

Department of Law  
 Strategic Plan Performance Report  
 November 1, 2016

**Objectives:**

The Department of Law (DOL) 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 DOL tracks specific workload and performance measures and strategic efforts in attempting to meet performance measures. In coordination with the objectives listed above, the DOL has provided specific performance measures, strategies, 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 DOL 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 14	Actual FY 15	Actual FY 16	Request FY 17	Request FY 18	Request FY 19
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	95.36%	96.56%	Measure will not be reported until Nov/Dec. 2016, due to change in timing of survey	NA	NA	NA

**Evaluation of Prior Year Performance:** Annual client surveys have been deferred to October 2016 to coincide with the new attorney performance evaluation cycle and for incorporation into a more exhaustive review and evaluation of the performance of the DOL’s attorneys. As set forth above, the survey will be reviewed to determine how to accommodate new measures undertaken to measure additional legal services provided to client agencies. 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.

**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 14 Actual	FY 15 Actual	FY 16 Actual	FY 17 to date	FY 18 Request	FY 19
Restitution Ordered	Estimate	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
	Actual	\$7,113,232	\$3,020,538	\$3,801,150.	\$610,829.17	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. The Department will continue to monitor these numbers to assess effort and modify out year goals if necessary.

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

Performance Measure		Actual FY 14	Actual FY 15	Actual FY 16	FY 17 to date	Request FY 18	Request FY 19
Insurance Fraud Restitution Recovered	Target	\$450,000	\$450,000	\$300,000	\$300,000	\$300,000	\$300,000
	Actual	\$3,204,781	\$576,017	\$273,781	\$37,01.40	NA	NA

**Evaluation of Prior Year Performance:** The Insurance Fraud Unit’s restitution recovered was lower in FY 16 then previous years. Often the complexity of the case is not dependent on the total value of the fraud perpetuated. The DOL will continue to monitor efforts and out year objectives to continue to challenge program staff.

**Medicaid Fraud Unit**

Performance Measure		Actual FY 14	Actual FY 15	Actual FY 16	FY 17 to date	Request FY 18	Request FY 19
Medicaid Fraud: Fines, Costs, Restitution Recovered	Target	\$3,500,000	\$3,500,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000
	Actual	\$9,441,306	\$5,298,867	\$8,318,899	\$272,857.24	NA	NA

**Evaluation of Prior Year Performance:** The majority of MFCU collections come from the global qui tam cases, where a whistleblower sues a pharmaceutical manufacturer or other business in federal court and includes all of the states with False Claims laws. However, the pharmaceutical suits have declined in value over the last 5 years, and while there are numerous such cases in district courts around the country, the companies are no longer engaging in similar behaviors and the damages are generally much less. The high-visibility off-label marketing, rebate, and atypical antipsychotic cases have been resolved. This year represents a higher recovery than the year before because of one settlement in particular that brought in \$5.7 million for Colorado alone.

**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 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	Actual FY 16	FY 17 to date	Request FY 18	Request FY 19
Resolve 75% of consumer protection and antitrust investigations within one year through settlement, litigation, or closure	Target	NA	NA	75%	75%	75%	75%
	Actual	New Measure FY 16	New Measure FY 16	72.5%	85%	NA	NA

**Evaluation of Prior Year Performance:** Of the eleven cases that the DOL failed to resolve within twelve months, six are multistate efforts. The DOL, in these instances, has little control over the pace of a case and the resolution of it due to the number of entities that are coordinating efforts. The DOL will continue to include all cases in this measure to maintain data integrity and to continue to monitor and assess efforts in this area. As this measure develops, the DOL may modify targets, in order to best professionally challenge our employees. Currently, enough data does not exist to modify.

Performance Measure		Actual FY 14	Actual FY 15	Actual FY 16	FY 17 to date	Request FY 18	Request FY 19
Resolve 75% of loan modification/foreclosure complaints within one year	Target	NA	NA	75%	75%	75%	75%
	Actual	New Measure FY 16	New Measure FY 16	100%	100%	NA	NA

**Evaluation of Prior Year Performance:** The DOL was successful in addressing all complaints within one year on this measure. The DOL will assess this measurement moving forward to determine if any work efforts, goals and objectives should be modified.

Performance Measure		Actual FY 14	Actual FY 15	Actual FY 16	FY 17 to date	Request FY 18	Request FY 19
Take initial action on 80% of actionable no-call complaints within 30 days after receiving notice that a 3rd complaint was identified against a telemarketer within a month	Target	NA	NA	75%	75%	75%	75%
	Actual	New Measure FY 16	New Measure FY 16	62%	84%	NA	NA

**Evaluation of Prior Year Performance:** This was a new measure for FY 16, and the DOL has implemented a new system to track this data since March 2016. The language of the measure has been

slightly adjusted to align with the new tracking system. The DOL is continuing efforts in these areas to better utilize the new system in line with work efforts to assess business direction and reasonable and challenging objectives, through FY 17 and out years.

**Consumer Credit**

*Objective: Objective: Ensure efficient operations to benefit providers and consumers and to ensure compliance with consumer credit laws.*

Performance Measure		Actual FY 14	Actual FY 15	Actual FY 16	FY 17 to date	Request FY 18	Request FY 19
Investigate and resolve 90%/80% of complaints within 60 days or less	Target	NA	90%/80%	90%/80%	90%/80%	90%/80%	90%/80%
UCCC	Actual	NA	97%	88%	81%	90%	90%
Debt Management	Actual	NA	90%	91%	100%	90%	90%
Debt Collection	Actual	NA	82%	81%	57%	80%	80%

**Evaluation of Prior Year Performance:** The DOL was successful in addressing complaints within these measures. The DOL will assess this measurement moving forward to determine if any work efforts, goals and objectives should be modified.

**Appellate:**

*Objective: Produce high quality briefs appropriately tailored to the seriousness of the offense/appellate challenge while maintaining or improving success rate. As a performance measure, the most quantifiable indicator may be “Cases Resolved,” which reflects the number of appeals resolved through the briefing process.*

Performance Measure		Actual FY 14	Actual FY 15	Actual FY 16	FY 17 to date	Request FY 18	Request FY 19
Percentage of cases with a successful outcome on appeal	Target	90%	90%	90%	90%	90%	90%
	Actual	91.3%	89.6%	89.5%	89.4%	NA	NA

**Evaluation of Prior Year Performance:** The Appellate Section continues to meet its goal of preserving at least 90% of the convictions challenged on appeal.

[http://www.coloradoattorneygeneral.gov/departments/administration/budgeting\\_accounting](http://www.coloradoattorneygeneral.gov/departments/administration/budgeting_accounting)