

COLORADO DEPARTMENT OF LAW
SMART Government Act Strategic Plan
October 1, 2020

Office of the Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203
(720) 508-6000

VISION

At the Colorado Department of Law (“DOL” or “Department”), we are committed to serving as the “People’s Lawyer.” The DOL vision for this role is: “*Together, we serve Colorado and its people by advancing the rule of law, protecting democracy, and promoting justice for all.*”

DOL CORE VALUES

To guide how we implement this vision, the DOL developed four core values—*we are principled public servants who are innovative and better together.*

Our first core value is that we are *principled*. As we work on a range of issues on behalf of the people of Colorado, we act according to the highest ethical standards, rigorous legal analysis, and a careful evaluation of the facts.

Our second core value is to act as *public servants*. Our work is not about us; it is about serving the people of Colorado. Whatever matters we are working on—improving our criminal justice system and protecting public safety; addressing the opioid epidemic; protecting consumers; or protecting our land, air, and water—we are doing it to serve the people of Colorado.

Our third core value is to be *innovative*. At the DOL, we ask “what is the best way we can accomplish our goals?” In some cases, the traditional approach will be best; in other cases, we will try new approaches. In all events, we will make decisions deliberately and with an eye to whether there are opportunities to improve or experiment with new approaches.

Finally, we are *better together*. At the DOL, we are committed to supporting one another across the office, working collaboratively with our clients, and engaging people and resources across Colorado to accomplish our goals. Our best work will be done in partnership with others.

In summary, the DOL core values include:

1. We are Public Servants:
 - a. We uphold the rule of law and serve all the people of Colorado;
 - b. We are engaged and empathetic;
 - c. We act with humility;
 - d. We serve our client agencies.
2. We are Innovative:
 - a. We act with courage;
 - b. We seek and create opportunities for others;
 - c. We are creative problem solvers;
 - d. We are committed to continuous improvement.
3. We are Principled:
 - a. We act with integrity;
 - b. We do our best;
 - c. We deliver excellent work;
 - d. We are transparent.

4. We are Better Together:
 - a. We are inclusive and diverse;
 - b. We work as a team;
 - c. We are respectful of others;
 - d. We have fun.

The DOL has a special opportunity to demonstrate how government can work efficiently, effectively, and fairly. By doing so, the DOL advances our constitutional commitment to work towards a more perfect union.

PRIORITIES

The DOL aims to achieve its vision and accomplish its mission through these priorities set by the Attorney General:

- **Defending the Rule of Law:** Advancing the principles of justice, freedom, and equality for all.
- **Addressing the opioid epidemic:** Fighting the opioid epidemic through accountability, collaboration, and innovation.
- **Improving the criminal justice system and protecting public safety:** Keeping communities safe through smarter, fairer response to crime.
- **Protecting consumers:** Allowing responsible businesses to thrive by holding bad actors accountable.
- **Protecting Colorado's land, air and water.** Preserving and protecting Colorado's precious and limited natural resources.
- **Community engagement:** Engaging in meaningful dialogue with communities around the State.

The DOL Strategic Plan describes some of the Department's activities to further the DOL priorities and how the DOL's work reflects and advances the vision and core values.

STATUTORY AUTHORITY

The statutory authority for the Attorney General and for the DOL is found in section 24-31-101, et seq., C.R.S. Additional statutory authority is found in titles 5, 6, 10, 11, 12, 25, 33, 34, 36, 37 and 39.

DEPARTMENT DESCRIPTION

The Attorney General and the DOL represent and defend the legal interests of the people of the State of Colorado and its sovereignty. The Attorney General exercises the responsibilities given to the office by the Colorado Constitution, Colorado Revised Statutes, and the common law.

The Attorney General has primary authority for enforcement of consumer protection and antitrust laws, prosecution of criminal appeals and certain complex white-collar crimes, training and certification of peace officers, and most natural resource and environmental matters. Most complex criminal matters are investigated by the Statewide Grand Jury. Additionally, the Department works

concurrently with Colorado’s 22 district attorneys and other local, state, and federal law enforcement authorities to carry out the criminal justice responsibilities and activities of the Department. The Attorney General is also the State’s chief legal representative as well as the chief legal counsel and advisor to the State government’s Executive Branch—including the governor, 19 principal departments, and other state agencies, boards, and commissions—and Judicial Branch.

The DOL is largely a cash-funded agency that receives funding from state agencies and various programs for the provision of legal services, the investigation and prosecution of fraud, and the protection of citizens of this State through a number of consumer protection efforts. The DOL delivers its responsibilities within an approximately \$91 million appropriated budget and utilizes roughly 525 employees to carry out these responsibilities.

The DOL’s services are primarily delivered through nine operational sections (referred to in statute as “division”). These sections carry out their specific responsibilities in order to provide the highest quality legal representation for State clients, to all State government principal departments and agencies, and each program and board within. Additionally, investigative and prosecutorial efforts help protect the interests of Colorado citizens by minimizing fraud and ensuring public safety. These nine sections include:

1. **Business and Licensing Section** – Provides legal advice and litigation services to several state agencies, including the Department of Regulatory Agencies and the Divisions of Professions and Occupations, Banking, Civil Rights, Financial Services, Insurance, Real Estate, and Securities. The Section also represents the Department of Agriculture, the State Personnel Board, and the Independent Ethics Commission.
2. **Civil Litigation and Employment Law Section** – Defends State employees and agencies in administrative, state, and federal courts. Cases may involve personal injury suits, property damage, constitutional violations, or employment discrimination among others. The Section also prosecutes civil rights violations in administrative and state courts and provides employment law advice to all state agencies. The Section provides day-to-day advice to the Departments of Corrections, Public Safety, and Transportation. The Section also advises and represents all State agencies on labor and employment issues, including advice regarding the classified personnel system and collective bargaining agreements with state employee organizations.
3. **Consumer Protection Section** – Protects Colorado consumers and businesses by enforcing State and federal laws designed to maintain a fair and competitive business environment while protecting consumers from being targets of fraud. The Consumer Protection Section is devoted to meeting the goals of keeping Coloradans safe by enforcing antitrust laws, combating unfair or deceptive trade practices, enforcing data privacy and cyber security laws, stopping unscrupulous lenders and debt collectors, assuring fair and reasonable utility rates, and fighting fraud against older Coloradans. The Consumer Protection Section also works to hold those who caused or contributed to the opioid epidemic accountable, including by actively investigating and suing irresponsible drug manufacturers, distributors, retailers, and others for their deceptive actions that fueled this crisis.
4. **Criminal Appeals Section** – Represents law enforcement interests when defendants challenge their felony convictions in the state and federal appellate courts.

5. **Criminal Justice Section** – Assists local prosecutors and law enforcement agencies throughout the State on matters that occur in more than one local jurisdiction, including presenting cases to the Statewide Grand Jury and serving as special district attorneys in local counties upon request. Section members provide special assistance to district attorneys in complex violent crimes including homicides and cold cases. The Section also prosecutes multi-jurisdictional cases that include human trafficking, major drug trafficking organizations, white-collar, and environmental crimes. The Section prosecutes crimes in which it has original jurisdiction, including securities, insurance, and election fraud. It also investigates and prosecutes fraud committed against the State by providers of Medicaid products and services, as well as abuse and neglect of patients in federally funded long-term care facilities. The Section also coordinates the prosecution of foreign fugitives and houses the Peace Officer Standards and Training Board (“POST”).
6. **Natural Resources and Environment Section** – Works with client agencies to protect and improve the quality of Colorado’s natural environment. The Section provides legal counsel and representation to the Department of Natural Resources on the regulation of mining, oil and gas, parks and wildlife, state lands, and water rights, and to the Department of Public Health and Environment on the regulation of air quality, water quality, radiation control, and hazardous and solid waste management. The Section also advocates on behalf of the State Natural Resource Trustees and the Colorado Energy Office.
7. **Revenue and Utilities Section** – Provides litigation and general counsel support to the Department of Revenue, the Public Utilities Commission trial staff, the Property Tax Administrator and Property Tax Division within the Department of Local Affairs, and statewide clients regarding bankruptcy matters.
8. **State Services Section** – Provides representation to eight of sixteen executive branch principal departments and Colorado’s five statewide elected public officials: the Governor, Lieutenant Governor, Attorney General, Secretary of State, and Treasurer. The Section also represents the Judicial Branch, the Public Utilities Commission, the Departments of Human Services, Health Care Policy and Financing, Personnel and Administration, Public Health and Environment (on health matters), State Institutions of Higher Education, Department of Higher Education, and the Department of Education. The Section reviews hundreds of state contracts and defends the State against claims typically involving the inadequacy of funding of various programs. The Section also advises state agencies on data privacy and cybersecurity, and the Colorado Open Records Act.
9. **Office of Community Engagement** – Serves as Coloradans’ open door to the Department. The Office builds relationships and establishes meaningful dialogue across Colorado to truly hear the needs, ideas, and voices of the people of our State. The Office engages with Coloradans on a range of issues—from criminal justice reform, to financial literacy and protecting consumers, addressing the opioid epidemic, protecting our land, air, and water, to many others—through three primary areas of work: outreach and engagement, partnerships, and state impact programs (including the Safe2Tell™ program). Safe2Tell™ is an anonymous tip line that provides young people a way to report any threatening behaviors or activities endangering themselves or someone they know.

PERFORMANCE MEASURES

The DOL aims to achieve its vision and accomplish its vision through its priorities stated above.

The DOL is engaged in a comprehensive performance management planning process across the organization to better align our performance metrics with our priorities. First, the DOL is embarking on an effort to show the value of the legal services we provide to our client agencies through metrics other than billable hours. The DOL is working closely with client agencies to better align with our client goals and better communicate the value of the legal services provided.

Second, in coordination with the priorities listed above, the DOL is revamping our strategic plan to provide more meaningful performance measures, strategies, and performance evaluations. As a result, some of the performance measures we have used in past years have been retired and replaced with new performance measures, as detailed below.

FY 2020-21 LONG BILL AND SPECIAL APPROPRIATIONS TO DOL

The DOL annual budget request reports additional measures to help provide a complete analysis of DOL’s efforts. Please refer to the Department website at <http://coag.gov/> to review the annual budget document.

Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
\$91,496,189	524.8	\$14,284,468	\$19,382,055	\$55,459,431	\$2,370,235

DOL PERFORMANCE METRICS

DEFENDING THE RULE OF LAW

Advancing the principles of justice, freedom, and equality for all

The Attorney General by statute is the State’s chief legal representative, and legal counsel and advisor of each principal department, division, board, bureau, institution of higher education, and agency of state government other than the legislative branch. § 24-31-101, et seq., C.R.S. The DOL represents its various clients efficiently and effectively, and serves a legal partner supporting the work of Colorado’s state agencies. The key to this success is attracting and retaining quality attorneys and professional staff, by providing a competitive compensation and benefits package, training and support, and a dynamic work environment.

Every decision made in the DOL is grounded in a commitment to ensuring all Coloradans are protected and treated fairly under the law. That work includes protecting equality for our State’s residents, advising client agencies, providing legal opinions, defending the State and its Constitution and civil and criminal laws appropriately in litigation, and challenging federal actions when in violation of the law or Colorado’s sovereignty under the 10th Amendment of the U.S. Constitution. The DOL fights for justice, freedom, equality, and fairness for all.

Representation and Advice to Clients

Goal: To provide quality legal counsel and representation and provide effort that is satisfactory or greater to client agencies.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
Provide quality legal counsel and representation to client agencies as measured by client annual survey as satisfied or very satisfied with legal counsel	Target	95%	95%	95%	95%	95%	95%
	Actual	94.1%	97.5%	Nov. 2020	NA	NA	NA

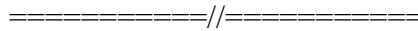
Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The total number of open client agency cases at the end of the fiscal year*	Target	NA	NA	New Metric	12,433*	12,185*	11,940*
	Actual	NA	NA	12,687	NA	NA	NA

** The target for the total number of open client agency cases at the end of the fiscal year assumes a 2% decrease from the prior year to show efficiency in the closing of the cases. This also assumes no major changes each year in the total number of cases opened as well as the complexity of the cases. Since maintaining a 2% reduction in perpetuity is not feasible, this metric will evolve as we monitor the total level of productivity.*

Strategy: The DOL strives to hire, develop, and retain the best lawyers possible to represent client agencies by providing high level, meaningful, and interesting work. The DOL is committed to the professional development of its attorneys through ongoing continuing legal education on a variety of subjects and skills, including brief writing, oral advocacy, substantive and procedural matters, professional ethics, and exercising good judgment in advising and representing client agencies. The DOL provides training to equip deputy and assistant attorneys general with the knowledge and skills necessary to provide more comprehensive legal services in evolving practice areas, such as the assistance of client agencies with respect to federal rule making.

Additionally, the DOL will focus on improved client service, including better understanding our clients’ needs and objectives, demonstrating improved responsiveness to client requests, and improving client communication and reporting. We are also undertaking a comprehensive review of how we can better serve our clients and developing innovative alternative performance management measures focused on successfully meeting client needs.

Evaluation of Prior Year Performance: As set forth above, our client survey is reviewed to understand client needs and how client agencies perceive the quality of service provided by the DOL as well as to improve legal services provided to client agencies in the future. The DOL will continue to hire and do its best to retain quality attorneys through the valuable work attorneys are exposed to and within the available resources to continue to be “an employer of choice” in the legal field.



ADDRESSING THE OPIOID EPIDEMIC

Fighting the opioid epidemic through accountability, collaboration, and innovation

The opioid epidemic has killed thousands of Coloradans and devastated families, friends and communities throughout the State. The Attorney General has made addressing the crisis one of his top priorities. The impacts of the opioid crisis are devastating, and the Attorney General is committed to working with local governments, public health authorities, state agencies, law enforcement agencies, treatment providers, and community leaders to develop effective strategies to address opioid use disorder (“OUD”). In addition to public outreach and collaboration, the Department is also fighting to hold accountable those responsible for the opioid epidemic.

Holding individuals and companies accountable

The DOL is holding those responsible for the opioid epidemic accountable and working to recover funds to address the opioid crisis. The Opioid Unit within the Consumer Protection Section focuses on investigation of opioid marketing and distribution practices and prepares, files, and prosecutes consumer protection enforcement lawsuits against opioid manufacturers, distributors, retail pharmacies, and other associated individuals and businesses. Other sections, including the Criminal Justice Section and the Business and Licensing Section also help prosecute opioid cartels, Medicaid fraud, and enforcement actions against licensed professionals involving opioid abuse.

Goal: To hold those responsible for the opioid epidemic accountable and work to recover funds to address the opioid crisis.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
Staff hours invested in statewide opioid efforts	Target	NA	15,000	18,000	18,000	18,000	18,000
	Actual	12,404	15,042	22,355	NA	NA	NA

Strategy: The DOL launched an internal working group, known as the Opioid Response Impact Team, comprised of staff from most DOL sections to best align resources and knowledge in this area of law. This internal working group coordinates the legal efforts and expertise within the Department to better impact the abuse of opioids throughout the State and support effective oversight over, and accountability of, those who prescribe, dispense, and distribute opioids. Through this coordinated effort, the DOL prioritizes and responds to a wide variety of opioid issues facing the State. Each opioid action taken by the DOL, such as a criminal prosecution, an enforcement effort based on consumer protection litigation, a community impact initiative, or professional license revocation will have a strong statewide impact on the opioid epidemic.

The Attorney General is also committed to directing all funds that the State obtains from opioid litigation judgments or negotiated settlements to abatement—including drug treatment and recovery, education and prevention programs.

Evaluation of Prior Year Performance: The Opioid Unit within the Consumer Protection Section met its increased goal of 18,000 hours invested in statewide opioid efforts. The DOL is currently

prosecuting a lawsuit against opioid manufacturers Purdue Pharma, L.P. and Purdue Pharma, Inc., and the company’s owners and executives. In coordination with other states’ attorneys generals, the Opioid Unit is also actively investigating additional opioid manufacturers, distributors, retail pharmacy chains, and others who caused or contributed to the opioid crisis. Moreover, the Opioid Unit is actively engaged in settlement discussions with leading distributors and other companies.

Regarding Colorado’s multi-disciplinary approach of tackling opioid related challenges, the Criminal Justice Section, through its Special Prosecutions Unit, appropriately relied upon Colorado’s criminal laws to investigate, interdict and prosecute large scale, trans-national opioid trafficking and distribution activities occurring within the State. In FY 20, Unit prosecutors and investigators focused their efforts in this area by working closely with local, state and federal partners to conduct numerous long-term and complex investigations that focused on prosecuting sophisticated heroin and illicit fentanyl distribution organizations. Additionally, during this same time period, Section prosecutors and investigators initiated prosecutions for a series of higher level prescription drug diversion matters which demonstrate the wide ranging impact of prescription drug abuse.

In addition, during the 2019-20 fiscal year, the DOL’s Business and Licensing Section civilly prosecuted the licenses of nineteen different doctors, veterinarians, and nurses accused of professional misconduct involving opioids, and advised the State’s regulatory agencies on numerous other investigations of potential professional misconduct involving opioids.

Collaborating with Colorado communities

This past year, the DOL hired a new Director of Opioid Response who works with the Attorney General, the Office of Community Engagement, and the Opioid Unit in the Consumer Protection Section to develop and implement a comprehensive plan that will drive the DOL’s efforts in combating the opioid crisis. The Director of Opioid Response also leads the Opioid Response Impact Team and oversees opioid-related community outreach efforts. Communities in Colorado have diverse needs and will require different types of solutions. The Director of Opioid Response will work with all regions in the State to identify best practices and determine how they can be implemented statewide.

Goal: To increase the opioid-related community outreach efforts by building trusted partners in local government, regional coalitions, and treatment/recovery providers.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of local governments reached with high quality contacts	Target	NA	NA	41	150	150	150
	Actual	NA	NA	40 (Jan -Jun 2020)	NA	NA	NA

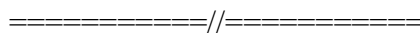
Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The % of Colorado	Target	NA	NA	New Metric	75%	75%	75%

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
population that sign on to anticipated settlement	Actual	NA	NA	NA	NA	NA	NA

Strategy: The DOL is committed to building trusted partners in local government, regional coalitions, and treatment/recovery providers. In conjunction with these trusted partners across Colorado, the Attorney General and Colorado stakeholders are committed to three core principles:

1. Ensuring that there are sufficient evidence-based, evidence-informed, or promising programs or strategies to expand access to treatment and recovery services for those suffering from or affected by OUD and/or Substance Use Disorder (“SUD”) and related Mental Health (“MH”) conditions;
2. Supporting robust efforts for prevention and education to prevent future generations from falling victim to SUD of any kind; and
3. Supporting effective oversight over, and accountability of, any custodial funds the DOL receives from litigation.

Evaluation of Prior Year Performance: Addressing the opioid epidemic in Colorado remains a top DOL priority. Upon arrival to the DOL, the Director of Opioid Response initiated community outreach efforts to ensure the framework for expenditures of opioid recovery funds will be utilized with sustainable programs that prevent opioid over-use, reduce stigma, and provide access to comprehensive treatment and recovery services for Coloradans impacted by the opioid epidemic. The Director of Opioid Response will continue to work towards a goal of meaningful interactions with a minimum of 150 stakeholders throughout all regions of the State.



IMPROVING THE CRIMINAL JUSTICE SYSTEM AND PROTECTING PUBLIC SAFETY
Keeping communities safe through smarter, fairer response to crime

The DOL is committed to improving the criminal justice system through prioritizing threats to public safety according to risk, acting in a humane and data-driven manner, and working collaboratively to protect victims and to protect public safety. Through the work of attorneys and staff in the Criminal Justice Section and Peace Officer Standards and Training Board, the DOL collaborates with Colorado communities to prosecute those who are a threat to Colorado residents, build better practices in law enforcement, and fight for justice.

The Criminal Justice Section performance measures are intended to demonstrate how the DOL’s criminal justice team serves all Coloradans. The projections supplied are estimates based on previous results as well as projections of anticipated trends. These numbers are not intended to, and will not, subvert the ethical duties regarding the charging and disposition of criminal cases by any prosecutor in the DOL.

Support rural communities and their public safety goals

Protecting public safety and improving the criminal justice system are efforts requiring actions on a variety of fronts, from protecting victims of crime to ensuring fair treatment of incarcerated individuals to cash bail reform. Since different parts of Colorado have different needs and concerns, it is important to gather feedback from and serve communities across the entire State.

Goal: To support rural communities and their public safety goals.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of rural* jurisdictions provided with litigation support	Target	NA	NA	New Metric	12	12**	12**
	Actual	NA	NA	11	NA	NA	NA

* Rural jurisdictions are Judicial Districts located outside of the I-25 urban corridor that are considered more rural in character in terms of their geography and population.

** Given existing resource levels, the target goal is maintained at the same level and will be re-evaluated if the resource levels change or the complexity of the support requested decrease substantially.

Strategy: The Attorney General joins community leaders to gather feedback on criminal justice issues facing rural communities by hosting conversations with local officials throughout the state on how to improve our criminal justice system. By learning the needs of our communities and listening to their ideas, the DOL can collaborate with communities to improve the criminal justice system in our State.

Evaluation of Prior Year Performance: In FY 20 the Special Prosecutions Unit (SP) devoted a significant portion of its attorney and investigation resources towards investigating and prosecuting numerous high profile and complicated cases in Colorado’s rural jurisdictions. As a representative sample of the SP’s work in support of these important jurisdictions, this section includes a valuable snapshot of the AG’s commitment to public safety in all four corners of Colorado. During this past year SP successfully completed two complex jury trials in rural jurisdictions, a First Degree Murder case in Huerfano County and a multi-jurisdictional fraud case tried in Mesa County, with thefts occurring throughout Western Colorado in Mesa County, LaPlata County, Garfield County and Summit County. The Special Prosecutions Unit continued working closely with the elected district attorney in the 3rd Judicial District (Las Animas and Huerfano Counties) to prosecute seven separate defendants for four different homicide cases still pending in that jurisdiction. Additionally, an Unit attorney was requested by the elected district attorney in the 7th Judicial District (Delta County et al.) to serve as one of two prosecutors handling the complex litigation of a significant post-conviction matter involving a sexual assault conviction that was being challenged by the defendant.

Build law enforcement through effective training and guidance

The Colorado Peace Officer Standards and Training (“POST”) Board documents and manages the certification and training of all active peace officers and reserve peace officers working for Colorado law enforcement agencies. POST, a unit of the Criminal Justice Section, works with the Post Board to ensure standards for peace officer training and certification in the state remain realistic, relevant, and responsive to our ever-changing world.

Goal: To ensure peace officers have access to valuable, higher quality training.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of basic, reserve, and provisional certifications issued	Target	NA	NA	New Metric	NA*	NA*	NA*
	Actual Total (Basic, Provisional, & Reserve)	1123	1234	1126	NA	NA	NA
	<i>Basic</i>	<i>1,006</i>	<i>1,077</i>	<i>1,023</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
	<i>Provisional</i>	<i>74</i>	<i>96</i>	<i>82</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>
	<i>Reserve</i>	<i>43</i>	<i>61</i>	<i>21</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>

** POST is not able to set target goals for this performance measure as POST does not control admission to the academies.*

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of certifications revoked.	Target	NA	NA	New Metric	NA*	NA*	NA*
	Actual	31	32	22 (pending)	NA	NA	NA

** POST is not able to set target goals for this performance measure and instead addresses each of the cases referred to POST.*

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of online training programs offered	Target	NA	NA	New Metric	15	19	23
	Actual	4	6	11	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of in-person training programs offered	Target	NA	NA	New Metric	20	20	20
	Actual	13	26	26	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of law enforcement officers trained through the grant program	Target	NA	NA	New Metric	2500	2500	2500
	Actual	NA	3,077	1,956	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of students taking online training	Target	NA	NA	New Metric	6,000	3,000	3,500
	Actual	1207	1473	3415	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of students taking in-person training	Target	NA	NA	New Metric	250	250	250
	Actual	101	374	255	NA	NA	NA

Strategy: Peace officers often have difficulty finding quality training and, when they do, there can be significant hurdles in finding shift coverage to allow for attendance of the training. POST staff developed an aggressive development plan to create new, Colorado specific online training programs to help peace officers overcome these hurdles and to address important cutting-edge issues. Over the last year, POST developed training on both the new Extreme Risk Protection Order (ERPO) law and Senate Bill 20-217 (Enhance Law Enforcement Integrity). POST is also working on a range of training priorities, including reporting of hate crime, witness identification, implicit bias, and de-escalation strategies. For immediate term availability, even during COVID-19, POST contracted with a vendor to ensure that necessary in-person training courses can be offered regularly, particularly in the rural portions of our state, providing peace officers with the opportunity to attend.

Evaluation of Prior Year Performance: To ensure peace officers have access to valuable training, POST staff increased their development of online training courses for law enforcement in 2019, including adding a new Narcan training course, consular notifications training, tourniquet application training, and domestic violence training. To help agencies develop peer support programs, as a centerpiece to POST’s law enforcement mental health efforts, POST developed a Peer Support Toolkit.

Goal: To allocate money to local government, colleges, universities, or nonprofits to fund peace officer training programs.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The dollar amount of grants funded to rural and urban law enforcement communities.	Target	NA	NA	NA	\$2.9M	\$2.9M	\$2.9M
	Actual	\$4,340,735	\$4,059,748	\$3,722,107	NA	NA	NA

Strategy: In addition to providing valuable training programs, the POST Board Grants Program allocates money to local government, colleges, universities, and nonprofits to fund peace officer training programs. Training regions and agencies can now apply directly through a new grant database, which also tracks all transactions on the grants, to support worthy programs. The addition of this critical database simplifies tracking how grant funds are expended and how Colorado communities benefit from such programs. Managers with the Regional Training Grant program will also begin conducting site visits, which will help ensure the integrity of the Grants Program.

Evaluation of Prior Year Performance: The Training Program won the Bronze Horizon Award for best government website. Training staff created an Academy Video Contest on the POST social media account, more than doubling the number of followers and increasing POST’s connection to law enforcement communities.

Effectively administer State criminal law

The DOL assists local prosecutors and law enforcement agencies throughout the State on various criminal matters including prosecuting multi-jurisdictional cases that include human trafficking, major drug trafficking organizations, white-collar and environmental crimes. The Department has original jurisdiction to prosecute securities, insurance, and election fraud crimes. It also investigates and prosecutes fraud committed against the State by providers of Medicaid products and services as well as abuse and neglect of patients in federally funded long-term care facilities.

Goal: To effectively administer State criminal law.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of case investigations opened	Target	NA	NA	NA	160	160	160
	Actual Medicaid	144	178	166	NA	NA	NA
	Target	NA	NA	NA	25	25	25
	Actual Securities	11	39	28	NA	NA	NA
	Target	NA	NA	NA	200	200	200
	Actual Insurance	289	234	214	NA	NA	NA
	Target	NA	NA	NA	125	125	125
	Actual Special Prosecution	232	343	153	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of cases filed	Target	NA	NA	NA	19	20	21
	Actual Medicaid	13	10	16	NA	NA	NA
	Target	NA	NA	NA	8	8	8
	Actual Securities	5	10	5	NA	NA	NA
	Target	NA	NA	NA	60	60	60
	Actual Insurance	50	72	63	NA	NA	NA
	Target	NA	NA	NA	75	75	75
	Actual Special Prosecution	164	202	60	NA	NA	NA

Strategy:

Medicaid Fraud Control Unit:

The Colorado Medicaid Fraud Control Unit (“COMFCU” or “Unit”) is tasked with auditing, investigating, and prosecuting Medicaid provider fraud and patient abuse, and operates in accordance with applicable state and federal laws. The Unit generally pursues three categories of cases:

1. Fraudulent conduct by Medicaid providers and individuals involved with providing Medicaid services.
2. Abuse, neglect, and exploitation of individuals in health care facilities that receive Medicaid funds or are classified as board and care facilities.
3. Recovery of Medicaid overpayments identified in the investigation of fraud, patient abuse and neglect, and financial exploitation of clients.

The Unit receives referrals from numerous sources. When the entirety or a portion of a case is determined not to be appropriate for investigation, the COMFCU provides the referring party with information and assistance to ensure that all of their concerns are addressed. The COMFCU prioritizes for every entity or individual that refers a matter to the Unit to be contacted to ensure that their concerns are addressed.

Matters referred to the COMFCU often require substantial investigation and many investigations can require months or years for their completion as they can involve hundreds of patients. It is not uncommon for a referral, once fully investigated, to not result in the filing of criminal charges. This can occur for a variety of reasons, such as an inability to prove criminal intent, or inconsistencies and vagueness of the applicable rules of the Colorado Medicaid Program. When cases are not appropriate for criminal investigation, the Unit reviews them promptly for consideration of civil recoveries.

The COMFCU team expanded its focus to address issues in two additional areas. First, consistent with the DOL priority of addressing the opioid epidemic, COMFCU increased investigation and prosecution of medical providers who prescribe excessive amounts of opioid medications. By working with outside partners, including local law enforcement, the Drug Enforcement Administration as well as with other DOL sections, COMFCU will increase the number of opioid actions it will prosecute. Additionally, COMFCU continues to increase its investigation and prosecution of nursing homes, board and care facilities, and the associated medical providers that provide substandard care to their residents. Given the vulnerable state of many of these residents such substandard care can result in serious injury or even death of patients.

The COMFCU received 75 percent of its funding from the U.S. Department of Health and Human Services under a grant award totaling \$2,364,228 for Federal Fiscal Year (“FFY”) 2020. The remaining 25 percent totaling \$788,076 for FFY 2020, is funded by the State.

Securities Fraud Team:

The Attorney General has original jurisdiction to prosecute criminal violations involving securities fraud. The Securities Fraud Team within the Financial Fraud Unit handles many high-profile cases and is recognized statewide for its expertise. handles. The Securities Fraud Team is funded through

an industry assessment on securities related businesses within the State of Colorado. The team frequently uses the Statewide Grand Jury for these sophisticated and complex cases.

The Securities Fraud Team receives case referrals from numerous sources. The team received cases from and collaborates closely with the Division of Securities. Federal agency partners, private attorneys, law enforcement, and fraud victims also refer cases to the Financial Fraud Unit. The Securities Fraud Team exercises its original jurisdiction to independently investigate these referrals, initiate criminal charges when appropriate, and prosecute securities fraud statewide. Securities fraud is typically widespread and may involve many victims who have lost large amounts of money. The amount of restitution sought in these cases usually involves hundreds of thousands of dollars with some cases exceeding one million dollars. Thus, a single case can have a large impact.

Insurance Fraud Team:

The Attorney General has original jurisdiction to prosecute criminal violations of applicable state laws regarding insurance fraud. The Insurance Fraud Team within the Financial Fraud Unit handles these cases and has been nationally recognized for their efforts.

The Insurance Fraud Team is funded exclusively through an industry assessment on insurance companies doing business in the State of Colorado. The Team receives referrals from numerous sources. Once received, these referrals are reviewed, prioritized and, if appropriate, assigned for investigation. Fraud referrals often require substantial investigation. Typical cases involve staged or caused automobile accidents, theft of insurance premiums, fraudulent claims, contractor fraud and overbilling for services. The Team collaborates with outside law enforcement agencies to prosecute cases when appropriate. The Team works closely with the National Insurance Crime Bureau (NICB), the Division of Insurance, the Federal Bureau of Investigation and local law enforcement agencies. The Unit endeavors to be expeditious and responsive when reviewing referrals, opening investigations, and bringing cases through the court system.

Special Prosecution Unit:

The Special Prosecutions Unit (“SP”) has original jurisdiction to investigate specified crimes such as tax fraud, election fraud, certain environmental crimes, and mortgage fraud related theft crimes. The SP team has substantial subject matter expertise concerning tax fraud prosecutions of alleged illegal marijuana cultivation and distribution activities, including those operating contrary to Colorado’s regulated process of tracking and taxing legalized marijuana from seed to sale. The majority of SP cases are initiated through referrals received from a variety of sources, including, but not limited to local, state and federal governmental agencies. These referrals are typically made to SP when the alleged criminal activity is complex and/or multi-jurisdictional, meaning that the alleged criminal activity occurred in two or more judicial districts. In recent years, SP received complex, multi-jurisdictional referrals for crimes such as human trafficking, narcotics trafficking, burglaries, identity theft and other frauds, auto theft, and threats to public servant. Most of these matters are investigated by the Colorado Statewide Grand Jury and if appropriate, typically include racketeering charges pursuant to the Colorado Organized Crime Control Act (COCCA).

SP also provides counsel on homicide and sexual assault cases when district attorneys, usually in rural jurisdictions, seek supplemental support to prosecute these matters. Finally, in exceptionally rare circumstances SP is available to investigate and, if appropriate, prosecute matters pursuant to a Governor’s executive order.

Evaluation of Prior Year Performance:

Medicaid Fraud Control Unit:

Between July 1, 2019 and June 30, 2020, the COMFCU received 312 case referrals. Of that number, 26 were received from the Department of Health Care Policy and Financing, the agency that administers the Colorado Medicaid program. The remaining 286 referrals were received from a diverse group of sources, including medical professionals, local law enforcement agencies, statewide agencies such as Adult Protective Services, the Office of the State Ombudsman, the Department of Public Health and Environment, and Medicaid clients and caregivers. The Unit was active across Colorado with referrals coming from along the Front Range, Grand Junction, Pueblo, Las Animas, and Trinidad among other locations.

As a result of staffing levels, of the 312 case referrals received during this review period, 70 matters remain queued for a preliminary investigation to determine whether a formal investigation should be opened by the COMFCU. After preliminary investigation, the Unit opened 166 new cases for formal investigation of which 80 were criminal and 86 were civil cases. The criminal cases opened during the state fiscal year consist of 54 fraud cases, 20 abuse and neglect cases, and 6 drug diversion cases.

During FY 2020, the MFCU filed 16 criminal cases, settled 24 civil cases, and saw 13 defendants sentenced in criminal court. These matters involved conduct as varied as a speech therapist billing for over one million dollars in care that was not provided, a nursing home patient who suffered severe burns when her caregiver assisted in lighting a cigarette that the patient held in her mouth while on oxygen, and a pediatrician who falsified patient medical records in order to support billing the Medicaid program for treatments that were never provided. As a result of these convictions and settlements, the MFCU recovered \$4,638,384.16 during SFY 2020 for the State of Colorado.

Securities Fraud Team:

Over the last year, the DOL continued to see criminal cases referred to the Securities Fraud Team of attorneys and investigators from multiple sources including the Division of Securities as well as multiple federal law enforcement partners. In addition, complaints made directly to the DOL and to the StopFraud portal are investigated directly by Team investigators. Over the past year, Team attorneys and investigators completed several multijurisdictional securities fraud grand jury investigations that resulted in indictments, significant sentences, and hundreds of thousands of dollars in restitution ordered payable to victims. Representative cases indicted include an investment adviser who stole funds from clients, and multiple stock promoters who stole from clients by offering positions in various investments and then failed to place the money appropriately. Multiple investigations are pending and expect to be completed once a new grand jury is impaneled in the coming months.

Insurance Fraud Team:

The DOL received thousands of complaints of insurance fraud over the prior year. Complaints received are on average increasing each year. Insurance companies that do business in the State of Colorado who become aware of fraudulent insurance acts are mandated to report these acts to authorized agencies who can investigate. The bulk of complaints that are made are routed from insurance carriers through the National Association of Insurance Commissioners Online Fraud Reporting System. Over the past year, each complaint was reviewed by an investigator and attorney for merit. Insurance Fraud Team investigators then investigated and prepared cases for Team

attorneys who filed the complaint. Typical cases investigated over the last year include false homeowners insurance claims, fraudulent claim information submitted related to car crashes, and insurance agents who steal insurance premiums from clients. The statewide grand jury is used on some insurance fraud cases that are multijurisdictional or require the use of subpoenas to obtain testimony or documentation. The Team collaborated closely with the National Insurance Crime Bureau and other law enforcement agencies. The Team also provided training and other assistance to industry investigators with the goal of achieving high quality and ethical investigations.

Special Prosecution Unit:

As a result of the global pandemic, case investigations and use of the state grand jury stalled starting in March, resulting in a lower than anticipated number of investigations. Further, restrictions on in-person meetings, travel, and remote working protocols cumulated in unanticipated delays. Additionally, budget shortfalls resulted in significant cuts to the SP Unit, requiring the reallocation of attorneys and investigators. The SP Unit is adjusting to these challenges and will continue to increase productivity as restrictions decrease.

Criminal Appeals

The Criminal Appeals Section represents local district attorney offices when defendants challenge felony convictions in State and federal appellate courts. The Section works to provide effective and ethical representation in all cases. Cases handled by the Criminal Appeals Section range from relatively minor sentencing and post-conviction appeals to complicated white-collar crime, homicide, child abuse, sexual assault, and death penalty litigation. While a majority of the cases impact only the defendants and the victims directly involved, any given case may result in new published law that has a significant impact on law enforcement procedures, procedures for criminal trials and sentencing hearings throughout the State, the State’s Department of Corrections, or those on probation, parole, and in county community corrections programs.

Objective: To reduce the time it takes to achieve justice and provide quality representation of the state’s interests in an efficient manner.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
Number of briefs filed	Target	NA	NA	New Metric	1000*	1000*	1000*
	Actual	942	1028	1002	NA	NA	NA

** This assumes some level of stability on the number of appellate cases filed every year.*

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
Backlog of briefs due	Target	NA	NA	New Metric	394	374	354
	Actual	494	463	414	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
% change in backlog from previous year	Target	NA	NA	New Metric	-5%	-5%	-5%
	Actual	+ 6.0%	- 6.2%	- 10.5%	NA	NA	NA

Strategy: To achieve the goal of reducing the time it takes to achieve justice, the Criminal Appeals Section continues to focus on providing quality representation of the State’s interests in as efficient a manner as possible. Cases are channeled within the DOL to ensure that the best suited attorneys work on particular cases. Many attorneys have developed special expertise, and to the extent possible, supervisors assign cases dealing with particular subject areas to those with the appropriate expertise. Few cases, however, consist of single issues. Resource materials, including a brief bank and topical outlines, help provide starting points for research. Senior staff provide mentoring and oversight so that junior staff receive guidance quickly and efficiently.

Criminal Appeals Section attorneys are among the State’s most experienced appellate advocates. In addition to their appellate caseload, they share their expertise in criminal law and appellate issues with the State’s prosecutors and others through informal advice, presentations at meetings and training sessions, and weekly case law updates to the Colorado District Attorneys Council.

The Criminal Appeals Section also provides recent law school graduates with the opportunity to work with some of the State’s most experienced appellate advocates and obtain extensive brief-writing experience at the outset of their legal careers through the innovative Ralph L. Carr Appellate Fellowships Program. Carr Fellows brief approximately 25 appeals each year and conduct several oral arguments. Carr Fellows also work with the Solicitor General to prepare briefs and oral arguments, work on multistate litigation, and advise the Attorney General and state officials about a wide variety of federal and state constitutional issues.

Safe2Tell™

The Safe2Tell™ program is a violence intervention and prevention program that provides an anonymous reporting tool that students, parents, and community members can use to report potential threats to their own and others’ safety by calling 1-877-542-7233, by going to safe2tell.org, or through the Safe2Tell™ mobile app.

Tips are shared with local law enforcement, school officials, and other appropriate responding parties according to state law. The Safe2Tell program’s mission is to ensure that every student, parent, teacher, and community member in Colorado has a safe and anonymous way to report any concerns for their safety or the safety of others, with a focus on early intervention and prevention through awareness and education.

Goal: To promote youth safety and wellness across Colorado.

Performance Measure*		Actual 2017- 2018	Actual 2018- 2019	Actual 2019- 2020	Estimate 2020- 2021	Request 2021- 2022	Request 2022- 2023
The percentage of actionable tips received	Target	NA	NA	New Metric	90%	90%	90%
	Actual	NA	93.8%	91.8%	NA	NA	NA

Performance Measure*		Actual 2017- 2018	Actual 2018- 2019	Actual 2019- 2020	Estimate 2020- 2021	Request 2021- 2022	Request 2022- 2023
The percent of actionable tips that are processed, reviewed, and closed within 30 days of receipt and dissemination to local partners	Target	NA	NA	New Metric	95%	95%	95%
	Actual	NA	NA	NA**	NA	NA	NA

**Safe2Tell data is aggregated by school year, from August 1 through July 31*

***This is a new metric and actual numbers will be tracked going forward.*

Strategy: The Safe2Tell program’s mission remains to encourage and empower Colorado youth and residents to report concerns about their safety and the safety of others, with an emphasis on tragedy prevention keeping our schools and students safe. Additional priorities include assisting schools in cultivating positive culture and climate and increasing education on the proper use of the Safe2Tell program. The program also seeks to highlight mental health and teen suicide prevention awareness through continued promotion of public service announcements and collaborative training efforts with mental health partners.

To accomplish this mission, the Safe2Tell program partners with law enforcement, schools, teachers, parents, and students who step forward to keep themselves, their friends, and their communities safe. In March 2019, the Safe2Tell Watch Center, which receives and processes all tips 24 hours a day 7 days a week, moved from Colorado State Patrol (CSP) to the Colorado Information Analysis Center (CIAC). The new Watch Center is staffed by seven dedicated Safe2Tell analysts.

Evaluation of Prior Year Performance: In the 2019-2020 school year, the Safe2Tell program received 19,114 school-related tips, of which 91.8% were actionable tips. These figures demonstrate the effectiveness of community outreach and increasing trust that students have in the Safe2Tell program.

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PROTECTING CONSUMERS

Allowing responsible businesses to thrive by holding bad actors accountable

The Consumer Protection Section has very broad jurisdiction through the Consumer Protection Act, Antitrust Act, Consumer Credit Code, data protection laws, and approximately a dozen other state and federal statutes. The Section receives complaints about possible violations of these laws from a variety of sources. The Section will continue selecting appropriate cases for investigation and enforcement to maximize overall benefit to consumers as well as providing consumer outreach to empower consumers, especially vulnerable populations, to protect themselves against common scams.

Protect consumers against fraud

Holding irresponsible businesses and individuals accountable when they harm Colorado consumers is a top priority of the DOL. By so doing, the DOL supports a business environment that fosters entrepreneurship, celebrates responsible business practices, and protects responsible businesses that play by the rules by holding accountable unscrupulous actors who fail to do so. Through both enforcement and outreach, the Consumer Protection Section works to protect consumers and provide consumers with tools to protect themselves.

Goal: To receive complaints about possible violations of consumer protection laws and select appropriate cases for investigation and enforcement to protect consumers against fraud.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of consumer complaints processed	Target	NA	NA	New Metric	9,000	9,000	9,000
	Actual	7,776	8,872	8,850	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The total number of investigations opened	Target	NA	NA	New Metric	65	65	65
	Actual	NA	NA	41	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The total number of settlements/judgments obtained	Target	NA	NA	New Metric	15	15	15
	Actual	NA	NA	8	NA	NA	NA

Strategy: The Section effectively manages its resources to promote its enforcement priorities. Strategies for handling matters vary depending on a range of circumstances including enforcement

demands, timing constraints, resource availability, remedies sought, and likelihood of prevailing in court. Gauging a success rate or setting time constraints on resolving investigations may prove illusory. Nonetheless, the DOL will continue to monitor work efforts and resources, to maintain efficient and effective program delivery and to ensure out-year objectives are reasonable and challenging.

Although enforcement is vital to protecting Colorado consumers, the DOL also provides residents with tools to protect themselves from and report fraud through a variety of outreach efforts, including developing robust consumer education and outreach tools through Stop Fraud Colorado and No Más Fraude, supporting active social media accounts, and operating our consumer protection services complaint center with web-based and telephone complaint intake services.

To improve our ability to listen and respond to complaints, the DOL is also undertaking a comprehensive review and redevelopment of the consumer complaint intake system, with the goals of improving the consumer experience and more timely and effectively processing consumer complaints.

Evaluation of Prior Year Performance: The investigations team has emphasized closing matters that do not warrant further investigation due to the nature of available complaints. We will continue to streamline the bridge between investigation and litigation phases to effectively resolve matters.

In May 2020 Colorado signed onto a letter with all 51 attorneys general that urged USTelecom to continue to develop robocall traceback and other ancillary capabilities suited to law enforcement needs. Building on the Anti-Robocall Principles (“Principles”) promulgated in 2019, the letter memorializes the discussions of a recent meeting between USTelecom, certain members of USTelecom’s Industry Traceback Group, and the state attorneys general comprising the Executive Committee of NAAG’s Robocall Technologies Working Group. The letter also serves as a six-month update to the public regarding the state attorneys general enforcement efforts since the Principles were promulgated.

In July 2020, the Attorney General filed a lawsuit against JUUL Labs Inc., alleging that the company's deceptive marketing had violated the Colorado Consumer Protection Act, caused the youth vaping epidemic, and created a public nuisance.

Protect consumers against data privacy and cybersecurity

Goal: To ensure compliance with data privacy laws through review and investigation of data breach notifications and advise state agencies on data privacy and cybersecurity.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of data breaches reviewed	Target	NA	NA	New Metric	80	90	90
	Actual	NA	NA	74	NA	NA	NA

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of engagements with state agencies advised on data privacy and cybersecurity	Target	NA	NA	New Metric	72	80	80
	Actual	NA	NA	NA	NA	NA	NA

Strategy: Data privacy and cybersecurity is an important strategic initiative for the DOL. In 2019 the Attorney General launched a Data Privacy and Cybersecurity Impact Team comprised of lawyers and professionals across the DOL working on data privacy and data sharing, cybersecurity, data breaches, cybercrime, and consumer privacy generally. The DOL’s cybersecurity and data protection related outreach efforts include maintaining strong partnerships with local and national working groups, including the National Association of Attorneys General (NAAG), the Attorney General Alliance/Conference of Western Attorneys General (ACA/CWAG), the International Association of Privacy Professionals (IAPP), the Sedona Conference Working Group on Data Security and Privacy Liability, Colorado Electronic Crimes Task Force (CECTF), and the Silicon Flatirons Technology Policy Clinic at the University of Colorado. These partnerships provide a network of resources and experts that can help maximize the scope and effect of DOL’s outreach efforts. In addition, the Data Privacy and Cybersecurity Impact Team organizes community education programs and develops consumer alerts on cyber issues.

DOL attorneys will continue their outreach efforts by developing best practices and holding trainings to engage the public. In addition, the DOL is currently exploring the possibility of comprehensive data protection legislation, by soliciting input from privacy experts and industry advocates. This undertaking is designed to protect Colorado consumers and is in direct response to the absence of federal privacy protections. Additionally, DOL will continue to expand its capabilities to investigate reported data breaches and take enforcement actions. The DOL expanded these efforts by hiring a Fellow focused on data privacy in the Consumer Protection section. In addition, the DOL hired an assistant attorney general to focus on privacy and data protection issues for state agencies. This attorney will provide counsel to state agencies on data privacy, data sharing, data breaches, and other data privacy issues involving Colorado state government activities.

Evaluation of Prior Year Performance: This past year the DOL saw more engagement than ever before with the public, with DOL hosting its first cybersecurity and data privacy conference for small and mid-sized Colorado businesses and DOL attorneys speaking at both local and national conferences. In response to the novel coronavirus, the Section created four information privacy guides for individuals and businesses and investigated privacy concerns. Additionally, the Consumer Protection section established a system for recording and categorizing different types of data breaches, which provides insight into areas of vulnerability and methods of compromise.

Enforcement activity was largely focused on multi-state actions, with Colorado joining 3 new multi-state investigations. The Section concluded an investigation into a Colorado-specific data security incident that was brought to the DOL by a whistleblower and another investigation of an education-services provider. Investigations are currently underway into issues relating to breaches of point of sale systems and other Colorado-specific data security incidents reported to DOL. In addition, the

Section investigated privacy concerns related to education technology companies, and as a result of DOL action, businesses revised representations made online to reflect its actual privacy practices. Finally, the Section developed a strategy for data breach investigations to provide for efficient use of resources to address this ever-expanding issue.

Regulate consumer credit providers

Goal: To ensure compliance and protection of consumers through regulation of providers and enforcement of consumer credit laws.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
Investigate and resolve 90% of complaints within 60 days or less	Target	90%	90%	90%	90%	90%	90%
	Actual UCCC	77%	96%	97%	NA	NA	NA
	Actual Debt Management	64%	86%	79%	NA	NA	NA
	Actual Debt Collection	13%	53%	91%	NA	NA	NA

Strategy: The Consumer Credit Unit endeavors to expeditiously investigate all complaints it receives related to the programs it oversees, including soliciting a response from the licensee or business. While CCU is able to accomplish this goal with the vast majority of complaints, occasionally the complexity of a complaint, challenges in communicating with a consumer or a business, or a change in staffing will result in a longer investigation period.

Evaluation of Prior Year Performance: The performance improvement across the board is a result of the structure change within the Unit, which is fully staffed. The addition of a complaint intake specialist dramatically improved complaint processing. The DOL will continue to monitor efforts in this area to ensure the most effective program delivery within resources.

Protect student loan borrowers

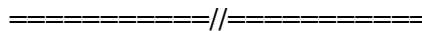
With new statutory authority, the Consumer Credit Unit took several steps in 2020 to protect student loan borrowers. The Colorado legislature passed the Colorado Student Loan Servicers Act in 2019 (CSLSA), requiring student loan processors to be licensed, providing for the Department to have supervisory authority to assure appropriate legal practices by the industry, and creating the position of a loan ombudsperson. The ombudsperson position is now staffed at the DOL and oversees the outreach and data collection to ensure the public and federal stakeholders have access to information regarding student loans in the state.

Goal: To protect student loan borrowers by regulating student loan servicers and enforce consumer protection laws and the student loan servicing act.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The percent of complaints closed with consumer education included	Target	NA	NA	New Metric	30%	50%	50%
	Actual	NA	NA	NA	NA	NA	NA

Strategy: The CSLSA requires the student loan ombudsperson to review complaints, analyze them for trends, and assist student loan borrowers in understanding their rights and responsibilities under the terms of their student loans. The Consumer Credit Unit endeavors to provide education to consumers, where appropriate, to help student loan borrowers navigate the repayment process and interact with their servicers.

Evaluation of Prior Year Performance: This is a new metric.



PROTECTING OUR LAND, AIR & WATER

Protecting and preserving Colorado’s precious and limited natural resources

Protecting Colorado’s land, air, and water and facilitating a clean energy future are top priorities for the Department. To accomplish these goals, the Department partners with Colorado’s natural resources and environmental agencies. These agencies include the environmental divisions within the Colorado Department of Public Health and Environment and the Colorado Department of Natural Resources.

One of the best examples of how this partnership works to protect Colorado’s land, air, and water is when the DOL works together with its client agencies to enforce the laws the agencies are charged with implementing. This is a significant part of the work of the Natural Resources and Environment Section (“NRE”). For example, over the past three years, the NRE worked on more than 310 enforcement matters in conjunction with the Section’s clients, more than 100 per year on average.

Protection of water resources is a particular focus and priority. The Colorado River and its tributaries supply over a third of Colorado's water needs, providing water to nearly sixty (60) percent of the State’s population. Given this relationship with the Colorado River, Colorado has a substantial interest in the efficient management and wise administration of the Colorado River system and its reservoirs. And it is through this frame that in 2006, the Colorado Water Conservation Board (“CWCB”) approved the funding and establishment of the Defense of the Colorado River Sub-unit within the DOL NRE—a group of attorneys that focus on ensuring stability in the Colorado River and the defense of the State’s entitlements.

The DOL strategies here thus are a natural outgrowth of the significance of the enforcement work the NRE conducts in partnership with client agencies, and the DOL’s commitment to the stewardship of Colorado’s interests in the Colorado River.

Partnering with Client Agencies to Protect Our Land, Air & Water

Goal: To effectively and strategically partnering with client agencies to enforce our environmental laws, thus protecting our land, air & water.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The number of enforcement actions partnered with client agencies to protect our land, air & water	Target	NA	NA	New Metric	100	100	100
	Actual	NA	NA	~100	NA	NA	NA

Strategy: The DOL has not tracked the number of enforcement cases for purposes of this type of evaluation in the past. However, with a rough estimate of about 100 cases a year, this is such a significant driver of the DOL’s NRE work that a natural and simple first step for this strategy is ensuring a comprehensive understanding of the scope of the work. For the first two years, the main element of this strategy will be to focus on that, i.e., determining how much of this work, reflected through carefully collected data, occurs.

Thus, the first step of implementation of this strategy will be to create a tracking mechanism for recording NRE’s enforcement work. Tracking the number and types of enforcement cases will enable analysis of the Section’s utilization of enforcement services from the client agencies.

Once completed, the data will be available for annual review and developing an understanding of the work’s trends. For example, the Water Resources Unit represents several functions of State government, including the Colorado State and Division Engineers, Office of Dam Safety, Colorado Ground Water Commission, and Board of Examiners for Water Well Construction and Pump Installation Contractors. Accordingly, the enforcement matters for each of those government functions will be different, from protecting water rights from injury to aiding in proper water rights administration to enforcing rules and licensing requirements to protecting public health and safety. The work may also include contempt proceedings to defend the authority of the courts, especially if there are issues associated with a previous enforcement action. Each agency will have its own categories of enforcement work, some unique to the agencies, others cross-cutting all of the Section’s enforcement work. Once we have been able to collect the data and cross-compare, we will be able to assess trends, consider ways to improve on this work, and develop plans to improve our partner-based enforcement strategies.

Evaluation of Prior Year Performance: The DOL has not specifically measured or evaluated the breadth of Department enforcement work on natural resources and environmental matters in the past. Thus, this is a new metric that the Department will track moving forward. The estimates of the work from the past were hand-collected and were not accurate enough to include in the past data columns. Clearer tracking mechanisms will be established going forward.

Stewarding Colorado’s Interests in the Colorado River Basin

Goal: To effectively and strategically partner with client agencies to lead the West towards a sustainable Colorado River.

Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
Staff hours invested in the Colorado River	Target	N/A	N/A	New Metric	TBD*	TBD*	TBD*
	Actual	N/A	N/A	N/A	N/A	NA	NA

** This is a new metric. The Section will start tracking the hours to establish a baseline for future target setting.*

Strategy: The Colorado River is an irreplaceable resource for Colorado. The significance of the Colorado River to Colorado is reflected in the Colorado River Compact of 1922 (“Colorado River Compact”) which apportions water to the Upper Basin, and the Upper Colorado River Basin Compact of 1948 (“Upper Basin Compact”) which apportions water among the Upper Division States. It allocates to Colorado the largest percentage of the total amount of consumptive use available each year among the Upper Basin States. Colorado depends upon this allocation not only to meet its present needs, but also to provide for its future development. Indeed, it was precisely for the purpose of preserving its right to future development of Colorado River water that Colorado entered into the Colorado River Compact and Upper Basin Compact.

The start of a persistent drought in the year 2000 resulted in significant water loss in Lake Powell and Lake Mead and led to tense relations within the Colorado River Basin between the basin states and the federal government. Federal and interstate litigation seemed imminent. In response to these circumstances, the Colorado Water Conservation Board (“CWCB”) approved the funding and establishment of the Defense of the Colorado River Sub-unit within the Department in 2006.

The Colorado River Sub-unit attorneys and staff are experts in Colorado River matters and are dedicated to protecting the State’s interests in the Colorado River basin. Sub-unit attorneys participate in litigation when necessary, but also serve the State in the negotiation of creative solutions for managing the basin, consistent with existing laws under increasingly variable conditions.

For the last fourteen years, the Colorado River Sub-unit has successfully protected Colorado’s interests in the Colorado River in related litigation and worked with the Colorado River Basin States to address the challenges facing the basin as populations continue to grow, water demands increase, and supplies diminish.

In addressing these challenges, the Sub-unit’s attorneys cultivated cooperative relationships that yielded greater understanding of the unique issues facing each state and a more comprehensive recognition of basin-wide obstacles to sustainable and resilient river operations in order to protect Colorado’s significant, legally protected rights to the waters of the Colorado River. Important examples of these efforts include the 2007 *Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* (“Guidelines”), Minutes 319 and 323 to the 1944 Water Treaty with Mexico, records of decision, including but not limited to the 2016 *Record of Decision for the Glen Canyon Dam Long-Term Experimental and Management*

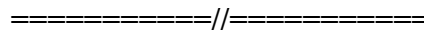
Plan to accommodate natural resource considerations at the Grand Canyon and downstream of other federal facilities, and the Upper and Lower Basin Drought Contingency Plans in 2019.

As a result of these efforts, the federal government and seven Colorado River Basin States worked to achieve and maintain the reputation of the Colorado River as a model for other systems of management by consensus and collaboration to accomplish many things once thought highly improbable, if not impossible, all to the benefit of those who rely on the Colorado River.

The investment in attorneys and legal staff solely dedicated to Colorado River matters is a means in which to develop extensive expertise and provide consistency and continuity across State agencies in the development of strategic plans to address these complex matters. It allows for long-term relationship building with water users and stakeholders in Colorado and throughout the Colorado River basin.

Over the next three years, DOL will track the time dedicated to this work, and the outcomes.

Evaluation of Prior Year Performance: The DOL has not specifically measured or evaluated the resources dedicated to the work on the Colorado River. Thus, this is a new metric that we will be tracking moving forward.



ENGAGING COLORADO’S COMMUNITIES

Engaging in meaningful dialogue with communities around the state

The DOL works to build relationships with communities across Colorado in order to understand how we can best serve our state. While listening, learning, and engaging with residents throughout Colorado, we inform our understanding about community need, opportunity, and priorities. We work with teams across the Department to translate that feedback into actions designed to benefit Colorado’s residents and communities.

Community Outreach and Engagement

Goal: To serve as “Open Door” between Colorado’s communities and the Department of Law.

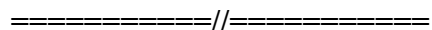
Performance Measure		Actual FY 18	Actual FY 19	Actual FY 20	Estimate FY 21	Request FY 22	Request FY 23
The % of counties visited by the Attorney General for meetings and public events	Target	NA	20%	30%	35%	35%	35%
	Actual	NA%	22%	42%	NA	NA	NA

Strategy: The mission of the Office of Community Engagement (“OCE”) is to establish, reinforce, and advance meaningful connections between the Department and Colorado communities, and learning about the issues on which the Department should be engaged. This work focuses on a range of issues—from criminal justice reform, to financial literacy and protecting consumers, to addressing the opioid epidemic, to protecting Colorado’s land, air, and water, etc. This is accomplished through three primary actions: outreach and engagement, partnerships, and state impact programs.

- **Outreach and Engagement.** The OCE conducts outreach across the State, partnering with community groups, non-profits, and local governments, to build lasting connections between the Department and Colorado communities. This work entails holding town halls, public events, stakeholder meetings, participating in tours and local events with community groups and elected officials, and building and maintaining connections. The Consumer Engagement and Data Services Unit serves the public by receiving consumer complaints and is working to centralize all intake and response for the Department.
- **Partnerships.** Between July 1, 2019 and June 30, 2020, the DOL supported organizations across Colorado that are addressing critical challenges facing our State, including the “school to prison pipeline,” housing and workforce challenges in southern and southeast Colorado, domestic violence, mental health, substance abuse and opioids, financial literacy, civic education, and many other areas.
- **State Impact Programs.** The DOL’s state impact programs utilize innovative models for moving forward on some of the most challenging issues facing the State. The Safe2Tell™ program model ensures that every student, parent, teacher and community member has access to a safe and anonymous way to report concerns about their safety or the safety of others. The General Assembly established the Substance Abuse Trend and Response Task Force in 2013 to bring together experts in State and local government, the non-profit sector, and many others to collaborate on this important issue that affects all Coloradans.

Evaluation of Prior Year Performance: Specific public outreach was conducted in 26 counties between July 1, 2019 and June 30, 2020, from Baca to Routt County, to Yuma to Mesa County. The Attorney General and OCE hosted public events and townhalls, listening sessions with the community, and participated in local meetings on timely Department-specific issues such as law enforcement accountability, racial justice, pandemic response and economic recovery, school safety, and protecting Colorado consumers and natural resources.

The DOL announced several grants awarded this year to support programs promoting rural development and positive school justice partnerships. Funds will support entities in developing innovative programming to achieve objectives including to: reduce the level of youth incarceration in Colorado; develop sound and effective alternatives to practices that lead to criminal records and incarceration, which could include restorative practices, restorative justice, and diversion programs; develop programming that ensures a safe learning environment but also, when possible, supports practices alternative to the severe exclusionary consequences of suspension or expulsion; and ensure the equitable application of school discipline practices across economic, gender, racial, and ethnic groups.



DOL TRANSFORMATION

The DOL has a special opportunity to demonstrate how government can work efficiently, effectively, and fairly by providing an inclusive environment where our colleagues work together to seek innovative ways to solve problems.

The DOL Transformation consists of three main initiatives focused on: (1) diversity, equity, and inclusion; (2) digital transformation; and (3) professional growth and development.

Diversity, Equity, and Inclusion

Goal: To advance collaborative and innovative initiatives to support diversity, equity, and inclusion.

Advancing a culture of Diversity, Equity, and Inclusion (“DEI”) in our DOL community is a priority. In 2019, the Attorney General established a DEI Task Force to evaluate and make recommendations on areas for DEI growth at the DOL. In May 2020, the Task Force made 10 recommendations for creating and promoting a stronger culture of diversity and inclusion—one of which was to form a DEI Impact Team to implement the recommendations, set DEI metrics and goals, and determine how the DOL should prioritize its efforts. The DEI Impact Team, supported by the newly created role of Deputy Attorney General for DEI (leveraging the effort of an existing full-time employee), began its work in July 2020 and has already developed three workstreams around: (1) gathering data and setting short and long-term DEI goals; (2) evaluating recruiting, hiring, and retention efforts; and (3) creating safe spaces and sharing experiences. In 2020, the frontline leaders—DOL employees that serve as the primary points of contact to our clients and customers—also began an extensive 12-hour training on interrupting implicit biases and the moral and business case for DEI.

Other DEI efforts within the DOL include:

- Pre-law internship program
- Fellows program
- Centralized and uniform hiring processes; and
- Mentorship program for lawyers and staff within DOL

Digital Transformation

Goal: In support of DOL’s “We are Innovative” value, to provide a culture of innovation by transforming existing systems and processes to improve customer experience and employee productivity and efficiency.

The DOL embarked on a digital transformation to improve its business processes and ability to adapt to new business models. By working closely with stakeholders, the DOL is equipped to quickly innovate and implement creative solutions to meet DOL’s business needs.

Three examples of how DOL has innovated this past year include:

- Revamping the underlying platform and technology of the licensing and complaint management system;
- Enabling the entire DOL workforce overnight to work remotely in response to the COVID-19 pandemic; and
- Implementing technological support and automating workflow to enable the DOL to run a remote summer internship program.

Revamping DOL's Licensing and Complaint Management System

The Department receives hundreds of complaints, requests, and queries monthly from multiple sources including Internet, email, and telecommunications. These communications historically were handled in a primarily manual manner, making it harder for DOL staff to respond as quickly and efficiently as preferred. Elements of the DOL's existing licensing and complaint management system, moreover, will soon no longer be supported. To ensure continuity of services, this past year the DOL started the process to overhaul the technology and platform of its licensing and complaint management system. By modernizing with a new database platform and application, the DOL will increase internal efficiencies and improve the overall user experience when interacting with consumers.

The DOL identified the key requirements of the desired solution and solicited budgetary quotes from multiple vendors. After careful review of the quotes, the team selected a platform and vendor to configure and implement the solution. The work is ongoing and expected to be completed by the end of the fiscal year.

Enabling the DOL Workforce to Work Remotely in Response to the COVID-19 Pandemic

The DOL Information Technology ("IT") team reacted swiftly in response to the COVID-19 stay-at-home order to enable the entire DOL workforce of approximately 525 employees to work from home, with very little notice. The IT team quickly activated the Disaster Recovery Plan and other systems which included:

- Allowing employees to securely utilize personal computers during a mass evacuation event;
- Issuing all available laptops on-hand to employees using desktop computers;
- Pre-deploying seamless Virtual Private Network ("VPN") technology on laptops;
- Setting employees up on Remote Desktop Server ("RDP"), a remote desktop setup that allows employees to login to the DOL network from their home devices to access the DOL system;
- Deploying a suite of collaboration tools which included support and training on Microsoft Teams, Zoom, WebEx, and SharePoint;
- Utilizing previously procured equipment and licensing to support a fully mobile workforce;
- Implementing security systems designed around off and on-site mobility; and
- Supporting four times the usual number of helpdesk tickets and phone calls to quickly enable employees to work from home

By quickly adapting to the pandemic, DOL employees were able to continue advancing our critical work, yet doing so remotely from home.

Implementing Technological Support and Workflow to Enable a Remote Summer Internship Program

The pandemic required the DOL to pivot and implement a fully remote summer internship program. Typically, the DOL would provide technology equipment to allow interns access to the DOL network and applications. But this year, resources were extremely limited due to the sudden onset of COVID-19. With most laptops allocated to employees, the team originally discussed utilizing RDP to provide interns remote connectivity to our infrastructure. Unfortunately, the RDP system was already overtasked and could not handle the additional load. The team deployed a new virtual server at the DOL's disaster recovery site to serve the intern technology needs.

In addition to solving the technological needs for a remote summer internship program, remotely assigning and tracking work assignments was still a challenge. By collaborating closely with the summer intern team, the IT team developed a custom form and automated workflow to easily capture and assign intern projects. The system allows attorneys to submit work requests, and coordinators to assign and track the progress of the intern projects. At each phase, the workflow sends notifications, prompts for the status of projects, and solicits feedback upon completion of the assignment.

Professional Growth and Development

Goal: In support of DOL's "We are Innovative" value, to provide a culture of innovation by transforming existing systems and processes to encourage a growth mindset by providing various opportunities for professional and growth development for DOL employees.

The DOL also will launch a professional growth and development transformation to help DOL employees focus on their professional growth and development. DOL focused on two main initiatives as part of this transformation: (1) revamping the existing performance evaluation system; and (2) providing professional and growth opportunities within DOL.

Revamping DOL's Performance Evaluation System

The starting point of the professional growth and development transformation begins with revamping DOL's performance evaluation system. The DOL transformed its performance evaluation system by implementing a new goal setting and evaluation system focused on talent development, coaching, and offering more frequent feedback. Previously, the performance evaluation process was backwards-focused with static goals set annually with no focus on employees' future growth and development.

DOL's newly implemented professional development and performance management process is designed to provide tools to help establish professional development and performance goals for the upcoming year, as well as feedback and coaching throughout to support meeting these goals. The process consists of (1) identifying individualized goals and objectives for the upcoming performance year; (2) holding at least three check-ins during the performance cycle; and (3) issuing a final summary evaluation at the end of the performance cycle.

To help DOL employees with their professional growth and development, the team developed a set of key legal core competencies that DOL employees should strive to develop and achieve, based on their experience level. These core competencies help DOL legal professionals deliver excellent, creative legal services effectively, efficiently, and collaboratively with a high degree of integrity, professionalism, and empathetic leadership.

The team utilized the design thinking processes to create and develop this new performance evaluation system. This was accomplished by first understanding what DOL employees are looking for in a performance evaluation system and then generating solutions from their perspectives. Through various iterations and prototypes, the team was able to learn from these tests and ultimately crafted a solution that focused on the employees' professional growth and development.

The performance evaluation system was first rolled out for attorneys and non-classified employees at the beginning of the year and later implemented to complement the performance and evaluation system for classified employees.

Launching Collaborative Work Across DOL

With the onset of the pandemic, the DOL had to quickly adapt to many changing needs of the Department. To address this new reality, the DOL implemented a new program to encourage collaboration across the DOL. This new program identifies and connects teams that would benefit from additional assistance with DOL colleagues best suited to meet the project's need. Teams submit project assistance requests to the program directors, and then the program directors help find professionals who can supplement efforts on the project. The program coordinators thoughtfully match DOL professionals to projects and provide additional support throughout a project's life.

DOL professionals benefit from the program by receiving the opportunity to work on projects from different DOL sections and units, which allows them to diversify their professional experiences and gain exposure to people, projects, and tasks that may not arise in their day-to-day work. The program also benefits employees by increasing their network by working with colleagues they do not regularly interact with. Further, DOL clients benefit from having additional legal talent available to work on significant and urgent projects.

The successful development and rollout of the project required a change in organizational mindset and redefined how the DOL best utilizes its resources across the organization to better serve our clients' needs.