

Department of Law
 Strategic Plan Performance Report
 November 1, 2015

The Department of Law aims to achieve its vision and accomplish its mission through these objectives:

- Minimize state risk through the effective representation of client agencies and protect citizens by enforcing regulatory laws and prosecuting cases referred by client agencies;
- Facilitate consumer protection and maintain financial integrity through consumer protection and antitrust enforcement efforts;
- Ensure consumer protection through licensure and registration of regulated consumer lenders, debt collectors, debt-management services providers, and credit repair companies;
- Minimize state risk through the effective representation of state prosecution when defendants challenge their felony convictions before the state or federal appellate courts;
- Prosecute criminal offenses within its jurisdiction, including handling a wide variety of criminal matters across all areas of the state including white-collar crime offenses, human trafficking cases, homicides, complex drug conspiracies, and special prosecutions in which our assistance is requested by the Governor or an elected district attorney.

The Department tracks specific workload and performance measures and strategic efforts in attempting to meet performance measures. In coordination with the focus listed above, the Department of Law has provided specific performance measures and performance evaluations provided below.

Representation of Client Agencies. The Attorney General by statute is the legal counsel and advisor of each department, division, board, bureau, institution of higher education and agency of state government other than the legislative branch and University of Colorado (§ 24-31-101 C.R.S.). The Department represents the various clients efficiently and effectively. The key to this success is retaining quality employees by providing competitive attorney compensation and benefits package and a dynamic work environment.

Performance Measure		Actual FY 13	Actual FY 14	Actual FY 15	Estimate FY 16	Request FY 17	FY 18
Provide quality legal counsel and representation to client agencies as measured by annual client survey as satisfied or very satisfied with counsel.	Target	95%	95%	95%	95%	95%	95%
	Actual	97.78%	95.36%	96.56%	NA	NA	NA

Evaluation of Prior Year Performance: The Department witnessed a slight increase in overall satisfaction compared to FY 14. The Department will continue to hire and do its best to retain quality attorneys through the valuable work attorneys are exposed to and within available resources be “an employer of choice” for the legal field.

Criminal Enforcement and Prosecution. The Attorney General’s trial prosecution efforts (in addition to the litigation that is conducted by our dedicated Financial Fraud and Medicaid Fraud Units) are focused in multiple areas: 1) Complex Crimes, 2) Environmental Crimes, 3) Gang Prosecution, 4) Prosecution Assistance, 5) Auto Theft and 6) the Violent Crime Assistance Team (VCAT).

Complex and/or multi-jurisdictional securities fraud investigations and prosecutions

Performance Measure		FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16 Year to Date	FY 17 Request	FY 18
Restitution Ordered	Estimate	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
	Actual	\$4,283,094	\$7,113,232	\$3,020,538	NA	NA	NA

Evaluation of Prior Year Performance: The Unit’s numbers were fairly similar for the past two years. However, while the case numbers are low, the sentences and restitution figures reflect the complexity and size of the cases prosecuted. A total of 18 new cases were opened for the fiscal year 2014-2015. There were a total of 19 cases prosecuted, which includes cases initiated in past years but still not concluded. One case went to trial, however, another case was prepared for trial but the defendant committed suicide on the day the trial was set to begin. Restitution ordered by the court increased significantly over the past year as indicated by the chart above.

Complex and/or multi-jurisdictional Insurance fraud investigations and prosecutions

Performance Measure		FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16 Estimate	FY 17 Request	FY 18
Restitution Collected Per Court Order	Estimate	\$450,000	\$450,000	\$250,000	\$300,000	\$300,000	\$300,000
	Actual	\$3,162,077	\$275,912	\$576,017	NA	NA	NA

Evaluation of Prior Year Performance: The Insurance Fraud Unit’s numbers have significantly increased over the past two years. A total of 198 new investigations were opened for the fiscal year 2014-2015. A total of 53 criminal prosecutions resulted from those investigations. Out of those 53 cases, 4 of those went to trial.

Medicaid Fraud Unit

Performance Measure		FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16 Estimate	FY 17 Request	FY 18
Fines, Costs , Restitution Recovered	Estimate	\$3,500,000	\$3,500,000	\$3,500,000	\$4,000,000	\$4,000,000	\$4,000,000
	Actual	\$16,250,429	\$9,441,306	\$5,298,867	NA	NA	NA

Evaluation of Prior Year Performance: In the past reporting year, the MCFU has opened 136 new investigations with active investigations, including both civil and criminal. This totals 260 criminal charges that were filed in 8 cases. The MFCU prosecuted and obtained convictions in 14 criminal cases. However, while the case numbers are low, the restitution figures reflect the complexity and size of the cases prosecuted. For example, one of the cases involved a two week jury trial in which the defendant was convicted of 136 felony charges.

Consumer Protection

Objective: Given the fact that the AG’s Consumer Protection Section is small but has very broad jurisdiction (Consumer Protection Act, Antitrust Act, Charitable Solicitation Act, and approximately a

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dozen other statutes) the Section does a very good job of selecting appropriate cases for investigation and enforcement, as well as providing consumer outreach to vulnerable groups, most notable the elderly.

Performance Measure		Actual FY 14	Actual FY 15	Estimate FY 16	Request FY 17	FY 18
Resolve 75% of consumer protection investigations within one year through settlement, litigation, or closure	Target	75%	75%	60%	75%	75%
	Actual	NA	NA	NA	NA	NA

Evaluation of Prior Year Performance: This is a new measure. As such, the Department does not have actual data to report on for past years.

Performance Measure		Actual FY 14	Actual FY 15	Estimate FY 16	Request FY 17	FY 18
Resolve 75% of loan modification/foreclosure complaints within one year	Target	75%	75%	75%	75%	75%
	Actual	NA	NA	NA	NA	NA

Evaluation of Prior Year Performance: This is a new performance measure so there is no historical data.

Performance Measure		Actual FY 14	Actual FY 15	Estimate FY 16	Request FY 17	FY 18
Take initial action on 80% of actionable no-call complaints within 30 days after receiving a third complaint against a telemarketer within a month	Target	80%	80%	80%	80%	75%
	Actual	NA	NA	NA	NA	NA

Evaluation of Prior Year Performance: This is a new performance measure so there is no historical data.

Consumer Credit

Objective: Ensure efficient operations to benefit providers and consumers and to ensure compliance with debt management laws.

Performance Measure		FY 14 Actual	FY 15 Actual	FY 16 Estimate	FY 17 Request	FY 18
Investigate and resolve 80% of complaints within 60 days or less	Target	90%/80%	90%/80%	90%/80%	90%/80%	90%/80%
UCCC	Actual	NA	97%	90%	90%	90%
Debt Management	Actual	NA	90%	90%	90%	90%
Debt Collection	Actual	NA	82%	80%	80%	80%

Strategy: To ensure efficient operations the Unit processes licenses and/or registrations by verification and review for timeliness, completeness, and compliance with statutory requirements. The Unit conducts operations so that a final issuance and approval to do business in Colorado is expeditious but thorough.

To ensure compliance and protect consumers from potentially illegal and/or harmful activities, the Unit investigates consumer complaints, information from competitors, proactively detected information on the internet, and in certain programmatic cases, conducts onsite and mail-in examinations. Additionally, upon cause, the Unit conducts examinations. These efforts may result in cease and desist advisories, administrative discipline, or other enforcement actions.

Evaluation of Prior Year Performance: This is a new measure. In all cases the Section met the original targets. The Department will monitor this measure over the next year to determine if targets or business processes should be modified.

Criminal Appeals (formerly Appellate):

Objective: Produce quality briefs appropriately tailored to the seriousness of the offense/appellate challenge while maintaining or improving success rate.

Performance Measure		Actual FY 13	Actual FY 14	Actual FY 15	FY 16 Estimate	FY 17 Request	FY 18
Percentage of cases with a successful outcome on appeal	Target	90%	90%	90%	90%	90%	90%
	Actual	91.0%	91.3%	89.6%	90%	90%	90%

Evaluation of Prior Year Performance: The Criminal Appeals Section has met its goal of preserving at least 90% of the convictions challenged on appeal. Additionally, at the end of FY 2013, the appellate backlog stood at 564 cases. At the end of FY 2014, that number was 272, a reduction of 292 cases. By June 30, 2015, the backlog was down to 168 cases.

http://www.coloradoattorneygeneral.gov/departments/administration/budgeting_accounting