



South Carolina Office of Attorney General

Fiscal Year 2013  
Agency Accountability Report



# Accountability Report – FY 2013

## 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 state's chief attorney.

**Mission:** As chief prosecutor, the Attorney General (1) oversees the activities of the State Grand Jury, including the prosecution of multi-jurisdictional drug offenders, public corruption, election fraud, computer crime violations, terrorism, security fraud, gang activity, 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) prosecutes those accused of involvement in the illegal sport of animal fighting and related crimes; (9) represents the State of South Carolina in all criminal appeals and subsequent Post Conviction Relief, and filings in circuit court and subsequent appeals; (10) assists the victims of crimes in claiming the benefits guaranteed under the State's Victims Bill of Rights; (11) represents the state in all federal habeas filings in federal court and subsequent appeals; and (12) 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 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 office 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 public 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. Milestones from Past Year***

The *Securities Enforcement Unit* handled a record number of cases last year. The cases involved over 1,600 investors who invested nearly \$70,000,000 in securities; the unit found unregistered securities or persons, fraud, or some combination of the three. In several instances the fraud was ongoing at the time the unit became involved and further loss of investor funds was averted. In the case of an ongoing fraud in Aiken County involving in excess of 6 million dollars, assets, including a school being built in the county, were identified and preserved for investors.

The *Opinions Division* issued 124 opinions during FY13.

Operating in large part on funds from a federal grant, the *Medicaid Provider Fraud Section* investigates and prosecutes cases of Medicaid Provider fraud in South Carolina. The Medicaid Provider Section also investigates and prosecutes patient abuse in nursing homes and other facilities that receive federal funding. The Medicaid Provider Fraud Section investigated over 200 cases during FY13. The MFCU has successfully prosecuted a nursing home operator of defrauding the Medicaid Program of approximately \$1 million. The Defendant pled guilty in July to Forgery (2 counts) and Causing False Claims to be filed (4 counts). The investigation is continuing against other individuals. MFCU also successfully prosecuted an individual of financially exploiting her grandmother out of approximately \$80,000.00. The grandmother was in a nursing home in Calhoun County and suffered from dementia.

The *Government Relations Division* of the Office of the Attorney General has seen a number of achievements in the past year. The division led the charge on a number of legislative fronts and helped orchestrate what is widely regarded to be one of the General Assembly's most important legislative accomplishments of 2013, the Ashley Hall Bill, a mental health reporting bill which prevents persons who have been court adjudicated as mentally incompetent from purchasing firearms.

At the federal level, the Office won its case in the D.C. Circuit Court, requiring the licensing of Yucca Mountain to go forward. Additionally, the Attorney General's Office defended key components of South Carolina's immigration law which was upheld by federal courts.

Finally, the Attorney General testified before Congress to direct attention to problems within the federal navigator program and the lack of security surrounding the Affordable Care Act's website and technology hub.

The staff of our *STOP* program (Services and Training of Officers and Prosecutors) hosted 5 full-day trainings for judges, law enforcement, attorneys and nurses (315 people total), and conducted a half-day training for volunteer prosecutors who work with our domestic violence program. The trainings cover not only domestic violence, but also sexual assault, stalking, and harassment, and human trafficking in 3 of 5 trainings. Additionally, the prosecutor obtained 103 convictions out of 177 total cases.

**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 at least twice the state has ranked #1, including this year. The Attorney General has made the reduction of criminal domestic violence (CDV) his top goal. Immediate goals for the future would include the rebuilding of the basic financial structure of the office; the expansion of our Internet Crimes Against Children’s investigative and prosecutorial abilities; and the strengthening of our Post-Conviction Relief section.

**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. Finally, gang violence statewide has challenged law enforcement at every level.

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

**Human Resources:** To meet these challenges, we would hope to receive funding for additional prosecutors. At some point in the future we may need to hire additional attorneys and support staff for programs important to combating Internet crimes against children, human trafficking, and violence against women.

**Financial:** To bring in these reinforcements, the Office would require supplemental funding. Currently, one VAWA prosecutor 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. Our pro bono prosecution program solicits 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 Executive Section, 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 to 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 customer 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 and safety, 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 outside litigation. 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 part of the 4<sup>th</sup> floor, and all of 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., and 1201 Main Street in Columbia (Medicaid Fraud).

**6. *The number of employees you have, segmented by employee category (i.e., classified, unclassified, contract, etc.):*** At the end of June 2013, the Attorney General's Office had 214 employees: 4 grant, 33 temporary, 1 time-limited, 175 classified FTEs, 1 agency head.

**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, and Units. 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.)

**ALAN WILSON  
ATTORNEY GENERAL**

Kristy Quattrone  
Sr. Executive Asst  
Elizabeth McLellan, Intern

John McIntosh  
Chief Deputy AG

Barry Bernstein  
Chief of Staff

Deb Staberg, Executive Asst

Dorothy Moore, Executive Asst

**Legal Services Division**

**Solicitor General Division**

**Criminal Litigation Division**

**Criminal Prosecution Division**

**Executive Division**

**Administration Division**

Steve Lynch, DAG

Bob Cook, SG

DAG (VACANT)

Thresechia Navarro, AA

**Civil Litigation**  
Parkin Hunter, AAG  
J.C. Nicholson, AAG  
Kristin Simons, AAG  
Adam Whitsett, AAG  
Brianna Arnone, LA

**Consumer Protection & Antitrust**  
Sonny Jones, ADAG  
Mary Frances Jowers, AAG  
Jared Libet, AAG  
Andrea Sancho, AAG  
Jenny Smith, AAG  
Johanna Valenzuela, AAG  
Doni Gibson, RA  
Paul Ahearn, ARA  
Susan Ballington, AA  
Jessica Kelly, LC

**Tobacco**  
Dona Guffey, AAG  
Jon Williams, AAG  
Frances Clark Johnston, PA  
Connor Johnson, Intern

**Securities**

**Enforcement**  
Tracy Meyers, ADAG  
Louis Coté, AAG  
Jordan Crapps, AAG  
Andrew MacLeod, AAG  
Richard Broad, ES  
Steve Fulmer, ES  
Robb McBurney, ES  
Sandra Matthews, AUD  
Wesley Walker, AUD  
Emily Cheatham, SLC  
Ian Weschler, SLC  
Taylor Faw, LC  
Janki Patel, LC

**Registration**  
Pam Kirkland, DSR  
Dave Crocker, AUD  
Clay Williams, AUD  
Lisa Lomas, IAR  
Caroline Barnes, AR  
Teresa Lake, AR  
Caroline Rowell, Intern

Abby Nevitt, SAA  
Emory Smith, DSG

**Opinions**  
Harrison Brant, AAG  
Mardi Fair, AAG  
Ellie Lister, AAG  
Brendan McDonald, AAG

**Criminal Appeals**  
Salley Elliott, SADAG

Angela Bennett, AA  
Ben Aplin, AAG  
William Blicht, AAG  
Christie Catoe, AAG  
Mark Farthing, AAG  
Julie Kate Keeney, AAG  
Jennifer Roberts, AAG  
Deb Shupe, SADAG  
Norma Bigbee, LA  
Ellen DuBois, LA  
Sally Ellison, LA  
Carlotta Weaver, FC  
Ben Dean, LC  
Lauren Formoso, Intern  
Thomas Hydrick, Intern

**PCR\***  
Dave Spencer, ADAG  
Daniel Gourley, AAG  
Megan Harrigan, AAG  
Walt Whitmire, AAG  
Mary Williams, AAG  
Troyeshi Brailey, LA  
Caroline Kaiser, LA  
Kelly Oppenheimer, SC  
Alicia Olive, LC

**PCR\***  
Karen Ratigan, ADAG  
Rutledge Johnson, AAG  
Josh Thomas, AAG  
Suzanne White, AAG  
Ashleigh Wilson, AAG  
Judy Carey, LA  
Anne Henley, LA  
Anne Mueller, LA  
Chandra Young, LA  
Croom Hunter, SLC  
James Ramsbottom, SLC

**Sexual Violent Pred.\***  
(Deb Shupe, SADAG)  
Jim Bogle, SAAG  
Nicole Wetherton, AAG  
Gabriel Martin, LA

**Capital Collateral Litigation**  
Don Zelenka, SADAG  
  
Lonnie Brawley, AA  
Ed Salter, SAAG  
Melody Brown, SAAG  
Anthony Mabry, AAG  
Al Simon, AAG  
Kaycie Timmons, AAG  
Lauren Meara, Paralegal  
Donna D'Alessio, LA  
Melissa Vail, LA  
West Cox, LC  
Ross Abbott, Intern

**Prosecution/SGJ**  
Curtis Pauling, ADAG  
Megan Burchstead, AAG  
Cary Goins, AAG  
Andrew Ritner, AAG  
Tess McDougal, LA  
Kenny Miles, SC  
Mike Martinez, LC  
William Vallejo, Intern

**Prosecution/SGJ**  
Heather Weiss, ADAG  
Kinli Bare, AAG  
Melissa Manning, AAG  
Josh Underwood, AAG  
Mary Conyers, LA  
Debbie Robinson, LA  
Alli Mabbs, LC

**Prosecution/SGJ**  
Creighton Waters, ADAG  
Jason Anders, AAG  
Ashley McMahan, AAG  
Brian Petrano, AAG  
April Vance, AAG  
Kaye Fusaro, LA  
Nancy Smith, LA  
Adam O'Dell, LC  
Meghan Boland, Intern

**Prosecution Services**  
Pete Logan, Ch INV  
Bob Cathey, Sp. INV  
Matt Ellis, Sp INV  
Joe Jordan, Sp INV  
Valerie Williams, Sp INV  
Kia Goins, CFA  
Alicia Smith, Paralegal  
Melissa Heimbaugh, LC

**ICAC Grant**  
Chip Payne, PM  
Patti Fowler, PA  
Courtney Jackson, RDC  
Loretta Rivers, DEC  
Luke Pincelli, Intern

**ICAC Prosecution**  
Kyle Senn, AAG  
Lloyd Flores, AAG  
Bethany Miles, AAG  
Luci McKellar, Sp INV  
Chris Grant, Sp INV  
Chris Bomar, CFI  
Lisa Gray, LA  
Cassidy Evans, LC

Allen Myrick, SADAG  
Miranda Young, AA

**Medicaid Recipient Fraud**  
Camey Guthrie, ADAG  
Moultrie Roberts, AAG  
Stuart Register, Ch INV  
Jay Evans, Sp INV  
Marc McCarson, Sp INV  
Michael Williams, Sp INV  
Sonya Carree, LA  
Jon Hollingsworth, LA

**Violence Against Women**  
Kelly Hall, AAG  
Megan Gresham, AAG  
Laura Church, PC  
Nancy E. Smith, LA  
Annie Rumler, LC  
Shelby McKinney, Intern

**Human Trafficking**  
Marie Sazehn, PC

**Medicaid Provider Fraud**  
Bill Gambrell, SADAG  
  
Shawnee DeBruhl, AA  
Ken Moore, SAAG  
Michael Burchstead, AAG  
Nancy Coté, AAG  
Fay Scott, AAG  
Harry Bracy, Ch INV  
Kevin Caldwell, Sp INV  
Ryenne Gillum, Sp INV  
Thomas Holliday, Sp INV  
Chris Radcliff, Sp INV  
John Valdario, Sp INV  
Sp INV (D. McCord)  
Cheryl Bryson, Ch AUD  
Lee Teed, AUD  
Julie Cook, PA  
Davis Jenkins, LC

**Public Affairs**  
Adam Piper, Dir.  
McArn Bennett, LC

**Communications**  
Mark Powell, Dir.

**Social Media**  
Leacy Burke, SMC

**Constituent Services**  
Kim Corley, CSC

**Special Projects**  
Josh Lorick, Y&CSC

**Victim Services**  
Sandi Wofford, Dir.  
Trisha Allen, VSC  
Marie Higgins, VSS  
Ava Thomas, VSA

**Finance**  
Tom Osmer, Dir.  
Joan Potts, AS  
Sandi Chamberlain, Acct.  
Melissa Bonner, FT

**Information Technology**  
Santee Sprang, Dir.  
Andrew Blais, SE  
Dominic Glover, TSS  
Paul Gowder, WM  
Sheila Hoffman, DS  
Mark Villarosa, NE  
Lit Support (K. Goins)  
Jacob Vickery, PC Tech  
Jeremy Abrams, Intern  
Sherri Rabon, DC

**Records**  
Jay Johnson, Records Supv.

**Clerk's Office**  
Jim Parks, Clerk of Court  
Peggy Self, Deputy Clerk  
Annalisa Queen, Asst. Clerk

**Administrative Services**  
Tammie Wilson, Dir.  
  
Callie Alexander, Recep.

**Human Resources**  
Katie Elliott, HR Mgr  
Krystal Hart, HR Asst  
June Hunter, Admin. Clerk

**Purchasing**  
Kim Buckley, PS

**Support Services**  
James Allen, SSA  
Wilma Goins, SSA  
Tony Mack, SSA

**Library**  
Amanda Gallego, Librarian

\* Sections handle civil actions but managed by supervisors with criminal and civil responsibilities

Abbreviation/ Internal Titles		Abbreviation/ Internal Titles		Abbreviation/ Internal Titles		Abbreviation/ Internal Titles	
AA	Administrative Assistant	DC	Data Coordinator	NE	Network Engineer	SG	Solicitor General
AAG	Assistant Attorney General	D CPA	Director of Consumer Protection & Antitrust	PS	Procurement Specialist	SLC	Senior Law Clerk
Acct.	Accountant	DEC	Data Entry Clerk	PA	Program Assistant	SMC	Social Media Coordinator
ADAG	Assistant Deputy Attorney General	Dir.	Director	PC	Program Coordinator	Sp INV	Special Investigator
AR	Assistant Registrar	DSG	Deputy Solicitor General	PM	Program Manager	SSA	Support Services Assistant
ARA	Assistant Research Analyst	DSR	Director of Securities Registration	RA	Research Analyst	TSS	Technical Support Specialist
AS	Accounts Supervisor	DS	Database Specialist	RDC	Research Data Coordinator	VSA	Victim Services Assistant
AUD	Auditor	ES	Enforcement Specialist	Recep.	Receptionist	VSC	Victim Services Counselor
CFI	Computer Forensic Investigator	FC	File Clerk	SAA	Senior Administrative Assistant	VSS	Victim Services Specialist
CFA	Criminal Financial Analyst	FT	Fiscal Technician	SAAG	Senior Assistant Attorney General	WM	Webmaster
Ch AUD	Chief Auditor	IA	Investigative Analyst	SADAG	Senior Assistant Deputy Attorney General	Y&CSC	Youth & Community Services Coordinator
Ch INV	Chief Investigator	IAR	Investment Advisor Registrar	SC	Support Clerk		
CSC	Constituent Services Coordinator	LA	Legal Assistant	SE	Systems Engineer		
DAG	Deputy Attorney General	LC	Law Clerk	Sec. Aud.	Securities Auditor		

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

**11 Your major programs areas chart: See Appendix I for an expanded description of these Divisions and Sections.**

# SC Office of the Attorney General

## Accountability Report Appropriations/Expenditures Chart

### Base Budget Expenditures and Appropriations

Major Budget Categories	FY 11-12 Appropriations Act		FY 12-13 Appropriations Act		FY 13-14 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 5,714,849	\$ 2,854,481	\$ 6,471,123	\$ 3,610,755	\$ 7,000,908	\$ 3,915,540
Other Operating	\$ 10,019,578	\$ 73,378	\$ 9,875,461	\$ 73,378	\$ 13,392,461	\$ 77,378
Special Items						
Permanent Improvements						
Case Services						
Distributions to Subdivisions						
Fringe Benefits	\$ 1,447,363	\$ 627,520	\$ 1,514,686	\$ 694,843	\$ 1,769,847	\$ 875,004
Non-recurring			\$ 3,000,000	\$ 3,000,000		
<b>Total</b>	\$ 17,181,790	\$ 3,555,379	\$ 20,861,270	\$ 7,378,976	\$ 22,163,216	\$ 4,867,922

**Major Program Areas**

<b>Program Number and Title</b>	<b>Major Program Area Purpose (Brief)</b>	<b>FY 11-12 Budget Expenditures</b>	<b>FY 12-13 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> <u>1,947,578</u> <b>Federal:</b> <u>1,672,015</u> <b>Other:</b> <u>5,641,529</u> <b>Total:</b> <u>9,261,122</u> <b>% of Total Budget:</b> 53%	<b>State:</b> <u>3,643,794</u> <b>Federal:</b> <u>1,691,697</u> <b>Other:</b> <u>5,687,361</u> <b>Total:</b> <u>11,022,851</u> <b>% of Total Budget:</b> 53%	Appendix I & II
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> <u>439,838</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>3,154,566</u> <b>Total:</b> <u>3,594,404</u> <b>% of Total Budget:</b> 21%	<b>State:</b> <u>1,810,562</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>3,244,345</u> <b>Total:</b> <u>5,054,907</u> <b>% of Total Budget:</b> 24%	Appendix I & II
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> <u>38,967</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>1,523,868</u> <b>Total:</b> <u>1,562,835</u> <b>% of Total Budget:</b> 9%	<b>State:</b> <u>46,870</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>1,582,924</u> <b>Total:</b> <u>1,629,794</u> <b>% of Total Budget:</b> 8%	Appendix I & II
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> <u>934,440</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>1,605,218</u> <b>Total:</b> <u>2,539,658</u> <b>% of Total Budget:</b> 15%	<b>State:</b> <u>1,123,954</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>1,630,773</u> <b>Total:</b> <u>2,754,727</u> <b>% of Total Budget:</b> 13%	Appendix I & II
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> <u>194,573</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>287,767</u> <b>Total:</b> <u>482,340</u> <b>% of Total Budget:</b> 3%	<b>State:</b> <u>234,034</u> <b>Federal:</b> <u>-</u> <b>Other:</b> <u>281,129</u> <b>Total:</b> <u>515,164</u> <b>% of Total Budget:</b> 2%	Appendix I & II

**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> <u>26,724.90</u> <b>Federal:</b> _____ <b>Other:</b> _____ <b>Total:</b> _____ <b>% of Total Budget:</b> _____
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THE LEGAL SERVICES DIVISION consists of the following sections: Securities, Tobacco, Civil Litigation, and Consumer Protection and Antitrust. The Attorney General serves as the State's Securities Commissioner, and the Securities Section 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; receiving notice filings for mutual funds, unit investment trusts, and other federal covered securities; investigating allegations of violations of securities laws and taking appropriate action; promoting investor education to help the investing public make informed decisions and avoid being defrauded; and supporting an equitable, competitive, and efficient securities industry that contributes to the economic health of the State and its citizens. The Tobacco Section works with issues related to the Master Settlement Agreement entered into among 46 states (including South Carolina), the District of Columbia, and five United States territories and the major tobacco manufacturers. The Civil Litigation Section represents State interests in a wide variety of civil legal matters, including seizures of illegal video gaming machines by law enforcement, extraditions, removal of river shacks from public waters, and sex offender registry issues. This section also handles issues relating to elections, the environment, and foreclosures and represents the State in general civil litigation. The Consumer Protection and Antitrust Section handles allegations of free market violations and unfair and/or deceptive business practices. These cases can be managed individually, through multistate groups, or through the assistance of outside counsel in federal or state court and on behalf of consumers or state agencies.

THE OPINIONS DIVISION provides legal advice to the Governor, members of the General Assembly and certain other public officials. Sometimes 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 CRIMINAL LITIGATION DIVISION – As the state's Chief Prosecutor, the Attorney General is charged with representing the interests of the State in several areas of criminal appellate litigation. The Office's Criminal Litigation Division is divided into three Sections: the Criminal Appeals Section, which handles any and all appeals of S.C. circuit court outcomes; the Post-Conviction Relief Section, which handles appeals of convicted criminals, usually on the grounds of incompetent representation or technical trial errors; and the Capital and Collateral Litigation Section, which handles appeals of convictions on murder cases, including capital crimes, and all habeas corpus litigation concerning South Carolina convictions.

THE CRIMINAL PROSECUTION DIVISION consists of nine Sections, three of which are prosecution Sections made up of SGJ members. In addition, the Division includes the Medicaid Provider Fraud Section; the Medicaid Recipient Fraud Section; the federally funded Internet Crimes Against Children Prosecution Section; the state-funded Internet Crimes Against Children

Prosecution Section; the Sexually Violent Predator Section; and the Violence against Women Section, including the Pro Bono Prosecution Program.

THE ADMINISTRATION DIVISION consists of eight Sections: The Information Technology Section, which researches, manages, and directs the use of computers, databases, and other sophisticated technologies in support of the goals of the Office (see Appendix I); the Records Section, which maintains the important documents produced by the Office; the Finance Section, which manages the Office's cash flow, produces grant proposals, and plays a significant role in fiscal planning; the Human Resources Section, which manages the recruitment of new employees, prepares payroll and leave records, administers benefits, coordinates employee relations, and performs other human resources duties in support of the Attorney General's staff; the Purchasing Section, whose purpose is to ensure that the Office spends its limited funds to acquire essential items at the best possible price; Support Services, whose staff performs miscellaneous services for the Office, including printing and binding of briefs, copying, purchasing, court records, court errands, maintaining office supplies, performing general errands, repair of equipment, and mail processing; and the Library Section, which maintains a legal research library for the Attorney General's staff.

VICTIM SERVICES DIVISION routinely informs crime victims of their rights under the Victims Bill of Rights and assists them in taking full advantage of those rights.

## **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 and Section 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; 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, PSAs, and social media, 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 Communications Director 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 Section 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 of Staff, 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, attention to detail, and concern for all others involved in the agency's day-to-day operations.

***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 Section 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. The Office also offers 5 or more Continuing Legal Education courses per year.

***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 workplace. 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. The staff of the Administrative Services Section also responds, when appropriate, to requests and queries from the communities in which the agency operates. Additionally, at the urging of the Attorney General, the Office participates in an annual fundraiser for the United Way; more than half of our employees participated in October 2013.

### **Category 2: Strategic Planning**

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

*(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. 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, a few years ago the Office was confronted with a mandate to cut expenditures by 20%. 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. No one was terminated to accommodate the budget reduction; however, vacancies were allowed to remain to accommodate budget reductions.

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

The Information Technology Section 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, the Chief Deputy, the Business Manager, and the Director of the Information Technology Section 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, 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 a prosecutor). Customer preferences tend to remain constant in the area of law enforcement and litigation.

*(d) Workforce capabilities and needs?*

Division and Section Directors – 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 budget constraints hinder full attainment of some of these goals, Division and Section managers have already projected future needs.

For example, the Criminal Prosecution Division added environmental crimes and gang activity to the list of offenses under the jurisdiction of the Grand Jury and

expanded 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. The Office's strategic planning process would enable staff to 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 a program 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.

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 various 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. In addition, the Attorney General partners with local law enforcement and Cal Ripken, Sr. Foundation in a program called Badges for Baseball, which pairs law enforcement mentors with at-risk children via the hook of baseball. With a chapter currently meeting in Columbia, the Office is planning for two or more Midlands chapters to begin meeting by Spring of 2014.

*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.

***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 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.

***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 a staff member’s office, and 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, case number, subject, defendant, victim, court, and other categories. This database is kept current, and supervisors can measure the progress of any case at any time. 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.

Gathering data from various ICAC task forces, the Internet Crimes Against Children section is also developing characteristics and profiles of online sex offenders, made possible by a research grant.

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

We evaluate and improve our strategic planning process in leadership meetings, division meetings, and 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)

## Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 12-13 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, 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

### **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. At the outset of his tenure, he made the prosecution of CDV a top priority and sends 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 notably through a highly creative Information Technology Section. Keyed to the latest technology, the Section 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 Attorney General has expanded the Constituent Services Unit to more efficiently receive and answer 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 address 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, and number of successful outcomes.

In addition, satisfaction is measured through information collected and analyzed by Administrative 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 staff read, analyze, and answer via e-mail, letters, and telephone calls. The Communications Director and Administrative Services then report important trends to the relevant Division or Section 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 relationships with customers using a variety of strategies: through press releases on the activities of the Office; through the Attorney General's website; through the preparation and distribution of information brochures; through the dissemination of posters throughout the state to raise awareness of violence against women; through speeches and personal appearances by the Attorney General and staff members at numerous meetings and events; and through the success of our attorneys in courts of law. VAWA also provides primary aggressor cards for law enforcement to help them make the arrest of the true primary aggressor in an incident.

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, and more specifically the Office’s partnership in the Badges for Baseball grant program. The relationships of these latter groups are highly personal – requiring compassion, tact 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 state.

#### **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, the Solicitor General, the Director of the Legal Services Division, and the Heads of Prosecution Sections 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 to 75%. Armed with these data, the Attorney General decided 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 accomplishments 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 achieving 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 agency's responsibilities 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 has 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.

***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 is password protected and is available only to Office attorneys and select staff members; therefore, it is 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, these sets of data, such as CDV figures, continue to highlight the Office's work and priorities.

***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 heads of the Prosecution Sections hold regular sessions in which less experienced staff members can ask questions and discuss current cases in 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 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 reach 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, foster employee involvement in the agency's 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 – special accomplishments, weddings, births, deaths, and funerals.

All of these strategies promote teamwork and enable employees to develop their full potential, aligned with the organization's objectives, strategies, and action plans.

***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 among members of the Office. Typically, the Office has a collegial 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 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 stating the required qualifications and salary range. This announcement is then reviewed and approved by the Chief Deputy Attorney General, after which it is posted on [www.jobs.sc.gov](http://www.jobs.sc.gov), a website accessible to potential applicants.

Each applicant must complete a detailed application form, undergo drug screening, and submit to an extensive background check, which includes credit, criminal record, driver’s history, 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. For attorneys, a grievance check is also performed, and an additional background check through SLED is conducted for State Grand Jury employees.

Once an applicant is hired, he or she is guided through the training process and becomes the beneficiary of the work atmosphere, 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 the staff members in their charge and review 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 Services Section likewise monitors her staff on a regular basis, and meets regularly with each member to review his or her performance. 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.

The informal but persistent oversight of management and the Office's various monitoring systems also 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) Organizational knowledge;*

*Organizational knowledge* is developed through continual updating of the office manual; with 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 interacting with mentors.

*(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 staff are generally handled by the Administration Division, which arranges for a training site, an instructor, and any equipment necessary. For example, when the Office switches from one computer software to another, most employees have to be re-trained. The Office arranges for an instructor, schedules training sessions, and makes certain that computers are available.

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, keeping a dialogue with the new manager on his or her expanded area of responsibility.

Our 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 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. All 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 does the possibility of termination for unsatisfactory performance. In addition to the annual “Award of Excellence,” the “Star Employee Award” also recognizes the hard work of 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 appreciation of such recognition, which makes them feel the Attorney General is aware of their presence in the Office and appreciates them.

***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. In addition, for all employees covered by the state health plan, the Office makes available a health screening at a greatly reduced cost.

The Office has a security system that includes surveillance cameras and access cards. Periodically, office personnel participate in unscheduled drills to instruct them 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 trained in CPR/AED and in monitoring the above-mentioned drills.

**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 the types of crimes specifically assigned to the Office. We also handle civil suits involving other agencies, S.C. state employees, and other states. Our action plan is likewise geared to legal activities, as noted elsewhere.

The clearest 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 Unit, 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, the Chief of Staff, and 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.

In communicating with the press and general public – the responsibility of the Communications Director – e-mail and the Internet are used to disseminate information to over 250 media outlets instantaneously, saving enormous amounts of time.

Our website receives hits daily from customers looking for information that several 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.

To increase efficiency, the Office has made use of new technologies such as Hootsuite and Tweetdeck to schedule and release social media messages on all appropriate platforms through one program. In addition, the reach of Facebook has expanded from approximately 150 followers to more than 5,000 constituents. We've recently retooled our outreach efforts to focus on what constituents want, and need, to hear from the office. In order to fulfill our responsibility to serve the public, the office has adapted to the new ways South Carolinians communicate. The office has broadened its social media presence beyond the realm of Facebook; we place a priority on staying current with the most efficient and effective means of communicating with the public.

***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 and handles appeals in both state and federal 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) whether 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 Section is constantly researching reports on technological breakthroughs to find new and useful technologies that will 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 regularly, and the Communications Director 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, hold weekly meetings to monitor our cash flow and determine if we are on the projected course.

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 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.

#### ***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.

As for comparison with other organizations, little information is available to make such an evaluation. 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.

#### ***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 fifth, sixth and seventh floors of the Rembert Dennis Building. 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 trained in CPR/AED and to help with monitoring during the above-mentioned drills.

***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 FY13 can be found in Appendix II.

***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 sponsoring such events as a memorial service for women who have died as the result of criminal domestic violence, and by participating in a fundraiser for the United Way.

## *Appendix I*

### **LEGAL SERVICES DIVISION**

#### **Securities**

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; receiving notice filings for mutual funds, unit investment trusts, and other federal covered securities; investigating allegations of violations of securities laws and taking appropriate action; promoting investor education to help the investing public make informed decisions and avoid being defrauded; and supporting an equitable, competitive, and efficient securities industry that contributes to the economic health of the State and its citizens.

#### **Tobacco & General Litigation**

The Tobacco group works with issues related to the Master Settlement Agreement (the “MSA”) entered into among forty-six states, the District of Columbia, and five United States territories (collectively referred to as the “States”) and the major tobacco manufacturers. Pursuant to the MSA, the States agreed to settle their claims against these tobacco manufacturers for the future costs of tobacco-related health expenses in exchange for monetary payments to the States; each of the States agreed to diligently enforce its respective Tobacco Escrow Fund Act.

#### **Special Litigation**

The civil litigation matters handled by this section include those related to constitutional challenges, elections, the voting rights act, annexations and incorporations, tidelands ownership, the environment, and foreclosures.

#### **Consumer Protection & Antitrust**

An important responsibility of this section is consumer protection and antitrust cases, which can be handled individually, through multistate groups, or through the assistance of outside counsel in federal or state court and on behalf of consumers or state agencies. While the majority of cases handled by this section involve pharmaceuticals and unfair trade practices claims, other cases which are the focus of this section include those concerning charitable trusts, elections, and certain gambling-related issues.

## **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 CRIMINAL LITIGATION 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 Criminal Appeals Section, the Post-Conviction Relief Section, and the Capital and Collateral Litigation Section.

### **The Criminal Appeals Section**

The staff of the Criminal Appeals Section represents the State of South Carolina in the South Carolina Supreme Court, the South Carolina Court of Appeals, and the United States Supreme Court in all appeals arising from criminal convictions in South Carolina, except appeals arising from murder convictions. A criminal defendant may appeal to the state appellate courts from a criminal conviction or sentence asserting that error was committed, which requires that the case be remanded to the trial court or that the conviction or sentence be vacated or reversed. The State may also appeal in limited instances. The appeal is decided based upon the trial or plea transcript, briefs of the parties, and oral arguments, if scheduled by the appellate court.

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

The PCR Section represents the State in trial and appellate courts in all non-capital post-conviction relief actions filed by persons convicted and sentenced for a crime who assert that the conviction or sentence violated the United States Constitution or the South Carolina Constitution. The most common claim is that plea or trial counsel provided ineffective representation. However, other allowable claims are 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. The constitutionality of the person's parole or probation revocation may also be challenged. Claims are brought by filing an application for post-conviction relief in the Court of Common Pleas, which may hear the matter in a bench trial. Adverse decisions may be appealed by either an applicant or the State directly to the South Carolina Supreme Court by way of a petition for writ of certiorari.

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

This Section handles the burden of representing the state in all murder conviction appeals, all federal habeas corpus actions concerning South Carolina convictions in federal court, and all Post-Conviction Relief cases involving death penalty matters. The Section prosecutes all appeals of any South Carolina death-penalty case in state and federal courts, including federal habeas corpus litigation. 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 CRIMINAL PROSECUTION DIVISION**

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

The State Grand Jury (SGJ) is an independent body empowered to hear evidence and hand down indictments in twelve special areas defined by statute. Currently three Sections prosecute SGJ cases, which include: (1) cases involving multi-jurisdictional drug trafficking, (2) cases involving gang activity, (3) a crime involving public corruption, (4) the violation of election laws, (5) computer crimes, (6) involving acts of terrorism, (7) violations of security laws, (8) crimes involving obscenity, (9) a misrepresentation of an alien's lawful presence in the United States, (10) identity fraud involving fraudulent creation or use of false documents in an immigration matter as defined by Section 16-13-525, (11) the knowing and willful making of or conspiring to create a fraudulent document as part of the provision of immigration assistance services, and (12) some environmental crimes. The three Sections share responsibility for prosecuting several crimes that fall under the Office's jurisdiction. These include the crimes listed above and Insurance Fraud. The Insurance Fraud program was established in 1994 with the enactment of the Omnibus Insurance Fraud and Reporting Act. The program receives referrals from the Department of Insurance, the Worker's Compensation Commission, insurance companies, private citizens, law enforcement agencies, and attorneys throughout the state.

### **The Medicaid Provider Fraud Section**

Operating in large part on funds from a federal grant, the Medicaid Provider Fraud Section investigates and prosecutes cases of Medicaid provider fraud in South Carolina. The section also investigates and prosecutes patient abuse in nursing homes and other facilities that receive federal funding. The Medicaid Provider Fraud Section investigated over 200 cases during FY13.

### **The Federally-funded 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 investigate and prosecute technology facilitated crimes against children. These crimes involve sexual exploitation of minors, including child pornography, dissemination of obscene material to minors, and criminal solicitation of minors.

### **The Sexually Violent Predator Section**

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 cases for commitment. The Section also handles all annual review proceedings for individuals committed under the statute, and all hearings where the Department of Mental Health determines the individuals are safe to be at large and should be released from treatment.

### **The State-funded Internet Crimes Against Children Section**

The State of South Carolina has made funds available to investigate and prosecute Internet crimes against children, including images, videos and other depictions of child sexual abuse, dissemination of obscenity to minors, and the solicitation of minors to engage in sexual activity.

### **Violence Against Women 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, sexual assault, harassment and stalking. 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 and sexual assault, (2) the presentation of trainings on domestic violence, stalking, harassment, sexual assault, human trafficking and other crimes against women, and (3) the Attorney General's Pro-Bono program, which trains volunteer attorneys to prosecute domestic violence cases in jurisdictions lacking dedicated domestic violence prosecutors. Pro Bono attorneys receive a monthly newsletter from the section. VAWA also provides an online forum for prosecutors and maintains a Facebook page.

### **Medicaid Recipient Fraud Section**

With funding from SC Department of Health and Human Services, this sub-section investigates and prosecutes recipients who defraud the Medicaid program. Typically these criminal acts include giving false information or hiding assets to obtain Medicaid benefits and lending or selling use of a Medicaid card.

## **THE ADMINISTRATION DIVISION**

### **Information Technology Section**

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.scag.gov](http://www.scag.gov).

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; directory of Attorney General opinions; information about legal settlements and agreements benefitting 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 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, tablets, and cellular phones.

### **Records Section**

The Records Section maintains records of all cases handled by the Attorney General's staff, opens new files and closes files. 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.

### **The Finance Section**

The Finance Division prepares the budget, receives and disburses funds, manages the cash flow of the Office, and assists in preparing applications for grants. The staff of the Finance Division works with the grants coordinator to solicit grants in support of

programs administered by the Attorney General's Office. Such grants help defray the cost of key services that benefit the people of South Carolina.

### **Administrative Services Section**

The Administrative Services Section provides support and planning services essential to the operation of the Office. These services include: Information Technology, space planning and construction, resource allocation, drug testing, law library, procurement, coordination of security, visitor and telephone reception, and general services. The Section is divided into five divisions: Human Resources, Purchasing, Support Services, Library, and Reception.

### **Human Resources**

Human Resources prepares and manages the recruitment of new employees, processes job applications, provides orientation for all new employees, manages SCEIS payroll and leave records, monitors and implements salary changes, administers benefits, handles employee matters, and performs other human resources duties in support of the Attorney General's staff.

### **Purchasing**

Procurement handles all purchasing matters for the Office and is responsible for acquiring all goods and services. Procurement handles billing, inventory control, surplus property, maintains and processes a monthly report, processing purchase orders and bids.

### **Support Services**

Support Services 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. Support Services also assists the executive staff with set-up for press conferences, and performs other support services at the request of the Attorney General and executive staff. They are also responsible for the monthly set-up of the State Grand Jury.

### **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.

### **Reception Services**

Reception Services 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. Reception assists with opening and processing Office mail.

## **VICTIM SERVICES DIVISION**

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.

## **OTHER UNITS**

### **Youth Mentor Program**

The Youth Mentor Program offers troubled young people who have not yet committed a violent crime alternatives to the juvenile justice system. They are connected with mentors – in most cases members of churches, other faith-based groups, and law enforcement volunteers – who offer friendship, advice and guidance.

### **The State Grand Jury Clerk's Office**

This Office is responsible for coordinating the annual impaneling of a new State Grand Jury (SGJ). Additionally, the State Grand Jury Clerk's Office schedules all SGJ hearings and trials with assigned judges. Finally, the Clerk's Office accepts filings associated with SGJ cases and maintains all SGJ court records.

### **Communications Director**

The Communications Director 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.

### **Government Relations**

The Unit 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 responsibility of managing the office Twitter and Facebook accounts has been given to Constituent Services, in order to efficiently schedule posts and keep up with comments and messages.

*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 '13</b>	<b>FY '12</b>	<b>FY '11</b>
Administrative Procedures			
Act Matters	25	23	23
Agency Instituted Suits	2	2	2
Agency Legal Advice	14	14	13
Amicus Briefs	68	84	75
Antitrust	17	15	22
Attorney Grievance			
Investigation	--	--	--
Bankruptcy	6	7	9
CA - Anders	228	206	372
CA - Death Penalty	50	52	55
CA - Modified Anders	9	8	6
CA - Pending	414	334	409
CA - Sexual Predator	--	--	1
CDV Pro Bono	--	--	2
Charitable Solicitation	34	34	34
Charitable Trust	191	190	183
Charities Litigation	1	1	1
Child Pornography	--	--	--
Collections	2	2	2
Constitutional Challenge	6	6	5
Constitutional Test	--	--	--
Consumer Fraud Investigation	4	4	6
Consumer Protection	29	28	11
Consumer Fraud Litigation	4	5	5
Contempt Proceedings	--	--	--
Contract Matter	4	4	4
Criminal Appeals	535	531	540
Criminal Appeal - Murder	--	215	255
Criminal Domestic Violence	216	245	401
Criminal Domestic Violence (HAN) -	--	--	--
Criminal Domestic Violence (RDV)	3	22	110
Criminal Domestic Violence II	--	--	2
Criminal Investigations	2	2	2
Criminal Prosecutions	16	15	12
Criminal Sexual Conduct	8	7	2
Damage Suit v. Agency	7	8	6
Declaratory Judgments	42	40	33

Defense of Public Employees (1983 Act)	4	4	4
Discrimination Complaint	--	--	1
Dog Fighting	21	26	30
Drug Forfeiture	--	--	--
Elections	11	11	14
Environmental/Civil	67	66	57
Environmental/Health	4	4	5
Environmental Prosecution	40	60	79
Escheatment	--	--	--
Escrow Suit	2	--	0
Extraditions/Detainer	46	46	59
Family Law	--	--	--
Federal Habeas Corpus (FHC)	451	458	559
Federal Litigation	5	4	2
FHC-Death Penalty	4	3	3
Foreclosure	378	477	424
Forfeiture	--	--	--
Freedom of Information	4	4	4
Gambling	47	46	79
General Prosecution	411	400	409
Global	51	45	45
Harassment	--	--	--
ICAC	201	187	0
ICAC Investigation	82	45	0
Injunctions	16	12	12
Insurance (Civil)	1	1	1
Insurance Fraud/Investigation/ Litigation	851	1,078	1,302
Labor (including OSHA)	--	--	--
Legislation	1	1	1
Medicaid Fraud Investigation/ Litigation	171	172	162
Monitoring of Case	117	112	99
Office Administration	--	--	--
Opinions	124	100	100
Other	37	25	25
Other - Civil	385	342	325
Other - Criminal	10	12	5
Other/Death Penalty	13	13	10
Parole	--	--	--
Patient Abuse	346	492	523
Personnel (Grievance/Retirement)	1	1	1
Post Conviction Relief Appeal	1,562	1,480	1,437
PCR Appeal- Habeas	3	3	6
PCR Death Penalty	68	67	65
PCR Death Penalty Appeal	34	30	28
PCR SGJ	1	1	2
Post Conviction Relief	3,653	3,548	3,402
Professional Disciplinary	23	23	23
Prosecutors Review	--	--	--
Real Property	4	4	5
Recipient Fraud Investigation	724	661	611

Recipient Fraud Prosecution	3	2	2
Review of Legislative Regs, etc.	2	2	2
Second Injury Fund	1	1	1
Securities Fraud	25	2	1
Securities Investigation Cases	102	134	165
Securities Litigation	--	--	--
Securities Regulation	--	--	1
Sexual Predator Reviews	--	--	2
Criminal Appeals - State Grand Jury -	8	10	7
Drug Forfeiture	--	--	--
State Grand Jury Criminal Investigation	2	2	1
State Grand Jury - Criminal Prosecution	9	9	9
Stalking	--	--	--
State Habeas	50	59	78
Subpoena Defense/Response	9	5	0
SGJ Special Investigations	2	2	2
SVP Act	344	316	289
SVP State Habeas	3	--	--
Tidelands	36	44	55
Tort Claims	3	3	2
Unfair Trade Practices	65	27	28
Unknown	3	--	--
Unlawful Practice of Law	15	16	50
Victim Assistance Reports	7,093	6,654	6,304
Victim Services DP	36	39	40
Voting Rights Matters	18	17	17
Vulnerable Adult	--	--	--
Wildlife	--	--	--
Wills, Trusts, Estates	184	183	181
Worker's Comp.	--	--	--
Writ of Mandamus	11	6	1
<b>Totals</b>	<b>19,920</b>	<b>19,732</b>	<b>19,969</b>