August 29, 2022

Zachary Jackson, Director

State Budget Agency

Statehouse Room 212

Indianapolis, IN 46204

Dear Mr. Jackson,

Surely there are no better people for whom to work than the people of Indiana.

Every day, I am encouraged and inspired by their goodness, industry, and patriotism. Their steadfast character strengthens my own purpose to keep providing the kind of servant leadership that makes a positive difference for our great state.

On the day I took the oath to become attorney general, I vowed that protecting Hoosiers’ liberties would be my administration’s first and primary mission. As you look back on our first year in office, you will see that we made good on that commitment.

The Office of the Indiana Attorney General, employing a staff of approximately 400 staff members, focuses daily on a myriad of tasks — providing legal representation to the State of Indiana; protecting consumers from illicit business practices; investigating and prosecuting Medicaid fraud; collecting and returning unclaimed property; and more.

As we head into FY 2023, we are resolved to remain as energetic as ever in doing the work we are so blessed to do.

The Office of the Attorney General is pleased to submit this agency overview letter as part of our Fiscal Year (FY) 2024-2025 biennial budget submission to the State Budget Agency. This letter provides a description of our office’s programs and initiatives, accomplishments. Included with this letter is our cabinet organizational chart and fund narratives.

**Office Programs and Functions**

The Office of the Attorney General represents and advises the State of Indiana and its agencies and helps protect the rights, liberties, and safety we enjoy as citizens of Indiana. As the state’s chief legal officer, I oversee a staff of approximately 400 employees spread across multiple divisions. A brief description of each division is included below:

**Advisory Division:**

The Advisory Division provides legal advice to state elected officials and state agencies. While it does not make or recommend policy, the Advisory Division assists officials in their efforts to understand specific state statutes, policies, and procedures. It also reviews state contracts and administrative rules for legal compliance.

**Consumer Protection Division:**

The Consumer Protection Division (CPD) safeguards Hoosiers from deceptive and predatory business practices. This division educates consumers to make wise choices when buying products and entering into contracts, and it mediates and investigates consumer complaints against businesses and other organizations. CPD takes legal action on behalf of the state against individuals and companies that violate Indiana’s Deceptive Consumers Sales Act. It reviews and can seek reform of non-profit entities and public charitable trusts. CPD is comprised of the following areas:

* Consumer Litigation
* Consumer Mediation
* Data Privacy & Identity Theft
* Tobacco Enforcement
* Medical Licensing
* Professional Licensing & Homeowner Protection

**Litigation Division:**

The Litigation Division represents and defends the State of Indiana in lawsuits in which the state’s interests are at stake. The Litigation Division is comprised of the following sections:

* Administrative & Regulatory Enforcement Litigation
* Asset Recovery & Bankruptcy Litigation
* Government Litigation
* Real Estate Litigation

**Medicaid Fraud Control Unit:**

The Medicaid Fraud Control Unit (MFCU) investigates unscrupulous practices and enforces state healthcare laws with respect to entities that receive state Medicaid funds. The MFCU investigates the following:

* Medicaid provider fraud
* Misuse of Medicaid recipients’ funds
* Patient abuse and neglect in Medicaid facilities

**Unclaimed Property Division:**

The Unclaimed Property Division (UPD) receives and returns assets to their rightful owners. Unclaimed property is any financial asset with no activity by its owner for an extended period of time. Examples include:

* Dormant bank accounts
* Lost or forgotten uncashed checks
* Stocks, bonds, and dividends
* Insurance proceeds
* Utility refunds
* Safe deposit box contents

**Appeals Division:**

The Appeals Division represents the state in criminal, civil, and child services appeals cases. The Appeals Division also pursues the state’s interests when inmates file actions in federal District Court alleging their convictions violate the U.S. Constitution and represents the state when death row inmates return to trial courts to challenge convictions. In addition, the division also provides various types of assistance to prosecuting attorneys throughout the state. Another function of the division is the administration of victim notification responsibilities in relation to ongoing criminal appeals cases. Examples of division functions include:

* Civil cases involving administrative agency orders and decisions, constitutional issues, civil rights, consumer protection, government benefits, and employment matters, as well as business regulations and cases involving torts and claims against the state
* Criminal cases appealed to all levels of the judiciary

**Solicitor General:**

The Solicitor General (SG) is the chief litigation policy advisor to the Attorney General, providing comprehensive oversight of state and federal litigation for Indiana. The SG also:

* Handles specific cases involving constitutional challenges
* Pursues cases with issues of vital interest to state government
* Makes recommendations on filing amicus curiae (friend of the court) briefs
* Consults with the Appellate Division to determine which civil cases the state should appeal and the appropriate legal position to pursue

**Investigations:**

This section works in coordination with the legal divisions to collect evidence and provide background information on open cases. It investigates legal activity on behalf of Indiana state agencies and works with state and local law enforcement on human trafficking cases. This section also handles tort claims investigations and cold case reviews.

**Victim Services:**

The Office of the Attorney General is committed to providing services and assistance to crime victims. The Indiana Constitution guarantees victims fairness, respect, and dignity, and the office sustains that promise by supporting those affected directly, and indirectly, by crime in Indiana. The office provides support through the following programs:

* Address Confidentiality Program to protect victims of domestic violence or stalking
* Hope Card Program to provide a convenient civil protection order summary for victims
* Human Trafficking Prevention
* Victim Advocates Network

**Office Accomplishments**

My team and I take great pride in providing high quality service to Hoosiers as we fulfill the statutory duties of this office. We have a number of accomplishments that we are proud to share as evidence of the hard work we do every day:

**Financial Stewardship**

 Staffed by servant leaders, our office is mindful to maximize Hoosiers’ return on taxpayer dollars. The OAG brought in more than $311.6 Million in 2021.

* Unclaimed Property returned $48,371,557.75 directly to Hoosiers.
* The State received $10.8 million from consumer settlements.
* Collections for the State $9,653,555.00
* Medicaid Fraud Control Unit (MFCU) Recoveries $9,610,973.00
* Unclaimed Property Received $132,607,875.00
* Tobacco Settlement Funds $146,262,256.00
* Other (Consumer Litigation Settlements, Homeowner Protection, ID Theft Recoveries,
* Solicitation and Real Estate Fees) $13,525,240.19

**Policy Wins**

Big Tech

Attorney General Todd Rokita took on Big Tech censorship with investigations into Amazon, Apple, Facebook, Google, and Twitter. The focus of the investigations is to probe how these companies have potentially harmed Indiana consumers through business practices that are abusive, deceptive, and/or unfair.

Parents’ Bill of Rights

Concerned parents passionate about their kids’ education are not terrorists as the NSBA would have you believe. To support parents, Attorney General Todd Rokita created a Parents’ Bill of Rights to ensure parents know their rights provided by law. Initially issued in June with an updated version released in November, the Parents’ Bill of Rights provides guidance on issues of concern to parents, including social-emotional learning, participation at school board meetings, open access to educational records, opting out of certain curricula, and filing civil rights complaints.

Vaccine Mandates

Attorney General Todd Rokita has filed multiple legal actions against President Biden to stop unlawful vaccine mandates the administration is imposing on employers and employees across the country.

China

Three weeks after Attorney General Todd Rokita announced an investigation into Valparaiso University’s association with the Confucius Institutes, which are alleged to function as a propaganda arm of the Chinese Communist Party, the university indicated it intends to end its relationship with its Confucius Institute in March 2022.

Election Integrity

In defense of election integrity, Attorney General Todd Rokita explained the dangers of the “For the People Act” in testimony before the U.S. Senate Committee on Rules & Administration. In his remarks, Attorney General Rokita argued that “states should continue to hold elections in the manner that best suits each state.”

Abortion

Since the U.S. Supreme Court overturned Roe v. Wade on June 24, Attorney General Rokita has secured four wins for Indiana pro-life laws.

On July 28, the 7th Circuit U.S. Court of Appeals ruled that Indiana can immediately begin enforcing a law requiring the notification of the parents of minors who obtain abortions — a law previously enjoined by a federal district court before it could ever go into effect.

On July 7, Attorney General Rokita achieved [another historic pro-life legal win](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDAsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMjA3MjguNjE0MzIxOTEiLCJ1cmwiOiJodHRwczovL2V2ZW50cy5pbi5nb3YvZXZlbnQvYXR0b3JuZXlfZ2VuZXJhbF90b2RkX3Jva2l0YV93aW5zX2hpc3RvcmljX3Byby1saWZlX2Nhc2VfdG9fcHJvdGVjdF90aGVfdW5ib3JuP3V0bV9jYW1wYWlnbj13aWRnZXQmYW1wO3V0bV9tZWRpdW09d2lkZ2V0JmFtcDt1dG1fc291cmNlPVN0YXRlK29mK0luZGlhbmEifQ.3eZcKMbIH_1UvTCSi7FD_PJU3_EEPiPFRdXU5lKp88M/s/864072680/br/141711576066-l) when a federal district court granted his motion to lift an injunction on dismemberment abortions, which occur well into an unborn baby’s development.

On July 11, a U.S. appellate court [vacated judgments](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDEsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMjA3MjguNjE0MzIxOTEiLCJ1cmwiOiJodHRwczovL2V2ZW50cy5pbi5nb3YvZXZlbnQvYXR0b3JuZXlfZ2VuZXJhbF90b2RkX3Jva2l0YV9hY2hpZXZlc19zZWNvbmRfdmljdG9yeV9zaW5jZV9kb2Jic19kZWNpc2lvbl9pbl91cGhvbGRpbmdfaW5kaWFuYV9sYXdzX3Byb3RlY3RpbmdfdW5ib3JuX2xpZmVfYW5kX3dvbWVuc19oZWFsdGg_dXRtX2NhbXBhaWduPXdpZGdldCZ1dG1fbWVkaXVtPXdpZGdldCZ1dG1fc291cmNlPVN0YXRlK29mK0luZGlhbmEifQ.N0_hhc5O5rPjejQX32BU-Sfu-V_UBEvUHLvyxV4VaBU/s/864072680/br/141711576066-l) in the Whole Woman’s Health Alliance v. Rokita case that had invalidated several other Indiana laws protecting unborn children and the health of their mothers.

On July 18, a U.S. district court [vacated a judgment](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDIsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMjA3MjguNjE0MzIxOTEiLCJ1cmwiOiJodHRwczovL2V2ZW50cy5pbi5nb3YvZXZlbnQvYXR0b3JuZXlfZ2VuZXJhbF90b2RkX3Jva2l0YV9zZWN1cmVzX3RoaXJkX3ZpY3RvcnlfaW5fdXBob2xkaW5nX2luZGlhbmFfbGF3c19wcm90ZWN0aW5nX3VuYm9ybl9saWZlX3NpbmNlX2RvYmJzX2RlY2lzaW9uP3V0bV9jYW1wYWlnbj13aWRnZXQmdXRtX21lZGl1bT13aWRnZXQmdXRtX3NvdXJjZT1TdGF0ZStvZitJbmRpYW5hIn0.B48U0f2X8O7b_c7bw57pJfJyWV-TisoH6DPhNxLPngY/s/864072680/br/141711576066-l) against an Indiana law prohibiting abortions sought on the basis of the unborn child’s race, sex or disability.

*Whole Woman’s Health Alliance v. Rokita*: Prior to the US Supreme Court’s decision in *Roe v. Wade* the office had been involved in several years of litigation, a challenge to nearly the entire Indiana abortion code went to trial. The office’s solicitor general team convinced the district court to uphold the following laws:

- Abortion reporting requirements

-  For minors seeking abortion, requirement of parental consent or judicial order

-  Mandatory disclosures concerning the physical health risks of abortion

-  Clinic safety regulations

-  Dosage and pill administration requirements for medication abortion

-  Hospital admitting privileges requirements for abortion physicians

-  Clinic inspection laws

-  Clinic equipment requirements

-  Only physicians may perform surgical abortions

- Women seeking abortion must have an ultrasound

- A physician or advanced practice clinician must provide the informed consent information

- Criminal penalties for violations of the abortion code

Meanwhile, the State continues to appeal the judgment and injunction with respect to these laws enjoined by the district court.

•   Planned Parenthood Great Northwest v. Marion County Prosecutor: Indiana successfully overturned the district court’s decision declaring unconstitutionally vague Indiana’s requirement that physicians, clinics, and hospitals report abortion complications to the State.

•  All Options v. Attorney General: Indiana defended its law requiring that women seeking abortion be informed that a medication abortion may be reversed before the second pill is taken. Unfortunately, the district court granted Plaintiffs’ preliminary injunction. Indiana continues to defend this law at summary judgment and trial.

Other Important Victories

•   In the Seventh Circuit, the SG Division lawyers won an en banc victory, obtaining reversal of a Seventh Circuit panel decision that had endorsed a “right to travel” challenge to Indiana’s sex-offender-registry system.

•   In state court, SG Division lawyers helped obtain a trial-court victory defending, against the Governor’s challenge of the General Assembly’s authority to provide for emergency legislative sessions.

Vaccine Mandates

•  Indiana, alongside several other states, successfully sought stays of the Biden Administration’s vaccine mandates, including OSHA’s 100+ employee mandate and the Medicare and Medicaid healthcare staff mandate. This matter is currently in front of the U.S. Supreme Court.

•  The SG Division challenged OSHA’s emergency temporary standard, which required that all employers with 100+ employees mandate vaccination. That order was stayed, and Indiana joins dozens of states in the consolidated case defending that stay. This matter is currently in front of the U.S. Supreme Court.

•  Indiana and its fellow plaintiff states challenged the Medicare and Medicaid provider mandate and succeeded. At the states’ urging, the district court in Louisiana enjoined the mandate from going into effect anywhere in the nation. The matter is currently in front of the U.S. Supreme Court.

•  Indiana, along with Louisiana and Mississippi, challenged Biden’s order mandating vaccination of federal contractors in federal court in Louisiana. We are seeking a preliminary injunction that would prevent this order from going into effect while the court reviews its lawfulness.

•  Federal HHS issued a rule that would require all childcare and child development facilities that utilize federal Head Start funds to require all staff to be vaccinated and require masks of all children at least 2 years old. Attorney General Todd Rokita filed suit against the Biden administration and won an immediate injunction against the Head Start rule.

Amicus Briefs

The SG Division provided national leadership by writing and filing more than a dozen multi-state amicus briefs in important and high-profile cases pending before the U.S. Supreme Court, lower federal courts and the Indiana Court of Appeals. The amicus briefs the SG Division filed this year spanned a variety of cutting-edge legal issues, including:

• Immigration, where the State filed amicus briefs opposing the Biden Administration’s attempts to rescind the Migrant Protection Protocols, which have proven to be essential to addressing the immigration crisis at America’s southern border.

•  Religious liberty, where the State filed amicus briefs supporting the application of the ministerial exception and church- autonomy doctrine in multiple cases.

•  Energy and climate change, where the State filed amicus briefs supporting the defendant oil companies’ efforts to remove to federal court lawsuits seeking to hold the companies liable for the costs of global climate change under a common-law public-nuisance theory.

Advisory

The Attorney General’s Advisory Division provides guidance to public officials in their efforts to understand state statutes, policies, procedures and the law. It does this by helping research and craft official advisory opinions, memoranda of guidance and informal legal counsel; advising state government in the review and creation of administrative rules and regulations; reviewing and approving the form and legality of all state contracts; acting as legal advisor to Indiana’s licensing boards and commissions.

•  Access to Public Records Act Requests Completed = 201

•  Active MOUs = 30

•  Administrative Rules = 42

•   Boards & Commissions Advised = 60

Contracts:

•   For 2021 = 6,520 (6,322 electronic and 198 paper)

•   Contract Form Approvals = 83

•   Official Opinions = 2

-  2021-1: RE: University policies on COVID-19 vaccination

-  2021-2: RE: Black Lives Matter as a Political Organization

**Consumer Protection**

*Intake and Mediation*

Intake stats:

Calls: 20,427

Complaints Received: 15,582

Caller satisfaction rate for telephone intake staff: 84%

Referred to mediation: 4,174 Referred to Data Privacy: 4,097

Referred to Licensing Enforcement: 2,607

Written feedback from customer surveys:

“The young lady that took care of me was very kind and understanding and I couldn’t have asked for a better experience. Thank you so very much for her.”

“They were very helpful, very understanding and very compassionate. They told me what I needed to know and in fact, gave me information I didn’t know and was glad to get a hold of. Thank you so very much!”

“They were awesome! They helped us with a problem with these extra phone calls we get with telemarketing and gave us other suggestions. She was very quick with the information and forms to get this started. Very good job!”

“My wait time wasn’t long and she was very knowledgeable. I was highly satisfied. She put me on the do not call list for Indiana as well as gave me the number for the do not call list. I’m very pleased with the State of Indiana. Give her a raise for next year, how does that sound?”

“The lady I spoke with was cordial and professional and I appreciate that. Thank you.”

*Medical Licensing*

•   2,090 investigations were opened in Licensing Enforcement.

•   2,333 cases were closed in Licensing Enforcement as of 12-8-2021.

•  The average time for investigations decreased from 9.17 months in January of 2021 to 8.06 months currently.

*Homeowner Protection Unit*

•  The Homeowner Protection Unit (“HPU”) resolved 716 consumer complaints. The top three categories were real estate-related matters, loan servicing issues, and homeowner association complaints.

•   HPU resolved 596 consumer complaints, a 17% increase from 2020.

•   HPU resolved 14 civil matters with $427,500 in civil penalties and $116,829.28 in consumer restitution.

•   HPU represented the State in 72 administrative filings between the Indiana Real Estate Commission and the Indiana Appraiser Board, with 68% of cases resolved without dismissal.

• Following a year-long investigation, the Homeowner Protection Unit filed a lawsuit in July against Aloft Mgt LLC (Aloft) and Fox Lake AHF Inc. (Fox Lake) for their corresponding roles in allowing the Fox Club and Lakeside Pointe apartment complexes in Indianapolis to fall into egregious disrepair, endangering the health and welfare of thousands of residents. The defendants’ pattern of unlawful conduct, including a failure to maintain even basic habitability standards, is not only unfair to residents but runs counter to Fox Lake’s stated purpose of providing low-income housing in the Indianapolis community. Negotiations and litigation continues to hold the owners accountable to their tenants.

*Data Privacy*

•  There were fewer data breaches in 2021 compared to 2020, but the breaches that occurred impacted more Hoosiers and had a higher monetary impact. In 2021, 1,144,623 Hoosiers were impacted by data breaches compared to 462,837 in 2020.

•   Hoosiers were involved in ransomware cases in which at least $126,454,229.77 was demanded as ransom and at least

$74,131,549.07 was paid.

Data Privacy obtained judgments or settlements— including multistate cases on which it was a lead state or part of the executive committee — totaling $27,788,117.92, of which Indiana’s share was $6,788,117.92 million.

Data Privacy completed its forensic investigation lab, permitting it to research the dark web for compromised information and ransomware gangs.

Data Privacy saw a 211% increase in the total number of identity theft complaints filed with the Office and a 262% increase in fraud claims.

3,674 new Identity Theft Fraud cases were opened, and 1,118 Identity Theft Fraud cases were closed.

We issued 677 subpoenas and 975 Civil Investigative Demands.

•   Data Privacy processed 5,186 telephone privacy complaints.

•   Data Privacy filed a groundbreaking complaint in the U.S. District Court for the Southern District of Indiana against Startel, a robocall gateway company located in Evansville as well as two carriers that assisted the gateway company in transmitting more than 5 million illegal robocalls to Indiana residents.

•  Data Privacy expanded its forensic capabilities, permitting it to gather forensic information from mobile phones and analyze call detail records from carriers.

•   Indiana leads the National Association of Attorney General Do Not Call/Autodialer Working Group and is an active executive committee member on robocall technology, coordinating with the Industry Traceback group to implement technologies to slow or prevent fraudulent calls and to change the process by which illegal calls are investigated and enforced.

**Litigation Division**

•  The Litigation Division and its sections litigated approximately 4,300 cases in federal and state courts, opened 3,406 cases and closed 3,837 cases YTD, and recouped more than $13.9 million.

•   In FY 2021, the State paid out less for civil rights and tort cases than fiscal estimates ($8.9 million paid out of the Tort Claim Fund), and through successful litigation strategy and advocacy, the Litigation team achieved billions in savings for taxpayers.

*Administrative and Regulatory Enforcement Litigation Section*

• Successfully defended the State’s interest in several high-profile and significant cases involving important issues such as sovereign immunity, separation of powers, and statutory interpretation. The team has continued to litigate in such complex areas as election law, alcohol regulation, and health and safety law.

•  YTD money recouped for the state through court ordered assessments of fines or through negotiation: $470,750.00.

*Government Litigation Section*

• Successfully defended hundreds of Section 1983 civil rights, employment, and other claims through jury and bench trials, mediations, settlement conferences, and dispositive motions including saving taxpayers millions of dollars by way of successful jury verdicts, motion practice, and negotiations.

•  YTD opened 725 cases and closed 720 cases.

*Real Estate Litigation Section:*

•  Represented the State in all eminent domain cases, which assisted INDOT in meeting its construction deadlines.

•  Negotiated real estate acquisitions and handled the review and approval of 1,064 secured real estate parcels, representing a 10% increase over 2020.

•  YTD money recouped for the state through court ordered assessments of fines or through negotiation: $270,590.94.

Asset Recovery and Bankruptcy Litigation Section

•  YTD money recouped for the state through court ordered assessments of fines or through negotiation:

$13,226,549.86.

•   Successfully recouped more than $3.3 million in fraudulently obtained unemployment funds by scammers who collected unemployment benefits using other people’s identities through information gathered from the dark web. The fraud that occurred with

the unemployment claims during the pandemic was unmatched by other recessions. Specifically, it was discovered that people were setting up accounts to claim unemployment for people based on information gathered from the dark web.

**Medicaid Fraud Control**

The Medicaid Fraud Control Unit investigates Medicaid provider fraud and patient abuse or neglect.

•  Recovered over $8.1 million from various civil and criminal cases involving either fraud or the abuse or neglect of patients receiving Medicaid benefits.

•  Achieved 58 criminal convictions in State and Federal courts.

•  Achieved 60 federal criminal indictments in State and Federal courts.

The Indiana Medicaid Fraud Control Unit receives 75 percent of its funding from the U.S. Department of Health and Human Services under a federal grant. The remaining 25 percent is funded by the State of Indiana.

**Unclaimed Property**

 •   Returned over $48 million to Hoosiers in 2021.

•   Processed over 41,000 claims.

•  Average claim amount was $995.

•   Reconciled over 994,000 properties.

•   Conducted over 100 eBay Auctions for the sale of tangible items from safe deposit boxes.

•   Received over $122 million in property including contents of safe deposit boxes, unclaimed stock dividends, refunds from utility companies, etc.

Check www.IndianaUnclaimed.gov to see if the Office of the Attorney General has funds for you!

**Complex Litigation**

 •  Obtained a settlement for more than $12.5 million against McKinsey & Company for its role in working with opioid companies, helping those companies promote their drugs, and profiting from the opioid epidemic.

•  Obtained a proposed settlement in the amount of $507 million with the three largest drug distributors (Cardinal Health, McKesson, and AmerisourceBergen) related to their legal duty to refuse to ship opioids to pharmacies that submitted suspicious drug orders. The settlement also involved Johnson & Johnson, regarding whether it misled patients and doctors about the addictive nature of opioid drugs.

•  Continued investigations regarding issues that significantly impact Hoosiers, including the nationwide opioid crisis, to determine whether additional action could be pursued to obtain relief.

•  Assisted Consumer Protection Division in its investigation of Amazon, Apple, Facebook, Google and Twitter to determine whether those businesses have engaged in abusive, deceptive or unfair practices that have negatively affected Hoosiers.

•  Assisted the Consumer Protection Division in continued prosecution of non-profit Wildlife in Need and its president, Tim Stark, as first chair in a bench trial resulting in 1) a finding of personal liability against Stark; 2) relocation of more than 100 exotic animals; 3) receivership, which will allow the State of Indiana to recoup its costs for bringing the action.

•  Assisted the Asset Recovery and Bankruptcy Litigation Section as lead counsel in a consolidated case involving two semi-trailer crashes causing damage to a bridge by successfully obtaining a settlement for the Indiana Department of Transportation in the total amount of $735,000.

•  Assisted the Consumer Litigation Section in the continued prosecution of three cases in the Eastern District of Pennsylvania alleging price fixing in generic drugs in violation of federal and state anti-trust and consumer protection laws.

•  Continued an investigation into the conduct of USA Gymnastics under Indiana’s Nonprofit Corporations Act while monitoring the organization during its bankruptcy proceeding and assisting in the development and implementation of nonmonetary terms to improve and promote safety.

**Appeals**

*Criminal Appeals*

•  Successfully obtained an order by the Indiana Supreme Court reaffirming the convictions and capital sentence of Kevin Isom, who murdered his wife and two teenage stepchildren in Lake County in 2007.

•  Persuaded the Indiana Supreme Court to uphold the murder convictions and life imprisonment without parole sentences of child killers Dylan Tate and Ryan Ramirez (both crimes committed in Madison County).

•  Won an appeal brought by John Larkin, who was convicted in LaPorte County for the 2012 killing of his wife, that sought to overturn his manslaughter conviction.

•  Achieved victories on several significant areas of criminal law and procedure, such as the exclusion of parents in criminal trials when they are also witnesses (Byron Harris v. State), protecting the confidentiality of informants (State v. Justin Jones), search and seizure of automobiles involved in crimes (James Combs v. State), Miranda warnings during consensual interviews of witnesses (State v. Axel Diego), and the smell of marijuana as probable cause to support a search warrant (Jesse Bunnell v. State).

*Civil Appeals*

•  Persuaded the Court of Appeals of Indiana to overturn an injunction that barred the Department of Workforce Development from withdrawing from the heightened unemployment benefits made available by the federal CARES Act during the pandemic.

•  Convinced the Indiana Supreme Court to uphold the General Assembly’s 2011 education reforms, which limit the topics of collective bargaining between schools and teachers, to ensure that schools retain their authority to assign teachers based on the best needs of schoolchildren.

•  Won important appeals in the U.S. Court of Appeals for the Seventh Circuit that clarified immunity from suit for Indiana’s prosecuting attorneys and protected state courts from federal lawsuits that try to interfere with Indiana’s child welfare courts.

• Presented arguments in still-pending cases on several significant legal questions, such as the legality of the City of Gary’s “sanctuary city” policy under Indiana laws prohibiting that practice, Indiana’s ownership of its Lake Michigan shoreline, the constitutionality of penalties levied against those who defraud Indiana’s unemployment compensation program, the financing of county probation officers, and a constitutional challenge to certain alcoholic beverage regulations on out-of-state wine distributors.

**Office Challenges**

* The hiring environment for attorneys in the State continues to be very competitive. Top talent is being recruited by law firms from within our office. Those firms are utilizing superior resources to offer generous compensation packages.
* The cost of outside counsel contracts to make up for Deputy Attorney General vacancies and increased complex litigation is putting a strain on office resources that have traditionally been used to pay for administrative and operating expenses.
* Continual enhancements to the office’s overall technology environment. Upgrades and training for case and document management systems, electronic search capabilities, and system routing processes.
* The need to protect consumer privacy and secure individual data is an immediate challenge that the office faces as technology advances continue to outpace consumers ability to secure all forms of data and personal information.

**Objectives for the Next Biennium**

The Office of Attorney General serves, protects, and defends Hoosiers by championing liberty, justice, and the Rule of Law.

We intend to build upon the positive foundation we have laid during our first year in office and continue working hard as a team to achieve positive results for the State of Indiana. Our goals include:

* Modernize the office’s technology and business
* Enhance activities that secure justice and protect Hoosiers
* Establish the Office of Attorney General as the premier legal employer, the place to learn, grow, and serve during a competitive hiring environment
* Build and strengthen relationships with external stakeholders

**FY 2024-2025 Budget Request**

Below is a brief summary of the ten change packages we are requesting in our biennial budget, six of which are for current services and four are for new office initiatives:

**Current Services Requests:**

* $1 million per year to secure outside counsel contracts to cover Deputy Attorney General (DAG) vacancies in our main operating account (10430)
  + *These funds are vital for us to continue to conduct normal office operations typically undertaken by in-house legal staff*
* $1.2 million in 2024 and 2025 for 5% officewide cost of living salary increases which took effect on October 16, 2022
  + *This request is intended to mirror the 5% salary increases in the Governor’s statewide NextLevel State Work Phase 3 Compensation Study*
* $1 million per year for officewide technology upgrades
  + *These IT upgrades for case, client, and document management systems will increase operational efficiencies, centralize casework, enhance collaboration, and reduce costs associated with storage and archiving*
* $14k per year to account for increases in the IOT seat charge rates assessed against state agencies utilizing the IOT network and associated services on the “IOT backbone”
* $2.5 million in 2024 and 2025 for officewide salary scale increases
  + This request is intended to implement the office’s salary scale study which seeks to accomplish the following:
    - Resemble SPD scale structure
    - Match, to the extent possible, ranges for OAG positions to ranges for SPD positions
    - Achieve the same average 16% increase per employee
* $1.9 million in 2024 and 2025 to fund officewide raises incurred in FY’s ’20 and ‘22
  + The officewide raise in FY ’22 was instituted to mirror the Governors’ salary increases for State employees of civil service agencies in January 2022
* $2.5 million in 2024 and 2025 to fill mission critical vacancies
* $0.77 million increase per year to our annual Medicaid fraud state match
  + *This would increase our annual state match from $1.4 million to $2.17 million to reduce our reliance on the Medicaid fraud recovery revenue in the 48560 fund.*

**New Initiatives:**

* $123k per year to create a new IT Training Director position
  + *The IT Training Director will work closely with each division to ensure that staff is being appropriately and uniformly trained in the implementation, incorporation, and utilization of new IT systems*
* $1 million per year to secure expert witness contracts to defend legal challenges against newly enacted abortion legislation
  + *Expert witnesses will testify on highly technical and complex matters in the fields of medicine and science related to issues of abortion and reproduction*
* $0.5 million per year to create a new consumer data privacy program resulting from enacting legislation which would allow consumers to opt out of having their personal information sold to third parties by technology firms and other corporations.
  + *The Consumer Data Privacy team would consist of 4 legal staff tasked with administering and enforcing the provisions of the program*
  + *Appropriation may be substituted with fund revenue generated from a fee-based model prescribed by the General Assembly in which participating entities would be required to purchase a “Do Not Sell” list similar to the “Do Not Call” list currently utilized by the Telephone Solicitation program*

Through careful assessment of our programs, services, and future needs, the Office of the Attorney General respectfully submits this request for an additional $4.4 million in its other operating budget over our current appropriation. This conservative increase is necessary to continue the high quality service our office provides to the State of Indiana and the general public. We appreciate your consideration and look forward to working together this legislative session.

Sincerely,

Todd Rokita,

Indiana Attorney General