

Civil Litigation and General Counsel Assistant Attorneys General FTEs
Request No. 3

Based on data accessible to our office¹:

Amount spent by <i>some</i> state entities ² on private attorneys (July 2015-July 2022):	at least \$74,418,184
Average amount spent by those entities on private attorneys per biennium (July 2015-July 2022):	at least \$21,262,338 per biennium
Amount spent by all other state agencies, boards, and commissions on private attorneys:	Unknown

To reduce those expenditures, this office is requesting:

2.0 Civil Litigation attorneys:	\$644,356
2.0 General Counsel attorneys:	+ \$558,014
	\$1,202,370 per biennium for 4.0 attorneys

¹ The data obtained by the Office of Attorney General may not represent the total costs of private attorneys contracted by the subset of state entities for which we have data.

² The state agencies included in the analysis include: Office of Management and Budget, Governor's Office, Department of Transportation, Information Technology Department, Secretary of State's Office, Auditor's Office, Tax Department, Office of Administrative Hearings, Legal Counsel for Indigents, Attorney General's Office, Retirement Investment Office, Public Employees Retirement System, Department of Public Instruction, Trust Lands Department, School for the Deaf, School for the Blind, Department of Health, Department of Environmental Quality, Department of Human Services, Veterans' Home, Job Service, Insurance Commissioner's Office, Industrial Commission, Department of Labor, Public Service Commission, Aeronautics Commission, Department of Financial Institutions, Workforce Safety Insurance, Highway Patrol, Department of Corrections and Rehabilitation, Adjutant General, Department of Commerce, Agriculture Department, Ethanol Council, State Water Commission, and others.

Cyber Crime Agent FTEs and Modular Walls for Lab Space
Requests No. 4a and 21

Cyber crime agents investigate child pornography, child sexual abuse, narcotics trafficking, and other crimes involving digital devices and data.

Current number of cyber crime agents: **5 agents + 1 supervisory special agent**

Number of forensic examinations conducted by cyber crime agents in 2021:

899 forensic examinations
(approximately 180 per agent)

Amount of data reviewed in those examinations:

217,554 gigabytes
(equivalent to approximately 3,352 cell phones)

Number of cases cyber crime agents assisted in 2021:

429 cases
(approximately 86 per agent)

The number of cyber crime tips just from the National Center for Missing and Exploited Children (NCMEC) increased over 545% in the past 6 years.

Number of NCMEC tips to NDBCI in 2016: 166

Number of NCMEC tips to NDBCI in 2022: **1,071**

Medicaid Fraud Control Unit (MFCU) FTEs
Request No. 6

The North Dakota MFCU recoups state money from Medicaid contractors who submit fraudulent claims or who abuse, neglect, or misappropriate money from their patients.

75% of the costs for each state's MFCU are paid by a federal grant.

Costs:

State costs for the MFCU for the 2019-21 biennium: \$118,101
State costs for the MFCU for the 2021-23 biennium: + \$225,888
Total state costs for the MFCU since operations began: \$343,991

Recoveries for the state:

MFCU recoveries ordered for the state: \$888,815
MFCU recoveries received for the state to date: \$512,433 (+ two recent recoveries)

The MFCU has recouped for the state more than 149% of its state costs to date, even though it began operations less than 3 ½ years ago.

The MFCU receives many more cases than it can investigate and litigate due to staffing shortages.

Total number of tips/potential cases reported to the MFCU:	132+
Number of cases completed:	6
Number of additional investigations completed with cases not yet resolved:	3
Average number of major cases per MFCU investigator:	8-10
Number of major cases being investigated:	20

Software Maintenance Increases
Request No. 11

The cost to continue licensing and maintaining necessary software and systems for 2023-25:

Adobe, Nessus, Windows Server Enterprise, VMWare, Atlassian JIRA, Visual Studio, SQL Server Standard:	\$36,000
ND IT fee increases (other than for Active Directories):	\$12,000
JustWare	\$34,000
Atlassian Software	\$22,000
Premiere One (for law enforcement agencies and jails)	\$23,282
Statewide Automated Victim Information and Notification (SAVIN)	\$38,314
Polycom systems	\$12,000
Crime Lab – LIMIS	\$11,700
Active Directory accounts for law enforcement agencies ³ (due to ND IT fee increase)	<u>\$300,000</u>
Total	\$489,296

³ These accounts are necessary for law enforcement agencies to use CJIS systems maintained by IT/CJIS. IT/CJIS obtains the Active Directory accounts for the law enforcement agencies. ND IT informed us the fee for one account will increase from \$1.35 to \$7.10 per month. We provide 1,620 accounts for CJIS system users across the state.

Information Technology FTEs or Maintenance Contract Increases
Request No. 11 or 25

Increase in the state's investment in law enforcement software maintained by IT/CJIS since 2013: \$5,000,000
Increase in FTEs in IT/CJIS since 2013: 0

Current cost of long-term contracts for 2-3 programmers to help maintain IT/CJIS software: \$970,826 per biennium and increasing

Cost to hire 2 programmers to maintain IT/CJIS software: \$475,626 per biennium

Cost to hire 1 business analyst to manage large IT/CJIS projects: \$237,412 per biennium

Replacing 2 long-term contract programmers with 3 FTEs would save the state \$257,788 per biennium.

MAFIN, GrayKey, and Cellebrite
Request No. 12

BCI agents require these tools to identify fingerprints (for background checks or otherwise) and to access digital evidence of child pornography, child sexual abuse, narcotics trafficking, and other crimes.

Annual MAFIN maintenance costs:	\$92,000
Annual GrayKey costs:	\$102,000
Annual Cellebrite costs:	+ \$72,000
Total annual costs	\$266,000

Staff Reclassifications
Request No. 18

Pursuant to the state's HRMS criteria, the Office of Attorney General has to reclassify 22 employees to maintain compliance with state law.

Consumer Protection and Antitrust Division

2 consumer fraud investigators from class I to class II: \$14,430

Bureau of Criminal Investigations

18 agents and analysts: \$57,327

Finance Division

1 account budget specialist from class II to class III + 1 administrative assistant from class I to class II: \$21,181