

Department of Law
 Strategic Plan Performance Report
 March 1, 2016

The Colorado Department of Law is focused on:

- Upholding the United States and Colorado Constitutions.
- Providing the highest level of ethical legal service to the State of Colorado.
- Defending the laws and officers of the State of Colorado from legal challenge.
- Protecting and preserving the quality of Colorado’s land, water and air.
- Advocating for policies that help law enforcement improve community safety.
- Protecting Coloradans from consumer scams and fraud.
- Ensuring that Colorado’s elections remain free from criminal fraud.
- Promoting open, accountable governance.

The Department tracks specific workload and performance measures and strategic efforts in attempting to meet performance measures. In coordination with the focus areas 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, et seq., 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. The Department conducts an annual survey to measure client satisfaction. This measure is not conducive to a mid-year update.

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, through March 1	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/To Date	\$4,283,094	\$7,113,232	\$3,020,538	\$3,801,149	NA	NA

Evaluation of Prior Year Performance: The Securities Fraud Team aggressively prosecutes securities fraud statewide. Restitution ordered by courts varies from year to year depending on the types of cases referred to the Office but generally reach into the million dollar realm. Overall case numbers are low as the cases are typically complex and large. The sentences and restitution figures reflect the complexity and size of the cases prosecuted. Restitution to date is on track.

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

Performance Measure		FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16, through March 1	FY 17 Request	FY 18
Restitution Collected	Estimate	\$450,000	\$450,000	\$250,000	\$300,000	\$300,000	\$300,000
	Actual/To Date	\$3,162,077	\$275,912	\$576,017	\$172,281	NA	NA
Per Court Order							

Evaluation of Prior Year Performance: The Insurance Fraud Unit’s numbers have significantly increased over the past two years. To date we are on track for restitution ordered by the Courts.

Medicaid Fraud Unit

The Medicaid Fraud Control Unit (“MFCU”), authorized for 17 FTE positions, defends the financial integrity of the state’s Medicaid program and the safety of patients in Medicaid-funded facilities. The MFCU investigates and prosecutes fraud by providers against the Medicaid program and patient abuse in Medicaid-funded facilities throughout the state. It also pursues civil recoveries and damages against providers under the Colorado Medicaid False Claims Act, which became law on May 26, 2010.

Performance Measure		FY 13 Actual	FY 14 Actual	FY 15 Actual	FY 16, through March 1	FY 17 Request	FY 18
Fines, Costs , Restitution Recovered	Estimate	\$3,500,000	\$3,500,000	\$3,500,000	\$4,000,000	\$3,000,000	\$3,000,000
	Actual/To Date	\$16,250,429	\$9,441,306	\$5,298,867	\$5,250,000	NA	NA

Evaluation of Prior Year Performance: To date, the MCFU has opened 100 new investigations with active investigations, including both civil and criminal. This includes 139 criminal charges that were filed in 8 cases. The MFCU prosecuted and obtained convictions in 9 criminal cases. The restitution figures reflect the complexity and size of the cases prosecuted. To date our recoveries are above estimates due to several large cases in Colorado

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spearheaded by the MFCU. The nationwide cases are declining due to changes in law and industry behavior, and the MFCU anticipates overall recoveries to drop as these large cases decline.

Consumer Protection

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 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	FY 16, through March 1	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/To Date	NA	NA	53%	NA	NA

Performance Evaluation: This is a new measure. As such, the Department does not have actual data to report on for past years. However, the Department is trending below the 60% target due to several multistate investigations that frequently do not get resolved within a year. The DOL set a FY 16 goal at 60% because of the number of open investigations already approaching one year, when this measure was initiated. The DOL goal is to reach a 75% resolution rate in out years.

Performance Measure		Actual FY 14	Actual FY 15	FY 16, through March 1	Request FY 17	FY 18
Resolve 75% of loan modification/foreclosure complaints within one year	Target	75%	75%	75%	75%	75%
	Actual	NA	NA	95%	NA	NA

Performance Evaluation: This is a new measure. As such, the Department does not have actual data to report on for past years. However, the Department is trending well above the 75% target, with over 70% of complaints resolved in one month or less and all complaints resolved in less than 6 months (excluding 20 pending complaints we expect to resolve in a similar timeframe).

Performance Measure		Actual FY 14	Actual FY 15	FY 16, through March 1	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	84%	NA	NA

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Performance Evaluation: This is a new measure. As such, the Department does not have actual data to report on for past years. The performance measure was designed to be implemented in conjunction with the addition of a new complaint intake position. A temporary complaint intake position was added to the No Call enforcement team on January 6, 2016. “Actionable No-Call” complaints began to be calculated with the arrival of the new team member in January 2016. Accordingly, between July 2015 and December 2015, the No Call enforcement team attempted to meet the 80% performance goal using a modified set of available data. For this time period, the Department is trending slightly above the 80% target, but may go down due to incorporation of a larger data set of complaints with the addition of the complaint intake position.

Consumer Credit:

Performance Measure		FY 14 Actual	FY 15 Actual	FY 16, through March 1	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%	99%	90%	90%
Debt Management	Actual	NA	90%	93%	90%	90%
Debt Collection	Actual	NA	82%	94%	80%	80%

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. As this is a new measure, the Department used a professional estimate for appropriate and meaningful targets. To date, the Department is exceeding those targets for FY 16 and will assess the goals and measures for the next, annual strategic plan.

Criminal Appeals:

Objective: Produce high 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, through March 1	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%	90.9%	90%	90%

Evaluation of Prior Year Performance: Over the past two years, the Section has met its goal of preserving at least 90% of the convictions challenged on appeal. To date the Department is on track. From July 2015 through January 2016 the percentage of cases with a successful outcome on appeal was 90.9%.

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