNOLOGY DIVISION** - The Information Technology Division serves a number of constituencies, including the people of South Carolina, law enforcement agencies,

public officials, and the staff of the Attorney General's Office. The Division's services include the development and maintenance of the Attorney General's website; managing the agency's Intranet site, MYAG; posting the Office's online newsletter; providing each employee with a PC; maintaining all Office hardware, including: office computers, printers, scanners, fax machines, and other in-house technology; maintaining office software; providing instruction in the use of computers and the Intranet; and keeping the records for the entire Office.

**PUBLIC AFFAIRS SECTION-** The Public Relations staff acts as a liaison between the Attorney General, the Office, and its various constituents, which include the citizens of South Carolina, members of the General Assembly and other elected officials, representatives of the media, state agencies, and officials from other states and the federal government. Staff members answer inquiries from the general public and render assistance. They also provide the media with information about the activities of the Attorney General and members of his staff.

**THE OPINIONS DIVISION -** One of the more important functions of the Attorney General's Office is providing legal advice to the Governor, members of the General Assembly and other selected public officials. Often this advice is given in the form of a written opinion. Opinions dealing with matters of significance to South Carolinians statewide are reviewed and signed by the Attorney General, others by staff members.

**THE SEXUALLY VIOLENT PREDATOR UNIT –** The Sexually Violent Predator Unit litigates cases of convicted sex offenders who have been diagnosed as “sexually violent predators” and in need of confinement and treatment. The Unit, in a civil action, presents the case for commitment.

**THE INTERNET CRIMES AGAINST CHILDREN UNIT –** Funded by a grant from the U.S. Department of Justice, this unit investigates alleged crimes against children involving the Internet and, when warranted, prosecutes offenders. Such crimes primarily involve the posting of child pornography on the Internet and the Internet solicitation of minors for sexual purposes.

**Major Program Areas**

<b>Program Number and Title</b>	<b>Major Program Area Purpose (Brief)</b>	<b>FY 08-09 Budget Expenditures</b>	<b>FY 09-10 Budget Expenditures</b>	<b>Key Cross References for Financial Results*</b>
I. State Litigation	The Attorney General is the State's Chief Prosecutor. The office directs supervises and prosecutes criminal cases on behalf of the State and conducts all direct and post conviction appeals on behalf of the State.	<b>State:</b> 4,039,461 <b>Federal:</b> 2,128,500 <b>Other:</b> 2,243,125 <b>Total:</b> 8,411,087 <b>% of Total Budget:</b> 51.34%	<b>State:</b> 2,510,192 <b>Federal:</b> 1,661,500 <b>Other:</b> 2,481,006 <b>Total:</b> 6,652,699 <b>% of Total Budget:</b> 48.60%	
I. State Litigation  Civil Division	The Civil Division of the Attorney General's Office is divided into the following sections: The Government Litigation Section, the Grievance Section, and the Sexually Violent Predator Section.	<b>State:</b> 1,300,821 <b>Federal:</b> 0 <b>Other:</b> 418,101 <b>Total:</b> 1,718,922 <b>% of Total Budget:</b> 10.49%	<b>State:</b> 1,300,609 <b>Federal:</b> 0 <b>Other:</b> 418,184 <b>Total:</b> 1,718,792 <b>% of Total Budget:</b> 12.56%	
I. State Litigation  Securities Division	The Securities Division oversees the registration of all persons engaged in the sale of securities, investigates allegations of fraud or other violations of securities laws and takes appropriate enforcement action.	<b>State:</b> 0 <b>Federal:</b> 0 <b>Other:</b> 2,498,159 <b>Total:</b> 2,498,159 <b>% of Total Budget:</b> 15.25%	<b>State:</b> 0 <b>Federal:</b> 0 <b>Other:</b> 2,498,652 <b>Total:</b> 2,498,652 <b>% of Total Budget:</b> 18.25%	
I. State Litigation  Administrative Division	The Administrative Division provides support and planning services. The Division is divided into 6 Sections -- Executive Office, Human Resources, Support Services, Finance, and Information Technology, and Constituent Services.	<b>State:</b> 1,958,910 <b>Federal:</b> <b>Other:</b> 703,585 <b>Total:</b> 2,289,602 <b>% of Total Budget:</b> 13.98%	<b>State:</b> 1,324,190 <b>Federal:</b> 0 <b>Other:</b> 736,285 <b>Total:</b> 2,060,475 <b>% of Total Budget:</b> 15.05%	
I. State Litigation  Opinions Division	The Opinions Section provides statutorily required formal legal advice to the Governor, General Assembly, and State Officers. As a policy, local government officers are also provided advice on issues of statewide applicability.	<b>State:</b> 497,722 <b>Federal:</b> 0 <b>Other:</b> 593,209 <b>Total:</b> 567,129 <b>% of Total Budget:</b> 3.46%	<b>State:</b> 136,452 <b>Federal:</b> 0 <b>Other:</b> 620,779 <b>Total:</b> 757,231 <b>% of Total Budget:</b> 5.53%	

**Below: List any programs not included above and show the remainder of expenditures by source of funds.**

<b>Remainder of Expenditures:</b>	<b>State:</b> <b>Federal:</b> <b>Other:</b> <b>Total:</b> <b>% of Total Budget:</b>	<b>State:</b> <b>Federal:</b> <b>Other:</b> <b>Total:</b> <b>% of Total Budget:</b>
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## **SECTION III: Elements of Malcolm Baldrige Criteria**

### **Category 1: Senior Leadership, Governance, and Social Responsibility**

***1. How do senior leaders set, deploy, and ensure two-way communication throughout the organization and with customers and stakeholders, as appropriate for a) short and long term organizational direction and organizational priorities, b) performance expectations, c) organizational values, and d) ethical behavior?***

The Attorney General holds regularly scheduled meetings with senior leaders to inform them of both his short- and long-term goals and to seek their advice on ways to achieve these goals. Division Directors and Section Heads in turn hold similar scheduled meetings with their staffs.

Performance expectations are specified in the Office Manual and in these regular meetings. With such expectations in mind, senior leaders use the State Employment Performance Measurement System (EPMS) to evaluate employees on an annual basis.

Senior leaders transmit organizational values through staff meetings, e-mail messages, the Intranet, the Office online newsletter, and informal conversations. Division Directors maintain an open-door policy and hold one-on-one meetings to discuss such matters. The organizational values of the Office are best transmitted by example, as is ethical behavior. In addition, all attorneys are required to take two hours of in-house ethical training per year.

***2. How do senior leaders establish and promote a focus on customers and other stakeholders?***

The Office of the Attorney General serves several constituencies (customers) – the people of the state, who expect to be protected by fair administration of the law; victims, who demand justice for the crimes committed against them; the solicitors, whose convictions are appealed by convicted offenders; the law enforcement officers who bring offenders to the bar of justice; and certain elected officials who seek legal opinions from the Office. All of these customers need not be solicited. They come to the Attorney General's Office because they know it exists to serve them. However, through brochures, seminars, and PSAs, the Office reaches out to customers and stakeholders who may not know the various services offered.

The role of senior leaders in focusing on customers is to instill in staff members a sense of dedicated service to customers and other stakeholders. This is done through daily communication, formal and informal. Leaders also use Constituent Services as a means of gauging the quality of services rendered.

***3. How does the organization address the current and potential impact on the public of its programs, services, facilities and operations, including associated risks?***

The most obvious tool is the Constituent Services Unit, which processes all calls, correspondence, and e-mails referred to it by the Administrative Division.

The Public Relations Division sends out frequent press releases to media statewide; and Office staff members receive feedback from members of the media, who constantly contact the Office, raising questions on behalf of the public.

Finally, the Office maintains its own Internet website, containing a wealth of information for the public, and publishes an online newsletter.

***4. How do senior leaders maintain fiscal, legal, and regulatory accountability?***

The Attorney General holds a quarterly meeting with all managers, including the Director of the Finance Division and the Chief Deputy Attorney General. At these meetings, he reviews the current financial status of the Office and all other matters relevant to its well-being.

Between these formal meetings, the Attorney General is in daily contact with the Chief Deputy Attorney General, Senior Executive Assistant, and Chief Executive Assistant, all three of whom are constantly monitoring the operation of the Office. In these ways, the senior leaders maintain steady control of its legal, fiscal and regulatory aspects.

***5. What performance measures do senior leaders regularly review to inform them on needed actions?***

Using LawBase and the CDV database, which provide a running statistical account of work assigned and completed, the senior leaders monitor all cases undertaken by their division - paying particular attention to the ratio of cases-opened to cases-closed, amount of time between openings and closings, generation of reports, comparative analysis, feedback from the general public, and the outcomes of cases. Sometimes senior leaders also measure a unit's performance against that of units in other states and our own past performance.

***6. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness, the effectiveness of management throughout the organization, including the head of the organization, and the governance board/policy making body? How do their personal actions reflect a commitment to organizational values?***

Senior leaders, in reviewing the effectiveness of their employees through organizational review and employee feedback, are, at the same time, evaluating

their own effectiveness. In devising strategies to improve the performance of their staff, they inevitably test their own leadership skills. The most effective senior leaders are likely to be self-critical, self-analyzing, and self-improving. It is difficult to measure the impact of such subjective self-criticism on the behavior of the senior leadership. The Office does not have a policy making body precisely analogous to the board of a corporation. However, senior leaders lead most effectively by reflecting the values of the Office in their promptness, their attention to detail, and their concern for all others involved in the day-by-day operations of the agency.

***7. How do senior leaders promote and personally participate in succession planning and the development of future organizational leaders?***

To develop future leadership within the organization, senior leaders continually evaluate staff members, through a formal rating system and through informal interaction. Scheduled staff meetings, routine monitoring of databases, yearly evaluations, and one-on-one relationships enable senior leaders to choose and encourage future leaders. Several current division directors began at lower levels and gained the respect and trust of supervisors and senior leaders by their outstanding work, as revealed quantitatively in formal evaluations and qualitatively in both formal and informal interaction.

***8. How do senior leaders create an environment for performance improvement and the accomplishment of strategic objectives?***

Such an environment is created in the frequent interaction between senior leaders and individual staff members, in regular staff meetings, in the informal get-togethers called by the Attorney General to which the entire staff is invited, and through the Intranet and online newsletter.

***9. How do senior leaders create an environment for organizational and workforce learning?***

Throughout the year, the Office offers educational and training programs, instituted and sometimes taught by senior leaders. For example, because our Information/Technology Division is constantly introducing new technologies, attorneys and their staffs frequently receive instruction in how to make use of these innovations. Every year, attorneys receive at least two hours of training in ethics, taught by senior leaders.

***10. How do senior leaders communicate with, engage, empower, and motivate the entire workforce throughout the organization? How do senior leaders take an active role in reward and recognition processes to reinforce high performance throughout the organization?***

At an annual meeting attended by the entire Office, the Attorney General presents his Award of Excellence to the year's outstanding staff member. Sometimes the

award has gone to an attorney, sometimes to an administrative assistant. At that same meeting, he presents plaques honoring staff members for lengthy service. When the budget allows it, the State's system of merit pay also provides senior leaders with a means of rewarding and recognizing productive staff members. In addition, at the end of each quarter, the Attorney General names a "Star Employee" at a special meeting of the entire staff.

The Office, a division, or a section occasionally plans social gatherings outside the confines of the workplace; and in recent years the entire staff has been invited to the Attorney General's house for a Christmas party. Meanwhile, the Intranet and the online newsletter keep employees informed of important happenings in the lives of their fellow staff members - weddings, births, deaths, and funerals. All of these strategies engage, empower, and motivate the entire workforce.

***11. How do senior leaders actively support and strengthen the communities in which your organization operates? Include how senior leaders determine areas of emphasis for organizational involvement and support, and how senior leaders, the workforce, and the organization contribute to improving these communities.***

The Office, under the direction of senior leaders, prepares brochures and sponsors special projects designed to serve community interests – for example, publications and seminars on ethics, domestic violence, securities fraud, insurance fraud, and single-parent families. The website and newsletter, under the direction of senior leaders, provide a wealth of information for the public; and the Office, at the urging of the Attorney General, always exceeds its United Way goal. The staff of Constituent Services also responds, when appropriate, to requests and queries from the communities in which the agency operates.

## **Category 2: Strategic Planning**

***1. What is your Strategic Planning process, including key participants, and how does it address:***

*(a) Your organization's strengths, weaknesses, opportunities and threats?*

The Attorney General initiates the Strategic Planning process by analyzing the operation of the Office to determine how it may improve its services. For example, the current Attorney General - keenly aware of excessive domestic violence in the state and likewise aware of the Office's already successful Violence Against Women program - saw the opportunity to address the problem by enlisting pro bono private attorneys to prosecute offenders in magistrate courts, where police officers and victims untrained in courtroom procedures and tactics often face skilled defense attorneys. To remedy this problem, the Attorney General met with senior leaders in the Office, with law enforcement officials, with representatives of the South Carolina Bar, and with the Chief Justice of the



S.C. Supreme Court, before formulating a strategic plan to recruit and train private attorneys as volunteer, pro bono prosecutors. Thus the resulting plan and its implementation were built on a current strength in the Office – an already existing program devoted to prosecuting CDV cases and experienced attorneys to teach pro bono volunteers. Perceived weaknesses, whether of programs or personnel, are dealt with by the direct action of a senior leader or in planning sessions presided over by the Attorney General. In planning for the future, the Attorney General sometimes confers with key members of the legislature and with heads of other state agencies

*(b) Financial, regulatory, societal and other potential risks?*

Although the Attorney General's Office is not a private corporation, its financial risks are analogous to those incurred in the business world. For example, in 2010, the Office was confronted with a mandate to cut expenditures by 20%. Over the past two years this constitutes a cut of over 52.5%. The possibility of such cuts constitutes the nearest thing in government to financial risk.

When the Office received this mandate, it initiated a series of meetings with managers at every level. During these meetings, managers identified areas for potential reduction of expenses, including the elimination of some staff positions. The managers - the Chief Deputy, the Financial Director, Division Directors, Section and Unit heads - then took these tentative cuts to the relevant staff and asked for input.

After cuts were approved and implemented, the Finance Section and all managers continued their projecting, monitoring, and comparing (with previous years) to ensure that the Office remained within the reduced budget. As a consequence of this process, mid-course corrections were made, including voluntary furloughs and a one-day mandatory furlough for every staff member. No one was terminated to accommodate the budget reduction.

*(c) Shifts in technology and customer preferences?*

The Information Technology Division of the Office is constantly analyzing technical innovations with an eye toward adapting them to Office use. Indeed, the Office improves and modifies our capabilities constantly during almost every fiscal year. For example, with the Office's in-house law library running out of space to shelve law reviews and other important publications, the Attorney General, Chief Deputy, the Business Manager, and the Director of the Information Technology Division looked at new technologies available and determined that it was more practical to switch to online publications than to continue to stock the library with hard-copy editions. This plan was subsequently implemented. As for shifts in regulatory policy, in recent years both the General Assembly and the Budget and Control Board have ordered the Office to cut its budget severely in order to compensate for the loss of State revenues. The leadership, through several strategies made the mandated cuts without terminating a single employee.

As noted, strategies have included: voluntary furloughs, mandated one-day furloughs, the consolidation of administrative duties, the reduction of travel, and the cutting of unnecessary expenses. As for societal shifts, the Office has moved quickly to confront social problems in the past: the rise of gang activity (the Attorney General appointed and headed a gang task force), the increase in CDV (the Office instituted three new programs), and the growth of dog fighting (we added an investigator and prosecutor). Customer preferences tend to remain constant in the area of law enforcement and litigation.

*(d) Workforce capabilities and needs?*

Division Directors and Section heads - in conjunction with the Chief Deputy, the Administrative Director and the Finance Director, who also serves as the chief financial officer - determine workforce needs after defining their goals for the future. While at present the attainment of some of those goals has been retarded as the result of budget constraints, Division and Section managers have already projected future needs.

For example, the Criminal Division envisioned adding environmental crimes to the list of offenses under the jurisdiction of the Grand Jury and expanding its staff to reduce the caseload of all attorneys, thereby enabling the division to dispose of cases in a more timely fashion. The fulfillment of these goals required legislation and the adding of a new attorney to the staff. This addition was made.

So the need for additional human resources is a key factor in developing a strategic plan to reach the long-term goals proposed by the leadership.

*(e) Organizational continuity in emergencies?*

The Office has already responded to a genuine emergency – a shortfall in State revenues. As already noted, the Office made adjustments without terminating a single employee. In addition, the strategies adopted ensured that the loss in productivity was minimal. There is every reason to believe that the Office's strategic planning process would respond to any future emergency with the same flexibility and innovativeness.

*(f) Your ability to execute the strategic plan?*

Given the examples cited above, there is every reason to believe that the Office has the capability to execute its strategic plan with equal success.

***2. How do your strategic objectives address the strategic challenges you identified in your Executive Summary?***

*Mission:* The Office is currently addressing the problem of criminal domestic violence through two programs designed to prosecute offenders in magistrate courts, where CDV cases are routinely tried and where cases are most often

prosecuted by inexperienced law enforcement officers or by the victim/plaintiff. In addition, we have applied to renew a federal grant to add three attorneys to prosecute accused offenders in seven rural counties.

As for Internet crimes against children, the Office currently investigates and prosecutes perpetrators under South Carolina law.

Over the past several years, the Office has addressed the problem of gang violence in several ways. When gang activity first became a matter of statewide concern, the Attorney General appointed and headed a Task Force to study the problem and make recommendations. A member of the Office currently serves on the Gang Prevention Study Committee, which is chaired by the Attorney General. The Office has prepared a statewide directory of individuals and organizations that specifically address gang activities in South Carolina and to which law enforcement officials and private citizens may refer.

*Human Resources:* To maintain personnel, we have sought grants both from the federal government and from private foundations.

*Financial:* As long as the federal government funds our CDV prosecutor and administrative assistant, that program can continue.

*Community-Related Challenges:* The Office is currently partnering with Wal-Mart to encourage women to seek help when they become victims of CDV, and we hope to expand the program to target men.

***3. How do you develop and track action plans that address your key strategic objectives, and how do you allocate resources to ensure the accomplishment of your action plans?***

Action plans are generally the product of an idea that seems promising, a need that surfaces, or news of a program that has proven successful elsewhere. For example, too often magistrates were dismissing cases of criminal domestic violence because either the prosecutor, the arresting officer, or the victim did not know how to present a case to the court. Operating on a tight budget, the Attorney General came up with the idea of asking private attorneys to volunteer pro bono to prosecute these cases. In this instance, the need led to the idea.

***4. How do you communicate and deploy your strategic objectives, action plans, and related performance measures?***

Strategic objectives, action plans, and related performance measures are communicated and deployed both formally and informally. In some cases, they are stated in Intranet communiqués, in formal meetings of the entire Office, and on the Attorney General's website. More often, they are conveyed informally - through emails, informal meetings in one office or another, and in one-on-one conversations.

***5. How do you measure progress on your action plans?***

For the most part, we measure progress in three different ways, depending on the nature of the action plan.

In cases where litigation is the key factor, we use LawBase, which allows us to search by attorney, by case number, by subject, by defendant, by victim, by court, and by other categories. This database is kept current, and supervisors can measure the progress of any case by turning on the computer and using a mouse. The same is true of the CDV database. Also, both databases can be accessed for more comprehensive information, such as the average age of CDV offenders and the total number of cases a division has logged.

In instances where the project is not quantifiable, progress can sometimes be measured by comparison with an agreed-upon timetable – i.e., certain tasks performed within previously set time limits. This method is useful where the adherence to a schedule is of primary importance- e.g., the setting up of a training program, which would include the rental of a facility, the planning of meals, the choice and engagement of speakers, and other necessary arrangements.

A third way is through individual evaluation – i.e., performance assessment of those leaders and staff members involved in a project or program. This method would include both formal and informal evaluation as defined above, as well as feedback from customers, such as trainees or crime victims.

In many instances, more than one of these measurements is used.

***6. How do you evaluate and improve your strategic planning process?***

We evaluate and improve our strategic planning process in leadership meetings, in division meetings, and in one-on-one meetings. The regularly scheduled leadership meetings presided over by the Attorney General produce the most thorough evaluations – because they often focus on our strategic plans with the idea of amending details or correcting our course in the event that we fall short of our goals or timetables.

***7. If the agency's strategic plan is available to the public through the agency's Internet homepage, please provide a website address for that plan.***

**[www.scattorneygeneral.com](http://www.scattorneygeneral.com)**

### **Category 3: Customer Focus**

#### ***1. How do you determine who your customers are and what their key requirements are?***

As already noted, the Attorney General's Office – a constitutionally established agency of the State of South Carolina -- acquires most of its customers as a direct consequence of its role as defined by the South Carolina Constitution, the courts, and the General Assembly. Its primary function, that of litigation, is predetermined by the very existence of the judicial system - and so are its customers.

However, on occasion, the Attorney General has reached out to new customers in his desire to extend the benefits of the Office. Thus, at the outset of his tenure, he made the prosecution of CDV his top priority and began to send pro bono prosecutors into magistrate courts. In such actions, a specific constituency within the state becomes a new and important customer of the Office – in this case, the victims of that particular crime.

#### ***2. How do you keep your listening and learning methods current with changing customer/business needs and expectations?***

Over the past several years, this goal has been accomplished most obviously through a highly creative Information Technology Division. Keyed to the latest technology, the Division Director and staff have promoted innovations that have vastly expanded the capabilities of the Office to reach and service its customers. This division has continued to upgrade the Attorney General's website, implemented wireless access, installed a new battery backup system for the intranet, and installed a document management system that allows the Office to eliminate much of its paperwork.

As for expectations, the Office addresses not only those customer needs that are ongoing and constant, but also those that the customer may encounter in the future and hence come to expect at a later date. The former are addressed in the manner already outlined - through a quarterly meeting of managers, personal relationships, informal staff meetings, the intranet, and other avenues of communication. The latter are often addressed in a more elaborate and comprehensive way.

#### ***3. What are your key customer access mechanisms, and how do these access mechanisms enable customers to seek information, conduct business, and make complaints?***

As noted above, our customers tend to come to us through the legal system and without solicitation. We do have several customer access mechanisms that enable customers to seek information, conduct business, and file complaints. The most visible of these is our website, which contains a description of the programs and services the Office provides and specific information on such areas as crime and fraud, civil matters, securities, opinions, and current cases. The site also contains information on how to contact the

Attorney General's Office, as well as links with the Center for Missing Children and the Sex Offender Registry maintained by the State Law Enforcement Division.

In addition, the Constituent Services Unit receives and answers telephone calls, emails, and letters. Some are complaints. Some are requests for legal information. Most are requests for assistance with specific problems. All are answered in a timely fashion, either by directing callers to someone in our Office or to the agency best able to handle their concerns.

***4. How do you measure customer/stakeholder satisfaction and dissatisfaction and use this information to improve?***

Since the agency is the State's law office, customer/stakeholder satisfaction is measured primarily through the analysis of case loads - number of cases opened, number of cases litigated, number and speed of cases resolved, number of successful outcomes.

In addition, satisfaction is measured through information collected and analyzed by Constituent Services. Though not statistically significant, the information provided by this Section enables leaders to pinpoint specific problems and strengths.

***5. How do you use information and feedback from customers/stakeholders to keep services and programs relevant and provide for continuous improvement?***

The Office receives feedback through constituent calls and letters that are read, analyzed, and answered by e-mail, letters, and telephone calls. The Public Affairs Division and Constituent Services then report important trends to the relevant Division Director, who, in turn, passes this information along to the Attorney General, the Chief Deputy, and any Division or Section manager involved. If a problem has been identified, the relevant managers discuss the matter and, if necessary, develop a strategy to initiate a solution.

***6. How do you build positive relations with customers and stakeholders to meet and exceed their expectations? Indicate any key distinctions between different customer and stakeholder groups.***

The office builds positive relations with customers using a variety of strategies: through press releases that report on the activities of the Office; through the Attorney General's website; through the preparation and distribution of information brochures; through the sponsorship of such programs as the Domestic Violence Awareness Program; through speeches and personal appearances by the Attorney General and staff members; and through the success of our attorneys in courts of law.

Clearly the victims of crimes constitute a special subgroup of South Carolinians. While the public at large is adversely affected by every crime committed in the state, the pain is remote, almost abstract in nature. Victims experience harsh and immediate pain and must be served in an entirely different way.

The same is true of troubled youngsters and their families - effectively served by the Office's mentor program. The relationships of these latter groups are highly personal - requiring tact, compassion, and one-on-one attention.

Customers are those who have direct contact with the Office, in particular through the legal process itself, while stakeholders are those who never contact the Office, are never a party to litigation involving the Office, but who benefit in general from the services the Office renders to the people of South Carolina.

#### **Category 4: Measurement, Analysis, and Knowledge Management**

##### ***1. How do you decide which operations, processes, and systems to measure for tracking financial and operational performance, including progress relative to strategic objectives and action plans?***

The main question we ask in determining what to measure and what not to measure is the degree to which deficiencies are unlikely to show up any other way.

Without monitoring and measurement, the mishandling of law cases – among thousands processed during any given year - might not be evident. So we measure this area of responsibility, which is our primary service to our customers.

Also, the Attorney General, the Chief Deputy, and the Director of the Civil Division, and the Head of Prosecution are concerned at all times with the volume of cases opened, the number of cases resolved, and the ratio of favorable verdicts to unfavorable. Consequently they track these cases on LawBase and the CDV Database and frequently call for updated reports.

##### ***2. How do you select, collect, align, and integrate data/information for analysis to provide effective support for decision-making and innovation throughout your organization?***

LawBase and the CDV Database provide the Attorney General and other senior leaders with complete and detailed data that can be used to determine not only volume of cases handled but also time between opening and closing, verdicts, sentences (when relevant), and victim information. All attorneys can likewise be evaluated in terms of these factors. Thus an analysis of an attorney's record often shows whether he or she should be commended or counseled.

Analysis of data can indicate whether a Division or Section is understaffed and can justify the hiring of additional attorneys.

Such analysis can also prove the effectiveness or ineffectiveness of specific programs. The CDV Database, for example, revealed that the innovative recruitment of pro bono private attorneys as prosecutors raised the conviction rate of domestic violence offenders

by 70%. Armed with these data, the Attorney General decided that the program should be replicated.

***3. What are your key measures, how do you review them, and how do you keep them current with organizational service needs and directions?***

Again, our most important measure is LawBase, which contains a detailed record of every case opened by a staff member. It is through LawBase that we can track the achievement of each Division, Section, Unit, and attorney in the Office. In addition, our CDV database also keeps a comprehensive record of cases and results in the Pro Bono Program to prosecute domestic violence.

The Attorney General, the Chief Deputy Attorney General, and Division Directors review these data on a regular basis and use them like a compass to steer the Office toward the achievement of its strategic goals.

***4. How do you select and use key comparative data and information to support operational and strategic decision-making and innovation?***

The first data we often choose for comparison are the past records of the Attorney General's Office. However, only recent years are relevant, since times change, populations increase, and the responsibilities of the Office expand.

But, we sometimes compare our performance with the records of other state attorneys general. For example, the U.S. Department of Health and Human Services compared the S.C. Attorney General's Medicaid Fraud Control Section with all others nationwide and found it to be the most effective of its kind in the country, citing its 34 convictions and its \$15 million recovered – \$14.70 for every dollar spent on the Section. Recently, we found that our Insurance Fraud Section was second in the nation in number of convictions, trailing only Florida, which has a much larger population.

While these comparisons are by no means perfect indicators of our success, they tell us something about the efficiency of our programs.

***5. How do you ensure data integrity, reliability, timeliness, accuracy, security, and availability for decision-making?***

The LawBase system now in use is designed to monitor progress on cases at every step of the way. The system provides us with data of the highest quality, reliability, completeness, and availability that any technology can currently offer. The system, password protected, is available only to Office attorneys and select staff members and is therefore sufficiently secure.

***6. How do you translate organizational performance review findings into priorities for continuous improvement?***



The Attorney General, with the input of the Chief Deputy and other senior leaders, reviews the findings and analyses of the Office databases and sets priorities for the Office. For example, over the past two years he has been particularly attentive to the CDV data and - enlightened by the success of the program - determined that it would continue to be a top priority in the Office.

***7. How do you collect, transfer, and maintain organizational and workforce knowledge (knowledge assets)? How do you identify, share, and implement best practices, as appropriate?***

This task is accomplished more informally than formally. For example, the head of the Prosecution Division holds regular discussion sessions in which less experienced staff members can ask questions and discuss current cases in the light of past practices. In addition, the heads of all divisions and sections communicate organizational knowledge through one-on-one conferences, identifying and sharing best practices.

The Office also uses the Intranet to collect and communicate organizational and employee knowledge, both past and present. In addition, the Office publishes an online newsletter that shares the achievement of individuals and sections with all employees.

**Category 5: Workforce Focus**

***1. How does management organize and measure work to enable your workforce to: 1) develop to their full potential, aligned with the organization's objectives, strategies, and action plans; and 2) promote cooperation, initiative, empowerment, teamwork, innovation and your organizational culture?***

Senior staff members organize and measure work to enable employees to realize their full potential in several ways: Annually, the Office presents the Attorney General's Award of Excellence to the staff member who has contributed most to the success of the organization, and quarterly the Attorney General honors a "Star Employee" at a convocation of the entire staff. The Office also conducts an Employee Recognition Program for the purpose of honoring staff members for lengthy service. When funds are available, the State's system of merit pay also provides an incentive for staff members to utilize and achieve their full potential, aligned with the organization's objectives, strategies, and action plans.

On a more informal level, systems that funnel employee suggestions to management and an open-door policy at every level of the organization give employees the sense that they are an important part of the decision-making process. In this respect, employees help to create the organizational culture and feel a responsibility toward it.

The Office occasionally plans social gatherings; and the Intranet and online newsletter keep employees informed of important happenings in the lives of their fellow staff members - weddings, births, deaths, and funerals.

All of these strategies enable employees to develop and utilize their full potential, aligned with the organization's objectives, strategies, and action plans; and to promote cooperation, initiative, empowerment, and innovation.

***2. How do you achieve effective communication and knowledge/skill/best practice sharing across departments, jobs, and locations? Give examples.***

The most frequent means of communication is informal interaction between and among members of the Office. Typically, the Office is friendly and relaxed, an atmosphere that lends itself to effective communication and knowledge sharing. However, the Attorney General's Office has also provided other ways to facilitate communication and sharing. (1) a telephone and computer at virtually every desk, (2) an "Intranet" so leaders and workforce can exchange ideas and documents via email, and (3) a monthly newsletter to which all leaders and workforce members are invited to contribute.

***3. How does management, recruit, hire, place, and retain new employees? Describe any barriers that you might encounter.***

Since the Attorney General's Office is a state agency, it must follow certain prescribed procedures. When a vacancy occurs or the workload necessitates the creation of a new position, the Office of Human Resources crafts an announcement describing the position and giving the qualifications required and the salary range. This announcement is then reviewed and approved by the Chief Deputy Attorney General, after which it is posted on [www.neogov.com](http://www.neogov.com), a website accessible to potential applicants.

Each applicant must fill out a detailed application form, undergo drug screening, and submit to an extensive background check, which includes credit, criminal record, and delinquent taxes.

The applicant is then interviewed by the relevant division director, as well as by senior management. The Chief Deputy briefs the applicant on the operation of the Office, its rules, and its work ethic. Once an applicant is hired, he or she is shepherded through the training process and becomes the beneficiary of the work atmosphere (discussed in #1), which has been favorable to the retention of leaders and workforce members.

***4. How do you assess your workforce capability and capacity needs, including skills, competencies, and staffing levels?***

In the case of attorneys and investigators, productivity is the most important method of assessment. We maintain two databases – LawBase and the CDV database – that contain records of virtually all tasks performed by the Office. Senior leaders monitor these databases on a regular basis. In addition to this monitoring, once a month supervisors sit down with every attorney, investigator, and staff member in their charge and review all cases. These reviews reveal much about the capability and capacity of each member and about the needs of the Office. The Director of the Administrative Division likewise monitors her staff on a regular basis, and twice a month meets with each

## Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 09-10 Key Agency Action Plan/Initiative(s)	Key Cross References for Performance Measures*
I.State Litigation - Prosecution	The Prosecution Division consists of the State Grand Jury, Capital Litigation and Post Conviction Relief, Criminal Appeals, Sexual Violent Predator section, Internet Crimes Against Children section, Medicaid Fraud sections, and the Violence Against Women section.	1.The capital litigation and post-conviction relief section protects and defends the integrity of the trial or guilty plea and sentence through representation of the state in circuit court actions and on appeal in our appellate courts and federal court involving state convictions. 2. The SGJ functions in secret like a federal grand jury. It meets on a regular basis, hears evidence, and either issues a "true bill" (an indictment) or a "no bill," depending on whether or not jury members believe the evidence is sufficient to justify a trial. 3. The Criminal Appeals section protects and defends the integrity of the trial, the trial judge, the jury, and the sentence. 4. SVP seeks to protect the State from offenders of the Sexual Violent Predator Act. 5. The Violence Against Women program assures the criminal justice system is efficiently and effectively used to protect women in our society. 6.ICAC assures the criminal justice system is efficiently and effectively used to protect children against Internet Crime. 7. MCFU assures the criminal justice system is efficiently and effectively used to protect the Medicaid Program.	Appendix II Pg 42
I. State Litigation-Civil Litigation	The Government Litigation Section of the Civil Division represents the State in such areas as constitutional law, extradition, charitable trusts, election law, reapportionment, annexation and incorporation, contracts, unfair trade practices, anti-trust suits, bankruptcies, and foreclosures where the State has an interest.	This section seeks to provide accurate and timely legal advice which serves public policy through consultation and representation.	Appendix II Pg 42
I. State Litigation-Securities	The Securities Division oversees the registration and sale of securities in South Carolina. SC Code 35-1-20 (Uniform Securities Act)	The Securities Section registers all dealers doing business in the state and provides a fair and productive securities environment for dealers and investors complying with state laws regarding the collection of fees for deposit to the General Fund.	Appendix II Pg 42
I. State Litigation-Administration	The Administrative Division provides support and planning services. The Division is divided into 6 Sections:Executive Office, Human Resources, Support Services, Finance, and Information Technology, and Constituent Services.	The executive reviews and approves executive branch agency requests to employ attorneys. The Administration staff provide the financial, information technology, human resources, and logistical support needed for a complex and diverse agency allowing it to fulfill the mandates given to the office by the legislature and the Attorney General.	Appendix II Pg 42
I.State Litigation - Opinions	The Opinions Section provides statutorily required formal legal advice to the Governor, General Assembly, and State Officers. As a policy, local government officers are also provided advice on issues of statewide applicability.	Unless there exists some overriding reason, all opinion requests are responded to within 30 days of receipt by the Deputy Attorney General for Opinions.	Appendix II Pg 42

member to review his or her performance during the past two weeks. Other supervisors hold similar meetings. It is in these meetings that workforce capability and capacity needs are best assessed.

***5. How does your workforce performance management system, including feedback to and from individual members of the workforce, support high performance work and contribute to the achievement of your action plans?***

Our system encourages staff members to regard themselves as part of a friendly team, a community in which they are able to express their own ideas and identity while working for the common goals of the Office and its customers.

Also, the informal but persistent oversight of management and the Office's various monitoring systems allow the employee to feel relatively unconstrained, yet always under the watchful eye of a concerned authority. Staffers don't feel that supervisors are over-managing their activities; neither do they believe that what they are doing goes unnoticed or unappreciated.

***6. How does your development and learning system for leaders address the following:***

*(a) Development of personal leadership attributes;*

The Office develops *personal leadership attributes* by delegating responsibility to those who show promise and by hiring potential leaders. When a staff member takes on new managerial duties or is hired from the outside to head a Division or Section, a senior staff member with administrative experience serves as a mentor, monitoring the new manager and his or her expanded area of responsibility, making suggestions, and leaving the door open for questions.

*(b) Development of organizational knowledge;*

*Organizational knowledge* is developed through constant updating of the office manual; meetings of units, sections, and divisions; and by the process outlined in the discussion immediately above.

*(c) ethical practices;*

The *ethical practices* of the Office are addressed by two hours of ethics training annually, but most of all by example. New leaders, if recruited from existing staff, already know the prevalent ethical practices. Leaders recruited from the outside quickly understand the ethics of the Office by observing its operation, by the example of other leaders, and by listening to mentors: ("This is how we do it in the Attorney General's Office.")

*(d) Your core competencies, strategic challenges, and accomplishment of action plans?*

As in the case of ethical practices, *our core competencies, strategic challenges, and accomplishment of action plans* clarify themselves in the day-by-day operation of the office, are embodied by senior leaders, and are passed along in the process described above.

***7. How do you identify and address key developmental training needs for your workforce, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation and safety training?***

Training needs for the entire office are generally handled by the Administration Division, which also arranges for a training site, an instructor, and any equipment necessary. For example, when the Office switches from one computer software to another, virtually the entire staff has to be re-trained. The last time this happened, the Office arranged for an instructor, scheduled training sessions, and made certain that computers were available. In this instance, the training was mandatory.

While the Office sponsors no formal diversity training, every new employee is briefed on our non-discriminatory policy in matters of race, gender, and disability. This policy is specifically affirmed in the Office Manual and reflected in the organizational structure, where minorities occupy key managerial positions.

Management/leadership training generally takes place one-on-one. When a staff member takes on new managerial duties or is promoted to head a division or section, a senior staff member with administrative experience serves as a mentor, monitoring the new manager and his or her expanded area of responsibility, making suggestions, and leaving the door open for questions.

Agency attorneys attend CLE seminars and workshops, the same kind of training sessions as those attended by private attorneys.

***8. How do you encourage on the job use of the new knowledge and skills?***

The education and training the Office gives to employees is directly related to their work: computer skills, introduction to LawBase and the CDV Database, filing systems, and procedures for handling case files and correspondence. Failure to learn these skills shows up immediately in poor performance. Supervisors carefully monitor the efficiency of trainees following sessions to determine if they have mastered the new knowledge and skills.

***9. How does employee training contribute to the achievement of your action plans?***

Employee training is essential to the achievement of our action plans. In the first place, all of our staff members - administrative assistants as well as attorneys - must learn to use computers and our Intranet. In addition, most must learn to access and manage LawBase in order to perform the tasks essential to a law office. Attorneys must undergo

additional training in the specialized areas they are hired to serve. Post-Conviction Relief, for example, requires an entirely different set of skills from Capital Litigation or Insurance Fraud; and while incoming attorneys bring with them a certain amount of legal knowledge pertinent to all major areas of the law, Supervisors must train them in the particularities of prosecuting crimes within those various areas.

***10. How do you evaluate the effectiveness of your workforce and leader training and development systems?***

The Office employs two kinds of training – formal training and master-apprentice training. We employ formal training when we instruct leaders and members of the workforce in such areas as computer upgrades, the use of databases such as WestLaw and CDV, and technical writing. Following formal training, which takes place in a “classroom,” we ask students to evaluate both trainer and content, and we also monitor the subsequent performance of trainees to see if they can apply the material the training has covered. In master-apprentice training, the trainee accompanies an experienced attorney or investigator to try a case or to question a witness. Relative success is evaluated by monitoring the trainee’s performance following the training. The training of leaders is evaluated in the same way.

***11. How do you motivate your workforce to develop and utilize their full potential?***

Annual awards for achievement and salary incentives motivate employees, as do the withholding of bonuses and the threat of termination for unsatisfactory performance. In addition to the annual “Award of Excellence” the “Star Employee Award” also recognizes the hard work of its staff each quarter. Also, the Attorney General occasionally calls meetings of the entire Office staff in which he praises outstanding accomplishments, speaks of his high regard for the entire staff, and urges everyone to continue the good work. Employees have voiced their approval of such recognition, which makes them feel the Attorney General is aware of their presence in the Office and appreciates it.

***12. What formal and/or informal assessment methods and measures do you use to obtain information on workforce well-being, satisfaction, and motivation? How do you use other measures such as employee retention and grievances?***

Supervisors in all divisions and sections annually evaluate employees, using a checklist that covers virtually every aspect of an employee’s duties and responsibilities. Since this evaluation is used to determine pay scale, both supervisor and employee take it very seriously. And it provides a means of boosting the morale of employees. Another formal and objective measure of employee satisfaction is the retention rate - or, more precisely, the number of staff members who have voluntarily left the Office to find employment elsewhere, as opposed to those who were terminated for one reason or another.

Informally, supervisors maintain close contact with staff members and hence can instruct and encourage the growth and development of individuals. In this daily contact,

supervisors can also detect any deficiency of motivation and well-being and move to alleviate the problem.

***13. How do you manage effective career progression and effective succession planning for your entire workforce throughout the organization?***

The progress of each member of the workforce is monitored through day-by-day contact, through one-on-one conferences with each individual member, through staff meetings, and through the formal evaluation and grading system conducted annually by the entire Office. On the basis of these various contacts, formal and informal, new leaders are chosen and vacated positions are filled.

***14. How do you maintain a safe, secure, and healthy work environment? (Include your workplace preparedness for emergencies and disasters.)***

The Administration Division is responsible for the physical environment in which staff members do their job. This Division oversees the work of cleaning crews and constantly inspects the building to see if problems have developed.

The Division also arranges for employees to receive flu shots annually and conducts random drug testing to ensure that the work place is not compromised by the illegal use of controlled substances.

The Office has a security system that includes surveillance cameras and access cards. Periodically, office personnel participate in unscheduled drills to instruct the workforce in the mechanics of dealing with fires and other disasters. An emergency team, consisting of team leaders, floor wardens, buddy monitors and first aid responders, is being trained in CPR/AED and to help with monitoring during the above-mentioned drills. At least twice in recent years, the building has been efficiently evacuated because of bomb threats.

**Category 6: Process Management**

***1. How do you determine and what are your organization's core competencies, and how do they relate to your mission, competitive environment, and action plans?***

In a sense, our organization's core competencies were determined by the nature of the Office as established in the South Carolina Constitution. We are the law firm of the State, and our core competencies therefore relate to the practice of law. We engage in legal activities that are often highly competitive, prosecuting those types of crimes specifically assigned to the Office. We also handle civil suits involving other agencies, S.C. state employees, and other states. (We are currently involved in litigation with the state of North Carolina over water rights.) Our action plan is likewise geared to legal activities, as noted elsewhere.

The best definition of our core competencies and their relation to our action plans can best be understood by examining the Strategic Planning chart.

***2. How do you determine and what are your key processes that produce, create or add value for your customers and your organization and how do they relate to your core competencies? How do you ensure these processes are used?***

Discussions above provide some answers to this question. The key processes include: the management of legal cases through WestLaw and the CDV Database, the storing of data in the Records Section, the periodic assessment of Office effectiveness, and the creation and dissemination of knowledge to the general public. All of these processes are integral to the success of the Office because they give form and order to its activities and constitute the best possible means of quality control. They certainly define our core competencies.

As noted elsewhere, the Attorney General, the Chief Deputy, and the relevant supervisors monitor these processes almost daily, thereby keeping a managerial finger on the pulse of the organization.

***3. How do you incorporate organizational knowledge, new technology, cost controls, and other efficiency and effectiveness factors such as cycle time, into process design and delivery?***

Our key processes are both traditional and innovative. The investigation of legal cases, the preparation of briefs and arguments, courtroom appearances, and the assessment of wins and losses - in one sense, these are as old as the legal system itself.

On the other hand, the use of LawBase, WestLaw and other general databases - which can be accessed almost instantly by a desktop computer - render much old-fashioned research and case-management methods obsolete.

Likewise, in communicating with the press and general public - the responsibility of the Public Affairs Section - staff members use e-mail and the Internet to disseminate information to over 250 media outlets instantaneously, thereby saving enormous amounts of time.

Our website receives hits daily from customers looking for information that five years ago would have taken them weeks to obtain. These and other technological innovations have been introduced to the Office as the result of a close connection between the key figures in the Office and the Attorney General himself. Staff members routinely inform him of the viability of new technology, and he is constantly thinking of ways to utilize it in the service of the Office's customers. The result has been one of the most innovative offices in State government.

Our Information Technology Division has upgraded the Attorney General's website, implemented wireless access, installed a new battery backup system for our internal



network, and installed a new document management system that will enable the Office to eliminate much of its paperwork

***4. How does your day-to-day operation of these processes ensure meeting key performance requirements?***

As the State's law firm, the Attorney General's Office tries cases in trial and appellate courts, employing its own unique production/delivery process that combines traditional law practices with state-of-the-art technology and software. LawBase, WestLaw, and the CDV database in particular ensure the continued effectiveness and improvement of Office efficiency. This oversight system, with its highly personal emphasis and its diligent daily monitoring, seems to offer the best balance between carelessness and excessive rigidity.

***5. How do you systematically evaluate and improve your key product and service related work processes?***

Our key product is the legal service we render to our various customers. As noted above, senior leadership monitors our databases to determine (1) if the Office as a whole is performing well as a team and (2) whether each individual in the system is functioning at maximum capability. In this way, the legal work of the Office – its key product – is improved.

***6. What are your key support processes and how do you evaluate, improve and update these processes to achieve better performance?***

Our key support processes are the responsibility of the Administration Division. In addition, a senior staff member has the responsibility of communicating with the S.C. Public Sector and with Washington.

The Information Technology Division is constantly researching reports on technological breakthroughs to find new and useful technologies to enhance the performance of the Office. At the same time, technicians are on-site to repair breakdowns in the computer network, which links all offices together through the Intranet, e-mail, and the website.

The website is updated daily, and the Public Affairs staff sends out frequent releases to update the activities of the Office.

The Administration Division meets weekly to review its own performance and to report any breakdown in the system.

***7. How does your organization determine the resources needed to meet current and projected budget and financial obligations?***

To determine the resources needed to meet current and projected budget and financial obligations, we develop a 1-year, 3-year, and 5-year plan, then hold weekly meetings to monitor our cash flow and determine if we are on the course we projected.

Since our income is derived largely from funds appropriated by the General Assembly, we meet annually to devise a budget for the following year. We then submit this budget to the Governor and the Legislature and stand ready to answer any questions or to supply any additional materials that might prove helpful.

### **Category 7: Results**

#### ***1. What are your performance levels and trends for the key measures of mission accomplishment/product and service performance that are important to your customers?***

##### ***How do your results compare with those of comparable organizations?***

The Records Section has kept an accurate account of cases opened, cases closed, and the outcomes - as well as statistics on the number of customers served in such Sections as Victim Services. These records provide an accurate and statistically significant measure of mission accomplishment. (See Appendix II)

In addition, the LawBase system provides us with detailed and accurate records of all cases handled by the Office. Thus we can give a statistically significant and up-to-date summary of the activities of both the Criminal and the Civil Divisions.

Meanwhile, sections, sub-sections, and programs have generated statistics from which Appendix II below has been constructed.

However, in order to grasp the significance of this table, it is necessary to understand more fully the nature of the programs the Office offers. What follows in Appendix I is a detailed description of these programs. See Appendix II for a chart quantitatively tracking performance levels and trends.

Comparisons with other State Attorney General Offices are difficult, since, given the differences between state laws and agency structures, meaningful statistics are hard to come by. However, possibilities for comparison do exist. In 2006 our Medicaid Fraud Control Unit received the Inspector General's State Fraud Award, in effect, recognizing our unit as the best in the nation. Since Medicaid Fraud Units are funded by the federal government and are almost identically structured, we can assess their relative success by using the ratio of staff to convictions and the ratio of staff to amount of money collected from offenders. In both categories, the South Carolina Attorney General's unit ranks in the top five over, say, the past decade. Likewise, recently, our Insurance Fraud Section placed second in the nation in number of convictions, trailing only Florida, which has a much larger population.

***2. What are your performance levels and trends for your key measures on customer satisfaction and dissatisfaction (a customer is defined as an actual or potential user of your organization's products or services)? How do your results compare to those of comparable organizations?***

Our evidence of customer satisfaction is gathered principally from personal encounters with victims, letters of gratitude, phone calls, e-mails, and the report of Constituent Services. The Directors of both the Criminal and the Civil Divisions report no significant negative feedback during the year. In fact, customer satisfaction is at a high level.

As for comparison with other organizations, little information is available to make such an evaluation. As noted above, we have won the Inspector General's Award for being the best Medicaid Fraud Unit in the country. And because the federal government keeps uniform records of these programs in all 50 states, we have been able to track our record in comparison with the records of other states. Again, as already noted, our Insurance Fraud Section placed second nationally in number of convictions. However, as far as we know, no such information exists in other areas covered by our staff.

***3. What are your performance levels for your key measures of financial performance, including measures of cost containment, as appropriate?***

The financial performance levels we set for ourselves are to manage day to day operations with a cost-benefit perspective, to stay within the budget assigned to our Office by the General Assembly, and to maximize for the taxpayers of South Carolina as many fines, fees, and forfeitures as we can, given the staff we are allowed.

***4. What are your performance levels and trends for your key measures of workforce engagement, workforce satisfaction, the development of your workforce, including leaders, workforce retention, workforce climate including workplace, health, safety, and security?***

Our performance levels for the key measures of workforce engagement are derived from those cited elsewhere in the report, including formal evaluation, a rating system, and the informal interaction of all segments of the Office community. As for workforce satisfaction and the development of our workforce, we rely on person-to-person relationships as well as conventional measures such as retention rate and exit questionnaires. In addition, we have a suggestion box, inviting commentary, both positive and negative, from every member of the staff, including leaders.

As for workplace health, safety, and security, the Office is constantly upgrading our facilities with these considerations in mind. We maintain a security system that requires an ID card for admission to our offices in the three stories of the Rembert Dennis Building. Recently the elevators were modified to make the doors less likely to close on an arm. Office space has been redesigned to make individuals more comfortable. An emergency team, consisting of team leaders, floor wardens, buddy monitors and first aid responders, is being trained in CPR/AED and to help with monitoring during the above-

mentioned drills. Also, a sanitizer dispenser has been placed by the elevator for those who wish to disinfect their hands.

***5. What are your performance levels and trends for your key measures of organizational effectiveness/operational efficiency, and work system performance (these could include measures related to the following: product, service, and work system innovation rates and improvement results; improvement to cycle time; supplier and partner performance; and results related to emergency drills or exercises)?***

In addition to one-on-one discussions of work performance, division and section meetings, and the formal performance evaluation twice a year, we use LawBase and our CDV database as detailed records of all litigation by attorneys in the office. These, more than anything, tell us how effective we are as an organization. These databases are so detailed they can be accessed for a quantitative analysis of at least the following: the conviction/acquittal record of individual attorneys, the performance rates of various sections and divisions; the record of the Office as a whole; the breakdown of perpetrators and victims, by race, sex, and age; and offenses by crime and by sentence. A summary of figures for FY 10 can be found in Appendix II below.

***6. What are your performance levels and trends for the key measures of regulatory/legal compliance and community support?***

As the legal arm of State government, the Attorney General's Office has a special obligation to respect all applicable laws and regulations – federal, state, and local. Those who enforce statutes must maintain a higher performance level than those who merely live under them, if only to establish a standard for the community. As noted elsewhere, in addition to our role in the criminal justice system, we also contribute to the community by supporting a number of charities and by sponsoring such events as a memorial service for women who have died as the result of criminal domestic violence.

We received a grant from Wal-Mart, Inc., enabling us to produce posters and billboards encouraging victims of criminal domestic violence (CDV) to seek aid from law enforcement and from private, non-profit organizations. Our website also provides the public with information on a variety of subjects relevant to the mission of our Office.

### ***Appendix I***

#### **THE SECURITIES DIVISION**

The Attorney General serves as the State's Securities Commissioner, and the Securities Division assists the Attorney General in carrying out his duties in this area. These duties include providing information on securities laws and practices, investigating allegations of fraud or other violations of securities laws, and taking appropriate action.

In addition, the Division is responsible for the following: registration of broker-dealers, broker-dealer agents, investment advisers, and investment adviser representatives;

registration of securities offerings; receipt of disclosure materials from issuers; formal confirmation of exemptions for issuers; receipt of appropriate materials and notice filings of mutual funds and unit investment trusts; investor-education outreach to the community; and support of an equitable, competitive and efficient market place that contributes to the economic health of the state and its citizens.

## **THE CIVIL DIVISION**

As the law firm for the State of South Carolina, the Attorney General's Office has important responsibilities in the area of civil law. When the State is a party to a lawsuit, either as plaintiff or defendant, attorneys in this division may represent and advise the State, its agencies, and its officials.

Some of the areas in which the Civil Division may represent the State in litigation include constitutional law, extradition, charitable trusts, election law, contracts, unfair trade practices, anti-trust, tidelands ownership, environmental matters, and foreclosures where the State has an interest.

### ***Consumer Protection and Antitrust Section***

The Consumer Protection and Antitrust Section represents the state in such areas as anti-trust suits and unfair trade practices.

## **THE CRIMINAL DIVISION**

In South Carolina, solicitors prosecute most crimes. However, the Criminal Division of the Attorney General's Office is charged with representing the interests of the State in some specific areas of criminal litigation. The Division is divided into the following sections: the Capital and Collateral Litigation Section, the Medicaid Fraud Control Section, the Criminal Appeals Section, the Post-Conviction Relief Section, Internet Crimes Against Children Unit, the Insurance Fraud Section, the State Grand Jury/Prosecution Section, and the Prosecution Services Section.

### ***The Capital and Collateral Litigation Section***

This Section handles the burden of representing the state in murder cases, habeas corpus actions, and Post-Conviction Relief cases. The Section prosecutes all appeals of death penalty cases in state and federal courts, and federal habeas corpus cases. The Section is also responsible for representing the State in all murder conviction appeals in the South Carolina Court of Appeals and the South Carolina Supreme Court. The Section prosecutes federal habeas actions proceeding from any South Carolina conviction in the Federal District Court, the United States Court of Appeals and the United States Supreme Court. The unit also handles all death-penalty appellate and collateral litigation in state and federal court.

### ***The Medicaid Fraud Control Section***

Operating in part on funds from a federal grant, the Medicaid Fraud Section investigates and prosecutes cases of Medicaid fraud in South Carolina. The Medicaid Fraud Section also investigates and prosecutes cases involving patient abuse in federally funded facilities and misuse or theft of patients' funds.

### ***The Criminal Appeals Section***

The Criminal Appeals Section handles all appeals brought by defendants convicted in General Sessions Courts of crimes other than murder. Attorneys in this Section represent the State in South Carolina Court of Appeals, the South Carolina Supreme Court, and the United States Supreme Court. They also represent the State when it appeals an adverse ruling or sentence.

### ***The Post-Conviction Relief Section***

The PCR Section represents the State in trial and appellate courts in all post-conviction relief actions filed by persons convicted of a crime or sentenced for a crime and who assert that the conviction or sentence violated the United States Constitution or the South Carolina Constitution. Such appeals may also assert that the court was without jurisdiction to impose sentence; that the sentence exceeded the maximum punishment prescribed by law; that the sentence, probation, parole or conditional relief had expired; or that newly discovered evidence had emerged. In addition, the appeal may be based on some other collateral attack.

Typically, hearings are held before a circuit court judge. Appeals from there are heard by the South Carolina Supreme Court and are occasionally followed by review in the United States Supreme Court.

### ***The Internet Crimes Against Children Section***

The Internet Crimes Against Children Unit operates primarily through funds provided by a federal grant from the Office of Juvenile Justice and Delinquency Prevention, a part of the U.S. Justice Department. The ICAC Unit has the ability to prosecute crimes against children where the Internet is involved. By statute, the focus of these offenses is in the area of obscenity and child pornography and solicitation.

The ICAC Unit also serves as a source in South Carolina to promote public awareness of the potential dangers the Internet poses, especially to children.

### ***The Insurance Fraud Section***

The Insurance Fraud Division was established in 1994 with the enactment of the Omnibus Insurance Fraud and Reporting Act. The Insurance Fraud Division was mandated to prosecute insurance fraud under the act and other applicable laws of South Carolina. The division receives referrals from the Department of Insurance, the Worker's Compensation Commission, insurance companies, private citizens, law enforcement agencies, and attorneys throughout the state.

### ***State Grand Jury/Prosecution***

The State Grand Jury (SGJ) is an independent body empowered to hear evidence and hand down indictments in eight special areas: (1) cases involving multi-jurisdictional drug trafficking, (2) obscenity and pornography, (3) the corruption of public officials, (4) the violation of election laws, (5) acts of terrorism, (6) computer crimes, (7) the staging of animal fighting, and (8) environmental crimes. As the result of recent legislation, the State Grand Jury now investigates suspected violations of the Uniform Securities Act and prosecutes indicted persons.

The SGJ functions like a federal grand jury: It meets on a regular basis, hears evidence, and either issues a "true bill" (an indictment) or a "no bill," depending on whether or not jury members believe the evidence is sufficient to justify a trial.

Attorneys from the Attorney General's Office prosecutes defendants indicted by the SGJ.

### ***The Prosecution Services Section***

The Prosecution Services Section contains five sub-sections created to fulfill very specific functions: the Medicaid Recipient Fraud Sub-Section, the Violence Against Women Sub-Section, the Office of Victim Services, and the Youth Mentor Program.

### **Medicaid Recipient Fraud Sub-Section**

With a grant from the federal government, this sub-section investigates and prosecutes individuals who defraud the Medicaid program. Typically these criminal acts include giving false information or hiding assets to obtain a Medicaid card and lending or selling use of a Medicaid card.

### **Violence Against Women Sub-Section**

Under the Violence Against Women Act (VAWA), the Attorney General's Office received a grant from the U.S. Department of Justice to develop strategies and procedures for the prevention and prosecution of domestic violence. Using funds from this grant, the Attorney General maintains a staff exclusively devoted to combating violence against women. Among their activities are the following: (1) the prosecution of those charged with domestic violence, (2) the presentation of educational seminars on domestic

violence, (3) the annual sponsorship of a memorial ceremony for the victims of domestic violence during the year, and (4) the Attorney General's Pro-Bono program, which trains volunteer attorneys to prosecute domestic violence cases in jurisdictions lacking dedicated domestic violence prosecutors.

### **Office of Victim Services**

The Office of Victim Services routinely informs crime victims of their rights under the Victims Bill of Rights and also of the services available to them. In some cases, victims are entitled to restitution and compensation, as well as to services provided by other State agencies. Counselors also help victims follow the course of the trial, including any appeals the court may schedule.

### **Youth Mentor Program**

The Youth Mentor Program offers troubled young people who have not yet committed a violent crime an alternative to the juvenile justice system. They are put in contact with mentors - in most cases members of churches and other faith-based groups – who offer friendship, advice, and guidance on an ongoing basis.

## **THE ADMINISTRATION DIVISION**

The Administration Division provides support and planning services essential to the efficient operation of the Office. These services include: space planning and construction, resource allocation, drug testing, law library, procurement, coordination of security, visitor and telephone reception, and general services. The Division is divided into five Sections - Human Resources, Library, Support Services, Procurement and Office Reception.

### ***Human Resources Section***

This Section prepares and manages the recruitment of new employees, administers the drug-testing program, processes job applications, provides orientation for all new employees, prepares payroll and leave records, monitors and implements salary changes, administers benefits, coordinates employee relations, and performs other human resources duties in support of the Attorney General's staff.

### ***Library***

The Daniel R. McLeod Law Library - named after a former Attorney General – was officially established in 1974 to organize the research materials available in the Attorney General's Office. The library maintains a basic collection that includes relevant legal books and journals, legislative materials, and the opinions of the S.C. Attorneys General dating back to 1899. In addition, WestLaw, an extensive online research engine, is available to all Office attorneys at their desks.



### *Support Services*

The Support Services Section provides the Office with essential support and technical services. These include printing and binding of briefs, copying, purchasing, court records, court errands, maintaining office supplies, performing general errands, repair of equipment, and mail processing. The Section also assists the executive staff with the set-up for press conferences, performs other services at the request of the Attorney General and other executive level needs.

### **Procurement**

Procurement handles all purchasing matters for the Office and is responsible for acquiring all goods and services for the agency. Staff handles billing, inventory control, surplus property, reporting, processing purchase orders and bids.

### *Receptionists*

The Reception Section receives and greets visitors to the Office and introduces them to the appropriate staff member, serves as the first point of contact with the public by taking and directing incoming calls, and assists with general administrative tasks.

## **THE FINANCE DIVISION**

The Finance Division prepares the budget, receives and disburses funds, manages the cash flow of the Office, and prepares applications for grants. The staff of the Finance Division solicits grants to support programs administered by the Attorney General's Office. Such grants help defray the cost of key services that benefit the people of South Carolina.

## **THE STATE GRAND JURY CLERK'S OFFICE**

This Office is responsible for the annual impaneling of a new State Grand Jury, as well as coordinating monthly meetings of SGJ. In addition, the Clerk's Office schedules hearings and trials and monitors all State Grand Jury court records.

## **INFORMATION TECHNOLOGY DIVISION**

The Information Technology Division serves a number of constituencies, including the people of South Carolina, law enforcement agencies, public officials, and the staff of the Attorney General's Office. The Division's services include the following: The development and maintenance of the Attorney General's website, [www.scattorneygeneral.com](http://www.scattorneygeneral.com).

This website, designed to serve the general public, was established in 1999. Its content is routinely modified to provide timely information to the citizens of South Carolina. The site contains material on a variety of subjects, including: general information about the

Attorney General's Office; a history of the Office; information for citizens on the detection and reporting of Medicaid fraud; information about legal settlements and agreements benefiting consumers; links to sites that offer citizens additional information on how they may participate in ongoing class-action settlements; a link to the Sex Offender Registry, which enables South Carolina parents to determine if a convicted sex offender is living in their neighborhood; information on insurance fraud and how to report it; a link to the Office's Internet Crimes Against Children website, which teaches Internet safety and helps protect our children online; the South Carolina Registry of Missing Children, a list of photographs and other information pertaining to missing children; a link to the National Center for Missing and Exploited Children; the list of "Stop Violence Against Women" services; information about the Attorney General's Youth Mentor program; information on the purchase of securities, including tips to avoid exploitation by unscrupulous and unauthorized agents and brokers; information on the S.C. Meth Watch program and its training conference schedule; information regarding the Tobacco Master Settlement Agreement, including a directory of companies authorized to do business in South Carolina; and news and press information, including instructions in how to subscribe to a published newsletter.

The Information Technology Division manages the agency's Intranet site, MYAG. This electronic forum is used to provide online versions of frequently used manuals, forms, and lists. Employee handbooks, organizational charts, telephone listings, and multiple administrative forms are maintained electronically, thereby saving the agency substantial costs by eliminating the need to mass-produce and distribute frequently changing information.

One of the Information Technology Division's primary goals is to provide a secure network to all staff. To facilitate their work, each employee is provided with a PC, equipped with the following applications: an office productivity suite, including a word processor, spreadsheet, and presentation application; Internet access; and online legal research tools, e-mail, and a customized case management application for tracking all case-related information.

Depending on the division to which an employee is assigned, additional software may be required. (For example, the Office uses a number of small database applications for inventory, mail logs, opinions' files, etc.) And all staff members are provided with a variety of training opportunities to learn about the standard core of applications supported. The Division is also responsible for maintaining all Office hardware, including: office computers, printers, scanners, fax machines, and other in-house technology; the office telephone system; and technology assigned to individual staff members for mobile use, such as laptops, cellular phones, and pagers.

Finally, the Division's Records Section maintains records of all cases handled by the Attorney General's staff, opens new files and closes files. Records retention of more than 3,000 cartons of records is coordinated with the State Records Center. The Section received the 1997 award by the State Archives for an outstanding agency records program.

## **Public Relations/Press Section**

The Public Relations/Press Section primarily acts as a liaison between the Attorney General's Office and members of the media. Staff members schedule press conferences, draft and send out press releases, and otherwise provide the media with information about the activities of the Attorney General and members of his staff. The Section also maintains close relationships with members of the General Assembly and officials from other states.

## **Constituent Services Section**

The Constituent Services Section serves as a liaison between the Attorney General's Office and its various constituencies, but particularly the citizens of South Carolina. Staff members answer inquiries from the general public and provide assistance when possible.

## **THE OPINIONS DIVISION**

One of the more important functions of the Attorney General's Office is providing legal advice to the Governor, members of the General Assembly and certain other public officials. Often this advice is given in the form of a written opinion. Opinions dealing with matters of significance to South Carolinians statewide are reviewed and signed by the Attorney General.

## **THE SEXUALLY VIOLENT PREDATOR UNIT**

In 1998, the Governor signed into law legislation enabling the State of South Carolina to commit sexually violent predators "who require involuntary civil commitment in a secure facility for long-term control, care, and treatment." The Sexually Violent Predator Section of the Attorney General's Office represents the State in these civil trials and presents the case for commitment. The Section also handles all annual review proceedings for individuals committed under the statute.

*Appendix II*

**TABLE OF ACCOMPLISHMENTS**

**Total Active Cases by Subject for the Attorney General's Office for the Past Three Fiscal Years**

Note: Some categories appear in only one year or two years and not in all three. These are few in number; and for the most part, comparisons are statistically useful.

	<b>FY '10</b>	<b>FY '09</b>	<b>FY 08</b>
Administrative Procedures			
Act Matters	23	46	41
Agency Instituted Suits	2	2	4
Agency Legal Advice	13	13	13
Antitrust	22	22	25
Attorney Grievance			
Investigation	--	1	1
Bankruptcy	9	8	8
CA - Anders	372	602	752
CA - Death Penalty	6	--	--
CA - Pending	409	352	263
CA - Sexual Predator	1	1	1
CDV Pro Bono	2	--	4
Charitable Solicitation	34	34	34
Charitable Trust	183	172	163
Charities Litigation	1	1	1
Child Pornography	--	--	1
Collections	2	2	2
Constitutional Challenge	5	--	1
Constitutional Test	--	7	6
Consumer Fraud Investigation	6	6	6
Consumer Protection	11	2	--
Consumer Fraud Litigation	5	5	6
Contempt Proceedings	--	1	--
Contract Matter	4	4	4
Criminal Appeals	540	490	446
Criminal Appeals - Murder	255	261	252
Criminal Domestic Violence	401	483	485
Criminal Domestic Violence (HAN) -	--	--	1
Criminal Domestic Violence (RDV)	110	183	499
Criminal Domestic Violence II	--	2	--
Criminal Investigations	2	2	2
Criminal Prosecutions	12	15	22
Criminal Sexual Conduct	2	--	1
Damage Suit v. Agency	6	4	3
Declaratory Judgments	33	32	23
Defense of Public Employees			

(1983 Act)	4	4	8
Discrimination Complaint	1	--	--
Dog Fighting	30	35	52
Drug Forfeiture	--	--	1
Elections --	14	23	18
Environmental/Civil	57	55	--
Environmental/Health	5	7	4
Environmental Prosecution	79	85	92
Escheatment	--	--	1
Extraditions/Detainer	59	65	77
Family Law	1	1	
Federal Habeas Corpus (FHC)	559	597	521
Federal Litigation	2	1	1
FHC-Death Penalty	3	11	11
Foreclosure	424	375	379
Forfeiture	--	1	--
Freedom of Information	4	5	4
Gambling	79	109	145
General Prosecution	409	400	359
Global (Medicaid Fraud)	45	21	7
Harassment	--	1	1
Injunctions	12	14	15
Insurance (Civil)	1	1	4
Insurance Fraud/Investigation/ Litigation	1,302	1,381	1,362
Labor (including OSHA)	--	--	--
Legislation	1	1	1
Medicaid Fraud Investigation/ Litigation	162	277	318
Monitoring of Case	112	99	75
Office Administration	--	--	1
Opinions	100	103	103
Other	25	24	19
Other - Civil	325	262	171
Other - Criminal	5	5	6
Other/Death Penalty	10	8	7
Parole	--	--	--
Patient Abuse	523	799	1,396
Personnel (Grievance/Retirement)	1	--	6
Post Conviction Relief Appeal	1437	1,516	1,780
PCR Appeal Habeas	6	--	--
PCR Death Penalty	65	59	61
PCR Death Penalty Appeal	28	24	22
PCR SGJ	2	1	5
Post Conviction	3402	3,280	3,158
Prosecution/ICAC	198	142	114
Professional Disciplinary	23	24	24
Prosecutors Review	--	1	7
Real Property	5	4	5
Recipient Fraud Investigation	611	611	761
Recipient Fraud Prosecution	2	2	5
Review of Legislative			

Regs, etc.	2	2	2
Second Injury Fund	1	1	1
Securities Fraud	1	3	1
Securities Investigation			
Cases	165	149	104
Securities Litigation	--	92	1
Securities Regulation	1	1	2
Sexual Predator Reviews	2	1	1
Criminal Appeals	7	10	12
State Grand Jury -			
Drug Forfeiture -- - -	--	--	--
State Grand Jury Criminal			
Investigation	1	1	2
State Grand Jury -			
Criminal Prosecution	9	9	9
Stalking	--	--	--
State Habeas	78	103	58
SGJ Special Investigations	2	2	2
SVP Act	289	282	374
SVP State Habeas	--	--	1
Tidelands	55	55	49
Tort Claims	2	2	5
Unfair Trade Practices	28	24	12
Unknown	--	20	20
Unlawful Practice of Law	50	219	57
Victim Assistance Reports	6,304	5,789	5,597
Victim Services DP	40	41	44
Voting Rights Matters	17	14	14
Vulnerable Adult	--	--	--
Wildlife	--	--	--
Wills, Trusts, Estates	181	181	182
Workman's Comp.	--	1	1
Writ of Mandamus	1	1	1
<b>Totals</b>	<b>19,969</b>	<b>20,694</b>	<b>19,529</b>