

AGENCY STRATEGIC PLAN

FOR THE FISCAL YEARS 2013-2017 PERIOD

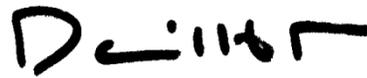
BY

OFFICE OF THE ATTORNEY GENERAL

GREG ABBOTT

July 6, 2012

Signed:

A handwritten signature in black ink, appearing to read "D. Hodge", written over a horizontal line.

Daniel Hodge
First Assistant Attorney General

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Statewide Elements

Statewide Vision

- Ensuring the economic competitiveness of our state by adhering to principles of fiscal discipline, setting clear budget priorities, living within our means, and limiting the growth of government;
- Investing in critical water, energy, and transportation infrastructure needs to meet the demands of our rapidly growing state;
- Ensuring excellence and accountability in public schools and institutions of higher education as we invest in the future of this state and make sure Texans are prepared to compete in the global marketplace;
- Defending Texas by safeguarding our neighborhoods and protecting our international border; and
- Increasing transparency and efficiency at all levels of government to guard against waste, fraud and abuse, ensuring that Texas taxpayers keep more of their hard-earned money to keep our economy and our families strong.

Statewide Mission

Texas State Government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of the public trust must be men and women who administer state government in a fair, just, and responsible manner. To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner.

Aim high...we are not here to achieve inconsequential things!

The Philosophy of Texas State Government

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise, we will promote the following core principles:

- First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics, or individual recognition.
- Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
- Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.
- Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. Just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future and the future of those they love.
- Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
- State government has a responsibility to safeguard taxpayer dollars by eliminating waste and abuse and providing efficient and honest government.

Finally, state government should be humble, recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.

Statewide Goals and Benchmarks

Education - Public Schools

Priority Goal: To ensure that all students in the public education system acquire the knowledge and skills to be responsible and independent Texans by: ensuring students graduate from high school and have the skills necessary to pursue any option including attending a university, a two-year institution, other post-secondary training, serving in the military or enter the workforce; ensuring students learn English, math, science and social studies skills at the appropriate grade level through graduation; and demonstrating exemplary performance in foundation subjects.

OAG Strategy impacting this statewide goal: **Legal Services**.

The **Legal Services** Strategy does not have a direct influence on any specific statewide benchmark.

Education - Higher Education

Priority Goal: To prepare individuals for a changing economy and workforce by: providing an affordable, accessible, and quality system of higher education; and furthering the development and application of knowledge through teaching, research, and commercialization.

OAG Strategy impacting this statewide goal: **Legal Services**.

The Legal Services Strategy does not have a direct influence on any specific statewide benchmark.

Health and Human Services

Priority Goal: To promote the health, responsibility, and self-sufficiency of individuals and families by: making public assistance available to those most in need through an efficient and effective system while reducing fraud; restructuring Medicaid funding to optimize investments in health care and reduce the number of uninsured Texans through private insurance coverage; enhancing the infrastructure necessary to improve the quality and value of health care through better care management and performance improvement incentives; continuing to create partnerships with local communities, advocacy groups, and the private and not-for-profit sectors; investing state funds in Texas research initiatives which develop cures for cancer; addressing the root causes of social and human service needs to develop self-sufficiency of the client through contract standards with not-for-profit organizations; and facilitate the seamless exchange for health information among state agencies to support the quality, continuity, and efficiency of healthcare delivered to clients in multiple state programs.

OAG Strategies impacting this statewide goal: **Legal Services, Child Support Enforcement, Child Support State Disbursement Unit, Victims' Assistance, Medicaid Investigation**.

Statewide Benchmarks which are directly influenced by OAG Strategies:

Benchmark: Percent of Texas population enrolled in Medicaid, Children's Health Insurance, and the Health Insurance Premium Payment programs
OAG Strategies impacting this statewide benchmark: **Child Support Enforcement and Child Support State Disbursement Unit**.

Benchmark: Average amount recovered and saved per completed Medicaid provider investigation
OAG Strategies impacting this statewide benchmark: **Medicaid Investigation.**

Benchmark: Percent of eligible children enrolled in CHIP
OAG Strategies impacting this statewide benchmark: **Child Support Enforcement and Child Support State Disbursement Unit.**

Benchmark: Percent of Texans receiving TANF cash assistance
OAG Strategies impacting this statewide benchmark: **Child Support Enforcement and Child Support State Disbursement Unit.**

Benchmark: Incidence of confirmed cases of abuse, neglect, or death of children, the elderly, or spouses per 1,000 population
OAG Strategy impacting this statewide benchmark: **Medicaid Investigation.**

Benchmark: Percent of children in foster care who are adopted or reunited with their families
OAG Strategy impacting this statewide benchmark: **Victims' Assistance.**

Benchmark: Percent of children in substitute care living with kinship care providers
OAG Strategy impacting this statewide benchmark: **Victims' Assistance.**

Benchmark: Percent of parents awarded child support payments who receive them
OAG Strategies impacting this statewide benchmark: **Child Support Enforcement and Child Support State Disbursement Unit.**

The **Legal Services** Strategy does not have a direct influence on any specific statewide benchmark.

Economic Development

Priority Goal: To provide an attractive economic climate for current and emerging industries and market Texas as a premier business expansion and tourist destination that fosters economic opportunity, job creation, and capital investment by: promoting a favorable business climate and a fair system to fund necessary state services; addressing transportation needs; maintaining economic competitiveness as a key priority in setting State policy; and developing a well-trained, educated, and productive workforce.

OAG Strategy impacting this statewide goal: **Legal Services.**

The **Legal Services** Strategy does not have a direct influence on any specific statewide benchmark.

Public Safety and Criminal Justice

Priority Goal: To protect Texans by: preventing and reducing terrorism and crime; securing the Texas/Mexico border from all threats; achieving an optimum level of state wide preparedness

capable of responding and recovering from all hazards; and confining, supervising, and rehabilitating offenders.

OAG Strategies impacting this statewide goal: **Legal Services, Crime Victims' Compensation, Victims' Assistance.**

Benchmark: Number of statewide crime and terrorism threat assessments completed and disseminated

OAG Strategy impacting this statewide benchmark: **Legal Services**

Benchmark: Number of new law enforcement entities providing data to the Texas Data Exchange and number of active users

OAG Strategy impacting this statewide benchmark: **Legal Services**

Benchmark: Number of emergency incidents coordinated or supported

OAG Strategy impacting this statewide benchmark: **Legal Services**

Benchmark: Percent of state's population whose local officials and emergency responders have completed a training/exercise program in the last year

OAG Strategy impacting this statewide benchmark: **Legal Services**

Benchmark: Adult violent crime arrest rate per 100,000 population

OAG Strategy impacting this statewide benchmark: **Legal Services**

The **Crime Victims' Compensation and Victims' Assistance** Strategies do not have a direct influence on any specific statewide benchmark.

Natural Resources and Agriculture

Priority Goal: To conserve and protect our state's natural resources (air, water, land, wildlife, and mineral resources) by: providing leadership and policy guidance for state, federal, and local initiatives; maintaining Texas' status as a leader in agriculture; and encouraging responsible, sustainable economic development.

OAG Strategy impacting this statewide goal: **Legal Services.**

Benchmark: Percent of nitrogen oxide and criteria pollutants reduced in the air

Benchmark: Percent of polluted site clean-ups to protect the environment and public health

Regulatory

Priority Goal: To ensure Texans are effectively and efficiently served by high-quality professionals and businesses by: implementing clear standards; ensuring compliance; establishing market-based solutions; and reducing the regulatory burden on people and business.

OAG Strategy impacting this statewide goal: **Legal Services.**

The **Legal Services** Strategy does not have a direct influence on any specific statewide benchmark.

General Government

Priority Goal: To provide citizens with greater access to government services while reducing service delivery costs and protecting the fiscal resources for current and future taxpayers by: supporting effective, efficient and accountable state government operations; ensuring the state's bonds attain the highest possible bond rating; and conservatively managing the state's debt.

All OAG strategies impact this Statewide Goal.

Statewide Benchmarks which are directly influenced by OAG Strategies:

- Benchmark:** Total state spending per capita
All OAG strategies impact this statewide benchmark.

- Benchmark:** Percent change in state spending, adjusted for population and inflation
All OAG strategies impact this statewide benchmark.

- Benchmark** Ratio of federal dollars received to federal tax dollars paid
OAG strategies impacting this statewide benchmark: Legal Services, Child Support Enforcement, Child Support State Disbursement Unit, Crime Victims' Compensation, Victims' Assistance, Medicaid Investigation.

- Benchmark:** Number of state employees per 10,000 population
All OAG strategies with the exception of Child Support State Disbursement Unit impact this statewide benchmark.

- Benchmark:** Number of state services accessible by Internet
All OAG strategies impact this statewide benchmark.

- Benchmark:** Total savings realized in state spending by making reports/documents/processes available on the Internet and accepting information in an electronic format
All OAG strategies impact this statewide benchmark.

Agency Mission and Philosophy

Agency Mission

The Attorney General of Texas is the state's chief legal officer. To fulfill its constitutional and statutory responsibilities, the Office of the Attorney General (OAG) provides legal representation to state officials and agencies, investigates and prosecutes criminal activity, pursues legal actions to enforce state law, renders formal legal opinions, administers and enforces the Public Information Act, and defends the State of Texas when it is challenged in its courts of law. In addition to its legal and law enforcement duties, the OAG is also responsible for administering the state's child support enforcement agency and Crime Victims Compensation program.

Agency Philosophy

As the state's law firm, the Office of the Attorney General is entrusted with the authority to represent the State of Texas and its agencies in courts of law. At all times, OAG attorneys, peace officers, and staff must conduct the state's business consistent with the highest standards of efficiency, effectiveness, and ethical dealing. The OAG is committed to rigorous law enforcement, zealous legal representation, and serving the people of Texas with unfailing diligence, courtesy, and respect.

External/Internal Assessment

The Texas Attorney General is the state's chief legal officer. Referenced more than 2,000 times in the Texas constitution and a myriad of statutes, the Attorney General has broad civil duties and specific criminal authority, including an explicit mandate to pursue waste, fraud, and abuse in the taxpayer-funded Medicaid program. The Attorney General is also charged with administering the state's child support collections program and Crime Victims Compensation Fund.

In recent years, the OAG has emerged as a significant source of both revenue and savings for the state. During the first nine months of FY 2012, the OAG uncovered \$182 million in fraudulent Medicaid overpayments and secured an additional \$108 million in civil penalties for the state treasury. That is in addition to the \$39 million in outstanding debts that OAG litigators collected for the state. Substantial savings and cost avoidance are also attributable to the OAG. Under the Abbott administration, more than \$766 million in fraudulent Medicaid payments have been uncovered, while the Child Support Division's multi-billion dollar child support collections allowed the state to avoid an estimated \$1.2 billion in 2010 by ensuring that parents financially support their children – not taxpayer funded programs.

The following describes the OAG's major civil and criminal justice responsibilities, child support collection programs, and services to crime victims.

Legal Services

Functional Description

As the state's chief legal officer, the Attorney General provides a wide range of legal services. The Attorney General defends lawsuits filed against state agencies, officials, and employees in courts of law and provides general counsel assistance as appropriate. Under the Texas Constitution, the Attorney General is charged with issuing written legal opinions that interpret constitutional and statutory questions from authorized state and local officials. As the state agency responsible for administering and enforcing the Public Information Act, the OAG is also entrusted with the duty to protect openness and transparency in government. Other legal services include:

- Pursuing enforcement actions in courts on behalf of state banking, insurance, environmental protection, health, and safety regulatory agencies;
- Investigating and prosecuting civil Medicaid fraud and violations of state consumer protection laws, including the Deceptive Trade Practices Act (DTPA), antitrust laws, and statutes governing charitable organizations;
- Taking legal action to pursue delinquent debts and other financial obligations owed to the state, including unpaid taxes, fines, and fees;
- Conducting criminal investigations and prosecuting criminal conduct when authorized by law; and

- Reviewing and approving bonds issued by or for governmental bodies, including state agencies, cities, counties, school districts, and other political subdivisions.

The Attorney General's legal services clients include constitutional officers, state agencies, and institutions of higher education.

The divisions that provide legal services fall into four general subject areas: civil litigation, criminal prosecution, general counsel, and appellate litigation.

Customer Service Delivery

The OAG seeks input and commentary from its client agencies by conducting satisfaction assessment surveys. Comments and performance evaluations regarding legal services have been solicited from state agency heads and general counsels. Client satisfaction assessment project results can be found in the OAG's Report on Customer Service (June 2012).

The OAG's client agencies are widely distributed throughout the state. Consequently, the OAG's legal staff represent agencies in courts across Texas. In addition, the Consumer Protection Division maintains regional offices in six cities.

External Factors Affecting Civil Litigation Divisions

The Attorney General's **Consumer Protection Division (CPD)** utilizes all applicable state and federal civil consumer protection laws to protect law-abiding consumers and legitimate business enterprises in Texas. CPD's enforcement authority includes actions under the DTPA and over fifty additional federal and state consumer protection laws. The division handles referrals involving consumer-related matters from client agencies, such as the Texas Secretary of State, the Texas Department of Aging and Disability Services, and the Texas Department of State Health Services. In the event a disaster declaration is issued by the Governor, CPD division staff mobilize to provide consumer assistance and to enforce state price gouging laws.

CPD is also responsible for fulfilling the Attorney General's duties under Chapter 541 of the Texas Insurance Code and Section 17.46 of the Texas Deceptive Trade Practices-Consumer Protection Act. In addition to pursuing enforcement actions in court, CPD regularly uses formal and informal investigative tools to monitor insurance practices, discover potential legal violations, and investigate specific insurers or individuals for violating either the Insurance Code or the DTPA.

In recent years, the nation's housing crisis has commanded significant attention from the OAG. In the fall of 2010, the OAG joined a coalition of 50 states that thoroughly investigated improper conduct within the residential mortgage lending sector. The result of that effort was a national settlement agreement that yielded \$411 million for the State of Texas, of which \$124 million was for the state treasury.

The **Antitrust Section** is responsible for enforcing state and federal antitrust laws and is committed to fostering free market competition in the State of Texas. The section investigates anticompetitive activity such as bid-rigging, price-fixing, market allocation, unreasonable trade restraints, monopolization, and potentially anticompetitive mergers. While the Antitrust Section's top priority is anticompetitive activity that directly impacts Texas businesses and

consumers, the section also works closely with antitrust officials from other state and federal agencies to protect competition in the marketplace.

The **Civil Medicaid Fraud Division (CMF)** is responsible for enforcing the Texas Medicaid Fraud Prevention Act (TMFPA). Most cases handled by CMF are so-called qui tam cases in which a whistleblower uncovers a fraud being perpetrated against the Medicaid program, files a lawsuit under seal, and is statutorily authorized to receive a portion of the amount recovered by the state. Additionally, because the federal government funds a significant portion of the Medicaid program, the United States also receives a percentage of the state's financial recovery.

Since the division's inception in 1999, CMF has recovered over \$1.103 billion in taxpayer dollars through Medicaid fraud enforcement litigation, 85% of which has been recovered since the beginning of FY 2008. Past successes and pending cases indicate that CMF's operations and upfront costs will be offset by the division's recoveries and attorney fees. Texas' CMF team is among the largest and most successful in the nation.

In 2011, CMF successfully pursued an enforcement action against Actavis Mid-Atlantic LLC and Actavis Elizabeth LLC ("Actavis") that recovered \$84 million. A Travis County court initially returned a unanimous jury verdict and awarded more than \$171 million. This amount was later compromised after proof of the defendants' financial condition, resulting in an \$84 million settlement. The settlement proceeds are payable in four annual installments, the first of which was received by the state in December 2011. After the federal share and relator's portion are subtracted pursuant to state law, the Texas treasury will receive a total of \$34.2 million.

In 2012, CMF's enforcement action against Johnson & Johnson and several of its subsidiaries, including Janssen Pharmaceutical, proceeded to trial. After seven days of testimony, Johnson & Johnson agreed to resolve the state's claims for \$158 million. On April 3, 2012, Janssen wired its settlement payments to the state, and almost \$49 million was deposited into the state's General Revenue Fund as a result.

The OAG's Civil Medicaid Fraud Division has proven to be a significant source of revenue for the State of Texas. Under the Abbott administration (December 2002 to present), CMF has recovered more than \$880 million in taxpayers' dollars under the TMFPA. Of that, a total of more than \$373 million was returned to the state treasury because of CMF's successful enforcement actions. The division's demonstrated record of success as a substantial source of revenue is underscored by the significant recoveries referenced above – and the \$189.4 million CMF recovered for state and federal taxpayers in FY 2011 alone. Of this figure, approximately \$68.4 million was transferred to the Texas General Revenue Fund in FY 2011.

The **Environmental Protection Division (EPD)** represents state agencies that are charged with administering and enforcing environmental protection, natural resources, and public utility laws. EPD's clients include the Texas Commission on Environmental Quality (TCEQ), Public Utility Commission (PUC), General Land Office (GLO), Railroad Commission (RRC), Texas Water Development Board (TWDB), Texas Department of Agriculture (TDA), Texas Department of State Health Services (DSHS), Texas Parks and Wildlife Department (TPWD), and state river compact commissions.

EPD prosecutes and defends cases in state and federal courts and in administrative proceedings, at both the trial and appellate levels. These cases involve a wide variety of issues including environmental quality, energy, public utilities, water development, public lands, parks and wildlife, and colonias prevention. In addition to legal representation during the course of litigation, EPD lawyers provide their client agencies with legal counseling on matters within their subject-area expertise.

The division is organized into five sections: enforcement, defense, natural resources, utilities, and colonias.

The Enforcement Section pursues enforcement actions in courts of law against individuals that violate health, safety, and environmental protection laws. The following is a sampling of statutes that the section is charged with enforcing:

- Chapter 341 of the Texas Health and Safety Code (Public Water Supply Systems)
- Texas Solid Waste Disposal Act
- Texas Clean Air Act
- Chapter 26 of the Texas Water Code (Water Quality)
- Chapters 341 and 366 of the Texas Health and Safety Code (Sewage Facilities)
- Chapter 401 of the Texas Health and Safety Code (Radiation Control)

In addition to the above statutes, the Enforcement Section also pursues claims involving damages to natural resources—such as fish and wildlife—and provides legal representation to the state’s trustee agencies (TCEQ, GLO, and TPWD) as part of the federal Natural Resource Damage Assessment (NRDA) process.

EPD’s Defense Section represents the state and its environmental agencies when their decisions or rules are challenged in court. The section also represents state regulatory agencies when their decisions or rules are challenged or rejected by federal agencies.

The Natural Resources Section represents the state and its agencies in a variety of matters including land title and boundary disputes, public beach access, coastal dune protection, mineral valuation on the state’s lands, and real estate lease disputes. In an effort to help protect the state’s interest in water, the section provides legal counsel to Texas’ Interstate water compact commissioners. The section also defends Railroad Commission orders regulating the drilling of oil and gas wells and TPWD regulations protecting state fish and wildlife resources.

EPD’s Utilities Section represents the Public Utility Commission in matters relating to regulation of electric and telecommunications utilities in Texas. This includes defending PUC’s utility rate, transmission line, service terms, and electrical reliability regulators in courts of law.

Finally, EPD’s Colonias Section is charged with enforcing state laws that prohibit colonias along the Texas-Mexico border. Colonias are substandard residential developments that lack basic services such as drinking water, sewage treatment, and paved roads. The Colonias Section fulfills its mission by working to prevent colonias from being created and pursuing enforcement actions against illegal development. Additionally, to help raise awareness about colonias and discourage their development, EPD maintains a colonias prevention website and advises state and local agencies about colonias prevention.

The EPD has successfully pursued some of the OAG's most complex cases in recent years – and has won significant victories with wide-ranging implications for the state and its citizens. Among EPD's more notable victories was a successful challenge to the Department of the Interior's offshore drilling moratorium and an injunction prohibiting the EPA from implementing its Cross-State Air Pollution Rule – which the PUC and ERCOT determined posed a substantial threat to electric reliability in Texas. Equally important, EPD has generated substantial revenue for both the state treasury and environmental regulation projects. EPD's enforcement action against BP for environmental violations associated with an explosion at its Texas City refinery yielded \$50 million. In addition, EPD negotiated a \$6.5 million settlement with MOEX Offshore to resolve claims that arose from the Deepwater Horizon oil spill in the Gulf of Mexico. Under the Abbott administration, the OAG's efforts to enforce environmental laws have yielded \$132 million for the state.

The **Bankruptcy and Collections Division (BCD)** is charged by statute with recovering all debts, judgments, taxes, fees, fines, penalties, loans, and other obligations owed to the State of Texas and its agencies. Consequently, BCD is a significant source of revenue for the State of Texas.

The Collections Section employs investigators who locate and identify parties responsible for the debt, which the section's attorneys pursue on the agency's behalf in state court. The Bankruptcy Section represents state agencies in federal bankruptcy courts, as well as federal district and appellate courts, where it defends the state's financial and regulatory interests in bankruptcy cases. In a typical case, the state is a creditor that is owed money by the bankrupt debtor. The Bankruptcy Section maximizes the taxpayers' financial recovery by working to ensure that debts owed to the state are prioritized over other parties' debts.

The Bankruptcy Section monitors bankruptcy law developments nationwide to ensure that third-party litigation does not negatively impact the state's interests in bankruptcy proceedings. For example, adverse federal court decisions, even those in which Texas is not a party, can affect a state's creditor priority status and, therefore, limit the division's ability to recover claims from bankruptcy estates.

It is important to distinguish the OAG's tax collections role from that of the Comptroller of Public Accounts. Although the Comptroller is the state's tax collector, the OAG is responsible for representing the State of Texas in tax cases in both state and federal court. When the Comptroller, or any other state agency, needs to rely on the court system to collect a debt, BCD's assistant attorneys general appear in court for the state.

The BCD's ability to recover amounts owed to the state is significantly affected by a number of external factors including the economy, employment rates, and the number of bankruptcy filings. During 2011, 73 publically-traded companies filed bankruptcy including American Airlines, Dynergy Holdings, and, more recently, Eastman Kodak. Outside of bankruptcy, the economy, credit crunch, mortgage crisis, and unemployment rate all affect the ability of many individuals to repay or even make payments on established or undisputed delinquencies. While the number of collection referrals to the OAG from state agencies has increased, total collections have declined because of these external factors. Nonetheless, BCD successfully collected over \$60 million for the State of Texas in FY 2011.

The **Administrative Law Division (ALD)** provides general counsel support to state agencies and represents them in administrative law matters before state and federal courts. The division's caseload includes a wide variety of issues – from occupational licensing, child care, and healthcare to education, workers' compensation, and public employee retirement. In addition, ALD's Open Records Litigation Section defends the OAG's Open Records Division when its Public Information Act rulings are challenged in court, and its Energy Rates Section represents the State of Texas as a consumer in utility issues before regulatory agencies and in court.

The legal work of the division can be broadly categorized into four areas: legal counsel, enforcement, defense litigation, and other legal proceedings. Many of state agencies ALD represents do not have in-house counsel. ALD attorneys routinely provide advice to these agencies and their governing boards on a broad range of topics, including the Administrative Procedure Act, the Open Meetings Act, the Public Information Act, rulemaking, contracting, employment, pre-litigation, and statutory construction and interpretation.

Some of the most common enforcement actions that ALD pursues for its state agency clients include:

- Enjoining the practice of a profession (e.g., a doctor, nurse, plumber, or electrician) without the required license or certification;
- Shutting down a business operating in violation of law and posing a hazard to public health and safety (e.g., an illegal daycare operation);
- Enjoining actions of licensees and other regulated entities that violate laws and regulations intended to protect consumers and the public in general;
- Seeking civil penalties for violations of regulatory laws and regulations; and
- Prosecuting regulatory and licensing matters as contested cases before the State Office of Administrative Hearings.

In addition to providing direct legal services to state agencies, ALD also publishes a variety of legal handbooks – including the Administrative Law Handbook, guidance for compliance with the Private Real Property Rights Preservation Act and Texas Government Code Section 2006.002 (relating to development of an analysis of the impact of proposed regulations on small businesses).

The **Open Records Division (ORD)** fulfills the OAG's responsibility under Chapter 552 of the Government Code to administer and enforce the state's open government laws. Under the Public Information Act, if a governmental body wants to withhold information from public disclosure, it generally must first seek a ruling from the OAG. The ORD evaluates governmental bodies' requests to withhold information and issues letter rulings interpreting the applicable state and federal law. Those rulings reflect a quasi-judicial process that determines whether the requested information may be withheld from public disclosure. Additionally, the Public Information Act requires both elected and appointed public officials to receive training about Texas open government laws. ORD provides this training and approves additional training courses offered by other entities. ORD is also responsible for administering and ensuring compliance with the Public Information Act's cost rules, which govern how much a governmental body can charge for compiling and copying requested public information.

ORD's workload has dramatically increased in recent years. While the agency issued only 4,799 letter rulings in FY 2000, ORD issued 19,000 letter rulings in FY 2011. Despite the dramatic

increase in ruling requests, ORD continues to meet statutory deadlines—and even beats those deadlines by issuing approximately 50% of all rulings in less than 20 calendar days, which is a fraction of the 45 business day time period imposed by the Public Information Act.

To help ensure compliance with the Act and provide readily accessible information about public information laws to government bodies, ORD operates open government and cost compliance hotlines. These toll-free numbers provide callers with general information about open government laws and the charges allowable under the Public Information Act. ORD also facilitates the resolution of open records disputes between governmental bodies and members of the public through an informal complaint process.

Another quasi-judicial function fulfilled by the OAG involves Attorney General opinions, which are researched and written by the **Opinion Committee**. Attorney General opinions are interpretations and explanations of existing law. Courts customarily give Attorney General opinions great weight—but these opinions are not binding legal authority as a matter of law. Under the Government Code, only certain state and local officials are authorized to request a legal opinion from the OAG. The Opinion Committee received 58 opinion requests during the first half of FY 2012.

In addition to being a significant source of revenue for the state treasury, the OAG is also a source of substantial savings for the state, its agencies, and the taxpayers. As the state's law firm, the OAG defends state agencies when they are sued in court. Plaintiffs suing the state may seek monetary damages under the Tort Claims Act that could result in costly problematic changes to state agency programs or other outcomes that have the potential to impose significant costs on the state – and ultimately Texas taxpayers. Consequently by providing expert legal representation to state agency defendants, the OAG's defense litigation divisions are a significant source of cost avoidance and savings.

The defense litigation divisions are generally staffed with highly specialized litigators who are experts on particular areas of law. The division with the broadest portfolio of work is the **General Litigation Division (GLD)**, which defends state agencies and officials in a variety of lawsuits, including class action claims, employment litigation, whistleblower claims, constitutional claims, as well as healthcare and education litigation.

Additionally, the division handles an increasing number of cases challenging the constitutionality of various state statutes. GLD is also responsible for institutional reform cases involving the state's foster care system and developmentally disabled care and four lawsuits challenging the constitutionality of the state's school finance system. The foster care and school finance cases are examples of programmatic litigation with the potential for significant fiscal implications. Another significant programmatic case recently handled by GLD involved a U.S. Justice Department inquiry into the state school system. That case was successfully resolved with a settlement agreement that is being monitored for compliance by GLD.

The **Financial and Tax Litigation Division** is composed of four sections: **Financial Litigation, Taxation Litigation, Charitable Trusts, and Texas Workforce Commission**.

Financial Litigation (FinLit) primarily handles contractual disputes for all state agencies and regulations involving financial institutions, as well as matters involving the Texas Department of Insurance, the State Securities Board, the Employees Retirement System of Texas, the Teacher

Retirement System of Texas, the Permanent School Fund, the Pension Review Board and the various university systems.

Because of the uncertain national economic climate, the number of regulatory cases involving the Texas Department of Insurance and the State Securities Board are likely to increase. Historically, fraud and insolvency cases, as well as contractual litigation, increase during economically turbulent times.

The **Taxation Litigation Section** is the OAG section primarily responsible for representing the Comptroller of Public Accounts when taxpayers challenge their tax liabilities in court. Generally, tax litigation arises either when a taxpayer disputes a tax assessment made by the Comptroller or when a taxpayer elects to pay the tax under protest and then files suit. In an assessment situation, the Comptroller has conducted an audit of the taxpayer and has determined that additional tax remains due. In both assessment cases and in protest cases, the Tax Section defends the Comptroller's determination and represents the Comptroller in court. Additionally, when the Comptroller's school district valuation studies are subjected to a legal challenge, the section defends the valuation in court.

The **Charitable Trusts Section (CTS)** carries out the Attorney General's statutory obligation to protect the public's interest in charitable assets. This responsibility requires CTS to serve as the state's oversight agency for charitable organizations, non-profit corporations, and charitable trusts. Because of the large number of charitable and non-profit organizations in Texas—and the relatively limited resources available for oversight—the OAG's enforcement efforts are largely driven by complaints from members of the public. After receiving a complaint or otherwise uncovering evidence that charitable assets have been misused, CTS investigates whether trustees, officers, and directors of non-profit organizations have breached their fiduciary duty to the charity.

Common examples of CTS' exercise of its oversight responsibilities include: intervening in will contests to protect bequests to charities, intervening in charitable proceedings to oversee the proper modification of charitable restrictions, preserving a donor's intent for their charitable bequest, and overseeing the proper redistribution of charitable assets once a preexisting charity is no longer able to fulfill its original charitable purpose. In addition to its broader duties, CTS is specifically responsible for enforcing the Law Enforcement Telephone Solicitation Act, a statute that applies to charities that purport to engage in telephone solicitations on behalf of law enforcement-related interests. CTS also represents state university systems in litigation involving the preservation of charitable assets.

The **Texas Workforce Commission (TWC) Section** primarily handles unemployment tax assessment cases, as well as unemployment benefits and payday litigation involving the Texas Workforce Commission.

The **Tort Litigation Division** primarily defends state agencies and universities and their employees from private plaintiffs' tort lawsuits, including claims of negligence, personal injury, medical malpractice, property damage, libel, slander, and anti-retaliation suits. In addition, Tort Litigation also represents state agencies and universities before the Texas Department of Insurance – Division of Workers' Compensation and in district court proceedings involving workers' compensation claims. Most of the suits defended by the Tort Litigation Division are

brought under the Texas Tort Claims Act, the Medical Liability and Insurance Improvement Act, and the Texas Labor Code.

The **Transportation Division's** primary client is the Texas Department of Transportation (TXDOT), which has a broad litigation docket that includes eminent domain, employment, personal injury, property damage, environmental, intellectual property, collection, and administrative cases.

New highway construction projects with expedited completion schedules continue to increase the division's workload. In recent years, TXDOT, relying on in-house counsel, independently negotiated and entered into Comprehensive Development Agreements (CDAs) with private developers who are awarded contracts to design, build, maintain, and/or operate state highways. Although these agreements are independently negotiated by TXDOT's in-house counsel, the OAG is statutorily required to review and approve CDAs. The OAG's General Counsel Division performs the independent legal review of the CDAs rather than the Transportation Division because the latter serves as TXDOT's legal counsel.

The **Law Enforcement Defense Division (LEDD)** defends dozens of state law enforcement agencies and their employees when they are sued in federal and state courts.

LEDD's largest client agency is the Texas Department of Criminal Justice (TDCJ). With more than 40,000 security and non-security staff in more than 100 prisons, state jails, and other facilities responsible for securing more than 150,000 inmates, TDCJ has extensive legal needs. From 2010 to 2011, lawsuits against TDCJ increased by 91% (from 124 to 237). LEDD also represents both the Texas Board of Pardons and Paroles, which makes parole decisions, and TDCJ's Parole Division, which provides day-to-day supervision of more than 77,000 parolees. While LEDD has previously handled only some of the lawsuits against the Community Supervision and Corrections Departments, in March 2012, LEDD was compelled to handle all litigation against local adult probation departments.

LEDD also represents the University of Texas Medical Branch (UTMB) and the Texas Tech University Health Science Center (TTUHSC) – which provide health care for prison inmates under a contract with TDCJ – in lawsuits filed by Texas prison inmates against prison healthcare providers. The volume of healthcare-related suits brought by inmates has increased between 2010 and 2011. An aging inmate population and longer sentences all account for the recent increase in litigation against TDCJ, UTMB, and TTUHSC.

In addition, LEDD represents the Texas Department of Public Safety (DPS), more than 40 public university police departments, the Texas Alcoholic Beverage Commission, the Texas Parks and Wildlife Department, the Texas Commission on Judicial Conduct, the Texas Fire Marshal, the Texas Polygraph Examiners Board, the Texas Board of Private Investigators, the Texas Juvenile Justice Department, the Texas Adult Probation Commission, the Texas Lottery Commission, the Texas Commission on Law Enforcement Officer Standards and Education, and the Texas Commission on Jail Standards Supervision.

The Texas Government Code requires the OAG to review for conformity with the law all bonds and public debt obligations ("public securities") issued by state agencies, cities, counties, school districts, water districts, road districts, hospital districts, and public institutions of higher education, including junior college districts, as well as certain non-profit corporations created to

act on behalf of these governmental entities. This statutorily required legal review is fulfilled by the **Public Finance Division (PFD)**. The PFD's role is limited to performing a legal review for conformity with state law. Consequently, PFD does not have legal authority to review the wisdom of public policy benefits of a proposed debt issuance by a governmental body. During FY 2011, PFD received 1,497 public securities transcripts for approval with a dollar value in excess of \$48 billion. In the first six months of FY 2012, the division has received 807 transcripts valued at over \$16 billion.

The **Grants Administration Division (GAD)** was established in March 2008 to ensure the OAG had a centralized team dedicated to identifying, administering, processing, managing, monitoring, and disbursing grants. GAD performs grant acquisition, operations (administering both grants awarded to the OAG and by the OAG), management, and monitoring of grant activities. The division works closely with the other OAG divisions that are involved in the grant funding process. These divisions include, but are not limited to: General Counsel, Budget, Procurement, Accounting, as well as subject matter experts in the Crime Victim Services, Criminal Prosecutions, Law Enforcement, and Child Support Divisions.

GAD is divided into three sections that provide interagency and external customer support services. The Grant Operations Section manages all aspects of the OAG's applications for grant funding from other state and federal agencies. The Grant Management Section manages day-to-day financial and programmatic oversight of grants awarded by the OAG. The Grant Monitoring Section establishes a risk assessment and annual monitoring plan for recipients of OAG grants, performs on-site monitoring visits at grantees' places of business, and coordinates with outside certified public accounting firms that conduct independent monitoring reviews of grantees' operations and expenditure of grant funds.

Currently, GAD provides administration and oversight for grants received and/or awarded by the programs in the Crime Victim Services, Criminal Prosecutions, and Law Enforcement Divisions, as well as the Child Support Division's Family Initiatives and Legal Counsel Programs. The division manages approximately 800 grants and sub-grants totaling over \$43 million in both state and federal funds each year.

The OAG's capacity to maintain existing grant programs is affected by numerous factors. Detailed descriptions of these factors can be found under the descriptions of the Crime Victim Services, Criminal Prosecutions, Law Enforcement and Child Support Divisions.

External Factors Affecting Criminal Prosecution and Law Enforcement

Under Texas law, the Attorney General has the authority to commission peace officers with statewide investigative jurisdiction, but unlike many state attorneys general, the Texas Attorney General has limited original prosecutorial jurisdiction. Although there are specific statutory provisions granting the Attorney General original jurisdiction to prosecute certain criminal conduct, the Texas criminal justice system generally relies upon local district attorneys to prosecute criminal violations. Thus, in most cases, unless a local prosecuting attorney grants OAG prosecutorial jurisdiction, the OAG currently lacks that authority. However, in 2007 after a scandal in which a local prosecutor failed to act on allegations of sexual abuse by key figures at a juvenile educational facility and prison, the Texas Legislature gave the Attorney General the authority to proactively offer assistance to local prosecutors. In 2011, the Legislature also gave the Attorney General authority to petition a state district judge to appoint OAG prosecutors to pursue cases where the locally elected district attorney is accused of criminal misconduct. State

police officers commissioned by the Attorney General are assigned to the **Law Enforcement Division** and the **Medicaid Fraud Control Unit (MFCU)**. Criminal prosecutions are handled by attorneys in the **Criminal Prosecutions Division** and MFCU.

The **Criminal Prosecutions Division** is staffed by assistant attorneys general who prosecute criminal misconduct in state and federal courts. The division works cooperatively with local district attorneys' offices and all four U.S. Attorneys' offices in Texas. OAG prosecutors regularly appear in state courts as special prosecutors, special assistant district attorneys, and district attorneys pro tempore, and in federal court as Special Assistant United States Attorneys.

The Criminal Prosecutions Division is uniquely equipped to fill the gaps between local and federal prosecutorial resources and plays an important role within the Texas criminal justice system of Texas. The division is based in Austin, but virtually all the cases handled by the OAG prosecutors are outside Travis County.

The division has teams of prosecutors, legal assistants, and support staff that are divided into the following four sections: Cyber Crime and Child Protection, Violent Crime and Major Offenders, White Collar Crime and Public Integrity, and Juvenile Crime Intervention.

The **Cyber Crimes and Child Protection Section** prosecutes cases involving harm to children and computer crime with particular focus on online predators who use the Internet to prey upon minors. The section also handles child pornography cases – which are often referred to the OAG by the National Center for Missing and Exploited Children (NCMEC).

Cases involving human trafficking are also handled by this section. One prosecutor is specifically dedicated to work only on human trafficking cases. This prosecutor also conducts training classes for local law enforcement agencies around the state. Training for legal officials is particularly important because identifying human trafficking victims is difficult. Studies conducted by the OAG and other enforcement agencies indicate that human trafficking victims are often mistaken for criminals—particularly victims who are trafficked by prostitution rings.

Some of the prosecutors in the Cyber Crime and Child Protection Section are also cross-designated as Special Assistant United States Attorneys in several Texas-based federal districts.

Prosecutors in the **Violent Crime and Major Offenders Section** handle cases such as capital murder, murder, aggravated assault, and sexual assault of adults. The prosecutors in this section most often assist local district attorneys in rural parts of the state where the prosecutors may not have the staff or experience to prepare a complex violent crime case for trial.

The **White Collar Crime and Public Integrity Section** handles criminal fraud cases including money laundering and engaging in organized criminal activity, cases which involve misconduct and/or corruption by public officials and employees, and Election Code violations. These cases originate with referrals from local prosecutors, law enforcement, state and federal agencies, and concerned members of the public. Prosecutors within this section work closely with the Special Investigations Unit and Money Laundering Unit of the OAG's Law Enforcement Division. The White Collar Crime and Public Integrity Section also pursues asset forfeitures, property seizures, and nuisance abatement cases. The latter applies to property involved with white-collar crime, prostitution, drug use, violations of alcoholic beverage laws, or other criminal activity.

The **Juvenile Crime Intervention Section (JCI)** maintains the statutorily mandated Gang Resource System (GRS) (Art. 61.11, Code of Criminal Procedure), a secure website containing gang-related intelligence accessible only to criminal justice and juvenile justice personnel. As of April 12, 2012, the GRS was providing information about thousands of criminal street gangs and prison gangs to 4,481 criminal and juvenile justice active users (representing 569 cities, 39 states, and 1,047 local, state and federal agencies). Although other intelligence-sharing and offender-specific databases are available to law enforcement, no easily accessible, statewide mechanism for managing and sharing general gang-related intelligence among criminal and juvenile justice agencies existed before the GRS. JCI employees have expanded their roles by acting as liaisons to law enforcement and helping collect and disseminate criminal intelligence information across the state and nation.

The **Postconviction Litigation Division (PCL)** represents the State of Texas when prison inmates challenge their convictions or sentences in federal court. As counsel for the Director of the Correctional Institutions Division of the Texas Department of Criminal Justice (the inmate's custodian), PCL attorneys review the records from the inmates' trials and direct appeals. Capital litigation attorneys handle petitions for certiorari review on direct appeal from the Texas Court of Criminal Appeals and federal habeas corpus challenges from the federal district court through the Supreme Court of the United States.

The **Law Enforcement Division (LED)** is staffed with state police officers who are commissioned by the Attorney General. The activities of the LED consist primarily of conducting criminal investigations, apprehending fugitives and Internet predators, and providing assistance to local law enforcement officials. To further its mission, LED works closely with other state law enforcement authorities as well as federal and local officials both within Texas and across the nation.

LED's investigative components include the following units: Cyber Crimes; Computer Forensic; Fugitive Apprehension; Special Investigations; Facilities Security; and Professional Standards as well as participation in the Austin Joint Terrorism Task Force. The Fugitive Apprehension Unit actively participates with the United States Marshal Service Lone Star Fugitive Task Force.

The **Cyber Crimes Unit** specializes in computer-based crime – particularly criminal offenses involving subjects who use technology to prey upon children. These cases include both child pornography and online solicitation of minors.

Many of their investigations originate within the Cyber Crimes Unit, where investigators log into chat rooms where Internet predators are known to make inappropriate communications with and solicitations of minors. These investigations lead to arrests that effectively identify and remove child predators from the Internet and Texas neighborhoods. The efforts of the Cyber Crimes Unit has led to 281 arrests of persons who solicited sex online from persons they believed to be children and of persons who possessed or distributed child pornography. During this same time the Cyber Crimes Unit obtained 247 separate convictions for persons charged with Possession/Distribution/Promotion of Child Pornography and Online Solicitation of a Child.

The unit frequently partners with the NCMEC and receives referrals from the organization's CyberTipline – a nationwide reporting mechanism for cases of child sexual exploitation.

Since May 2006, the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, Internet Crimes Against Children (ICAC) Task Force for the southern region of Texas has been housed in the Cyber Crimes Unit. The ICAC task force program is part of a larger, nationwide network of multi-agency, multi-jurisdictional programs that conduct proactive investigations, forensic examinations, and prosecutions of criminals who prey on children using technology and the Internet. The OAG's portion of the ICAC task force is responsible for 135 counties including 42 counties along the Texas coastline and the state of Louisiana, all of south Texas, the major metropolitan areas of San Antonio and Austin, and rural counties in the southern two-thirds of the state.

The Cyber Crimes Unit provides training and education to law enforcement agencies, public interest groups, school administrators, students, parents, and the general public about child exploitation and cyber safety. The Cyber Crimes Unit has reached out to over 71,000 children, teachers, and parents about the importance of cyber safety.

The **Computer Forensic Unit** utilizes state-of-the-art technology to recover deleted electronic data, locate and preserve digital evidence and contraband, defeat passwords and encryption, and uncover hidden data. The Unit has the ability to analyze desktop and laptop computers running Windows, Macintosh, and Linux/Unix platforms, live servers (on scene and remote), digital cameras, PDAs, electronic game devices, and cell phones.

The Computer Forensic Unit also supports the work of the Cyber Crimes Unit, as well as other units of the Law Enforcement and Criminal Prosecutions Divisions, and serves as a resource for external law enforcement agencies.

The **Fugitive Apprehension Unit** conducts investigations to locate and arrest Texas parole violators with sex crime convictions. In addition, the Unit conducts "Operation Missing Predator," a statewide initiative aimed at identifying, locating, and arresting convicted sex offenders who failed to comply with their sex offender registration requirements. In addition to its Austin headquarters, the unit has field offices in Fort Worth and Houston – allowing it to better perform statewide investigations.

The **Special Investigations Unit (SIU)** provides a rapid response capability that allows the LED to quickly react to law enforcement challenges throughout the State of Texas. SIU conducts sensitive public corruption investigations – with a focus on local and state government as well as Election Code violations based on criminal referrals from the Secretary of State and others. SIU is uniquely suited to conduct complex, multi-jurisdictional investigations. SIU also provides direct assistance to the Criminal Prosecutions and Postconviction Litigation Divisions as well as local prosecuting attorneys by conducting detailed background investigations of suspects and witnesses in pending criminal cases or post-sentencing appeals phase. Cases investigated by the unit often require weeks or months to complete due to their complexity.

Additionally, SIU has partnered with the Financial Crime Enforcement Network (FinCEN) to conduct money laundering investigations. As a partner with FinCEN, investigators are granted access to crucial financial information under the Bank Secrecy Act. These investigations are extremely time-consuming and result in identifying, disrupting, and dismantling criminal organizations operating in Texas.

The SIU continues to address the growing problem of money laundering by criminal organizations through collaboration with its state, local, and federal law enforcement partners supported by analysts, prosecutors, regulators, and industry members who have experience and training in the field of money laundering and asset forfeiture.

The Law Enforcement Division also participates in the FBI-Austin Joint Terrorism Task Force, a multi-agency response team responsible for investigating international and domestic terrorism. The Austin Task Force is one of 106 nationwide, and they provide comprehensive, multi-agency information regarding terrorist activities. Most importantly, they pool talents, skills, and knowledge from across the law enforcement and intelligence communities into a single team.

As a partner with the NCMEC, the National Human Trafficking Resource Center (Polaris Project), and as a member of the Texas Human Trafficking Prevention Awareness Task Force, SIU and others in LED conduct investigations of human trafficking allegations. These labor and sex trafficking investigations are frequently worked in cooperation with our local, state, and federal law enforcement partners. Additionally, SIU investigators examine human trafficking cases identified by investigators with the Fugitive Unit who search for missing, runaway or endangered children in Texas. SIU also participates in investigations and special operations in North Texas, Houston, Austin, and the San Antonio Task Forces investigating these cases.

The **Professional Standards Unit** consists of certified peace officers who coordinate, develop, design, and deliver in-service and mandatory peace officer training to all OAG peace officers. This training encompasses all levels of weapons certification, defensive tactics, special investigative topics, peace officer safety, and officer policy and procedures. They also conduct pre-employment background investigations of OAG peace officer applicants. These background investigations include previous employment verification, criminal history check, credit history verification, and other personal history information. The unit is tasked with the issuance, inventory, and accountability of peace officer equipment, and also conducts all internal affairs investigations of alleged misconduct by OAG peace officers.

The **Facilities Security Unit** oversees security at Austin-based administrative and legal OAG offices and investigates potential threats to the safety and security of OAG employees. The unit accomplishes this through the deployment of a dedicated security force, conducting risk and threat assessments, and monitoring security systems that have been implemented to protect the agency and its employees.

Child Support

Functional Description

The Office of the Attorney General is responsible for operating the state's child support collections program in Texas. All states that receive federal funding for Temporary Assistance for Needy Families (TANF) are required to have a centralized child support collections program under Part D, Title IV of the Federal Social Security Act. In addition to TANF funding, the states also receive two-thirds of the cost of operating the IV-D program from the federal government. Consequently, the cost of operating the OAG's Child Support Division is more than two-thirds federally funded. Apart from the federal funds that support the program, the State of Texas benefits from the OAG's nationally recognized Child Support Division because efficient and effective child support collections help ensure that parents – as opposed to taxpayers – pay to support their children. According to the OAG's most recent statutorily-

mandated cost avoidance report, the Child Support Division's record-breaking, multi-billion dollar collections allowed the taxpayers to avoid \$1.2 billion in TANF, Medicaid, and other costs. As a result, the Child Support Division not only ensures that Texas children have the resources they need to grow healthy and strong—but also saved more than a billion dollars for taxpayers.

The CSD's duties are specified in Chapter 231 of the Texas Family Code which requires the division to:

- Locate absent parents
- Establish paternity for children born to unmarried parents
- Establish, enforce, and modify child support orders and medical support orders
- Collect and disburse child support payments

The CSD has more than 2,100 field office employees who directly serve child support customers. The state is divided into nine service regions, 64 field offices, a special collections unit, and a cold case unit. Today, the CSD's caseload includes more than 1.3 million Texas children – a caseload that is rapidly expanding at an average rate of 5,000 cases per month.

The Texas Child Support Enforcement System (TXCSES) is an automated data processing system that handles vital case functions for the child support caseload and fulfills federal regulations mandating that participating states maintain an automated case management system. Federal law also requires states to process all IV-D payments and certain non IV-D payments through a centralized State Disbursement Unit.

For nearly 30 years, the OAG has administered the child support program, and the Texas CSD is one of the best in the nation. Accomplishments this biennium included:

- Texas leads the nation in total child support collections, with just under \$3.2 billion disbursed during SFY 2011 – despite the fact that Texas is not the nation's most populous state.
- Texas earned the nation's highest federal incentive award for the most recent federal reporting period (over \$55 million in federal FY 2010). Federal incentive dollars are awarded based upon the effectiveness and efficiency of the states' child support collections efforts.
- One of the most cost effective programs in the nation, Texas achieved a cost effectiveness ratio of \$10.09 in child support collections for every \$1 spent in FY 2011.
- Texas collected nearly \$1.2 million per full-time equivalent employee (FTE) in FY 2011.
- Texas avoided more than \$1.2 billion per year (calculated in FY 2010) in public assistance.

The OAG is committed to providing exceptional service to all child support customers, achieving or exceeding operational performance goals, achieving continuous program improvement by constantly focusing on efficiency, leveraging technology, and initiating innovative projects to better serve Texas families and children.

Customer Service Delivery

CSD works diligently to provide outstanding customer service to Texas families and children. Customers can access information about their cases via an interactive website, an automated

voice response system, regional call centers, and field offices throughout the state. The OAG's website (www.texasattorneygeneral.gov) provides extensive information about the child support program and offers an online application for collection services, links to online payment options, printable payment records, and detailed case status information. A recent addition to the website supplies information about modifying child support orders including forms available for customers to submit modification requests. During FY 2011, customers made great use of this communication tool and logged into the interactive website over 13.3 million times. Because CSD's caseload is increasing at an average rate of 5,000 cases per month, the OAG is in the process of developing a new case management system that will fully automate the program so that more transactions can be completed online. CSD is also converting its paper files to a paperless system so that the division can operate more efficiently. In order to ensure that the Texas child support program continues to remain among the most effective and efficient in the nation, CSD is responding to its expanding caseload with technology enhancements—rather than seeking additional FTEs.

The Interactive Voice Response System (IVRS) allows 24-hour toll-free service for customers. With one telephone call, parents who pay or receive child support can obtain information about payment records, upcoming court dates, the availability of genetic test results, and outstanding child support obligations. In FY 2011, IVRS received over 19 million calls. In addition to the interactive system, field offices and regional customer service centers maintain staff who answer live customer calls as promptly and efficiently as possible. Nearly five million customer calls were answered during FY 2011.

In an effort to continually improve customer service, CSD encourages customers to provide feedback about the quality of its services. Customers who visit local child support offices are provided survey cards which allow them to provide instant feedback about their experience. Customers can also submit comments, complaints, and/or suggestions on the Child Support Interactive website. In addition, CSD staffers who interact with child support customers every day are strongly encouraged to offer ideas about improving customer service through CSD's Customer Service Enhancement Program.

External Factors Affecting Child Support Services

The CSD faces three primary challenges: reductions in federal funding, a rapidly expanding caseload, and an FTE cap that has remained unchanged since 2004. The funding CSD receives to carry out its mission for Texas families comes primarily from the following sources: (1) federal incentive awards; (2) federal matching funds; (3) retained collections from TANF recipients; (4) third party cost recovery from private health insurers that should have been billed for children's health care services – rather than Medicaid; (5) federally mandated service fees for never-TANF cases and registry-only cases; and (6) general revenue from the state treasury.

In addition to the standard two-thirds matching federal funds available to all states, the federal government also offers escalating federal incentive payments that are based upon state child support programs' level of performance. In federal FY 2010, CSD received more than \$55 million in federal incentive payments – the most of any state in the nation. Texas has been the top recipient of federal incentive payments every year since federal FY 2006. This funding source, however, may be limited in the future by CSD's prior successes. All states compete for the same pool of incentive money, and awards are based upon program improvements – which are more difficult for a top program to achieve than a less successful program, particularly when

the caseload is expanding dramatically. If other states' performance improves at a faster rate than Texas, the amount of incentive funds CSD receives would be reduced proportionately.

Because the state's TANF expenditures are declining, CSD's access to revenue from retained TANF collections are also on the decline. Thirty years ago, more than 50% of the total caseload was comprised of TANF cases. TANF cases constitute less than 5% of CSD's caseload today. Because the first \$75 collected each month for TANF cases is passed through directly to needy families, very little of collections in current TANF cases are retained by the state. For the first time, FY 2011 revenue to CSD from rapidly-growing Medicaid third-party recoveries has surpassed revenue from TANF recoveries – \$70 million from Medicaid and \$51 million from TANF.

As noted above, CSD's caseload is steadily growing at a rate of more than 5,000 cases per month. Factors contributing to the caseload growth include the multi-year national recession, population increases, the out-of-wedlock birth rate, and ongoing stresses on the large number of military families in Texas.

Texas families continue to feel the effects of the national economic downturn. While Texas has weathered the storm better than most states and generally has higher employment rates than other parts of the country, the state's unemployment rate remained at about 8% until it recently dropped to 7.4%. These uncharacteristically high unemployment rates continue to affect many families in the Texas child support system. Difficult economic conditions make it understandably more difficult for unemployed parents to meet their child support obligations than for those who have steady jobs.

The population of Texas is estimated to nearly double by 2040, according to the Office of the State Demographer. Texas is growing faster than any other state, and its percentage of growth rate is higher than any other large state in the nation – including California, Florida, Georgia, and North Carolina. The state's burgeoning population stems from a combination of a natural population increase and immigration from other states and countries. The demographic characteristics of Texas' growing population also contribute to the increasing rate of non-marital births in the state. In 2010, more than 4 out of 10 births in Texas were to unmarried parents.

Military child support cases are also complicated by multiple deployments, high incidence of combat-related physical and psychological injuries, and the transfer of military personnel into and out of the state. In an effort to respond to the special needs of military families, the CSD developed the Helping Establish Responsive Orders Ensuring Support (HEROES) project. The initiative provides active duty and veteran service members' families comprehensive family-centered paternity and child support services. The project operates from three cities (El Paso, San Antonio, and Killeen) with large populations of military service members and handles requests for services from military personnel all over the state.

Two other family-centered programs have been developed to encourage Texas parents to take an active, responsible role in their children's lives: Parenting and Paternity Awareness (p.a.p.a.) and Noncustodial Parent (NCP) Choices. The p.a.p.a. program attempts to reduce out-of-wedlock teenage births by educating middle and high school students on the rights, responsibilities, and difficulties of being a parent. This program is intended to reduce demands for child support services by encouraging students to complete their educations, start their careers, and enter stable, committed relationships before becoming parents.

The NCP Choices project provides enhanced employment services for certain NCPs who are unemployed or underemployed – and therefore unable to meet their child support obligations. This joint project between the OAG and the Texas Workforce Commission links IV-D courts, the CSD, and local workforce boards to help noncustodial parents find and retain employment and pay their child support. Based on findings from a five-year University of Texas project evaluation, the program is the most successful in the nation, producing substantial increases in employment and child support payment rates by participants.

Managing a child support caseload with 1.3 million unique cases in a state as large as Texas is a labor intensive endeavor that requires a hands-on approach. While CSD’s enforcement caseload has grown steadily, telephone calls and walk-in visits have increased dramatically in recent years—as has the duration of customers’ calls with CSD staff.

As noted above, CSD has responded to these challenges by developing a long-term plan to improve its automated case management system by working to deploy a technological solution rather than simply seeking new FTEs. CSD is employing a strategy based upon doing more with less.

The plan to improve CSD’s automated system will provide the structure to enhance self-service options for custodial and noncustodial parents, employers, and other program participants, while maintaining strict security over access to sensitive personal information. By leveraging technology, CSD will be positioned to meet customer needs, handle increasing caseloads, compete effectively for incentive funding, and sustain its demonstrated capacity to deliver results with even greater efficiency in the future.

Crime Victim Services

Functional Description

The Texas Compensation to Victims of Crime Fund (CVCF) is at a critical juncture. As the state agency responsible for overseeing and maintaining the CVCF since 1991, the OAG is working closely with the legislative leadership, relevant state agencies, and non-profit stakeholders to address a long-term shortfall and a short-term cash-flow shortage that must be resolved during the next legislative session. As senior OAG officers explained in great detail to Texas Senate and House committees during the spring of 2012, a combination of decreasing revenue from court costs and fees, together with increased appropriations from the fund during the 2011 legislative session, have jeopardized the CVCF’s capacity to continue funding its grant program at current levels while also fully satisfying individual victim reimbursement requests as required by state law.

The CVCF was created in 1979 when the Texas Legislature passed the Crime Victims' Compensation Act. Since 1991, the CVCF and the Crime Victims' Compensation program have been housed at the OAG. The Crime Victims' Compensation program's primary purpose is to encourage greater victim participation in the criminal justice process by giving victims a financial incentive to help authorities prosecute offenders. To that end, victims who report crimes and assist authorities are eligible to seek reimbursement for out-of-pocket expenses that stem from being a victim of violent crime.

In 1997, the Legislature and Texas voters responded to a substantial shortfall by constitutionally dedicating CVCF dollars exclusively to victim-related compensation or assistance. The Legislature amended the Texas Code of Criminal Procedure and also amended the Crime Victims' Compensation Act to expand the limited purposes for which CVCF dollars can be expended. Under the 1997 law, a grant program was created so that Crime Victims Services organizations can seek funding from the CVCF for victim-related services. Because a myriad of non-profit organizations that serve Texas crime victims rely on the CVCF for funding, a significant issue facing the OAG and the Legislature is how to maintain the fund's expanded role while also continuing to fulfill the CVCF's original mission – providing compensation directly to victims of violent crime.

There are five main service areas or programs within the Crime Victim Services Division (CVSD): Crime Victims' Compensation Program (CVC Program); Address Confidentiality Program; Sexual Assault Prevention and Crisis Services Program; Planning, Policy and Program Development; and Statewide Automated Victim Notification.

The CVC Program provides reimbursement as a payer of last resort for out-of-pocket expenses incurred by victims and their families. Crime victims who have no other source of reimbursement – such as health insurance – for the costs associated with violent crime can apply for financial assistance from the fund to cover medical services, counseling, funerals, and lost earnings.

In 2007, the Texas Legislature required the OAG to establish an Address Confidentiality Program (ACP) to protect the location of family violence, sexual assault, and stalking victims by establishing a confidential mailing address. Under the ACP, the OAG provides a substitute post office box address that a participant may use in place of their actual residential, business, or school address. The OAG also acts as an agent for service of process and receives the participant's mail, then forwards the mail to the participant's actual address.

The CVC grant program awards grants and crime victim services contracts to hundreds of local and statewide crime victim assistance programs. In 2008, the operational and administrative functions for awarding grants and contracts were transferred from the CVSD to a new division that specializes in reviewing, approving, managing, and seeking grants – the Grants Administration Division (GAD). GAD administers the following competitive direct victim services grants: Victim Coordinator and Liaison Grants (VCLG), Other Victim Assistance Grants (OVAG), and the Sexual Assault Prevention and Crisis Services (SAPCS) grants – as authorized by the Texas Legislature. GAD also administers CVCF direct pass-through victim services grants: Court Appointed Special Advocates, Children's Advocacy Centers, Sexual Assault Services Program Grants, and Legal Services Grants – as authorized by the Texas Legislature.

CVSD works closely with GAD to ensure grants and awards from the CVCF effectively support the delivery of victim-related services. Providing the programmatic expertise – including policy formulation, research, and evaluation – remains one of CVSD's core functions. Domestic violence shelters, rape crisis centers, hotlines, victim advocacy, education, victim services staff in local law enforcement and prosecutor offices, and other victim-related services all currently receive CVCF funding through grants and contracts. In addition, the agency awards CVCF grants for the prevention of sexual violence with federal funds awarded specifically for that purpose.

The Sexual Assault Prevention and Crisis Services Program provide technical assistance and training to sexual assault prevention programs throughout Texas. In addition, the OAG sponsors a training and certification program for registered nurses who perform sexual assault medical forensic examinations, known as the Sexual Assault Nurse Examiner Program (SANE). The training is provided by OAG staff and three contracted SANE trainers located in various regions of the state. These specially-trained and certified nurses assist law enforcement by collecting evidence to be used in prosecuting sexual assault cases.

The Statewide Automated Victim Notification System, also known as Texas SAVNS, establishes and maintains a reliable and efficient system that notifies crime victims about legal developments involving the criminal who harmed them. SAVNS allows law enforcement, prosecutors, victim advocates, other criminal justice professionals, and other interested parties to have immediate access to offender information including incarceration status and associated court dates. As of August 31, 2011, SAVNS covered 95% of the state's population (from a geographic perspective) and 97% of the violent crime reported in Texas.

Customer Service Delivery

Responding to crime victims in a caring, sensitive, and efficient manner is the CVSD's top priority. The division helps fulfill its responsibility by providing information and assistance to victim advocates, law enforcement agencies, and non-profit organizations via a Remote User Access System and through a telephone support hotline. The OAG is currently in the process of upgrading its CVC workflow system. The upgraded system will incorporate a number of newly identified efficiencies that will enhance the quality of the crime victim services. Phase I of the new system is scheduled to be operational online in early FY 2013. Other recommended system developments will depend upon budgetary availability.

External Factors Affecting Crime Victim Services

The OAG's ability to deliver crime victim services is impacted by two major factors: demand for services and CVCF funding. Demand for services is influenced by violent crime statistics, population, benefit changes, availability of other grants and donations, and OAG program awareness. Funding for compensation and victims assistance can vary from year to year, but the primary funding sources are federal and state appropriations – the latter of which is principally provided from court costs and fees imposed on misdemeanor and felony offenders.

Federal grants for crime victim compensation programs are available from the Office for Victims of Crime (OVC) at the U.S. Department of Justice. Currently, the OVC provides up to a 60% federal match on state compensation dollars paid during the federal fiscal year two years prior. However, the federal matching percentage depends upon the available balance in the federal Crime Victims Fund, which is funded by fines and restitution collected by federal courts.

While some federal funds support Sexual Assault Prevention and Crisis Services, the majority of victim assistance grants are funded by the CVCF. The OAG maintains a competitive grant program but also provides direct funding to grantees as directed by the Appropriations Act. Consequently, while legislatively-mandated grants to victim services organizations provide critical financial assistance that helps these non-profits fulfill their mission, rising appropriations directed by the Legislature from the CVCF have contributed to the funding shortfall that imperils the CVCF's capacity to fully satisfy victim reimbursement requests. During the 2011 Legislative

Session, statewide organizations that previously received general revenue funded grants were shifted to the CVCF-funded grants and given funding increases that utilized CVCF dollars. As a result, appropriations from the 82nd Legislative Session were projected to exceed CVCF's revenue and available cash balances. There is not adequate funding in the CVCF to maintain funding for the grant program at current levels. A significant policy question for the 83rd Legislature will be the level at which direct appropriations to grantees should be funded and – to the extent the Legislature does not wish to reduce direct grant awards – how to fund grantees in light of the CVCF's inability to do so because of the shortfall.

The CVC program currently reimburses certain medical expenses for victims of violent crime. Under Texas law, the CVCF is a payer of last resort and is only authorized to reimburse victims and claimants for crime-related expenses, including medical expenses that are not covered by other sources such as health insurance. The federal Patient Protection and Affordable Care Act (the Act) imposes several federally mandated changes to the nation's healthcare system that could impact the CVCF. However, a challenge to the Act's constitutionality is currently pending before the U.S. Supreme Court, so the law's impact on the CVCF remains unclear.

Medicaid Fraud Control

Functional Description

The Medicaid Fraud Control Unit (MFCU) investigates and prosecutes criminal fraud by Medicaid providers, physical abuse and criminal neglect at Medicaid-funded health care facilities, and embezzlement from patient accounts by staff at Medicaid-funded assisted living facilities. Investigators and auditors based in the MFCU conduct investigations and help prosecutors pursue providers who defraud the Medicaid program or abuse patients. Because the Legislature has not granted the OAG original jurisdiction to prosecute Medicaid fraud, MFCU prosecutors must obtain authorization from local district attorneys and U.S. attorneys in order to prosecute Medicaid fraud in state and federal courts. The MFCU's administrative headquarters is based in Austin, but it maintains in eight field offices across Texas.

As of State FY 2012, the MFCU has been authorized to employ up to 193 FTEs, including non-commissioned investigators, commissioned state police officers, forensic auditors, prosecutors, and support staff. At the end of SFY 2011, the MFCU had opened investigations into more than 1,300 individual suspects and entities suspected of defrauding the Medicaid program. Given its demonstrated record of uncovering waste, fraud, and abuse in the Medicaid program, MFCU is a source of significant cost avoidance and savings for the state. Between September 1, 2003, and August 31, 2011, the MFCU identified \$584.7 million in suspected Medicaid overpayments and obtained 711 criminal convictions.

External Factors Affecting Medicaid Fraud Control

Texas is third in the nation in Medicaid expenditures, which have doubled since SFY 2002. By SFY 2013, the state's Medicaid expenditures are expected to exceed \$27 billion. There are currently three million Medicaid recipients in Texas served by 57,000 Medicaid providers. As the Medicaid population increases, so does the likelihood for waste, fraud, and abuse. The MFCU is the only state law enforcement agency dedicated solely to Medicaid fraud prevention. Because 75% of the unit's funding comes from the federal government, the unit's continued success will largely depend on state funding levels.

The MFCU is largely dependent upon referrals – a major source of which comes from the Health and Human Services Commission’s (HHSC) Office of Inspector General (OIG) – for its investigative caseload. As the HHSC’s in-house fraud prevention and detection agency, OIG maintains a staff of investigators and auditors who utilize automated systems to identify billing irregularities. After conducting an initial inquiry, if OIG staff determines that an irregularity rises to the level of potentially criminal conduct, the office refers the case to the MFCU, which opens a criminal investigation based upon the OIG’s referral. In June 2012, the OAG launched a joint Dental and Orthodontic Task Force with HHSC and the OIG. The Task Force is chaired by a deputy attorney general and includes senior personnel from MFCU, CMF, HHSC, and HHSC-OIG.

Administration

The OAG is currently authorized to employ 4,201.9 litigators, peace officers, prosecutors, and other employees who advance the agency’s mission. Approximately 2,670.9, or about two-thirds of the agency’s employees, work for the Child Support Program. The agency's staff includes 718 attorneys, making the OAG one of the state’s largest law firms. In addition to the various headquarter offices in Austin, the OAG maintains numerous field offices throughout the state – including 64 CSD field offices, nine regional child support customer service centers, nine regional CSD administrative offices, six regional consumer protection offices, eight MFCU offices, four regional Crime Victim Services offices, three Environmental Protection Division offices, and three Law Enforcement Division offices.

The agency receives federal dollars for its Child Support Enforcement, State Disbursement Unit, Crime Victim Compensation, Victims Assistance and Medicaid Investigation Strategies, as well as for certain activities within the Legal Services Strategy. All of these programs directly influence the overall ratio of federal dollars received to federal tax dollars paid by the state.

Internal Factors Affecting the Office of the Attorney General

OAG management is constantly striving to operate as efficiently and effectively as possible. The Deputy for Administration routinely works with the Human Resources Division and other agency staff to evaluate how policies and procedures can be improved to increase efficiency and improve agency operations. When revising internal policies, the OAG largely relies upon internal resources to examine best practices nationwide, in government as well as the private sector.

OAG consistently maintains a Historically Underutilized Business (HUB) annual participation rate that exceeds 20%. The agency's overall HUB participation in recent years has been as follows:

- FY 2006 HUB participation was 26.6%
- FY 2007 HUB participation was 28.8%
- FY 2008 HUB participation was 27.6%
- FY 2009 HUB participation was 24.2%
- FY 2010 HUB participation was 29.7%
- FY 2011 HUB participation was 12.4%

The OAG will continue its good faith efforts to meet the following HUB category goals established by the Texas Procurement and Support Services (TPASS):

Category	HUB Goal
Heavy Construction*	N/A*
Building Construction*	N/A*
Special Trade Construction	0%
Professional Services	4.4%
Other Services	9.75%
Commodity Purchasing	35.7%

*The OAG typically does not expend funds within these two categories.

Use of Technology

Like virtually every public and private enterprise, the OAG has increasingly relied upon information resources and technology (IT) to improve operational efficiency. Strategic IT investments have helped the OAG deliver service improvements and made the agency more accessible to its clients and constituents. Under prior administrations, many proprietary IT systems were developed that are no longer viable today. As a result, while the OAG has attempted to upgrade its systems within the confines of budgetary constraints, the OAG is still overly reliant on legacy platforms that are difficult to maintain and lack the efficiencies associated with modernized systems.

As the agency plans for the next five years, it must undertake a significant agency-wide initiative to replace outdated legacy applications, complete the migration to the state data center, and deploy new technology tools to enhance the constituent experience. The process of removing outdated and inefficient legacy systems will undoubtedly require significant resources, but doing so will ensure that the agency is more efficiently and effectively serving its clients and the taxpayers.

Employing new technologies and advanced applications of existing technologies is intended to make the agency function more effectively – and serve as a more efficient steward of taxpayer resources. The process will also improve transparency and make the OAG more accessible to the public.

The OAG’s technology strategic plan emphasizes three key areas:

- **Access** – easily accessible and readily available information and services
- **Optimization** – effective and efficient use of information technology
- **Innovation** – innovative use of information technology

The **Technology Resources Planning Section** details the primary objectives that the agency is focusing on during this planning period:

- Provide up-to-date agency information via electronic sources
- Provide more self-service opportunities
- Enhance data integrity and information security for information and services
- Effectively and efficiently utilize information technology resources and investments
- Enhance and maintain an effective communications network capable of supporting the OAG voice and data needs

- Develop and implement a technology road map that addresses the growing complexity of IT infrastructure and aging IT platforms and systems
- Enhance data and systems inter-operability between state agencies, other government entities, and private partnerships
- Share information with other government entities in support of the State Strategic Plan for Information Resource Management
- Develop an enterprise infrastructure that minimizes data redundancy, minimizes functional duplication and encourages intra- and inter-agency business system sharing

Notwithstanding the OAG's commitment to employing technology in a manner that conserves taxpayer resources, the agency is undertaking this effort within the confines of the legislatively mandated state data center initiative. Like most other state agencies, the OAG's IT-related costs are largely affected by variables beyond its control—because those decisions fall within the purview of Department of Information Resources.

Agency Goals

Goal A. Provide Legal Services

To provide skillful and high quality legal representation, counseling, and assistance for the State of Texas and its authorized entities and employees in the lawful performance of their duties. [Tex. Const. art. 4 §22]

Goal B. Enforce Child Support Law

To enforce aggressively and fairly both state and federal child support laws and regulations. [42. U.S.C. §651, et seq.; Texas Family Code, Title 5]

Goal C. Crime Victims' Services

To provide services and information to victims of crime in a caring, sensitive, and efficient manner. [Texas Code of Criminal Procedure, Chapter 56; Texas Government Code, Chapter 420; Texas Family Code, Chapter 264, Sub chapters E and G.]

Goal D. Refer Medicaid Crimes

To provide an environment free of fraud, physical abuse, and criminal neglect for Medicaid recipients and the Medicaid Program. [42 C.F.R. §1007.11]

Goal E. Administrative Support for SORM.

Provide administrative support for the State Office of Risk Management in administering state employees workers' compensation [Texas Labor Code §412.0111]. Note: Please refer to SORM's Agency Strategic Plan for goal and measure information for SORM.

Goal F. Increase the use of Historically Underutilized Businesses.

To carry out policies governing procurements that foster meaningful and substantive inclusion of historically underutilized businesses. [Texas Government Code, Title 10, Subtitle D, §2161.181]

Objectives, Strategies and Measures

Goal A. Provide legal services.

Objective:

To provide skillful and high quality legal counseling and litigation support for 100% of the cases referred by the State of Texas and its authorized entities and employees in the lawful performance of their duties during each year of the strategic plan.

Outcome Measures:

- Delinquent State Revenue Collected
- Ratio of Total Legal Services Caseload to Cases Closed/Settled

Strategy: Legal Services

Respond to the Legal Counseling needs of the State of Texas and its authorized entities and employees by providing appropriate legal advice and answers to legal questions posed by clients, including the issuance of formal opinions and open record letters and decisions. Respond to the litigation needs of the State of Texas and its authorized entities and employees through the use of appropriate pre-trial and trial actions. Provide investigative and prosecutorial assistance to local and federal criminal justice organizations in response to a variety of law enforcement challenges. Pro-actively investigate cyber crimes such as child pornography, solicitation of minors, identity theft and fraud. Locate and apprehend convicted sex offenders who have failed to comply with mandated sex offender registration requirements.

Output Measures:

- Legal Hours Billed to Litigation and Counseling
- Legal Hours Billed to ADR (Alternative Dispute Resolution)
- Legal Hours Billed to Colonias Project

Efficiency Measures:

Average Cost per Legal Hour

Explanatory Measures:

- Legal Hours Billed to Legal Counseling
- Legal Hours Billed to Litigation
- Consumer Protection Complaints Closed
- Formal Opinions and Open Records Letters & Decisions Issued
- Number of Criminal Investigations Call for Service Requests

Goal B. Enforce child support law.

Objective:

To collect court-ordered child support through the use of administrative actions and all available legal actions allowed by state and federal laws and regulations. Operate a federally mandated state disbursement unit.

Outcome Measures:

- Percent of Title IV-D Cases that have Court Orders
- Percent of all Current Child Support Amounts due that are Collected
- Percent of Paying Cases Among Title IV-D Cases in Arrears
- Percent of Paternity Establishments for Out-of-Wedlock Births

Strategy: Child Support Enforcement.

Collect court-ordered child support through the use of the following: establish paternity; establish child support obligations; enforce child support obligations; and receive and distribute child support monies.

Output Measures:

- Amount of Title IV-D Child Support Collected (in Millions)
- Number of IV-D Children for Whom Paternity Has Been Established
- Number of Child Support Obligations Established
- Number of Income Withholdings Initiated

Efficiency Measure:

- Ratio of Total Dollars Collected per Dollar Spent

Explanatory Measure:

- Number of Paternity Acknowledgments
- Current TANF Cases as percent of Total Caseload
- Child Support Collected through IRS Offsets (in Millions)
- Number of Hard to Work Cases that have Child Support Obligations or Paternities Established

Strategy: State Disbursement Unit.

Operate a state disbursement unit that receives and processes all eligible child support payments.

Output Measures:

- Number of Payment Receipts Processed by the SDU vendor

Efficiency Measure:

- Average Cost Per Payment Receipt Processed by the SDU vendor
- Percent of Payment Receipts Processed and then Disbursed within Two Days of Receipt by the SDU vendor and the OAG

Goal C. Crime Victims' Services.**Objective:**

To provide assistance to victims of crime through direct compensation payments, training, grants, and contracts to victim assistance providers.

Outcome Measures:

- Amount of Crime Victims' Compensation Awarded
- Number of Crime Victims who Received an Award

Strategy: Crime Victims' Compensation

Obtain and review all claims for crime victims' compensation in accordance with state and federal regulations to determine eligibility for payment; ensure that all bills are reviewed for medical reasonableness and necessity and paid at the correct rate and that limits are not exceeded.

Output Measures:

- Number of Eligibility Determinations Made
- Number of CVC Training Participants
- Number of CVC Outreach Recipients

Efficiency Measures:

- Average Cost to Analyze a Claim and Make an Award
- Average Number of Days to Analyze a Claim and Make an Award
- Average Number of Days to Determine Claim Eligibility

Explanatory Measures:

- Number of Crime Victim Applications Received

Strategy: Victims' Assistance

Provide grants or contracts, training, and technical assistance to support victim related services or assistance in the state; certify Sexual Assault Nurse Examiners and sexual assault advocate training programs; and provide victims of family violence, sexual assault, and stalking with a confidential mailing address and a means of receiving mail.

Output Measures:

- Number of Entities which receive a Grant or Contract for Victim Services or Victim Assistance
- Total Dollars Awarded to Victim Services or Victim Assistance Programs
- Number of Sexual Assault Training Participants
- Number of Sexual Assault Outreach Recipients

Explanatory Measures:

- Total Number of Court-Appointed Volunteers Advocating for Children
- Total Number of Counties Served by CASA Programs
- Total Number of Children Receiving Services from the Court-Appointed Volunteers Program

Goal D. Refer Medicaid crimes.

Objective:

To conduct a statewide program of investigation and to refer for prosecution 100% of discovered violations of the Texas Medicaid Program as required by federal regulations during each year of the Strategic Plan.

Outcome Measures:

- Amount of Medicaid Over-Payments Identified

Strategy: Medicaid Investigation.

Conduct a statewide program of investigation and refer for prosecution all violations of laws pertaining to fraud in the administration of the Texas Medicaid Program, the provision of medical assistance, and the activities of providers of medical assistance under the State Medicaid Plan. Review complaints alleging abuse or neglect of patients in health care facilities receiving payments under the State Medicaid Plan.

Output Measures:

- Number of Investigations Concluded
- Number of Cases Referred for Prosecution

Efficiency Measure:

- Average Cost per Investigation Concluded

Goal E. Administrative Support for SORM.

Objective:

Provide administrative support to the State Office of Risk Management in administering state employees workers' compensation. Note: Please refer to SORM's Agency Strategic Plan for goal and measure information for SORM.

Goal F. Increase the use of historically underutilized businesses.

Objective:

Make a good faith effort to meet or exceed the HUB goals set by the agency to award contracts and subcontracts to historically underutilized businesses (HUBs).

Outcome Measures:

- Percent of the total dollar value of agency procurements awarded to HUBs for Special Trade Construction
- Percent of the total dollar value of agency procurements awarded to HUBs for Professional Services
- Percent of the total dollar value of agency procurements awarded to HUBs for Other services
- Percent of the total dollar value of agency procurements awarded to HUBs for Commodities

Strategy:

Educate HUB vendors about the policies and practices of the procurement process. Assist in certifying minority and women owned businesses as HUB vendors. Actively recruit HUB vendors for agency procurement opportunities. Ensure that HUBs are equally considered for all agency procurement activities.

Output Measures:

- Number of HUB Vendors submitting bids and receiving awards
- Dollar Value of HUB Subcontracts Paid

Technology Resources Planning

1. Initiative Name: Name of the technology initiative.	
Information Security	
2. Initiative Description: Brief description of the technology initiative.	
Develop and maintain an effective data security protocol and information security.	
3. Associated Project(s): Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
Name	Status
Daily Operations (Included)	Ongoing
4. Agency Objective(s): Identify the agency objective(s) that the technology initiative supports.	
All objectives	
5. Statewide Technology Priority(s): Identify the statewide technology priority or priorities that is/are related to the technology initiative, if any.	
<ul style="list-style-type: none"> • P1 – Cloud • P2 – Data Management • P3 – Data Sharing • P4 – Infrastructure • P5 – Legacy Applications 	<ul style="list-style-type: none"> • P6 – Mobility • P7 – Network • P8 – Open Data • P9 – Security and Privacy • P10 – Open Data
P4, P7, P9	
6. Guiding Principles for Technology: As applicable, describe how this technology initiative will address the following statewide technology guiding principles:	
<ul style="list-style-type: none"> • Connect – expanding citizen access to services • Innovate – leveraging technology services and solutions across agencies • Trust – providing a clear and transparent accounting of government services and data • Deliver – promoting a connected and agile workforce 	
Adopt industry standards; and Maintain effective information security best practices	
7. Anticipated Benefit(s): Identify the benefits that are expected to be gained through this technology initiative. Types of benefits include:	
<ul style="list-style-type: none"> • Operational efficiencies (time, cost, productivity) • Citizen/customer satisfaction (service delivery quality, cycle time) • Security improvements • Foundation for future operational improvements 	
Improve capabilities to identify and reduce security risks; Safeguard confidential data of Texas citizens; Improve security protection with all entities that interface with OAG; Ensure information security risks are mitigated; Ensure compliance with state and federal requirements	
8. Capabilities or Barriers: Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement this technology initiative.	
Current agency capabilities include increased staffing of IT security professionals, awareness and education, policy and process reviews and technology and tools enhancements. Funding constraints may impact implementation projects.	

1. Initiative Name: Name of the technology initiative.	
Legacy Application Modernization	
2. Initiative Description: Brief description of the technology initiative.	
Refresh and/or replace legacy applications	
3. Associated Project(s): Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
Name	Status
TXCSES 2.0 Initiative (All Projects)	In Progress
Legal Case Management System	Planned
IT Service Management (Daily Operations)	In Progress (CSD) / Planned (A&L)
4. Agency Objective(s): Identify the agency objective(s) that the technology initiative supports.	
All objectives	
5. Statewide Technology Priority(s): Identify the statewide technology priority or priorities that is/are related to the technology initiative, if any.	
<ul style="list-style-type: none"> • P1 – Cloud • P2 – Data Management • P3 – Data Sharing • P4 – Infrastructure • P5 – Legacy Applications 	<ul style="list-style-type: none"> • P6 – Mobility • P7 – Network • P8 – Open Data • P9 – Security and Privacy • P10 – Open Data
P1, P2, P3, P4, P5, P6, P7, P9	
6. Guiding Principles for Technology: As applicable, describe how this technology initiative will address the following statewide technology guiding principles:	
<ul style="list-style-type: none"> • Connect – expanding citizen access to services • Innovate – leveraging technology services and solutions across agencies • Trust – providing a clear and transparent accounting of government services and data • Deliver – promoting a connected and agile workforce 	
Benchmark industry standards and identify performance results achieved by other entities, particularly technology and customer service; Improve business processes and level new technology to improve operations; Drive innovation through implementing improvements in service delivery, and enabling new technologies and business processes	
7. Anticipated Benefit(s): Identify the benefits that are expected to be gained through this technology initiative. Types of benefits include:	
<ul style="list-style-type: none"> • Operational efficiencies (time, cost, productivity) • Citizen/customer satisfaction (service delivery quality, cycle time) • Security improvements • Foundation for future operational improvements 	
Improve life cycle management of data and information; Ensure streamlined data management and reporting; Improve customer service through more self-service capabilities; Improve performance of internal, state, and federal goals; Increase case management capacity and collections; Consolidation of systems; Implement more current technologies to recruit and retain IT workforce; Improve disaster recovery operations	
8. Capabilities or Barriers: Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement this technology initiative.	
Agency capabilities include an evaluation of the application portfolio. The agency has implemented a multiple layered approach to refreshing legacy applications by combining internal and external resources to deliver solutions. Agency challenges include ensuring the confidentiality of data within a cloud environment, and funding constraints which may impact implementation projects.	

1. Initiative Name: Name of the technology initiative.	
Enterprise Content Management (ECM)	
2. Initiative Description: Brief description of the technology initiative.	
Expand enterprise content management solutions and systems	
3. Associated Project(s): Name and status of current or planned project(s), if any, that support the technology initiative and that will be included in agency's Information Technology Detail.	
Name	Status
Crime Victims Compensation (pull ITD name)	In Progress
TXCSES 2.0 Initiative – Enterprise Content Management	In Progress
4. Agency Objective(s): Identify the agency objective(s) that the technology initiative supports.	
All objectives	
5. Statewide Technology Priority(s): Identify the statewide technology priority or priorities that is/are related to the technology initiative, if any.	
<ul style="list-style-type: none"> • P1 – Cloud • P2 – Data Management • P3 – Data Sharing • P4 – Infrastructure • P5 – Legacy Applications 	<ul style="list-style-type: none"> • P6 – Mobility • P7 – Network • P8 – Open Data • P9 – Security and Privacy • P10 – Open Data
P1, P2, P5	
6. Guiding Principles for Technology: As applicable, describe how this technology initiative will address the following statewide technology guiding principles:	
<ul style="list-style-type: none"> • Connect – expanding citizen access to services • Innovate – leveraging technology services and solutions across agencies • Trust – providing a clear and transparent accounting of government services and data • Deliver – promoting a connected and agile workforce 	
These ECM initiatives will transform the agency to scale rapidly, and address peak capacity demands, simplify the technology environment, increase speed of service delivery and flexibility for service changes, continuously refresh technology, support business continuity and will allow IT staff to focus on other mission-critical tasks.	
7. Anticipated Benefit(s): Identify the benefits that are expected to be gained through this technology initiative. Types of benefits include:	
<ul style="list-style-type: none"> • Operational efficiencies (time, cost, productivity) • Citizen/customer satisfaction (service delivery quality, cycle time) • Security improvements • Foundation for future operational improvements 	
Comprehensive case management solution that enables immediate access to case information; Improve document generation and workflow; Improve and expand records management and policies that organize and direct the life-cycle of agency records; Improve facilitation of responding to e-discovery requests	
8. Capabilities or Barriers: Describe current agency capabilities or barriers that may advance or impede the agency's ability to successfully implement this technology initiative.	
Agency capabilities are increased by implementing a hosted software solution to deploy this technology. Funding constraints may impact implementation projects.	

Appendix A: Description of the Agency Strategic Planning Process

The strategic planning process at the OAG is a continuous effort from one planning period to the next and involves staff from all divisions and levels of the organization. The plan submitted in any given biennium is largely derived from the previous submission, and the steps in the planning process amount to a review and adjustment of every aspect of the immediately preceding plan to formulate an updated version that takes into account changes in the agency's actual and projected circumstances. The planning process itself is subject to review, particularly when it encompasses a change in administration.

At the executive management level, the Attorney General, First Assistant Attorney General, and deputy attorneys general prioritize and direct the agency's reactions to a broad array of factors that impact core activities. These influences may be internal or external and may include developing criminal trends, civil litigation developments, changes to state and federal laws, court decisions, need for services among the agency's primary client groups, and the availability of human or capital resources. Executive policy is implemented through communications between the deputy attorneys general and division chiefs. Executive policymaking activity is itself a continuous effort, involving both downward and upward internal communication.

Division chiefs and the supervisors under their command are responsible for adapting day-to-day operations to reflect executive management priorities, so these senior officials oversee day-to-day monitoring of the agency's performance as determined by the performance measures established in the Strategic Plan. The Attorney General's strategic planning staff is not centralized in one division or section; instead, designated staff in many divisions network to form a strategic planning team that combines relevant strategic planning expertise with immediate access to and substantive familiarity with the diverse work processes that execute the agency's many duties and responsibilities.

Within the first few months of the start of a new biennium, staff within the administrative divisions begin the process of evaluating and revising the existing Strategic Plan. Staff from the Budget Division approaches division chiefs to solicit feedback about the appropriateness of the current performance measures and their definitions. Suggested revisions for the whole agency are then negotiated with the Legislative Budget Board and the Governor's Office of Budget, Planning and Policy to fine-tune the agency's and the Legislature's ability to monitor key activities and measure future performance.

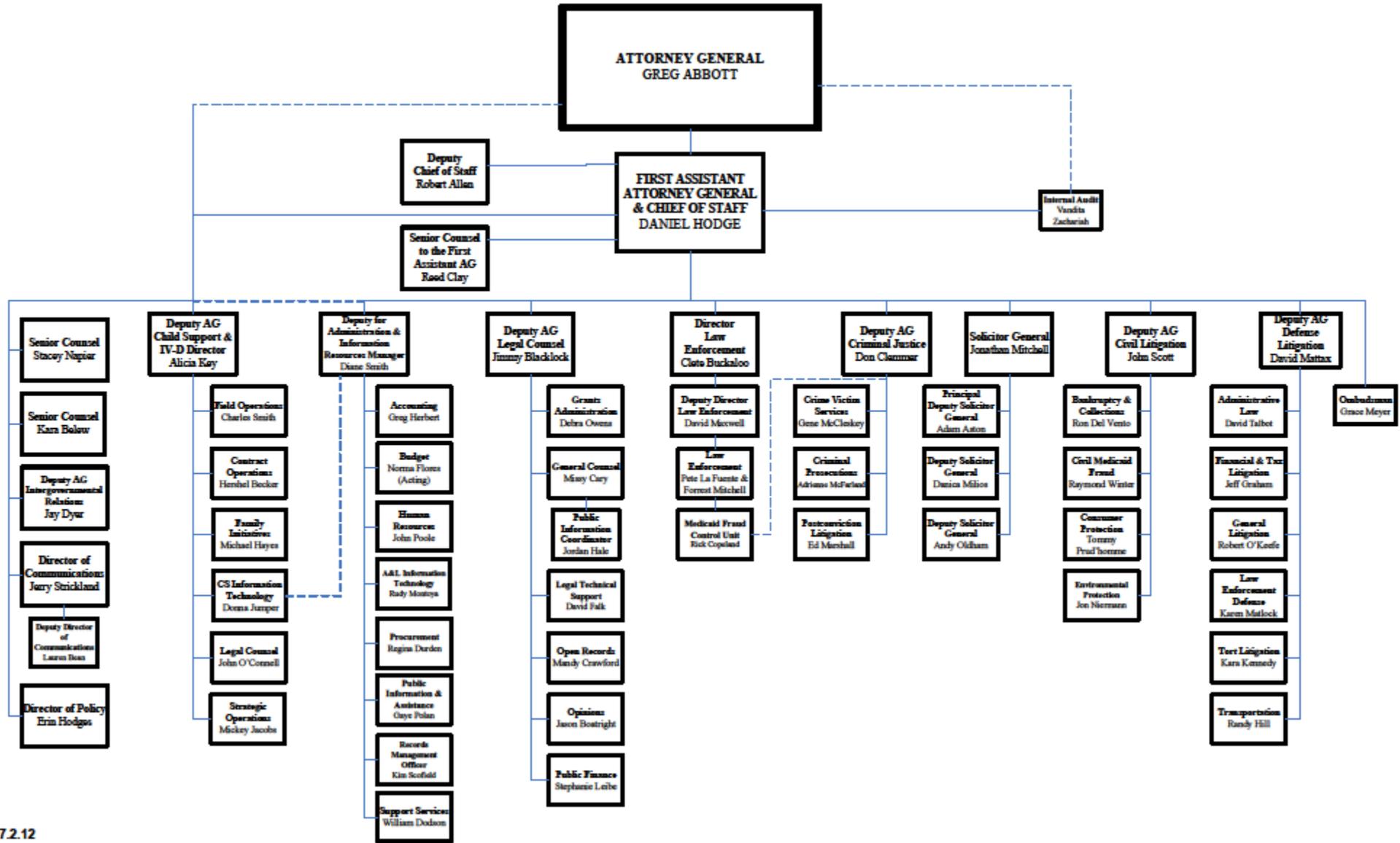
Staff from the Intergovernmental Relations Division solicit the division chiefs' input about internal and external factors affecting their ability to perform their various work functions and manage their workloads. A draft of the Internal/External Assessment narrative for the new plan is then circulated among all division chiefs as well as executive management and revised according to their comments before it is incorporated in the overall Strategic Plan.

Public Information & Assistance Division staff begin the process of designing and implementing the customer satisfaction assessment for the biennium. Results are tabulated and submitted as a separate Customer Service Report. The Customer Service Report, along with more detailed data analysis and individual completed surveys, are discussed at the executive level and then distributed to the divisions for appropriate follow-up action.

The agency's Information Resource Manager oversees the process of assessing the agency's technical environment and drafting the Information Resource Strategic Plan (IRSP) to be included in the Strategic Plan. Staff in numerous divisions throughout the agency are called upon to review and make their contributions to the draft IRSP.

Within six to seven months, the various members of the strategic planning team assemble the information they need to draft their respective sections of the new, revised Strategic Plan, which is then assembled by the Public Information and Assistance Division and forwarded for final review by executive management.

Appendix B: Agency Organizational Chart



7.2.12

Appendix C: Projections of Outcome for the Five-Year Planning Horizon

Outcome	2013	2014	2015	2016	2017
Goal A. Provide Legal Services					
Delinquent State Revenue Collected	\$45,000,000	\$45,000,000	\$45,000,000	\$45,000,000	\$45,000,000
Ratio of Total Legal Services Caseload to Cases Closed/Settled	3.13:1	3.20:1	3.26:1	3.34:1	3.39:1
Goal B. Enforce Child Support Law					
Percent of Title IV-D Cases that have Court Orders	82.00%	82.00%	82.00%	82.00%	82.00%
Percent of all Current Child Support Amounts Due That Are Collected	65.00%	65.00%	65.00%	65.00%	65.00%
Percent of Paying Cases Among Title IV-D Cases in Arrears	65.00%	65.00%	65.00%	65.00%	65.00%
Percent of Paternity Establishments for Out-of-Wedlock Births	91.00%	95.00%	95.00%	95.00%	95.00%
Goal C. Crime Victim Services					
Amount of Crime Victim Compensation Awarded	\$74,843,458	\$75,849,632	\$76,876,045	\$77,923,269	\$78,991,895
Number of Crime Victims who Received an Award	21,859	22,078	22,298	22,521	22,747
Goal D. Refer Medicaid Crimes					
Amount of Medicaid Over-payments Identified	\$56,600,000	\$56,600,000	\$56,600,000	\$56,600,000	\$56,600,000
Goal E. Administrative Support for the State Office of Risk Management (See Strategic Plan for State Office of Risk Management)					
Goal F. Increase the Use of Historically Underutilized Businesses					
Percent of the total dollar value of agency procurements awarded to HUBs for Special Trade Construction	0.00%	0.00%	0.00%	0.00%	0.00%
Percent of the Total dollar value of agency procurements awarded to HUBs for Professional Services	4.40%	4.40%	4.40%	4.40%	4.40%
Percent of the total dollar value of agency procurements awarded to HUBs for Other Services	9.70%	9.70%	9.70%	9.70%	9.70%
Percent of the total dollar value of agency procurements awarded to HUBs for Commodities	35.70%	35.70%	35.70%	35.70%	35.70%

Appendix D: Performance Measure Definitions

Office of the Attorney General FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

GOAL 1: PROVIDE LEGAL SERVICES - To provide skillful and high quality legal representation, counseling, and assistance for the State of Texas and its authorized entities and employees in the lawful performance of their duties.

OBJECTIVE: COUNSELING AND LITIGATION - To provide skillful and high quality legal counseling and litigation support for 100 percent of the cases referred by the State of Texas and its authorized entities and employees in the lawful performance of their duties during each year of the strategic plan.

Outcome Measure: Delinquent State Revenue Collected

Short Definition: This measure reflects the total dollar amount collected or obtained on delinquent taxes, debts, fees, fines, penalties and other obligations, after they have been certified or referred by a state agency to the OAG Bankruptcy & Collections Division or OAG involvement is requested. These accounts are referred either after state agency efforts have been exhausted or legal representation in bankruptcy court is required.

Purpose/Importance: This measure reflects the agency's compliance with and success in meeting both its statutory and appropriation act requirements to attempt collection on all delinquent debts and obligations owed to the state and to its agencies.

Source/Collection of Data: Client state agencies furnish monthly or periodic reports which document payments that agencies receive on delinquent accounts in a certified, bankruptcy, collection or judgment status. Amounts collected on behalf of certain state agencies are documented by the OAG's Accounting Division each month through copies of deposit and clearance vouchers.

Method of Calculation: The calculation for this measure is a cumulative count of delinquent state revenue collected.

Data Limitations: The amount of collectible delinquent revenue is a function of the amount, age and nature of delinquent obligations referred to the OAG and is affected by external factors including the state of the economy, the unemployment rate, and the increase or decrease in national bankruptcy filings for businesses and individuals.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Outcome Measure: Ratio of Total Legal Services Caseload to Cases Closed/Settled

Short Definition: The total number of litigation cases open at anytime during the year as compared to the total number of litigation cases closed during that same fiscal year.

Purpose/Importance: On an annual basis, the ratio is used to demonstrate increases and decreases in open and closed cases, which may reflect a sharp increase in certain types of lawsuits requiring a reallocation of resources.

Source/Collection of Data: Automated OAG Case Management Report

Method of Calculation: The formula for this measure is the number of cases pending August 31 of the prior fiscal year plus the number of opened and reopened cases from September 1 through August 31 of the current fiscal year. This amount is divided by the number of closed cases from September 1 through August 31 (current fiscal year). The ratio is the total open caseload (the final calculated number) to the number of cases closed/settled (one). Example: 3.5:1 -- for every 3.5 cases that are open at any time during the fiscal year, one is closed.

Data Limitations: Legal cases are referred to and initiated by this office. The amount of time spent on a case and the number of cases defended is not totally within the OAG's control. External factors such as opposing parties, depositions, court dockets, etc., can impact time spent on a case.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than Target

Strategy: LEGAL SERVICES - Respond to the Legal Counseling needs of the State of Texas, and its authorized entities and employees by providing appropriate legal advice and answers to legal questions posed by clients, including the issuance of formal opinions and open record letters and decisions. Respond to the litigation needs of the State of Texas and its authorized entities and employees through the use of appropriate pre-trial and trial actions. Provide investigative and prosecutorial assistance to local and federal criminal justice organizations in response to a variety of law enforcement challenges. Pro-actively investigate cyber crimes such as child pornography, solicitation of minors, identity theft and fraud. Locate and apprehend convicted sex offenders who have failed to comply with mandated sex offender registration requirements.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Legal Hours Billed to Litigation and Counseling

Short Definition: The total number of hours attributed to cases designated by set-up status as counseling and litigation cases (see explanatory measures *Number of Hours Billed to Counseling* and *Number of Hours Billed to Litigation* for definitions).

Purpose/Importance: The OAG is charged by the state Constitution to defend the laws and Constitution of the State of Texas, represent the state in litigation and approve public bond issues. This measure is an indicator of the amount of legal services delivered to the state, state agencies and other designated clients.

Source/Collection of Data: Legal hours worked by agency time keepers (attorneys, law clerks, legal assistants, investigators, and other classified positions) are entered into the OAG's Timekeeping system every month for work done in the prior month. The source document is an automated OAG Timekeeping Report.

Method of Calculation: The calculation for this measure is a cumulative count of litigation and counseling hours entered into the OAG Timekeeping system.

Data Limitations: The amount of legal hours worked is dependent upon the number of agency time keepers.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Legal Hours Billed to ADR (Alternative Dispute Resolution)

Short Definition: The total number of hours attributed to the alternative dispute resolution (DR) time keeping code, which includes mediation and all other types of alternative dispute resolution.

Purpose/Importance: Alternative Dispute Resolution utilizes procedures for settling disputes by means other than litigation (i.e., arbitration, mediation, etc.)

Source/Collection of Data: Legal hours worked by agency time keepers (attorneys, law clerks, legal assistants, investigators, and other classified positions) are entered into the OAG's Timekeeping system every month for work done in the prior month.

NOTE: ADR hours are part of reported *Number of Legal Hours Billed*. Although most ADR hours worked are applied to cases with a set-up status of litigation, some ADR hours are applied to counseling cases. The source document is an automated OAG Timekeeping Report for Hours Billed to ADR.

Method of Calculation: The calculation for this measure is a cumulative count of Alternative Dispute Resolution hours entered into the OAG Timekeeping system.

Data Limitations: The amount of ADR hours worked is dependent upon the number of legal cases in which ADR is utilized (ADR may not always be an appropriate means of settling legal disputes).

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Legal Hours Billed to Colonias Project

Short Definition: The total number of litigation and counseling hours attributed to cases designated as colonias cases. A case is assumed to be a colonias case if it involves compliance investigation, enforcement litigation, educational outreach, or legal research concerning land subdivision and colonias prevention laws in counties located fully or partially within 50 miles of the Texas-Mexico border, **or counties fully or partially within 100 miles of the Texas-Mexico border that contain the majority of the area of a municipality with a population of more than 250,000, or** counties that are economically distressed as defined by law. The primary laws involved in OAG colonias cases are Local Government Code Chapters 212 and 232, Water Code Chapters 16 and 17, Property Code Chapter 5, Texas Water Development Board model subdivision rules, and the **Texas Commission on Environmental Quality** rules for on-site sewage facilities and drinking water standards.

Purpose/Importance: The typical colonias enforcement case brought by the OAG is against a residential subdivision developer who has failed to meet minimum state standards for the platting or sale of residential subdivision lots, including requirements for safe drinking water and waste water treatment.

Source/Collection of Data: Legal hours worked by agency time keepers (attorneys, law clerks, legal assistants, investigators, and other classified positions) are entered into the OAG's Timekeeping system every month for work done in the prior month. The source documents are automated OAG Timekeeping Reports for Colonias Cases.

Method of Calculation: The calculation for this measure is a cumulative count of Colonias hours entered into the OAG Timekeeping system.

Data Limitations: The amount of Colonias hours worked is dependent upon the amount of Colonias activity, the number of border subdivision inquiries, and changes in state law.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Efficiency Measure: Average Cost per Legal Hour

Short Definition: The per legal hour cost to the OAG of providing litigation and counseling services to client agencies and other client entities.

Purpose/Importance: This measure is an indicator of the agency's cost efficiency for each legal hour worked.

Source/Collection of Data: Cost information for the Legal Services Strategy comes from the OAG Budget Variance Report BUBR0210. Litigation and counseling services are actually the *Number of Legal Hours Billed to Litigation and Counseling* (output measure). Number of legal hours billed comes from automated OAG Timekeeping Reports for hours billed to litigation and counseling.

Method of Calculation: The formula for this measure is direct expenditures for the Legal Services Strategy plus a percentage of indirect administrative support costs based on the OAG's Indirect Cost Plan divided by the *Number of Legal Hours Billed to Litigation and Counseling* for the reporting period. The Annual Performance Measure Report will calculate the average cost using actual expenditures and accrued obligations for the reporting appropriation year. Note: Legal hours billed to litigation, counseling, ADR, and Colonias are included in *Number of Legal Hours Billed to Litigation and Counseling*.

Data Limitations: Direct program expenditures for the reporting period used to establish the target for this measure may not include rider appropriations, and/or across-the-board legislative salary increases, which negatively impact reported performance.

The amount of legal hours worked is dependent upon the number of agency time keepers.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Lower than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Legal Hours Billed to Legal Counseling

Short Definition: The total number of hours attributed to cases designated by set-up status as legal counseling cases (uncontested set-up status). A case is assumed to be a counseling case if the primary purpose of the case is to provide general legal advice on a proposed line of conduct to a client agency or other client entity.

Purpose/Importance: The OAG is charged by the state Constitution to defend the laws and Constitution of the State of Texas, represent the state in litigation and approve public bond issues. This measure is an indicator of the amount of legal services delivered to the state, state agencies and other designated clients.

Source/Collection of Data: Counseling hours worked by agency time keepers (attorneys, law clerks, legal assistants, investigators, and other classified positions) are entered into the OAG's Timekeeping system every month for work done in the prior month. The source document is an automated OAG Timekeeping Report.

Method of Calculation: The calculation for this measure is a cumulative count of counseling hours entered into the OAG Timekeeping system.

Data Limitations: The amount of legal hours worked is dependent upon the number of agency time keepers.

Calculation Type: Non-Cumulative.

New Measure; No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Legal Hours Billed to Litigation

Short Definition: The total number of hours attributed to cases designated by set-up status as litigation cases (contested set-up status). A case is assumed to be a litigation case if there is a reasonable expectation that the actions taken by the OAG will be contested by another party, thereby causing the other party to seek or be subject to judicial remedy.

Purpose/Importance: The OAG is charged by the state Constitution to defend the laws and Constitution of the State of Texas, represent the state in litigation and approve public bond issues. This measure is an indicator of the amount of legal services delivered to the state, state agencies and other designated clients.

Source/Collection of Data: Litigation hours worked by agency time keepers (attorneys, law clerks, legal assistants, investigators, and other classified positions) are entered into the OAG's Timekeeping system every month for work done in the prior month. The source document is an automated OAG Timekeeping Report.

Method of Calculation: The calculation for this measure is a cumulative count of litigation hours entered into the OAG Timekeeping system.

Data Limitations: The amount of legal hours worked is dependent upon the number of agency time keepers.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Consumer Protection Complaints Closed

Short Definition: The number of Consumer Protection Division complaints closed. The Division receives consumer complaints from the public, and records the information in a complaint database. Division staff review complaints to detect patterns of conduct that violate state or federal consumer protection laws, and to determine which merit further enforcement attention. A complaint is closed when no further agency action is anticipated and the complaint has been closed on the database.

Purpose/Importance: The receipt of complaints by the division enables the division to monitor trends and business practices throughout the state and nationwide, affecting Texans. The analysis of these complaints supports the division's ability to identify potential cases and determine enforcement priorities. The transfer of the complaint data to the database enables division personnel in Austin and the five regional offices to review the complaint data.

Source/Collection of Data: Complaints are collected and recorded in a database in Austin. The database is shared by Austin and the five regional offices; Dallas, El Paso, Houston, San Antonio and McAllen.

Method of Calculation: The method of calculation is a cumulative count of complaints closed as reflected in the consumer complaint database.

Data Limitations: The number of complaints closed is dependent on filings by consumers and referrals from other governmental agencies and consumer organizations.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Formal Opinions and Open Records Letters & Decisions Issued

Short Definition: The number of opinions and open records letters & decisions issued either in response to a request from a statutorily authorized requestor pursuant to Chapter 402 (Attorney General Opinions) or Section 552.301 (Open Records Decisions) of the Government Code or in furtherance of the Attorney General's uniformity authority under Section 552.011 of the Government Code.

Purpose/Importance: The Opinion Committee researches and drafts legal opinions in response to questions of law posed by persons authorized by statute to request formal Attorney General Opinions pursuant to section 402.042 of the Government Code. The Open Records Division issues written decisions related to access to public information under Chapter 552 of the Government Code.

Source/Collection of Data: Automated Opinion Division Database Report on Opinions Issued and Open Records Division Monthly Report

Method of Calculation: The calculation for this measure is a cumulative count of the number of opinions and open records letters and decisions issued.

Data Limitations: The number of opinions and open records letters and decisions issued is affected by the number of authorized requests received.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Criminal Investigations Call for Service Requests

Short Definition: The OAG’s Law Enforcement Division receives requests for investigative assistance from a variety of sources, such as the public, the legislative and executive branch of state government, and other units of government. In addition, the division also receives requests for investigative assistance from local, state and federal law enforcement agencies. When the division receives such requests, the information is entered into a computer system that captures the details of the individual request. Once the information is entered, the system creates a “call for service request.”

Purpose/Importance: The OAG’s Law Enforcement Division relies upon a call for service request to manage the resources of the division. Once a call for service request is created, it is reviewed by a supervisor and then assigned to an investigator for the appropriate response. The call for service request system is a multi-user system that automates law enforcement record keeping functions of the division. The system tracks the activity from the time of the initial phone call or contact to the final disposition. Many of the call for service requests are subsequently opened as investigations.

Source/Collection of Data: Data for this measure is maintained by designated staff of the OAG’s Law Enforcement Division. Call for service request information is entered into a specific data management system that provides for retrieval of the statistical information related to call for service requests. To assure the accuracy of the information, call for service requests are entered at the time they are received. Calls for service are received through multiple sources such as telephone, e-mail, fax, and correspondence.

Method of Calculation: The calculation for this measure is a cumulative count of the number of calls for service received and entered into the system by investigative staff for the period.

Data Limitations: The number of calls for service received is dependent upon the number of individuals and entities requiring service or needing a response from the OAG. Data maintained in a call for service record that contains information concerning the detection, investigation, or prosecution of a crime, is maintained as confidential and would be exempt from disclosure under the Public Information Act, including but not limited to Government Code 552.108.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

GOAL 2: ENFORCE CHILD SUPPORT LAW - To enforce aggressively and fairly both state and federal child support laws and regulations.

OBJECTIVE: COLLECT CHILD SUPPORT - To collect court-ordered child support through the use of administrative actions and all available legal actions allowed by state and federal laws and regulations. Operate a federally mandated state disbursement unit.

Outcome Measure: Percent of Title IV-D Cases that have Court Orders

Short Definition: This measure reflects the percent of all IV-D cases that have court orders.

Purpose/Importance: The purpose of this measure is to monitor the effectiveness of the system of establishing court orders in IV-D cases. Many cases that are opened with the OAG's Child Support Enforcement Division require the establishment of an order for child support. An order must be established before child support can be collected. This measure is also a federal incentive measure reported for the federal fiscal year (October 1 through September 30).

Source/Collection of Data: This information will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The percentage is calculated as the number of open cases with court ordered child support at the end of each reporting period divided by the total number of open cases at the end of each reporting period.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Outcome Measure: Percent of all Current Child Support Amounts due that are Collected

Short Definition: This measure reports the percent of all current child support amounts due that are collected and then disbursed.

Purpose/Importance: This measure reflects the success in collecting all current child support amounts due that are collected and then disbursed. This measure is also a federal incentive measure reported for the federal fiscal year (October 1 through September 30).

Source/Collection of Data: This information will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The percentage is calculated as the total amount of child support collected and then disbursed as current support during the reporting period divided by the total amount of current child support due during the reporting period.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Outcome Measure: Percent of Paying Cases Among Title IV-D Cases in Arrears

Short Definition: This measure is the percent of IV-D cases with arrears due in which any amount is paid toward arrears.

Purpose/Importance: This measure reflects the success in collecting arrears owed to custodial parents or the state. This measure is also a federal incentive measure reported for the federal fiscal year (October 1 through September 30).

Source/Collection of Data: This information will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The percentage is calculated as the total number of cases with arrears due that had a collection made for arrears divided by the total number of cases with arrears due during the reporting period.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Outcome Measure: Percent of Paternity Establishment for Out of Wedlock Births

Short Definition: Percent of paternity establishment is the ratio of children whose paternity has been established in Texas compared to the number of children born out-of-wedlock (BOW) in Texas during the fiscal year. Paternities are those established by a court order, by an Acknowledgment of Paternity (AOP), or through adoption.

Purpose/Importance: Determination of paternity is necessary to establish a child support order for an unmarried parent. A similar measure is reported as a federal incentive measure for the federal fiscal year (October 1 through September 30).

The calculation for the state and federal measure differs. The state calculation uses the paternities established and the out-of-wedlock births from the current fiscal year. The federal calculation uses paternities established from the current fiscal year and the out of wedlock births from the previous fiscal year.

Source/Collection of Data: Births and paternities are reported to the Texas Department of State Health Services (DSHS) Vital Statistics Unit (VSU) by hospitals and county registrars. VSU records and transmits BOW and AOP information to the OAG via electronic file exchange. Court ordered paternities are based on data residing on TXCSES. VSU also provides a count of statewide adoptions to the OAG.

Method of Calculation: The percentage is the number of paternities established divided by the number of births out-of-wedlock. Where there are both a court order and an AOP for the same child, only one is counted.

Data Limitations: Because several entities are involved - hospitals, county registrars and VSU - there can be a time lag in receipt of BOW and AOP data and all data may not be available at the end of the state fiscal year.

The OAG Paternity Opportunity Program provides training and child support information to hospitals and other entities. Information is passed on to prospective and new parents. The decision to acknowledge paternity is voluntary. The OAG relies on hospitals and other entities, including the VSU for paternity acknowledgment and out-of-wedlock birth information. Birth certificates contain information on the mother's marital status and are filed with the VSU.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Strategy: CHILD SUPPORT ENFORCEMENT - Collect court-ordered child support through the use of the following: establish paternity; establish child support obligations; enforce child support obligations; and receive and distribute child support monies.

Output Measure: Amount of Title IV-D Child Support Collected (in Millions)

Short Definition: The amount of disbursed child support collections during the reporting period. This measure excludes non IV-D wage withholding collections processed through the federally mandated State Disbursement Unit (SDU) which acts as a conduit between employers and non IV-D custodial parents.

Purpose/Importance: A primary function of the IV-D agency (Attorney General's Office) is to collect child support, as mandated by state and federal law.

Source/Collection of Data: IV-D collections will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The calculation for this measure is a cumulative count of the amount of Title IV-D child support collected and then disbursed as provided by management reports generated from data available on TXCSES.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Number of IV-D Children for Whom Paternity Has Been Established

Short Definition: This measure counts the number of children in IV-D cases for whom paternity has been established during the state fiscal year either through court action or the Acknowledgment of Paternity (AOP) process.

Purpose/Importance: Paternity must be determined before the OAG can obtain an order for child support.

Source/Collection of Data: This data resides on TXCSES. DSHS Vital Statistics Unit (VSU) provides AOP data to the OAG through electronic file exchange.

Method of Calculation: This measure is a cumulative count of children for whom paternity has been established. The measure counts a paternity when it is the result of either a court order or an AOP. Where there is both a court order and an AOP for the same child, only one is counted. The measure does not include adoptions.

Data Limitations: Because several entities are involved - hospitals, county registrars and VSU - there can be a time lag in receipt of births out-of-wedlock (BOW) and AOP data and all data may not be available at the end of the state fiscal year.

The OAG Paternity Opportunity Program provides training and child support information to hospitals and other entities. Information is passed on to prospective and new parents. The decision to acknowledge paternity is voluntary. The OAG relies on hospitals and other entities, including the VSU for paternity acknowledgment and out-of-wedlock birth information. Birth certificates contain information on the mother's marital status and are filed with the VSU.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Output Measure: Number of Child Support Obligations Established

Short Definition: The number of child support orders established during the reporting period.

Purpose/Importance: To ensure that the agency continues to establish new obligations. An order for support must be established before child support can be collected.

Source/Collection of Data: This measure is determined using information from court orders for which obligations are established. This information resides on TXCSES.

Method of Calculation: The calculation for this measure is a cumulative count of the number of new child support obligations established. The measure counts child support orders established, but not second obligations or modifications.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Number of Income Withholdings Initiated

Short Definition: The count of all administrative income withholdings (AIWs) initiated during the reporting period. Income withholding is the deduction of child support from the non-custodial parent's wages, bonuses, pensions, etc.

Purpose/Importance: This measure reflects agency efforts to work with employers to effectively initiate income withholdings. Historically, income withholding accounts for a majority of child support collected.

Source/Collection of Data: This information will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The measure counts all income withholdings initiated during the period.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Efficiency Measure: Ratio of Total Dollars Collected per Dollar Spent

Short Definition: The amount of child support dollars collected and then disbursed per every dollar spent in the Child Support Enforcement Strategy. The amount of child support collected is determined by the output performance measure *Amount of Title IV-D Child Support Collected* (in millions). Dollars spent on the Child Support Program are reflected on budget reports.

Purpose/Importance: This measure is an indicator of cost effectiveness.

Source/Collection of Data: Cost information comes from the OAG Budget Variance Report BUBR0210 and other system generated reports. IV-D collections will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The formula for this measure is the total amount of Title IV-D child support collected and then disbursed for the reporting period divided by direct program expenditures for the reporting period, plus a percentage of indirect administrative support costs based on the OAG's Indirect Cost Plan. The amount excludes expenditures associated with processing collections through the State Disbursement Unit (SDU). The Annual Performance Measure Report will calculate the ratio using actual expenditures and accrued obligations for the reporting appropriation year.

Data Limitations: Direct program expenditures for the reporting period used to establish the target for this measure may not include rider appropriations, and/or across-the-board legislative salary increases, which negatively impact reported performance.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Paternity Acknowledgments

Short Definition: The number of paternity acknowledgments, including Title IV-D and non Title IV-D, received at the Vital Statistics Unit (VSU) during the reporting period. A paternity acknowledgment for this measure is defined as the Texas Department of State Health Services (DSHS) Acknowledgment of Paternity (AOP) form.

Purpose/Importance: The OAG Child Support Division operates a hospital-based paternity acknowledgment program. Determination of paternity is necessary to establish a child support order for an unmarried parent. This measure provides information on the success of paternity acknowledgment in the hospital setting.

Source/Collection of Data: This information will be obtained from management reports generated from data available on TXCSES, as received from VSU electronic files.

Method of Calculation: The calculation for this measure is a cumulative count of the number of paternity acknowledgments as provided by management reports generated from data available on TXCSES, as received from VSU electronic files.

Data Limitations: Because several entities are involved - hospitals, county registrars and VSU - there can be a time lag in receipt of births out-of-wedlock (BOW) and AOP data and all data may not be available at the end of the state fiscal year.

The OAG Paternity Opportunity Program provides training and child support information to facilities and hospitals. Information is passed on to prospective and new parents. The decision to acknowledge paternity is voluntary. The OAG relies on hospitals, facilities, and the VSU for paternity acknowledgment and out-of-wedlock birth information. Birth certificates contain information on the mother's marital status and are filed with the VSU. VSU provides AOP data to the OAG through electronic file exchange.

Calculation Type: Non- Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Current TANF Cases As Percent of Total Caseload

Short Definition: The percent of child support cases that are currently receiving Temporary Assistance to Needy Families (TANF) benefits from the Texas Health and Human Services Commission (HHSC). Cases are designated as current TANF cases based on information received through a data exchange with HHSC.

Purpose/Importance: This measure provides information on the composition of the child support caseload.

Source/Collection of Data: This information will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The calculation for this measure is current TANF cases divided by the total child support caseload.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Explanatory Measure: Child Support Collected through IRS Offsets (in Millions)

Short Definition: The amount of IV-D child support collected and then disbursed through the interception of federal income tax refunds. Submissions for the interception of tax refunds are made in accordance with federal policy. Monies intercepted through this process are used to reimburse the state for previously paid TANF benefits and to recover child support arrears owed to custodial parents.

Purpose/Importance: This measure evaluates the effectiveness of the IRS intercept process. Historically, the IRS tax refund intercept process has been the second most effective method for collecting child support. Only income withholding surpasses it.

Source/Collection of Data: This information will be obtained from management reports generated from data available on TXCSES.

Method of Calculation: The calculation for this measure is a cumulative count of the amount of IV-D child support collected and then disbursed through IRS offsets as provided by management reports generated from data available on TXCSES.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Hard to Work Cases that have Child Support Obligations or Paternities Established

Short Definition: The number of child support orders or paternities established during the reporting period for cases that are difficult to work including cases in which the non-custodial parent is incarcerated, the child is in the custody of a relative or there is inadequate locate information.

Purpose/Importance: This measure provides information on the agency's ability to establish paternity and/or obtain an order for support in difficult to work cases. Paternity must be determined and an order for support established before child support can be collected.

Source/Collection of Data: This information will be obtained from management reports generated from data available on the Texas Child Support Enforcement System (TXCSES). Cases with an indicator of hard to work status are identified. Hard to work cases include cases in which the non-custodial parent is incarcerated, the child is in the custody of a relative or there is inadequate locate information. Hard to work cases with a new support order or paternity establishment during the year are counted and reported for this measure. Establishment of court orders by field staff for these cases will be monitored and reported. The Number of Hard to Work Cases will be a subset of Child Support Obligations and Paternities Established.

Method of Calculation: The method of calculation is a cumulative count of cases based on the indicator of hard to work status, as provided by TXCSES.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Strategy: STATE DISBURSEMENT UNIT - Operate a state disbursement unit that receives and processes all eligible child support payments.

Output Measure: Number of Payment Receipts Processed by the SDU vendor

Short Definition: The number of payment receipts processed by the State Disbursement Unit (SDU) vendor as stipulated in the SDU contract. Payment receipts that are processed by the OAG Child Support Division will not be included in this count.

Purpose/Importance: This measure assesses the performance of the vendor contracted to operate the SDU.

Source/Collection of Data: This information will be provided by the SDU vendor and validated by the OAG.

Method of Calculation: The calculation for this measure is a cumulative count of the number of payment receipts processed by the SDU vendor.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Efficiency Measure: Average Cost Per Payment Receipt Processed by the SDU vendor.

Short Definition: The average cost per payment receipt processed by the State Disbursement Unit (SDU). All costs associated with the SDU strategy are included in this measure and reflected on OAG budget reports. The SDU vendor will provide data on the number of payment receipts processed.

Purpose/Importance: This measure assesses the performance of the vendor contracted to operate the SDU.

Source/Collection of Data: This information will be provided by the SDU vendor and validated by the OAG.

Method of Calculation: The formula for this measure is direct expenditures for the SDU strategy divided by the number of payment receipts processed as reported in "Number of Payment Receipts Processed by the SDU Vendor." External annual reporting will calculate the average cost using actual expenditures and accrued obligations for the reporting appropriation year.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Efficiency Measure: Percent of Payment Receipts Processed and then Disbursed within Two Days of Receipt by the SDU vendor and the OAG.

Short Definition: Percent of all payment receipts processed and then disbursed through the SDU vendor and the OAG within two (2) business days to appropriate payees (excluding IRS off-sets and other IV-D payments for which the two day disbursement is not applicable, per federal guidelines). The SDU will process payments from employers, non-custodial parents, IV-D agencies and other sources. Payees include custodial parents, other state agencies, IV-D agencies, and other designated payees.

Purpose/Importance: This measure assesses the performance of the vendor and OAG.

Source/Collection of Data: This information is obtained from data available on TXCSES.

Method of Calculation: The total number of payments processed and then disbursed within two days of receipt by the SDU vendor and the OAG divided by the total number of payments processed and then disbursed. This calculation will exclude those IV-D payments for which the two day disbursement requirement does not apply.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

GOAL: CRIME VICTIMS' SERVICES - To provide services and information to victims of crime in a caring, sensitive, and efficient manner.

OBJECTIVE: REVIEW/COMPENSATE VICTIMS - To provide assistance to victims of crime through direct compensation payments, training, grants, and contracts to victim assistance providers.

Outcome Measure: Amount of Crime Victims' Compensation Awarded

Short Definition: The amount of monies awarded under the Crime Victims' Compensation Act.

Purpose/Importance: The measure can be used as a comparison between years and as an indicator of potential problems in a single year when expenditures are either higher or lower than estimated.

Source/Collection of Data: USAS Expenditure Detail for Crime Victims' Compensation awarded each fiscal year.

Method of Calculation: The calculation for this measure is a cumulative count of-crime victims' compensation awarded each fiscal year.

Data Limitations: The data is affected by deviations in the number of applications for benefits received by the agency. If there is an increase or decrease in the number of applications, there may be an increase or decrease in the amount of compensation awarded. The amount of compensation awarded is also controlled by legislative changes to benefits, either by adding or deleting benefits or by increasing or decreasing the maximum amounts of existing benefits. Because medical benefits are awarded according to the limitations of the TWCC Medical Fee guidelines, any changes in the Medical Fee Guidelines will also affect the amount of compensation awarded.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Outcome Measure: Number of Crime Victims who Received an Award

Short Definition: The measure is defined as the number of crime victims that receive an award or an award is made on their behalf for any one of the pecuniary losses mandated by Article 56.32 (a) (9) of the Crime Victims' Compensation Act. The term "crime victim" refers to a person that is eligible to receive an award under the act. It includes the primary victim as defined in Article 56.32 (a) (11) of the act and a claimant as defined in Article 56.32 (a) (2) of the act. In a particular claim, the Crime Victims' Compensation Program may award the victim moneys for lost wages and for the expense of medical treatment; and may award claimants in the same claim moneys for the expense of travel or the cost of mental health counseling as the result of the crime. In this instance, the Compensation to Victims of Crime Fund has affected two crime victims; the primary victim and a family member, etc. (Claimant).

Purpose/Importance: The significance of this measure is to reflect the number of crime victims' lives that have been affected by the Crime Victims' Compensation Program.

Source/Collection of Data: Victims of Crime Compensation System Automated Report.

Method of Calculation: The measure is calculated by counting the initial award made to a victim on a claim during the reporting fiscal year regardless of when the application was filed. An award will not be counted during this reporting period if the initial award was made in a prior fiscal year. The measure will only count the initial award made in a given fiscal year; even though there may be subsequent awards made in the *same* or subsequent fiscal years.

Data Limitations: The data is affected by deviations in the number of applications for benefits received by the agency. The number of crime victims who receive an award is also dependent on legislative changes to benefits.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Strategy: Crime Victims' Compensation - Obtain and review all claims for crime victims' compensation in accordance with state and federal regulations to determine eligibility for payment; ensure that all bills are reviewed for medical reasonableness and necessity and paid at the correct rate and that limits are not exceeded.

Output Measure: Number of Eligibility Determinations Made

Short Definition: The total number of crime victim applications reviewed with eligibility determinations made under the Texas Crime Victims' Compensation Act.

Purpose/Importance: Eligibility must be determined before an award can be made. This measure reflects the output of the Eligibility Section of the Crime Victims' Compensation Program.

Source/Collection of Data: Victims of Crime Compensation System Automated Report. The system tracks the status of a claim and counts any determination recorded in the system whether it is benefitted or denied.

Method of Calculation: The calculation for this measure is a cumulative count of the number of eligibility determinations made.

Data Limitations: The number of eligibility determinations made is affected by the number of applications received.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Number of CVC Training Participants

Short Definition: The number of people who receive Crime Victims' Compensation (CVC) Training from the Office of the Attorney General (OAG) in a given year. Training formats may include general training sessions, video conference training sessions, and computer based training sessions.

Purpose/Importance: This performance measure is intended to reflect the number of people in Texas that are receiving information about the availability of Crime Victims' Compensation and how to apply for compensation benefits. It is important to ensure that individuals and victim service providers are educated about the services available to victims and can respond sensitively to the needs of those victims.

Source/Collection of Data: The information for this measurement comes from a report filed by the trainer conducting the presentation. The reports are compiled on a monthly basis by the OAG (Crime Victims' Internal Report on Presentations).

Method of Calculation: The calculation for this measure is a cumulative count of the number of CVC training participants.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Output Measure: Number of CVC Outreach Recipients

Short Definition: The number of people who are exposed to Crime Victims' Compensation (CVC) outreach in a given year. All outreach is focused on raising awareness of Crime Victims' Compensation. Outreach may include but is not limited to public speeches, information booths, media interviews, public service announcements, newsletters, articles, editorials, and website visits.

Purpose/Importance: This performance measure indicates the number of people in Texas who have been informed about Crime Victims' Compensation. It is important to ensure that all victims are made aware of the services available to them and that communities are prepared to respond to victims' needs.

Source/Collection of Data: The information for this measurement comes from a report filed by the Office of the Attorney General (OAG) staff person conducting the outreach. The reports are compiled on a monthly basis by the OAG (Crime Victims' Internal Report on Presentations). For outreach in which the program has an information booth, the program only counts 25% of the total number of attendees. For media interviews, newsletters, articles, editorials, and public service announcements, 25% of the media outlet's market may be counted. For website visits, the total number of visits to the Crime Victims' Compensation Program link on the OAG website is counted.

Method of Calculation: The calculation for this measure is a cumulative count of the number of CVC outreach recipients.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Efficiency Measure: Average Cost to Analyze a Claim and Make an Award

Short Definition: The average cost to analyze a claim and make an award, including victim and allied professional education, application processing, eligibility determination and bill payment. Processing an application means counting every application that is received and setup in the Victims of Crime Compensation System as a “claim”.

Purpose/Importance: The measurement is an accurate reflection of the true costs associated with claims processing. The measure counts all applications received by the Crime Victims’ Compensation Program in which any work is performed, such as the setup of the application in the automated system, establishing a file, sending an acknowledgment to the applicant, requesting law enforcement information, conducting eligibility determination, and payment of bills.

Source/Collection of Data: Cost information comes from the Office of the Attorney General (OAG) Budget Variance Report BUBR0210. The number of applications received comes from the Victims of Crime Compensation System Automated Report.

Method of Calculation: Cost information (numerator in calculation) for the Crime Victims’ Compensation Strategy is reflected on budget reports. Number of applications reviewed (denominator in calculation) is the explanatory measure *Number of Crime Victim Applications Received*. The formula for this measure is direct expenditures for the Crime Victims’ Compensation Strategy plus a percentage of indirect administrative support costs based on the OAG’s Indirect Cost Plan divided by the number of applications received during the reporting period. The cost of actual crime victims’ compensation payments is deducted from the total cost of the strategy. The Annual Performance Measure Report will calculate the average cost using actual expenditures and accrued obligations for the reporting appropriation year.

Data Limitations: Direct program expenditures for the reporting period used to establish the target for this measure may not include rider appropriations, and/or across-the-board legislative salary increases, which negatively impact reported performance.

Also, see data limitations for explanatory measure *Number of Crime Victim Applications Received*

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Lower than target.

Office of the Attorney General FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Efficiency Measure: Average Number of Days to Analyze a Claim and Make an Award

Short Definition: The average number of days required to make payment on a bill for a benefitted claim from the date the application is received to the date of the first payment, including bills for medical treatment, counseling, funeral, child care, travel, crime scene clean-up, and other expenses, and reimbursements to law enforcement agencies for forensic sexual assault examinations.

Purpose/Importance: The faster a claim is analyzed and awarded, the faster a victim is assisted.

Source/Collection of Data: Victims of Crime Compensation System Automated Report.

Method of Calculation: T.C.C.P. Art. 56.36 defines when a crime victim application is considered complete. If an application is received without needed victim, claimant, crime information or sufficient payment information, the program requests the necessary information and places the application in suspense. The application is taken out of suspense once the requested information or any other information is received that allows the program to take further action on the application. The time an application spends in suspense is not included in this measure.

Each quarter a manual review of all claims with a turnaround time greater than 250 days is performed. When it is determined that circumstances out of the Crime Victims' Compensation Program's control prevented payment processing, the claim is subtracted from the calculation. These circumstances may include, but are not limited to, the victim utilizing collateral sources (as required by law), obtaining restitution payments, filing a civil suit, or deferring approved benefits until a later date.

NOTE: Only the first payment made on an application is counted. Subsequent payments are not captured.

Data Limitations: The data is affected by deviations in the number of applications for benefits received by the agency. If there is an increase or decrease in the number of applications, there may be an increase or decrease in the number of bills paid and the turnaround time to analyze a claim and make an award.

The amount of time to determine eligibility is included as part of the average number of days to analyze a claim and make an award. There are a certain number of claims in which the fact situation is complicated and the investigating law enforcement agency has not yet completed their investigation or developed a theory as to the reason for the crime. In those instances, the amount of time to determine eligibility is controlled by the investigating officer's progress in the criminal investigation. Bills cannot be paid until determination of eligibility has been made. Additionally, the Program is dependent upon external entities to provide information necessary to calculate an award, such as: disability reports from physicians, wage verification reports from employers, medical billings from hospitals and explanation of benefits from insurance and other collateral sources.

Also, claims for certain types of benefits are typically processed more quickly than others. Sexual assault exam reimbursements and payments for relocation, funeral services, and travel require a relatively small amount of backup documentation. Payments for medical expenses and psychiatric care generally require health insurance and other specialized information and typically take longer to review. If the mix of benefits requested varies within a quarter or year, the average days to make first payment can be significantly affected.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Lower than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Efficiency Measure: Average Number of Days to Determine Claim Eligibility

Short Definition: The average number of days required to review applications and offense reports, and determine eligibility, from the date the complete application with offense report is released from the documentation unit, to the date eligibility recommendation is approved. The system tracks the status of a claim and counts any determination recorded in the system during the measurement period.

Purpose/Importance: The faster a claim can be determined eligible, the faster a victim can be notified of eligibility.

Source/Collection of Data: Victims of Crime Compensation Automated Report.

Method of Calculation: The calculation for this measure is the total number of days for all claims from the date the claim is released from the documentation unit, to the date an eligibility determination is made, divided by the total number of applications reviewed. Time spent in a suspended status while waiting for additional law enforcement information is not included in the measure.

Data Limitations: There are a certain number of claims in which the fact situation is complicated and the investigating law enforcement agency has not yet completed their investigation or developed a theory as to the reason for the crime. In those instances, the amount of time to determine eligibility is controlled by the investigating officer's progress in the criminal investigation. In these cases the claim is placed in a suspended status until law enforcement completes their investigation. Upon completion of the investigation, the claim is returned to open status. Suspension of a claim requires management approval.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Crime Victim Applications Received

Short Definition: The total number of applications for benefits received by the agency during a fiscal year.

Purpose/Importance: This performance measure serves as an indicator of whether crime victims and law enforcement agencies are receiving information about the existence of the program. Most Crime Victims' Compensation Strategy performance measure targets are projected based on the number of applications received in prior fiscal years.

Source/Collection of Data: Victims of Crime Compensation System Automated Report.

Method of Calculation: The calculation for this measure is a cumulative count of the number of crime victim applications received.

Data Limitations: The Crime Victims' Compensation Program has two performance measures related to outreach that reflect education and training activities intended to inform allied professionals and advocates who come into contact with crime victims. To the extent that a crime victim chooses to submit an application after being informed about the program or benefits is not within control of the agency.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Strategy: Victims Assistance - Provide grants or contracts, training, and technical assistance to support victim related services or assistance in the state; certify Sexual Assault Nurse Examiners and sexual assault advocate training programs; and provide victims of family violence, sexual assault, and stalking with a confidential mailing address and a means of receiving mail.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output measure: Number of Entities Which Receive a Grant or Contract for Victim Services or Victim Assistance

Short Definition: The number of entities awarded grants and/or contracts by the Office of the Attorney General for victim services or victim assistance. This measure includes, but is not limited to, non-profits, governmental units, and other entities.

Purpose/Importance: The measure indicates the number of state or local programs receiving assistance through the Compensation to Victims' of Crime Fund, Article 56.541, Code of Criminal Procedure, and Chapter 420 of the Government Code.

Source/Collection of Data: Victim Assistance Report on Grants Awarded, award letters and contracts, including contract documents, maintained by the OAG.

Method of Calculation: The calculation for this measure is a cumulative count of the number of entities which receive a grant or contract for victim services or victim assistance.

Data Limitations: The number of entities receiving grants is affected by the amount appropriated and/or granted to the OAG by state and federal governments. The Legislature may appropriate money for this strategy by rider with a specific directive for how and whom it may be awarded. The projected target of entities receiving grants may not be achieved if state and federal funding falls short of appropriations.

Typically, the majority of grants are awarded in the first quarter of the fiscal year. However, some grants may occur later in the fiscal year.

Calculation type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output measure: Total Dollars Awarded to Victim Services or Victim Assistance Programs

Short Definition: The amount of money awarded by grants or contracts to victim services and victim assistance programs by the Office of the Attorney General (OAG). This measure includes, but is not limited to, non-profits, governmental units, and other entities.

Purpose/Importance: This measure reflects the amount of state and federal resources awarded through the OAG for grants and/or contracts to support victim services and victim assistance programs in Texas.

Source/Collection of Data: Victim Assistance Report on Grants Awarded, award letters and contracts, including contract documents, maintained by the OAG.

Method of Calculation: The calculation for this measure is a cumulative count of the total dollars awarded to victim services or victim assistance programs.

Data Limitations: The amount of money awarded is tied to the amount appropriated and/or granted to the OAG by state and federal governments. The Legislature may appropriate money for this strategy by rider with a specific directive for how and whom it may be awarded. The projected target of dollars awarded may not be achieved if state and federal funding falls short of appropriations.

Typically, the majority of dollars are awarded in the first quarter of the fiscal year. However, some awards may occur later in the fiscal year.

Calculation type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Number of Sexual Assault Training Participants

Short Definition: The number of people who receive sexual assault prevention and crisis services training in a given year. Training is limited to that delivered by the Office of the Attorney General (OAG) and OAG funded sexual assault programs or service organizations. Training formats may include general training sessions, video conference training sessions, and computer based training sessions. Training may be provided for Sexual Assault Nurse Examiners, law enforcement, allied professionals, victim advocates, students and community organizations.

Purpose/Importance: This performance measure is intended to reflect the number of people in Texas trained on the problem of sexual assault, preventative measures to address the problem, and the state resources available for these efforts. It is important to ensure that individuals and victim service providers are educated about the services available to sexual assault victims and can respond sensitively to the needs of those victims.

Source/Collection of Data: The information for this measure comes from a report filed by the trainer conducting the presentation and from monthly reports submitted by OAG funded sexual assault programs. The reports are compiled on a monthly basis by the OAG (SAPCS Monthly Report and the Crime Victims' Internal Report on Presentations).

Method of Calculation: The calculation for this measure is a cumulative count of the number of sexual assault training participants.

Data Limitations: The number of sexual assault training participants is affected by the amount appropriated and/or granted to the OAG by state and federal governments. The Legislature may appropriate money for this strategy by rider with a specific directive for how and whom it may be awarded. The projected target of sexual assault training participants may not be achieved if state and federal funding falls short of appropriations.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Number of Sexual Assault Outreach Recipients

Short Definition: The number of people who are exposed to sexual assault prevention and crisis services outreach in a given year. All outreach is focused on raising awareness of sexual assault. The outreach presentations are limited to those delivered by the OAG and OAG funded sexual assault programs or service organizations. Outreach may include but is not limited to public speeches, information booths, media interviews, public service announcements, newsletters, articles, editorials, and website visits.

Purpose/Importance: This performance measure indicates the number of people in Texas who have been informed about the problem of sexual assault, preventative measures to address this problem, and the state resources available for these efforts. It is important to ensure that all sexual assault victims are made aware of the services that are available to them and that communities are prepared to respond to victims' needs.

Source/Collection of Data: The information for this measure comes from a report filed by the person conducting the outreach and from monthly reports submitted by OAG funded sexual assault programs. The reports are compiled on a monthly basis by the OAG (SAPCS Monthly Report). For outreach in which the program has an information booth, the program only counts 25% of the total number of attendees. For media interviews, newsletters, articles, editorials, and public service announcements, 25% of the media outlet's market may be counted. For website visits, the total number of visits to the Sexual Assault and Crisis Prevention link on the OAG website is counted.

Method of Calculation: The calculation for this measure is a cumulative count of the number of sexual assault outreach recipients.

Data Limitations: The number of sexual assault outreach participants is affected by the amount appropriated and/or granted to the OAG by state and federal governments. The Legislature may appropriate money for this strategy by rider with a specific directive for how and whom it may be awarded. The projected target of sexual assault outreach participants may not be achieved if state and federal funding falls short of appropriations.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Explanatory Measure: Total Number of Court-Appointed Volunteers Advocating for Children

Short Definition: The number of volunteers currently advocating for a child.

Purpose/Importance: A child in conservatorship of the Child Protective Services Division of the Texas Department of Family and Protective Services who receives services of a court-appointed volunteer spends less time in the judicial system.

Source/Collection of Data: An active CASA volunteer is defined as any volunteer active in the reporting period. The source document is the Texas CASA statistical report compiled from CASA standard reporting forms submitted by local CASA programs.

Method of Calculation: The annual calculation is the total number of active volunteers on the first day of the fiscal year plus the number of additional volunteers that became active during each quarter. The quarterly calculation is the total number of active volunteers on the first day of the fiscal year, plus the number of additional volunteers that became active during each quarter.

Data Limitations: Community individuals to advocate the best interests of abused or neglected children are limited resources, and depend upon ongoing recruitment.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Total Number of Counties Served by CASA Programs

Short Definition: The total number of counties where the services of volunteers from Court Appointed Special Advocate (CASA) programs are available to provide advocacy services on behalf of children in the court system. The measure reflects the total number of counties in which a member of the judiciary has shown intent by signed written agreement to swear in CASA volunteers and assign cases to the CASA program. Only those counties with CASA volunteers available to accept cases will be counted.

Purpose/Importance: The more counties set-up with available CASA volunteers, the more available advocacy there is for children.

Source/Collection of Data: Texas CASA statistical report compiled from CASA standard reporting forms submitted by local CASA programs.

Method of Calculation: The calculation for this measure is a cumulative count of the total number of counties served by CASA programs.

Data Limitations: The number of counties served is dependent upon the need in certain counties for advocacy, number of programs in existence, available funding for expansion, and judicial approval.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Explanatory Measure: Total Number of Children Receiving Services from the Court-Appointed Volunteers Program

Short Definition: The total number of children involved in cases in which CASA has been assigned. The child is either the subject of a suit affecting the parent-child relationship brought by a governmental entity, or is under the control or supervision of the Child Protective Services Division of the Texas Department of Family and Protective Services.

Purpose/Importance: It is important that a CASA volunteer be appointed to a case as early as possible once there has been removal of the child from the home. This advocacy will provide the child with a better opportunity for a safe, permanent, family home that will reduce the amount of time the child spends under court jurisdiction.

Source/Collection of Data: Texas CASA statistical report compiled from CASA standard reporting forms submitted by local CASA programs.

Method of Calculation: The annual calculation is the total number of children served on the first day of the fiscal year plus the number of additional children served throughout the fiscal year.

Data Limitations: The number of children served is dependent upon the number of children in need of advocacy, volunteers available, and programs in existence.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

GOAL: REFER MEDICAID CRIMES - To provide an environment free of fraud, physical abuse, and criminal neglect for Medicaid recipients and the Medicaid Program.

Objective: MEDICAID CRIME CONTROL - To conduct a statewide program of investigation and to refer for prosecution 100 percent of discovered violations of the Texas Medicaid Program as required by federal regulations during each year of the Strategic Plan.

Outcome Measure: Amount of Medicaid Over-Payments Identified

Short Definition: The amount of money that the unit has determined from its investigations as having been wrongfully overpaid by the Medicaid Program. Investigations are conducted for the purpose of and extent necessary to determine if criminal activity has occurred and, if appropriate, secure prosecution through local and federal prosecutors.

Purpose/Importance: The MFCU is charged by federal statute to investigate criminal fraudulent overpayments made by the Medicaid program. The MFCU is required to report overpayments to the United States Department of Health and Human Services – Office of Inspector General.

Source/Collection of Data: Automated Medicaid Fraud System Activity report.

Method of Calculation: The calculation for this measure is a cumulative count of the amount of Medicaid over-payments identified.

Data Limitations: The OAG's Medicaid Fraud Control Unit has no prosecutorial authority. Nor is there a statute that mandates the prosecuting authority to prosecute MFCU cases. Overpayments identified are limited to those discovered during the course of the investigation. Investigations do not usually identify total overpayments.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Strategy: MEDICAID INVESTIGATION - Conduct a statewide program of investigation and refer for prosecution all violations of laws pertaining to fraud in the administration of the Texas Medicaid Program, the provision of medical assistance, and the activities of providers of medical assistance under the State Medicaid Plan. Review complaints alleging abuse or neglect of patients in health care facilities receiving payments under the State Medicaid Plan.

Output Measure: Number of Investigations Concluded

Short Definition: The number of investigations completed during the reporting period regardless of results. Cases are opened when the Medicaid Fraud Control Unit determines the referral has prosecution potential and resources are available to conduct investigations. Investigations are closed (concluded): when the OAG determines there is lack of sufficient evidence to refer for prosecution, a referral for prosecution is declined, or upon disposition of the case by the local or federal prosecutor.

Purpose/Importance: The MFCU is charged by federal statute to investigate violations of state criminal laws pertaining to fraud in the Medicaid program. The MFCU is required to report the number of investigations concluded to the United States Department of Health and Human Services – Office of Inspector General.

Source/Collection of Data: Automated Medicaid Fraud System Activity report.

Method of Calculation: The calculation for this measure is a cumulative count of the number of investigations concluded.

Data Limitations: The number of investigations concluded is affected by the number, size (how long the case takes to investigate) and type of referrals. Some cases may take longer to conclude in order to obtain a positive result.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Output Measure: Number of Cases Referred for Prosecution

Short Definition: The number of investigations that have disclosed violations of criminal law and that have been referred to an appropriate prosecuting authority for prosecutive consideration.

Purpose/Importance: The MFCU is charged by federal statute to refer cases for prosecution. The MFCU is required to report the number of referrals for prosecution to the United States Department of Health and Human Services – Office of Inspector General.

Source/Collection of Data: Automated Medicaid Fraud System Activity report.

Method of Calculation: The calculation for this measure is a cumulative count of the number of cases referred for prosecution.

Data Limitations: The number of cases referred for prosecution is impacted by the facts of the case.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Efficiency Measure: Average Cost per Investigation Concluded

Short Definition: The average cost per Medicaid Fraud Control Unit (MFCU) investigation concluded.

Purpose/Importance: This measure is an indicator of cost effectiveness.

Source/Collection of Data: Cost information for the MFCU Strategy comes from the OAG Budget Variance Report BUBR0210. *Number of Investigations Concluded* is an output measure for this Strategy. The automated Medicaid Fraud System Activity report provides the total number of investigations concluded.

Method of Calculation: The formula for this measure is direct expenditures for the MFCU Strategy plus a percentage of indirect administrative support costs based on the OAG's Indirect Cost Plan divided by the *Number of Investigations Concluded* for the reporting period. The Annual Performance Measure Report will calculate the average cost using actual expenditures and accrued obligations for the reporting appropriation year.

Data Limitations: Direct program expenditures for the reporting period used to establish the target for this measure may not include rider appropriations, and/or across-the-board legislative salary increases, which negatively impact reported performance.

Also, see data limitations for output measure *Number of Investigations Concluded*.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

GOAL: Increase the use of Historically Underutilized Businesses - To carry out policies governing procurements that foster meaningful and substantive inclusion of historically underutilized businesses.

Objective: Make a good faith effort to meet or exceed HUB goals set by the agency to award contracts and subcontracts to historically underutilized businesses (HUBs).

Outcome Measure: Percent of the total dollar value of agency procurements awarded to HUBs for Special Trade Construction

Short Definition: Percent of the total dollar value of agency procurements (under defined object codes, excluding the Comptroller's Texas Procurement and Support Services -TPASS- term contract expenditures) awarded to HUBs for Special Trade Construction.

Purpose/Importance: This measure reflects the participation by HUB vendors in the category of Special Trade Construction in order to document an agency's efforts toward HUB contracting.

Source/Collection of Data: Award, expenditure, and participation data is maintained by the OAG and Comptroller's Office (TPASS). Reporting occurs twice annually on a statewide level. Internal agency reports are created monthly for performance tracking (OAG Monthly HUB Report).

Method of Calculation: Total expenditures paid to certified HUB vendors divided by total expenditures paid to all vendors for the purchase of goods and services within the TPASS HUB category Special Trade Construction (under defined object codes, excluding TPASS term contract expenditures).

Data Limitations: All OAG buildings are either state owned or leased from private entities. Consequently, either the Texas Facilities Commission (state owned) or the landlord (leased property) make vendor selections for procurements that fall in the HUB Special Trade Construction category.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Outcome Measure: Percent of the total dollar value of agency procurements awarded to HUBs for Professional Services

Short Definition: Percent of the total dollar value of agency procurements (under defined object codes, excluding the Comptroller's Texas Procurement and Support Services -TPASS- term contract expenditures) awarded to HUBs for Professional Services.

Purpose/Importance: This measure reflects the participation by HUB vendors in the category of Professional Services in order to document an agency's efforts toward HUB contracting.

Source/Collection of Data: Award, expenditure, and participation data is maintained by the OAG and Comptroller's Office (TPASS). Reporting occurs twice annually on a statewide level. Internal agency reports are created monthly for performance tracking (OAG Monthly HUB Report).

Method of Calculation: Total expenditures paid to certified HUB vendors divided by total expenditures paid to all vendors for the purchase of services within the TPASS HUB category Professional Services (under defined object codes, excluding TPASS term contract expenditures).

Data Limitations: An agency is limited in their efforts by the number of qualified HUBs participating within a specific procurement category.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2014-15 Performance Measure Definitions

Agency Name: Office of the Attorney General

Outcome Measure: Percent of the total dollar value of agency procurements awarded to HUBs for Other Services

Short Definition: Percent of the total dollar value of agency procurements (under defined object codes, excluding the Comptroller's Texas Procurement and Support Services -TPASS- term contract expenditures) awarded to HUBs for Other Services.

Purpose/Importance: This measure reflects the participation by HUB vendors in the category of Other Services in order to document an agency's efforts toward HUB contracting.

Source/Collection of Data: Award, expenditure, and participation data is maintained by the OAG and Comptroller's Office (TPASS). Reporting occurs twice annually on a statewide level. Internal agency reports are created monthly for performance tracking (OAG Monthly HUB Report).

Method of Calculation: Total expenditures paid to certified HUB vendors divided by total expenditures paid to all vendors for the purchase of services within the TPASS HUB category Other Services (under defined object codes, excluding TPASS term contract expenditures).

Data Limitations: An agency is limited in their efforts by the number of qualified HUBs participating within a specific procurement category.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Outcome Measure: Percent of the total dollar value of agency procurements awarded to HUBs for Commodities

Short Definition: Percent of the total dollar value of agency procurements (under defined object codes, excluding the Comptroller's Texas Procurement and Support Services -TPASS- term contract expenditures) awarded to HUBs for Commodity Purchasing.

Purpose/Importance: This measure reflects the participation by HUB vendors in the category of other Commodities in order to document an agency's efforts toward HUB contracting.

Source/Collection of Data: Award, expenditure, and participation data is maintained by the OAG and Comptroller's Office (TPASS). Reporting occurs twice annually on a statewide level. Internal agency reports are created monthly for performance tracking (OAG Monthly HUB Report).

Method of Calculation: Total expenditures paid to certified HUB vendors divided by total expenditures paid to all vendors for the purchase of goods within the TPASS HUB category Commodity Purchasing (under defined object codes, excluding TPASS term contract expenditures).

Data Limitations: An agency is limited in their efforts by the number of qualified HUBs participating within a specific procurement category.

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Strategy: Educate HUB vendors about the policies and practices of the procurement process. Assist in certifying minority and women owned businesses as HUB vendors. Actively recruit HUB vendors for agency procurement opportunities. Ensure that HUBs are equally considered for all agency procurement activities.

Output Measure: Number of HUB Vendors submitting bids and receiving awards

Short Definition: The total number of certified HUB vendors by ethnicity and gender submitting bids and receiving awards.

Purpose/Importance: This measure documents an agency's efforts toward HUB contracting.

Source/Collection of Data: Award and participation data is maintained by the OAG. Reporting occurs twice annually on a statewide level. Internal agency reports are created monthly for performance tracking (OAG Monthly HUB Report).

Method of Calculation: The calculation for this measure is a cumulative count of the number of HUB vendors submitting bids and receiving awards.

Data Limitations: State agencies are now required to use statewide contracts established by the Comptroller's Office and the Department of Information Resources. Utilizing these agencies' approved vendor lists will necessarily impact the number of contracts that the OAG submits for competitive bids from HUB vendors because the total number of contracts submitted for competitive bids will be reduced. Further, the OAG's discretion to select qualified vendors is reduced by the requirement that the agency use vendors approved by the Comptroller and DIR. Another factor that limits the OAG's ability to award contracts to HUB vendors is the number of qualified HUBs that choose to participate and submit bids within a specific procurement category.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Dollar Value of HUB Subcontracts Paid

Short Definition: The total dollars paid to certified HUB vendors via subcontracts with OAG prime contractors.

Purpose/Importance: This measure documents an agency's efforts toward HUB subcontracting.

Source/Collection of Data: Award, expenditure, and participation data is maintained by the OAG and Comptroller's Office Texas Procurement and Support Services (TPASS). Reporting occurs twice annually on a statewide level. Internal agency reports are created monthly for performance tracking (OAG Monthly HUB Report). Subcontracting data is collected and compiled monthly.

Method of Calculation: The calculation for this measure is a cumulative count of the total dollar value of HUB subcontractors paid.

Data Limitations: An agency is limited in their efforts by the number of qualified HUBs participating within a specific procurement category.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

GOAL: PROVIDE LEGAL SERVICES

Outcome Measure: Percentage of Surveyed Customer Respondents (Client Agencies) Expressing Overall Satisfaction with Legal Services Received

Short Definition: The percent of state agency heads and/or agency counsels who report overall satisfaction with OAG legal services on surveys conducted by the Attorney General's Office. OAG legal services include any litigation or counseling work.

Purpose/Importance: This measure provides valuable information to agency management on the level and quality of legal services provided to client agencies.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is the total number of clients who respond that they are satisfied with OAG legal services divided by the total number of clients who respond to the survey.

Data Limitations: None.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Outcome Measure: Percentage of Surveyed Customer Respondents (Client Agencies) Identifying Ways to Improve Service Delivery

Short Definition: The percent of state agencies and institutions (client agency heads and/or agency counsels) who identify ways to improve legal service delivery on surveys conducted by the Attorney General's Office. OAG legal services include any litigation or counseling work.

Purpose/Importance: This measure provides valuable information to agency management on the level and quality of legal services provided to client agencies.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is the total number of clients who identify ways to improve legal service delivery on surveys divided by the total number of clients who respond to the survey.

Data Limitations: Interpretation of narrative comments made by customers can be subjective, as it may be unclear what counts as suggesting a way to improve.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Client Agency heads and/or agency counsel) Surveyed

Short Definition: The number of client agency heads and/or agency counsels who were invited via email to participate in a survey on OAG legal services by the Attorney General's Office.

Purpose/Importance: This measure reflects the adequacy of the sample of client agencies surveyed.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is a cumulative count of the number of client agency heads or counsels who were invited via email to participate in a survey.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Client Agency heads and/or agency counsel) Served

Short Definition: The number of state agency heads and/or agency counsels who receive OAG legal services during a fiscal year.

Purpose/Importance: This measure shows how many client agencies have received legal services from the OAG. This measure is used to determine whether all customers have been adequately surveyed.

Source/Collection of Data: Client lists provided by OAG civil litigation divisions.

Method of Calculation: The calculation for this measure is a cumulative count of the number of agency heads or counsels who receive OAG legal services during a fiscal year.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Cost Per Customer (Client Agency) Surveyed

Short Definition: The average cost per client agency head and/or agency counsel who were invited via email to participate in a survey. Costs consist entirely of staff time.

Purpose/Importance: This measure reflects the cost efficiency of the survey and weighs the cost of surveying a customer group to the potential benefits of the information.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General and compiled cost reports.

Method of Calculation: The total cost (as defined in the short definition) to administer the survey divided by the total number of client agency heads and/or counsels who were invited via email to participate in a survey.

Data Limitations: None.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

GOAL: ENFORCE CHILD SUPPORT LAW

Outcome Measure: Percentage of Surveyed Customer Respondents (Custodial and Non-Custodial Parents) Expressing Overall Satisfaction with Child Support Services Received

Short Definition: The percent of custodial and non-custodial parents who report overall satisfaction with OAG child support services on surveys conducted by the Attorney General's Office. A custodial parent is a person with legal custody and with whom the child lives; may be a parent, other relative or someone else designated by a court. A non-custodial parent is the parent who does not live with, or have custody of, the children and from whom the Attorney General collects support.

Purpose/Importance: This measure provides valuable information to agency management on the level and quality of OAG child support services provided to custodial and non-custodial parents.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is the total number of parents who respond that they are satisfied with OAG child support services divided by the total number of parents who respond to the survey.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Outcome Measure: Percentage of Customers (Custodial and Non-Custodial Parents) Identifying Ways to Improve Service Delivery

Short Definition: The percent of custodial and non-custodial parents who identify ways to improve OAG child support services on surveys conducted by the Attorney General's Office or comments offered to the OAG in correspondence from parents. A custodial parent is a person with legal custody and with whom the child lives; may be a parent, other relative or someone else designated by a court. A non-custodial parent is the parent who does not live with, or have custody of, the child and from whom the Attorney General collects support.

Purpose/Importance: This measure provides valuable information to agency management on the level and quality of OAG child support services provided to custodial and non-custodial parents.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General or comments offered to the OAG in correspondence from parents.

Method of Calculation: The calculation for this measure is the total number of parents who identify ways to improve OAG child support services divided by the total number of parents who respond to a survey or the total number of letters or e-mails reviewed.

Data Limitations: Interpreting narrative comments made by customers is a subjective process. It may be difficult to determine which comments identify ways to improve service delivery.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Custodial and Non-Custodial Parents) Surveyed

Short Definition: The number of custodial and non-custodial parents who participated in a telephone survey or were offered a written survey on OAG child support services by the Attorney General's Office. A custodial parent is a person with legal custody and with whom the child lives; may be a parent, other relative or someone else designated by a court. A non-custodial parent is the parent who does not live with, or have custody of, the child and from whom the Attorney General collects support.

Purpose/Importance: This measure reflects the adequacy of the sample of customers surveyed.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is a cumulative count of the number of custodial and non-custodial parents who participated in a telephone survey or were offered a written survey.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Custodial and Non-Custodial Parents) Served

Short Definition: The number of custodial and non-custodial parents who receive OAG child support services during a fiscal year. A custodial parent is a person with legal custody and with whom the child lives; may be a parent, other relative or someone else designated by a court. A non-custodial parent is the parent who does not live with, or have custody of, the child and from whom the Attorney General collects support.

Purpose/Importance: This measure reflects the universe of customers utilized for sampling.

Source/Collection of Data: Management reports from TXCSES.

Method of Calculation: The calculation for this measure is a cumulative count of the number of custodial and non-custodial parents served.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Efficiency Measure: Cost Per Customer (Custodial and Non-Custodial Parents) Surveyed

Short Definition: The average cost per call made and written survey offered to custodial and non-custodial parents. A custodial parent is a person with legal custody and with whom the child lives; may be a parent, other relative or someone else designated by a court. A non-custodial parent is the parent who does not live with, or have custody of, the child and from whom the Attorney General collects support.

Purpose/Importance: This measure reflects the cost efficiency of the survey.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General and compiled cost reports.

Method of Calculation: The total cost to administer a telephone and written survey divided by the total number of parents who were called during a telephone survey or offered a written survey.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Outcome Measure: Percent of Phone Calls Answered by the Child Support Regional Customer Service Centers

Short Definition: The percent of phone calls made by child support customers to the eight Child Support Regional Customer Service Centers that are answered. The Regional Customer Service Centers are located in Lubbock, San Antonio, McAllen, Arlington, Tyler, Houston, Austin and El Paso. Customers are defined as anyone contacting the regional Customer Service Centers, including custodial and non-custodial parents, employers, and other IV-D agencies. A call is counted as answered, if the caller speaks with a customer service representative.

Purpose/Importance: This measure reflects the agency's effort and success on customer service.

Source/Collection of Data: IntelliCenter call tracking software reports.

Method of Calculation: The total number of calls answered divided by the total number of phone calls placed to the Regional Customer Service Centers, during business hours.

Data Limitations: None.

Calculation Type: Non-Cumulative.

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

GOAL: CRIME VICTIMS' SERVICES

Outcome Measure: Percentage of Surveyed Customer Respondents (Eligible Crime Victim Applicants) Expressing Overall Satisfaction with Crime Victims' Compensation Services Received

Short Definition: The percent of eligible crime victim applicants who report overall satisfaction with OAG Crime Victims' Compensation services on surveys conducted by the Attorney General's Office. Applicants are determined eligible for crime victims' compensation in accordance with state law.

Purpose/Importance: This measure provides valuable information to agency management on the level and quality of OAG Crime Victims' Compensation services provided to eligible applicants.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is the total number of eligible applicants who respond that they are satisfied with services received from the OAG Crime Victims' Compensation Program divided by the total number of eligible applicants who respond to the survey.

Data Limitations: None.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Outcome Measure: Percentage of Surveyed Customer Respondents (Eligible Crime Victim Applicants) Identifying Ways to Improve Service Delivery

Short Definition: The percent of eligible crime victim applicants who identify ways to improve OAG Crime Victims' Compensation services on surveys conducted by the Attorney General's Office. Applicants are determined eligible for crime victims' compensation in accordance with state law

Purpose/Importance: This measure provides valuable information to agency management on the level and quality of OAG Crime Victims' Compensation services provided to eligible applicants.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is the total number of eligible applicants who identify ways to improve services received from the OAG Crime Victims' Compensation Program divided by the total number of eligible applicants who respond to the survey.

Data Limitations: Interpretation of narrative comments made by customers can be subjective, as it may be unclear what counts as suggesting a way to improve.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Eligible Crime Victim Applicants) Surveyed

Short Definition: The number of eligible crime victim applicants who participated in a telephone survey or were offered a written survey about OAG Crime Victims' Compensation services. Applicants are determined eligible for crime victims' compensation in accordance with state law.

Purpose/Importance: This measure reflects the adequacy of the sample of eligible crime victim applicants surveyed.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General.

Method of Calculation: The calculation for this measure is a cumulative count of the number of eligible crime victim applicants who participated in a telephone survey or were offered a written survey about OAG Crime Victims' Compensation services.

Data Limitations: None.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Eligible Crime Victim Applicants) Served

Short Definition: The number of eligible crime victim applicants served by the OAG Crime Victims' Compensation Program. Applicants are determined eligible for crime victim compensation in accordance with state law.

Purpose/Importance: This measure reflects the universe of customers (eligible crime victim applicants) utilized for sampling.

Source/Collection of Data: OAG Crime Victim System Reports.

Method of Calculation: The calculation for this measure is a cumulative count of the number of eligible crime victim applicants served.

Data Limitations: None.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Efficiency Measure: Cost Per Customer (Eligible Crime Victim Applicant) Surveyed

Short Definition: The average cost per eligible crime victim applicant who was offered a telephone or written survey.

Purpose/Importance: This measure reflects the cost efficiency of the survey and weighs the cost of surveying a customer group to the potential benefits of the information.

Source/Collection of Data: Surveys conducted by the Office of the Attorney General and compiled cost reports.

Method of Calculation: The total cost (as defined in the short definition) to administer the survey divided by the total number of eligible applicants who were offered a telephone or written survey.

Data Limitations: None.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

CUSTOMER RELATED EXPLANATORY MEASURES – Agency Wide

Explanatory Measure: Number of Customers Identified

Short Definition: The total number of OAG customers identified. Customers include, but are not limited to, client agencies (client agency heads and/or agency counsels), opinion requestors, the bond counsel, custodial and non-custodial parents, eligible crime victim applicants, and certain prosecutors.

Purpose/Importance: The number of customers identified reflects the demand for services.

Source/Collection of Data: OAG mainframe reports, reports compiled internally, and reports from TXCSES.

Method of Calculation: The calculation for this measure is a cumulative count of the total number of customers identified.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Not applicable.

**Office of the Attorney General
FY 2014-15 Performance Measure Definitions**

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Customer Groups Inventoried

Short Definition: The total number of OAG customer groups inventoried. Customer groups include, but are not limited to, client agencies (client agency heads and/or agency counsels), opinion requestors, the bond counsel, custodial and non-custodial parents, crime victim applicants, and certain prosecutors.

Purpose/Importance: The number of customer groups inventoried reflects the scope of customers served.

Source/Collection of Data: OAG Strategic Plan Report on Customer Service.

Method of Calculation: The calculation for this measure is a cumulative count of the total number of customer groups inventoried.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Not applicable.

Appendix E: Workforce Plan

Office of the Attorney General • Fiscal Years 2013-2017

I. AGENCY OVERVIEW

The Attorney General is designated by the Texas Constitution as the state's legal counsel in court. In addition, Texas law contains approximately 2,000 references to the Attorney General. The law provides the Attorney General with civil and criminal enforcement authority in a number of specific areas. The OAG provides high quality legal representation, counseling, and assistance as legal counsel to more than 300 boards, agencies, and institutions of state government. Twenty-six percent (1093) of the OAG's authorized full time equivalents (FTEs) work within the Legal Services Strategy. Most of this staff is located in Austin; however, six regional consumer protection offices are located in Dallas, San Antonio, El Paso, Houston, and McAllen. The Texas Family Code designates the OAG as the state agency tasked with administering Texas' federally mandated child support enforcement services program under Title IV-D of the Social Security Act. The Child Support Services Strategy represents the largest percentage of OAG employees, with approximately 65% (2733) of the OAG's current authorized FTEs. The OAG provides child support services across the state through 64 field offices, plus nine regional administrative offices and nine regional customer service centers.

The Attorney General is also assigned the responsibility for administering the Crime Victims' Compensation Program. Three percent (115) of the OAG's current authorized FTEs provide direct services and assistance to victims of violent crimes and various organizations through the Crime Victims' Compensation and the Victims Assistance Strategies. This staff is primarily located in Austin, with staff also housed in San Antonio, Dallas, El Paso, and Houston.

The OAG's Medicaid Investigation Strategy is carried out by the state's Medicaid Fraud Control Unit (MFCU) mandated by federal regulation (42 C.F.R. § 1007.11). With 5% (206) of the OAG's current authorized FTEs, this strategy serves as a deterrent to criminal fraud and other criminal activity in the State Medicaid Program by investigating and prosecuting a wide variety of Medicaid providers throughout Texas that receive payments under the State Medicaid Program. Investigations of Medicaid patient abuse and criminal neglect are also conducted. The MFCU staff is located in Austin with eight field offices operating in Dallas, Houston, Lubbock, Tyler, El Paso, San Antonio, Corpus Christi, and McAllen.

The Legislature does not identify a separate strategy for agency-wide administrative functions within the OAG, such as accounting, internal audit, budgeting, procurement, support services, human resources, and information technology support. The OAG is required to allocate administrative staff and costs to each of its strategies based on the OAG's federally approved Indirect Cost Plan.

A separate strategy is identified for the OAG to provide administrative support for the State Office of Risk Management (SORM) as required by the Texas Labor Code. Authorized FTEs for each strategy described above, including administrative support for SORM, include staff who perform agency-wide administrative support functions.

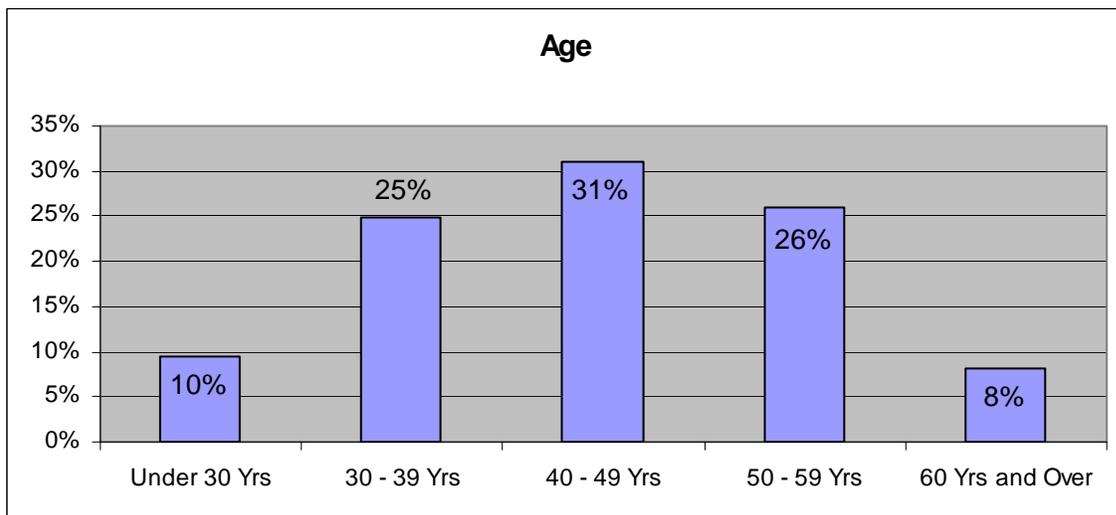
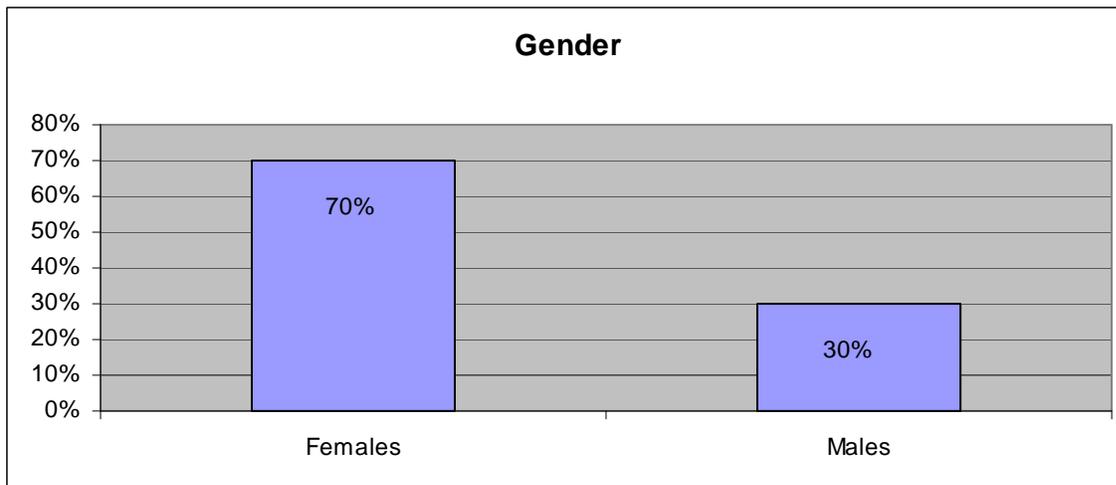
A. Goals and Objectives

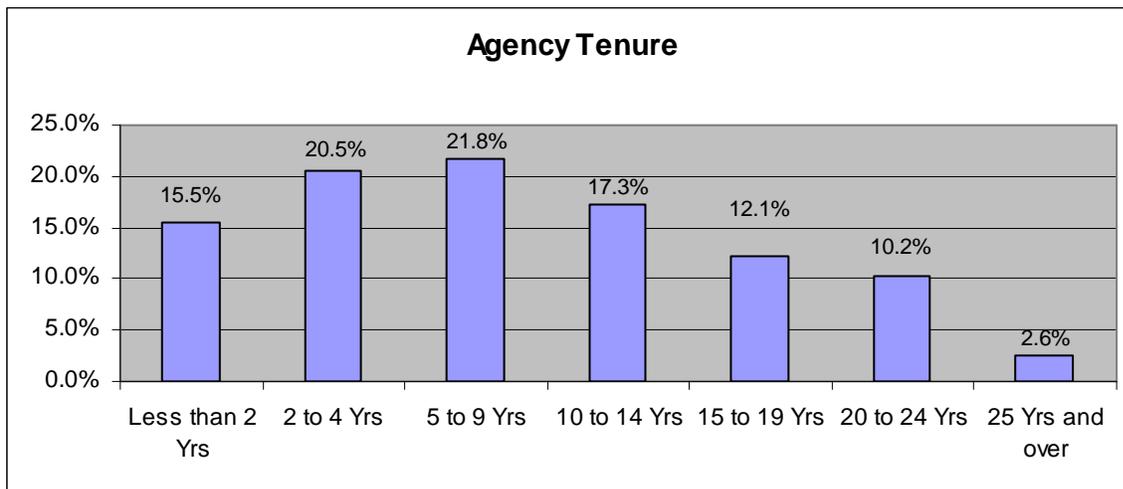
Goal 1	Provide Legal Services
Objective	To provide skillful and high quality legal representation, counseling, and assistance for the State of Texas and its authorized entities and employees in the lawful performance of their duties. [Texas Constitution Article 4 § 22]
Goal 2	Enforce Child Support Law
Objective	To enforce aggressively and fairly both state and federal child support laws and regulations. [42 U.S.C. § 651, et seq.; Texas Family Code, Title 5]
Goal 3	Assist Crime Victims with Services
Objective	To provide services and information to victims of crime in a caring, sensitive, and efficient manner. [Texas Code of Criminal Procedure, Chapter 56; Texas Government Code, Chapter 420; Texas Family Code, Chapter 264, Subchapters E and G]
Goal 4	Investigate and Prosecute Medicaid Crimes
Objective	To provide an environment free of fraud, physical abuse, and criminal neglect for Medicaid recipients and the Medicaid Program. [42 C.F.R. § 1007.11]
Goal 5	Provide Administrative Support for SORM
Objective	Provide administrative support for the State Office of Risk Management in administering state employees workers' compensation program. [Texas Labor Code, § 412.0111]
Goal 6	Increase the Use of Historically Underutilized Businesses
Objective	To carry out policies governing procurements that foster meaningful and substantive inclusion of historically underutilized businesses. [Texas Government Code, Title 10, Subtitle D, § 2161.181]

B. Current Workforce Profile

Workforce Demographics

The following charts are profiles of the agency's workforce as of March 1, 2012. The charts include full-time and part-time employees. The OAG workforce is 30% male and 70% female. Sixty-five percent of OAG employees are over the age of 40. Thirty-six percent of the employees have less than five years of state service. Thirty-nine percent have between five to 14 years of state service, and 25% have over 15 years of state service.





The following table compares the percentage of African-American, Hispanic, and female OAG employees (as of March 1, 2012) to the statewide civilian workforce as reported by the Civil Rights Division of the Texas Workforce Commission. In half of the categories, the agency’s percentages are higher than the statewide workforce levels.

Job Category	African American		Hispanic		Female	
	OAG %	State %	OAG %	State %	OAG %	State %
Officials, Administration	8.0%	9.0%	21.0%	23.7%	51.0%	38.8%
Professional	8.0%	11.7%	20.0%	19.9%	51.0%	54.5%
Technical	7.0%	17.0%	29.0%	27.0%	37.0%	55.6%
Administrative Support	16.0%	13.2%	45.0%	31.9%	86.0%	66.2%
Skilled Craft	25.0%	5.1%	25.0%	46.9%	0.0%	5.1%
Service and Maintenance *	21.0%	12.8%	40.0%	44.8%	83.0%	39.7%

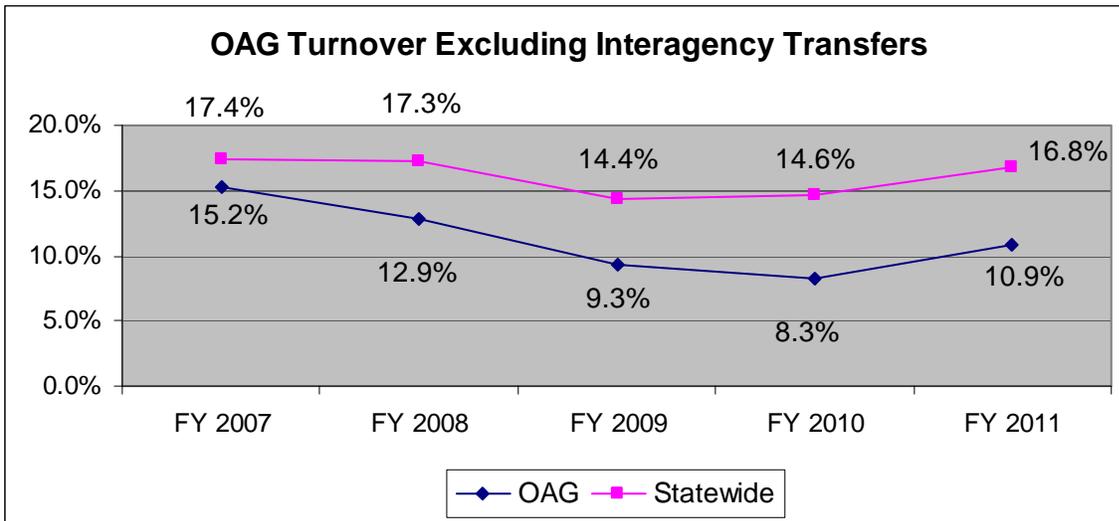
* Per directive from the Texas Workforce Commission-Civil Rights Division, “Protective Services” and “Para-Professionals” categories are combined with the “Service and Maintenance” category.

The demographics of the OAG workforce are statistically representative of the Texas labor pool. There are only two job categories that reflect significant under-representation. Categories with under-representation are Female Technical, Hispanic Service and Maintenance, and African-American Technical. The under-representation of Hispanic Officials and Administrators, African-American Officials, African-American Professional, and Female Professional are all considered minimal. Because the OAG has only five positions in Skilled Craft, this category is not statistically significant.

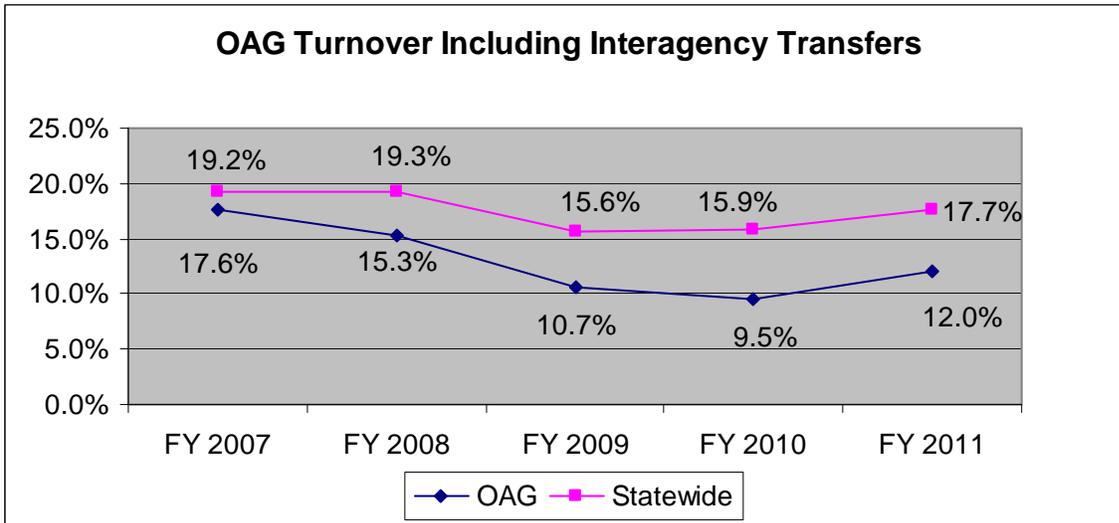
The Protective Services and Para-Professionals categories are combined with the Service and Maintenance category consistent with directives from the Texas Workforce Commission, Civil Rights Division.

C. Employee Turnover

The turnover rate for the OAG is generally consistent with or below the turnover rate for state government. A comparison of the OAG turnover rate to state government for FY 2007 through FY 2011 is below.



Source: State Auditor's Office Turnover Data for Agency 302 - Office of the Attorney General, Article 01 - General Government.



Source: State Auditor's Office Turnover Data for Agency 302 - Office of the Attorney General, Article 01 - General Government.

D. Potential Retirement Eligibility Impact

An analysis of the OAG staff tenure and leave records indicates that 278 staff members, or approximately 7% of the agency's workforce, currently are or will become eligible to retire during FY 2012 under the state's "Rule of Eighty" criteria.¹ As Table A indicates, the OAG's Crime Victim Services Division has 5%, the Medicaid Fraud Control Unit has 6%, and the Legal Services Divisions have a 9% potential exposure loss of staff due to employees in those

¹These estimates are based on the number of staff on the OAG's payroll as of March 1, 2012. The estimates are conservative, since they do not include staff who may be eligible to retire as a result of reaching the age of sixty with ten years of service. These estimates also exclude staff with un-purchased prior state service or military time or purchases of optional service time. The 81 rehired state retirees in the OAG's employ as of the end of March 2012 are also excluded from the annual estimates of retirement-eligible staff. Rehired state retirees, however, are included in the total count of agency employees as of March 1, 2012.

strategies reaching retirement eligibility by the end of FY 2012.

Between FY 2012 and FY 2017, approximately 23% (922 employees) of the OAG’s staff are anticipated to become eligible for retirement under the “Rule of Eighty.” Child Support Enforcement with 599 eligible employees (23%) and the Legal Services Divisions with 273 eligible employees (24%) are at the highest risk of losing employees to retirement during this period.

Table B shows the estimated number of agency staff by selected classified position series who will reach retirement eligibility during the FY 2012 through FY 2017 period. Approximately 50% and 39% of the agency’s directors and managers, respectively, are projected to reach retirement eligibility during this period. Twenty-five percent of the agency’s administrative assistants are projected to reach retirement eligibility during this same time.

The OAG, on a limited basis, utilizes rehired state retirees to fulfill mission-critical job functions. Approximately 2% of OAG employees fall into this category. Table C shows the number and percentage of rehired retirees employed by the agency according to strategy area as of March 1, 2012.

TABLE A

Number of OAG Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Strategy Area	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	Total Eligible	Total Staff by Area¹	% Eligible in FY2012	% Eligible Between FY2012 & FY2017
Child Support	161	65	87	87	98	101	599	2,653	6%	23%
Crime Victim Services	6	1	2	5	2	4	20	119	5%	17%
Legal Services ²	100	20	30	45	32	46	273	1,123	9%	24%
Medicaid Fraud Control	11	3	3	4	4	5	30	173	6%	17%
Agency Total	278	89	122	141	136	156	922	4,068	7%	23%

¹Count is of filled positions as of 3/01/12, includes rehired retirees; excludes vacant positions.

²Includes Executive Management and Administrative Division Staff.

TABLE B

Number of OAG Employees By Selected Classification Series Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Strategy Area	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17	Total Eligible	Total Employees by Classification Series¹	% Eligible in FY2012	% Eligible Between FY2012 & FY2017
Administrative Assistants	19	7	8	10	7	15	66	262	7%	25%
Assistant Attorneys General	60	16	19	27	14	16	152	712	8%	21%
Child Support Officers	54	29	41	38	42	41	245	1,252	4%	20%
Child Support Technicians	15	7	3	3	7	9	44	360	4%	12%
Directors ²	14	0	4	5	5	6	34	68	21%	50%
Investigators	13	0	3	5	8	9	38	241	5%	16%
Legal Assistants	6	0	5	4	2	2	19	88	7%	22%
Legal Secretaries	4	2	4	1	0	8	19	86	5%	22%
Managers	16	1	3	4	7	7	38	124	13%	31%

¹Count is of filled positions as of 3/01/12, includes rehired retirees; excludes vacant positions.

²Excludes all Director V positions defined for this analysis to be non-career positions.

TABLE C

Rehired Retiree State Employees as a Percentage of OAG Workforce as of 3/01/12			
OAG Strategy	Total Employees as of 3/01/12	# of Rehired State Retirees	State Retiree Rehires as % of Total Employees
Child Support	2,653	35	1.3%
Crime Victim Services	119	1	0.8%
Legal Services	1,123	34	3.0%
Medicaid Fraud Control	173	11	6.3%
Agency Total	4,068	81	2.0%

E. Training

The Texas Legislature has recognized that programs for the education and training of state employees materially aid effective state administration. In addition, state law requires that all state employees complete certain mandatory training. The Texas Government Code, moreover, allows state agencies to spend public funds for education and training programs. Accordingly, the OAG provides the following education and training programs for its employees in order to comply with state law, increase competency of agency employees, and promote the effective administration of the agency:

- Mandatory Training consisting of Discrimination and Harassment Awareness; Fraud, Waste, and Abuse Prevention Program; Open Records; and Information Technology Security
- Continuing Legal Education
- Peace Officer Education
- Employee Development

Starting September 1, 2012, the OAG will be requiring a mandatory course in protected health information pursuant to Texas Health and Safety Code, Chapter 181. The Child Support Division has a training section dedicated to providing child support training to approximately 2,600 employees.

F. Recruitment

The purpose of recruitment is to attract outstanding individuals from a variety of academic disciplines who have an interest in and commitment to state government. The OAG has ongoing programs that serve to enhance recruitment of employees:

- Law Clerk Program
- Volunteer/Intern Program
- Child Support Outreach and Volunteer Programs

The **Law Clerk Program** selects law clerks based on factors such as grades, writing ability, previous legal experience, and genuine interest in public service work.

Law clerks work alongside OAG attorneys, gaining hands-on experience in their areas of interest. As in a traditional clerkship program, law clerks are expected to research and write legal memoranda.

Recruiting includes participating in on-campus interviews at Texas law schools, attending public service career events, and accepting applications from students throughout the country.

The **Volunteer/Intern Program (VIP)** provides realistic training situations that allow volunteers and interns valuable hands-on experience. Recruiting for the VIP includes attendance at job and internship fairs, public presentations at colleges and universities, referrals, and dissemination of information to various career-services offices. Additional recruiting efforts include word-of-mouth and direct referrals from the divisions.

The **Outreach and Volunteer Programs** provide community outreach and recruit volunteers and interns to work in child support offices. Volunteers and interns assist full-time staff with invaluable support and, in return, they gain experience and marketable skills. By promoting available volunteer opportunities, the Child Support Division hopes to attract people who are interested in continuing service with the agency, transitioning from voluntary work to full-time employment.

G. Retention

To increase retention the OAG provides the following programs:

Payment of Professional Certifications and License Fees

For certifications or licenses that are directly related to the individual employee's business function in the agency, the OAG reimburses certain professional fees paid by OAG employees.

Alternative Work Schedules

Pursuant to OAG policy, employees may work hours other than core business hours.

Telecommuting

The OAG has a telecommuting program for eligible personnel. The program allows approved employees to telecommute on an ad-hoc basis, medical-leave basis, and on an extended-schedule basis.

Performance Leave

Employees can receive performance leave for outstanding performance.

Education and Training

The OAG provides education and training programs to transfer instructional knowledge and expertise.

Wellness Program

The Wellness Program is designed to increase the general level of health and fitness of OAG employees through programs that encourage participation in physical activities and provide information about wellness.

H. Succession Planning

Although the agency does not have a formally designated succession-planning program, the OAG utilizes a variety of practices and procedures that collectively contributes to the continuity of competent personnel in critical positions.

Administrative and Legal Divisions

The OAG uses the informal designation of successors through pay raises and promotions, training opportunities, and job assignments to recognize and retain future leaders. As vacancies occur in divisions, these individuals are available to become managers or supervisors.

Child Support Division

Field offices are the major training grounds for regional administrators and senior regional attorneys. Most of the division's regional administrators are former office managers, while most of the senior regional attorneys are former managing assistant attorneys general. Many of the office managers are former field unit supervisors or very experienced child support officers, while many of the managing assistant attorneys general are former staff assistant attorneys general. Both field and regional offices frequently provide the experience to advance to Child Support Headquarters positions. Although the most qualified applicant for the division's managerial positions sometimes comes from outside the organization, internal candidates fill the majority of these job openings.

Mentoring and Management Development Program

The agency instituted the Mentoring and Management Program to ensure continuity in key or critical task positions within the Child Support Division. In operation since FY 2005, this program has increased the pool of skilled and motivated staff from which to draw suitable replacements. Participants in the mentoring program receive tailored training and specialized instruction and guidance from an experienced staff mentor. Approximately 15% of all Child Support Division staff currently participate in this program.

II. WORKFORCE STRATEGY - LEGAL SERVICES

A. Legal Services Divisions Overview

Strategic Goals and Objectives

Goal: Provide legal counsel and representation to over 300 state boards, agencies and institutions.

Objectives The divisions' strategic goals and objectives for the next five years are to provide high-quality legal services to its client agencies while staying abreast of current technologies and changes in the law.

Anticipated Changes to the Mission, Strategies and Goals over the Next Five Years

No significant changes are anticipated.

B. Current Workforce Profile (Supply Analysis)

Critical Workforce Skills

Assistant attorneys general (AAGs), legal assistants and legal secretaries compose the critical workforce of the Legal Services Divisions; all require varying levels of the following skills:

- Legal analysis
- Legal research and writing
- Sophisticated oral and written communication abilities
- Specific knowledge of statutory law, case law and common law
- Proficiency in word processing, spreadsheet and database software programs
- Proficiency in online legal and non-legal research
- Drafting pleadings and briefs
- Negotiating on behalf of clients
- Effective oral and written advocacy skills

These skills will continue to be essential, with technology-driven skills and e-courtroom presentations becoming increasingly more important. Turnover of resources in all three components of the critical workforce continues to be a challenge at the agency.

From FY 2010 to FY 2011:

- The turnover rate for Assistant Attorneys General in Legal Services Divisions increased from 5.7% to 12.9%
- The turnover rate for Legal Assistants increased from 5.2% to 8.9%
- The turnover rate for Legal Secretaries decreased from 17.4% to 14.0%

While the agency continues to provide excellent training, responsibility and experience to its legal staff, oftentimes it still cannot match salaries offered by other government agencies or the private sector. OAG employees can earn significantly more by moving to another state agency or a city, county, or federal government agency. While agency employees report a high level of job satisfaction, they cannot ignore the rising costs of living in most areas of the state.

C. Future Workforce Profile (Demand Analysis)

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workloads and/or work processes

The Legislature often creates additional duties and responsibilities for the OAG, but its essential mission and strategies will not change significantly. However, the demand on OAG resources continues to be impacted by the growing volume of public information requests. The Open Records Division's (ORD) workload has dramatically increased in recent years. While the agency issued only 4,799 letter rulings in 2000, ORD issued 19,000 letter rulings in FY 2011. This volume increase requires executive management to continually assess the number of AAGs assigned to devote to this statutory duty. In May 2012, ORD launched an electronic filing system that will allow governmental bodies and interested third parties to submit information for consideration in the open records ruling process to the OAG through an online portal, which will further increase the efficiency of ORD in issuing open records letter rulings.

In addition, additional resources may be needed due to the increase in cases handled by the Environmental and Protection Division (EPD). EPD prosecutes and defends cases in state and federal courts and in administrative proceedings, at both the trial and appellate levels. These cases involve a wide variety of issues, including those pertaining to environmental quality,

energy, public utilities, water development, public lands, parks and wildlife, and colonias prevention. In addition EPD files petitions for review of actions by the U.S. Environmental Protection Agency (EPA) that affect Texas' environmental policies and programs.

Some of the most common EPD civil enforcement actions are:

- Safe drinking water enforcement involving public water supply systems under Chapter 341 of the Texas Health and Safety Code (on behalf of TCEQ);
- Municipal and industrial solid waste enforcement, including hazardous waste, under the Texas Solid Waste Disposal Act (TCEQ);
- Air quality enforcement under the Texas Clean Air Act (TCEQ);
- Water quality enforcement under Chapter 26 of the Texas Water Code (TCEQ);
- Enforcement of on-site sewage facility requirements under Chapters 341 and 366 of the Texas Health and Safety Code (TCEQ);
- Natural resource damage recovery involving fish and wildlife (TPWD);
- Natural resource damage recovery on behalf of state trustees in cooperation with federal trustees (TPWD, TCEQ, GLO);
- Radiation control enforcement under Chapter 401 of the Texas Health and Safety Code (DSHS); and
- Representing the state's interests in several types of enforcement cases brought by or against local governments where, by statute, the state is a necessary and indispensable party to the litigation.

The Law Enforcement Defense Division (LEDD) continues to deal with an increasing caseload defending dozens of Texas law enforcement agencies and their employees in complex civil actions alleging – among many other causes of action – violations of the Fourth and Eighth Amendments and related statutory rights, tort claims, and employment claims under federal and state statutes in both federal and state courts.

LEDD's largest client agency is the Texas Department of Criminal Justice, which – with more than 40,000 security and non-security staff operating more than 100 prisons, state jails, and other facilities housing more than 150,000 felony inmates – is among the largest public employers in Texas, with correspondingly large and increasing legal needs. From 2010 to 2011, new filings in TDCJ cases increased 54% (from 144 to 263), and is on track to exceed that rate in 2012. In addition, LEDD represents both the Texas Board of Pardons and Paroles – which makes parole decisions – and TDCJ's Parole Division – which provides day-to-day supervision of more than 77,000 parolees. While LEDD has previously handled some cases from the 121 Community Supervision and Corrections Departments (adult probation), in March 2012, LEDD agreed to handle all litigation from the probation departments

The division with the broadest portfolio of work is the General Litigation Division (GLD), which defends state agencies and officials in a variety of lawsuits, including civil rights claims, employment litigation, whistleblower claims, discrimination suits, constitutional claims, as well as health care and education litigation.

The workload of the division has been affected by entitlement funding changes at the federal level, which have increased multi-plaintiff lawsuits challenging the adequacy of the state's provision of medical services. Additionally, the division is handling an increasing number of cases challenging the constitutionality of various state statutes as well as institutional reform

cases involving the state's foster care system, the state's system for assessing and providing services to develop mentally disabled adults in nursing homes, as well as four law suits challenging the constitutionality of the state's school finance system.

Future workforce skills needed

Increased reliance upon computer-based technologies will require a highly-educated and trained legal workforce. Mandatory E-filing requirements are also becoming commonplace in many state and federal courts. Oral and written communication skills, critical thinking, and familiarity with legal terms and concepts will remain top priorities.

Anticipated increase or decrease in the number of employees needed to do the work

The OAG does not anticipate a need to request an increase or decrease of the current number of employees needed to complete its constitutional and statutory obligations. However, if the agency is compelled to reduce its workforce significantly during the 83rd Legislative Session, it will be difficult to maintain the current level of high-quality, efficient and effective legal counsel.

D. Gap Analysis

Anticipated surplus or shortage of employees

No surplus of employees in the Legal Services Strategy is anticipated.

Anticipated surplus or shortage of skills

To cultivate an educated, skilled workforce within the agency, the training programs offered to both attorneys and legal staff must be continued. This can be achieved by continuing our Legal Education Committee and other services currently provided. Management should ensure that the internal workforce is well-trained in order to foster professional growth and increase tenure with the agency.

E. Strategy Development

Gap	Change in Administration
Goal	Plan for continuity
Rationale	Because the Attorney General is an elected official, there is potential for significant organizational and leadership change every four years.
Action Steps	<ul style="list-style-type: none"> • Identify the core practice areas among the legal divisions. • Ensure that the agency's business continuity plan addresses any organizational change.
Gap	Need for long-term plan for career and leadership development among legal staff.
Goal	Maintain career and leadership opportunities for legal staff.
Rationale	Continued professional development for legal positions would ensure a long term commitment to the agency.
Action Steps	<ul style="list-style-type: none"> • Cultivate an educated, skilled workforce within the agency by strengthening the training programs offered to the legal staff. • Implement professional development programs designed specifically for legal secretaries and legal assistants. • Identify employees who possess management and administrative potential.
Gap	Need to improve technology and legal workplace skills.
Goal	Continue to develop computer, staff, and litigation training programs
Rationale	Continue to develop technology and expand programs to keep pace with technology.
Action Steps	<ul style="list-style-type: none"> • Focus on technology training for staff. • Continue to explore and offer programs that assist in litigation efforts. • Train employees on technology tools available.

III. WORKFORCE STRATEGY - CHILD SUPPORT SERVICES

A. Child Support Services Overview

Strategic Goals and Strategies

Goal	To enforce aggressively and fairly both state and federal child support laws and regulations
Objective	<ul style="list-style-type: none">• Collect court-ordered child support through the use of administrative actions and all available legal actions allowed by state and federal laws and regulations.• Operate a federally-mandated state disbursement unit.

Anticipated Changes to the Mission, Strategies and Goals over the Next Five Years

No changes are expected.

B. Current Workforce Profile (Supply Analysis)

The child support program has 2,670.9 authorized full-time equivalents (FTEs); approximately 80% are employed in field offices and 20% in the Austin State Office. Field office staff provide direct services for more than 1.3 million child support cases, including collection and disbursement of child support, establishment of paternity and court orders for support payments, and enforcement of child support and medical support orders. State Office includes some staff who provide direct services, including customer inquiries, interstate case work, specialized enforcement services, and legal and appellate work. Other State Office staff services include administrative and support functions, contract and grant oversight, technology system support, planning, policy development, and training.

Critical Workforce Skills

The Child Support Division (CSD) relies upon a highly-skilled workforce in a variety of program disciplines to carry out its mission. Developing and maintaining a professional workforce with skills to meet business objectives and goals is critical. Essential workforce skills include:

- Child support program knowledge and specialized skills (e.g., financial analysis, international case processing, and state parent locate services)
- Legal skills and coordination and management of court cases
- Leadership, management and supervisory competencies
- Knowledge of applicable federal and state laws and regulations
- Contract, grant, and project management skills
- Capacity to manage high volume casework in a rapidly changing environment
- Customer service and complaint resolution skills
- Emerging information technology skills and expertise in legacy systems
- Programming and data entry skills within the current legacy systems
- Web and database development and maintenance experience

C. Future Workforce Profile (Demand Analysis)

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workloads, and/or work progress

While the CSD mission is expected to remain constant, changing demographics, caseload characteristics, and business process needs will impact division operations.

Demographics

Changes in population and job markets will affect caseload volume, types of cases, and the payment of child support. The Office of the State Demographer projects the state's population to nearly double between 2000 and 2040. Although the Texas economy has generally fared better than the national economy, the late 2000s financial crisis has impacted young adults in record-breaking numbers. According to 2010 U.S. census data, the national employment-to-population ratio has dropped to its lowest point since the end of World War II. This drop in the labor force has particularly affected young and minority males. Young males without a college degree are most likely to lose jobs due to reduced demand for blue-collar jobs in construction, manufacturing and transportation. Moreover, as U.S. military operations in Iraq and Afghanistan wind down, tens of thousands of veterans are flooding the Texas job market at a time when hundreds of thousands of civilians can't find jobs. These factors may result in a larger and more enforcement-oriented caseload, which may increase the complexity and amount of work required from staff.

Caseload Characteristics

The size of the caseload has increased by 30% in the last five years. In addition to the sheer increase in number of cases, certain changes in caseload characteristics have resulted in adjustments to CSD services. The percentage of cases within the child support caseload where the custodial parent is receiving TANF benefits continues to decline. The shift to more application-based customers leads to additional service needs and heightened customer expectations. CSD customers now have increased expectations and different service needs; they have come to expect the ease and convenience provided by access to internet-based services. CSD has also dramatically increased the percentage of the caseload with orders for support and now focuses on enforcement activities to ensure timely payment. This heightened need for enforcement services requires considerable staff time due to additional procedural requirements and more complex legal issues. Therefore, CSD has increased training opportunities for enforcement skills and will continue efforts to disseminate "best practices" throughout the state. To meet expanded customer demands for electronic access to case information, CSD is leveraging technology to enhance its web-based service and is designing new electronic functions. These enhancements will include convenient self-service features and automated appointment notifications.

Changing Business Processes

In FY 2009, CSD began an initiative to improve the ways in which customers obtain services by developing a technologically advanced, flexible, and more automated caseload processing and management system. While the current child support enforcement system, TXCSES, has proven to be a successful system for CSD, it relies on 20-year-old technology that lacks the flexibility and responsiveness available in newer technologies. Completion of this multi-year initiative will eliminate burdensome manual tasks that detract from our ability to serve the needs of Texas families. It will give CSD the capability to fulfill customer service expectations, handle increasing caseloads, and compete effectively for federal incentive funding in the face of ongoing reductions in federal matching funds. CSD will ultimately be a much more effective

organization, able to do more with less, make better decisions with more reliable information, and ultimately collect more child support for the children of Texas. But to accomplish this, the CSD workforce will require training and skill building in operating the new technologies and business processes. In short, the skills of tomorrow's workforce will be considerably different from those of today's workforce.

Future workforce skills needed

CSD will need a flexible, highly-skilled workforce, able to respond to changing caseload requirements, customer needs, and advances in technology. Future workforce skills needed include the following:

- Ability to learn and apply increasingly complex program policies to establish new support obligations and enforce court orders
- Ability to adapt to high volume casework and a rapidly changing environment
- Project management and business analysis skills to oversee and direct complex projects that cross multi-functional areas
- Financial expertise to respond to inquiries on collection and disbursement activities and make necessary adjustments to automated systems
- Customer service skills to respond to complex case inquiries and payment activity
- Information technology skills to adapt to emerging technological advances, while also maintaining the current legacy system

Anticipated increase or decrease in the number of employees needed to do the work

As discussed under "C. Future Workforce Profile," increases in population and caseload characteristic changes could negatively impact current service levels if the number of FTEs currently assigned to the CSD remains constant or decreases. Since growth in caseload is expected to continue, the technological solutions being worked on today become vital to responding to this growth.

D. Gap Analysis

Anticipated surplus or shortage of employees

No surplus of child support employees is anticipated. State FTE caps are expected to remain in place. These factors, along with anticipated child support caseload growth, will lead to shortages in certain skilled staff needed to maintain current service levels. Shortages may also occur due to retirement eligibility factors and increases in caseload complexity.

Twenty-nine percent of CSD employees will be eligible for retirement between FY 2013 and FY 2017, including 39% of State Office, 42% of Information Technology, and 26% of field office employees. As retirement eligibility rises, CSD must strengthen knowledge transfer efforts to ensure leadership continuity, program knowledge retention, and effective recruitment for key positions.

Anticipated surplus or shortage of skills

No surplus of skills is anticipated. However, shortages may occur due to staff retirements, changing caseload characteristics, and an increasing need for emerging information technology skills.

CSD requires staff with knowledge of existing child support systems, familiarity with emerging technology, and the flexibility to respond to customers' changing needs. To meet this increasing need for skilled technology staff, CSD provides critical technical training, educates cross-functional teams, develops subject matter experts, and encourages knowledge sharing through the Mentoring and Management Program.

E. Strategy Development

Gap	Workforce Retention and Recruitment
Goal	Ensure leadership continuity, program knowledge retention, and effective recruitment for key positions.
Rationale	<ul style="list-style-type: none"> • Effective sharing of knowledge and skills is critical to ensure smooth transitions, develop new leaders and experts, and not impede organizational work and processes. • Efforts are needed to retain qualified and experienced CSD staff. • Field positions experience higher turnover rates in metropolitan areas because of more robust job markets than in rural areas of the state. • New staff expect increased communication tools and advanced technology. • CSD must develop creative ways to reach our workforce and deliver training. • CSD staff demographics are changing to reflect a shorter tenured trend. • Technology-related positions are hard to fill.
Action Steps	<ul style="list-style-type: none"> • Identify employees with critical knowledge and initiate knowledge transfer efforts through cross-training and mentoring • Enhance staff development through effective modular units and alternative training methods, i.e., online modules, webinars and video conferencing • Plan and execute a streamlined training curriculum to prepare new employees faster • Develop recruitment strategies to attract qualified candidates, especially for difficult-to-fill positions with skill in emerging technologies • Continue improvements to and participation in the Mentoring and Management Program

Gap	Increasing Caseload Volume and Complexity
Goal	Satisfy increasing customer service expectations, handle increasing caseloads, and compete effectively for federal incentive funding.
Rationale	<ul style="list-style-type: none"> • The volume and complexity of the child support caseload is increasing. • A heightened need for enforcement services requires considerable staff time due to additional procedural requirements and more complex legal issues. • Customer expectations associated with enforcement cases grow. • Customers (e.g., parents, employers, and courts) have greater needs for electronic access to information and services. • Customers are requesting new or expanded services (e.g., medical support enforcement, registry services, and family programs).
Action Steps	<ul style="list-style-type: none"> • Increase training of enforcement skills and complex technical knowledge • Disseminate “best practices” statewide • Continue technology initiatives to improve systems and processes • Enable a mobile workforce; significantly enhance options to enable staff and appropriate business partners to do their work “anytime from anywhere” • Enhance self-service options for parents, employers, and other business partners • Leverage current technological investments to support CSD’s future business vision • Synchronize technology among external partners and systems. • Build and maintain effective relationships with other agencies and the private sector

Gap	Increasing Need for Emerging Information Technology Skills
Goal	Use technology to increase customer satisfaction with services and access to information, and maximize the efficiency of staff.
Rationale	<ul style="list-style-type: none"> • CSD requires staff with knowledge of existing child support systems, familiarity with emerging technology, and the flexibility to respond to customers' changing needs. • CSD's systems are large and complex, and technology is constantly evolving. Several of these systems are proprietary and require time for staff to acquire proficiency. • Highly desirable information technology (IT) skills are very difficult to attract and maintain in Austin's unique IT industry; there is a greater demand than supply for highly qualified individuals. • A large number of IT staff will be eligible to retire during the next biennium, creating the potential for a shortage of IT skills. • Training is needed in emerging technologies that are incorporated into the future CSD technology architecture. • Efforts are needed to identify and organize essential job skills so staff may be cross-trained as expeditiously as possible. • As CSD expands collaborations with local, state, and federal governments, there is an increasing need to train external business partners to access TXCSES.
Action Steps	<ul style="list-style-type: none"> • Provide training in critical technical areas and develop cross-functional IT teams to increase the development of subject matter experts. • Develop strategies for expanding the IT skill base and computer literacy of all users. • Enable a mobile workforce by exploring options that will enable staff to do their work "anytime from anywhere" to make working for state government more attractive. • Explore recruitment practices such as offering internships to provide individuals an opportunity to experience the working environment and provide specialized training and certification to attract qualified candidates in hard-to-fill positions. • Continue technology initiatives to improve technology systems and processes. • Collaborate with external partners, including other state agencies, employers, and vendors to evaluate trends, leverage resources, optimize interfaces, and increase efficiencies.

IV. WORKFORCE STRATEGY - CRIME VICTIM SERVICES

A. Crime Victim Services Overview

Strategic Goals and Objectives

Goal	Provide services and information to victims of crime in a caring, sensitive and efficient manner.
Objectives	Assist victims of crime through direct compensation payments and grants to victim assistance providers.

Strategy: Crime Victims' Compensation

Review all claims for Crime Victims' Compensation (CVC) in accordance with state and federal regulations to determine eligibility for payments; ensure that all bills are reviewed for reasonableness and necessity and paid at the correct rate and that limits are not exceeded.

Strategy: Victims Assistance

Provide grants, training, and technical assistance to support victim related services or assistance in the state; certify Sexual Assault Nurse Examiners and sexual assault advocate training programs; and provide victims of family violence, sexual assault, and stalking with a confidential mailing address and a means of receiving mail.

Anticipated Changes to the Mission, Strategies, and Goals over the Next Five Years

No changes are expected.

B. Current Workforce Profile (Supply Analysis)

The Crime Victim Services Division's (CVSD) workforce under the Crime Victims' Compensation and Victims Assistance strategies is located primarily in Austin. CVC also maintains regional offices in Dallas, El Paso, Houston, and San Antonio. Each regional office is staffed by one employee (a regional coordinator).

Staff is dedicated to two main functions: direct victim compensation and victim assistance grants. Approximately 75 % of the workforce under these strategies supports the compensation function, where staff manages nearly 67,000 active compensation claims annually. The staff determines eligibility, reviews expenses claims for benefits, and makes recommendations for payments. In addition, the OAG's Victim Assistance Coordinator also provides direct victim assistance in criminal cases handled by the OAG. The remaining 25% of the workforce support the Grants Administration Division (GAD) victim assistance grants function, the Address Confidentiality Program and the executive and administrative functions. GAD staff administer the grants awarded to the OAG and those awarded by the OAG, provide training and technical assistance, and monitor funded programs for fiscal and programmatic compliance. Address Confidentiality Program staff receive and forward mail on behalf of eligible participants. The OAG also utilizes contracted vendors to assist with daily functions under these strategies.

Critical Workforce Skills

The workforce under these strategies will need the following skills to operate effectively in today's technology-driven environment:

- Skills in financial management and analysis

- Skills in monitoring and evaluating programs
- Skills in analyzing complex legal issues and interpreting statutes and regulations
- Organizational skills to manage a high claim volume
- Skills in grant writing and grant management
- Skills in developing written program materials
- Project management skills
- Computer technology skills in word processing, spreadsheet, and database software
- Multi-lingual communication skills
- Public speaking skills

In addition, employees with highly specialized training are also required:

- Attorneys
- Certified Fraud Investigators
- Certified Internal Auditors
- Certified Public Accountants
- Registered Nurses
- System Analysts
- System Programmers

The FY 2012 turnover rate in CVSD is slightly lower than the FY 2011 (16.8%) and FY 2010 (14.6%) statewide turnover rate identified by the State Auditor’s Office (SAO). As more employees reach eligible retirement age, retirements may play a more significant role in the CVSD turnover rate in the next few years. The SAO cited several economic factors, such as reductions in merit raises and perceived instability within state employment affecting turnover. Regardless of the reason that turnover occurs, it places a strain on the current workforce – staff must handle an increased workload, take time to interview and hire new staff, and provide training once staff is hired. Some CVC positions remain vacant for longer periods of time and take more time to train once a new employee is hired. Focus should be placed on not only training new staff, but identifying ways to retain current staff.

C. Future Workforce Profile (Demand Analysis)

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workloads and/or work processes

Several factors may impact the agency’s workforce providing assistance under these strategies.

Compensation Applications

The workload for CVC is directly impacted by the number of CVC applications received in a fiscal year. CVC must maintain a stable workforce to ensure that applications and the associated bills or information accompanying the application are processed in a timely and efficient manner.

Address Confidentiality Program

During the 80th Legislative Session, the Texas Legislature authorized the OAG to establish an Address Confidentiality Program (ACP) to protect the location of victims of family violence,

sexual assault and stalking through the establishment of a confidential mailing address. Under the ACP, the OAG provides a substitute post office box address that a participant may use in place of the true residential, business, or school address, acts as an agent to receive service of process and mail on behalf of the participant, and forwards to the participant first class mail received by the OAG on behalf of the participant. Additional demands may be placed on the agency as awareness about the program grows.

Cost Containment

CVC utilizes a cost containment vendor to process medical bills to ensure payment is made according to the Texas Medical Fee Guidelines as required by law. Changes in the cost containment vendor may impact the medical review process. Delays in the medical reviews can potentially impact the timeliness of payments.

Grants and Contracts

For FY 2012-2013, the OAG was appropriated \$88.9 million to provide grants/contracts to victim service providers across the state. The grant programs require a high level of monitoring, evaluation, and fiscal oversight. The staff will need to work collaboratively with other agencies and non-profit organizations in administering grants at the state level. Additionally, based on sexual assault federal funding guidelines, the OAG will work with local service providers to continue the transition from a direct services focus to enhanced efforts in primary prevention using a public health model for federal funding purposes. State funded sexual assault services' primary focus will remain on direct services.

Statewide Automated Victim Notification System

By the end of FY 2012, an estimated 168 counties and the Texas Department of Criminal Justice will be participating in the Statewide Automated Victim Notification System. Staff will be required to provide training and technical assistance to the communities using the statewide system.

SANE Training and Certification Program

Each year, the Sexual Assault Prevention and Crisis Services Program (SAPCS) trains nurses across the state to be Sexual Assault Nurse Examiners (SANE). The training is provided by OAG staff and three contracted SANE trainers located in various regions of the state. Additional technical assistance, continuing education for nurses, and support to foster retention will be required as more nurses receive SANE training and certification. Additionally, the program is collaborating with rural counties to ensure that sexual assault victims are receiving essential services.

Funding

The OAG receives state and federal funds to support compensation payments and victim services delivered by grantees. State funding for these services comes from a legislative appropriation from the Texas Compensation to Victims of Crime Fund (CVCF). Reductions in funding would affect the agency's performance and ability to maintain current services. In FY 2012-13, the

CVCF faced significant funding limitations for victim services grants when appropriations from the 82nd Legislative Session were projected to exceed the revenue and the available cash balances. Without additional assistance from the Texas Legislature in the FY 2014-2015 biennium, the CVCF faces further reductions in the amount of funding available for victim services grants.

Information Technology

CVC has implemented technology solutions such as a document imaging/workflow system and customized automation software to offset increases in workload. CVC has also begun automated downloads from the Health and Human Services Commission for Medicaid and other external sources to identify collateral sources available to claimants and victims in order to reduce time demands for manual online searches by staff and to reduce overpayments. To further improve efficiency, during FY 2012 the CVC began updating the workflow and documentation system to maintain current business processing systems, further refine its core data management processes, and to develop new automated web-based systems to replace underdeveloped and outdated systems. To perform these tasks and provide ongoing support to its employees, the agency needs skilled technology workers with diverse backgrounds.

Future Workforce Skills Needed

The OAG anticipates that future core workforce skills requirements will be the same as current skill requirements under these strategies. However, as the agency increasingly utilizes technology to streamline processes, meets the demands of constituents, and provides more efficient services, additional skills may be required. These essential skills will include advanced computer-related skills. The focus will shift to systems design and analyses, web design and development, and the ability to adapt to new or modified application systems to keep up with the changing technology.

Critical Functions

- Retain and continue to attract a talented and diverse workforce
- Develop current employees for needed skills
- Identify and eliminate unreasonable bureaucratic standards
- Automate more work processes
- Increase the use of technology to streamline workflow
- Increase the use of interactive information exchange
- Enhance the monitoring and evaluation processes

D. Gap Analysis

Anticipated Surplus or Shortage of Skills

While employees have sufficient skills for the current environment, additional skills will be needed in the future. With the addition of new duties and responsibilities, the organization has become more complex. Employees are taking on more job responsibilities that require different skill sets, including grant management and technical/system support. The agency must develop all the required competencies necessary to maintain quality performance in the changing work environment. The technology needs of the OAG are constantly evolving, and employees must be poised to handle these emerging requirements.

The agency will also face the challenge of retaining the institutional knowledge that may be lost as a result of employee turnover. The focus for staff under the Crime Victims' Compensation and Victims Assistance strategies will be in transferring knowledge and in positioning key staff members for promotion, career development, and succession planning.

E. Strategy Development

Gap	Increased Demands for Victim Services
Goal	Have sufficient human resources to respond to increased demands and maintain the necessary oversight of programs.
Rationale	As service demands increase, maintaining the proper number in the workforce is critical to ensuring proper use of state funds and quality services for crime victims.
Action Steps	<ul style="list-style-type: none">• Identify ways to improve efficiency of current staff through organizational change and the use of technology.• Automate processes for victim compensation where possible.• Work with other state agencies to streamline the compensation, address confidentiality, and grant/contract processes where possible.

Gap	Critical Skill Development
Goal	Develop new competencies/employee skill sets and maintain a well-trained workforce.
Rationale	The training and development of current employees is critical to the success of the agency in delivering crime victim services.
Action Steps	<ul style="list-style-type: none"> • Identify new skill sets required as a result of program changes or technological advancements. • Expand training curriculum to include programs such as change management, effective leadership, project management, and strategic planning. • Identify candidates from which to pull future leaders and prepare them to move into jobs with higher level skill requirements. • Create training and development plans to develop increased competency in staff who have demonstrated the potential or interest to assume positions at higher levels as vacancies occur. • Promote the transfer of knowledge through cross functional training, mentoring programs, and enhancement of written procedures. • Hire replacement staff with advanced financial and database experience as positions are vacated.
Gap	Information Technology Skills
Goal	Continue to use technology to improve productivity and services.
Rationale	Through the use of technology the agency will be more efficient and able to enhance victim and provider access to information to improve overall satisfaction with services.
Action Steps	<ul style="list-style-type: none"> • Recruit employees with highly technical skills to further develop and refine the information management systems. • Enhance the infrastructure with new technologies and implement organizational changes to keep up with increased workloads. • Explore and identify available technologies to address the needs of the compensation and address confidentiality. • Collaborate with other agencies to further e-government directives. • Develop strategies for expanding the computer skills of staff.

Gap	Employee Recruitment and Retention
Goal	Become an employer of choice.
Rationale	To recruit and retain talented employees, the OAG must be competitive in the market for skilled workers.
Action Steps	<ul style="list-style-type: none"> • Focus on rewarding exceptional performance, providing a structured approach to staff development and creating a culture that supports innovation and excellence. • Utilize pay incentives, where appropriate, to attract and retain staff. • Adjust salaries within assigned pay ranges for employees in positions that are either critical functions or have high turnover rates. • Continue to allow employees who are seeking new challenges to work on special projects, rotations, and/or developmental assignments. • Promote lower level employees into positions with increasing levels of skill to advance development. • Assess workplace environment and survey staff to prioritize suggested improvements. • Continue to support staff participation in agency and division-wide events. • Encourage staff recognition and award systems.

V. WORKFORCE STRATEGY - MEDICAID FRAUD CONTROL

A. Medicaid Fraud Control Unit Overview

The Medicaid Fraud Control Unit (MFCU) is an investigation and prosecution division of the OAG which carries out two very important functions of the agency: to reduce fraud in the state Medicaid program and to enhance the safety and welfare of citizens living in facilities receiving financial support from Medicaid. This is achieved by thorough investigation and, when appropriate, prosecution of Medicaid providers and Medicaid-funded facilities for violations of state and federal law. The MFCU functions under the authority of the U.S. Code of Federal Regulations, Title 42, Part 1007, and the federal oversight of the U.S. Department of Health and Human Services - Office of Inspector General. MFCU cases involve fraud in the administration of the program, the provision of medical assistance, and/or the activities of providers of medical assistance under the state Medicaid plan. The mission of the MFCU is, through thorough investigation and prosecution, to create an industry deterrent so that Medicaid recipients can receive medical care in an environment that is as free as possible from fraud, physical abuse, and criminal neglect.

Goal	Conduct a statewide program for investigating and prosecuting (or referring for prosecution) violations of all applicable state laws pertaining to fraud in the administration of the program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid Plan.
Objectives	<ul style="list-style-type: none"> • Review complaints and conduct criminal investigations into allegations of fraud committed by Medicaid providers. • Review complaints and conduct criminal investigations of allegations of abuse and neglect that occur in facilities that receive Medicaid funding. • Review complaints and conduct criminal investigations of allegations of the misappropriation of patients' private funds in facilities. • Prosecute fraud, abuse, and neglect cases either in federal or state court utilizing staff Special Assistant U.S. Attorneys or in-house Assistant Attorneys General who are available to support local prosecutors in their prosecution of these cases. • Refer cases that do not have substantial potential for criminal prosecution to the appropriate state agency, licensing board or other federal, state, or local law enforcement. • Support and participate in global and multi-state civil litigation to enhance monetary settlements from nationwide corporate providers.

B. Current Workforce Profile (Supply Analysis)

The MFCU workforce is located in nine cities across the state. The Austin office serves as the headquarters and currently represents 22% of the division's total staff, the Corpus Christi office represents 6%, the Dallas office represents 16%, the El Paso office represents 4%, the Houston office represents 25%, the Lubbock office represents 3%, the McAllen office represents 9%, the San Antonio office represents 9%, and the Tyler office represents 6% of the unit's total staffing. The unit's staffing consists of four distinct disciplines that play a major role in ensuring the unit functions at an efficient level to accomplish its critical functions. MFCU employs attorneys, auditors, and investigators, as well as support staff which include IT personnel, a training coordinator, a paralegal and administrative assistants. Three of the four distinct disciplines are required to be a part of MFCU's staffing mix in accordance with 42 CFR 1007.13 which states in pertinent part that "the unit will employ sufficient professional, administrative, and support staff to carry out its duties and responsibilities, and the staff must include attorneys, auditors and investigators."

Currently the unit's staffing consists of 20% administrative and supervisory staff, 21% investigative auditors, 9% attorneys, and 50% investigators. Approximately 60% of the unit's investigative staff are commissioned peace officers, which enhances the MFCU's ability to expedite cases by making arrests, executing subpoenas and search warrants, and participating with other local, state, and federal law enforcement partners in investigating health care fraud matters. The unit promotes a teamwork approach to criminal investigations, which encourages and requires staff to bring all of the collective expertise and knowledge to bear in each case worked. The division also utilizes medical consultants and specialists on an as-needed basis to assist with thorough investigations and, where appropriate, prosecution of cases.

Critical workforce skills of MFCU

- Performance of fraud and abuse/neglect investigations (Medicaid nexus)
- Prosecution of fraud and abuse/neglect cases in coordination with federal, state, and local prosecuting authorities (Lawyers experienced in pre-indictment work, grand jury, trial work, and appellate law are preferred.)
- Extraction and analysis of Medicaid, criminal, civil, and other data from various state and other databases to facilitate case investigation and prosecution
- Knowledge of the Medicaid program and Medicaid managed care in Texas
- Information systems management (Novell network and LAN/WAN experience)
- Database design, implementation and work process analysis
- Connectivity to outside agency databases: download, compile, and analyze large amounts of billing information (data mining)
- Natural language programming for the OAG/MFCU mainframe case management system

C. Future Workforce Profile (Demand Analysis)

Critical Functions

Investigators, auditors, and analysts, either commissioned as OAG peace officers or not, should be knowledgeable and conversant about the state's Medicaid program. Medicaid in Texas is a large and multifaceted program with varying requirements regarding who must provide the services and the setting in which the services must be provided, in order for the service(s) to be reimbursable. It is also vital for staff to have experience and knowledge in investigative/auditing techniques, including records review, interviewing techniques, data analysis, statistical analysis, oral and written communication skills, case preparation and presentation, evidence collection (including forensic examination of electronic storage media), testifying in court, and knowledge and experience in white-collar crime, crimes against persons, and a working understanding of regulatory and licensing boards (e.g., Department of Aging and Disability Services, Department of Family and Protective Services, Texas Medical Board). Additionally, because Texas is increasingly moving toward a managed care model, the unit is increasing its knowledge of the managed health care delivery systems and the various ways in which fraud and other crimes may be committed in that environment. Attorneys on staff should be knowledgeable of criminal law and proceedings, be able to assist with investigations, be responsible for directing, planning, organizing, and/or monitoring legal activities; interpreting laws and regulations; providing legal advice, counsel, and assistance to federal prosecutors; and also be able to represent the state's interest in criminal matters involving Medicaid, including preparing cases for trial.

Expected workforce changes driven by factors such as changing mission, goals, strategies, technology, work, workload and/or work processes

The Medicaid program continues to grow in size and complexity. Annual Medicaid spending in Texas is approaching \$27 billion, and a very large increase can be expected from the recent federal health care legislation. In Texas, the total number of Medicaid recipients is approximately 3.7 million, and the total number of active Medicaid providers is approximately 57,000. With a large Medicaid population, Texas also has a large number of doctors, dentists, counselors, pharmacists, and other types of medical providers and long-term care facilities willing to treat the medically indigent and underserved. MFCU's ability to effectively respond to allegations and complaints of fraud and criminal abuse and neglect will be a continuing challenge as the delivery of health care services in Texas continues to grow, change, and expand.

The full implications of the many changes the state is experiencing in the health care field are still being explored. MFCU anticipates increased federal oversight and scrutiny, and based upon the federal staffing increase to combat Medicaid fraud, the unit may have additional federal partners in the field. As a result, MFCU will continue to provide staff with sufficient resources, training and tools needed to respond to the challenges that will continue to be inherent in criminal investigative and prosecutorial work.

It is increasingly apparent that training, communication, information management systems and access to technologies that permit staff to access information, people and other resources in real time is vital to the MFCU's continued success. Similarly, MFCU will continue its efforts to develop a case management system that is as dynamic as the health care environment in which the unit operates.

Future workforce skills needed

The MFCU anticipates that the future workforce skill requirements will remain much the same as they are currently. The unit will continue to need analysts, attorneys, auditors, investigators, peace officers, and contracts with medical professionals in order to capably and effectively investigate Medicaid fraud and abuse and, when appropriate, secure prosecutions. As technology advances and health care delivery changes, it is anticipated that MFCU staff in all professional disciplines will have to become more technologically informed to identify fraud schemes that will arise. Because of the fast pace of technological change, MFCU must take steps to increase and enhance case management systems and afford better training opportunities to staff. Emphasis will be placed on creating training opportunities for staff and partnering with other law enforcement agencies with similar missions and interests.

Anticipated increase or decrease in the number of employees needed to do the work

The MFCU is committed to placing staff where the fraud, abuse, and neglect (crime) are occurring thus improving productivity and response time to protect Texas' Medicaid funding and the citizens who rely on the Medicaid program for health care. The MFCU continually evaluates staffing needs and work demands, including assessing the mix of our current caseload and where the cases are in the state. The unit attempts to adjust its allocation of resources according to where the data and analysis suggest the staff are needed.

The OAG is currently assessing the federal health care law's anticipated effect on the MFCU, including the timing of any relevant impact, to determine the extent to which – and when – additional state resources and FTEs will need to be requested to fund the MFCU's efforts to combat Medicaid fraud.

D. Gap Analysis

Anticipated surplus or shortage of employees

The MFCU continues to be concerned about the availability of attorneys, auditors, and investigators with experience in criminal investigations and prosecutions. During the unit's growth, a number of retired employees who had left state or local government in one capacity or another as an investigator or an auditor were hired. MFCU attracted a number of retired DPS employees, Texas Rangers, FBI, local police and sheriff department retirees and other federal or state investigative retirees who wanted to continue to work in the investigative arena. These staff

came to MFCU with a wealth of investigative and auditing experience, and their knowledge and expertise allowed the unit to move more quickly toward early results. However, MFCU is now beginning to lose many of these employees to retirement creating a number of vacancies for the unit. The MFCU has also experienced a 10% attrition rate that has been largely due to its inability to compete with the salaries paid to white-collar law enforcement professionals by the federal government and some of the program integrity and audit programs mentioned above that are funded by the federal government.

Anticipated surplus or shortage of skills

The MFCU training program will assist with ensuring that staff has the knowledge and skills necessary to be successful. MFCU has a Relief Manager Program which offers managerial experience to selected investigators or auditors who will serve in the place of the field office team managers. Given the increased complexity of evidence collection techniques in the automated environment, MFCU’s ability to attract, retain and/or train staff on computer seizure and forensic examination of electronically stored data will be vitally important. Staff training will continue to be a priority over the next biennium, as a confident and mature workforce will be critical to the unit’s continued success.

E. Strategy Development

Specific goals to address workforce competency gaps or surpluses:

Gap	Employee Turnover
Goal	Develop retention programs
Rationale	Staff with experience and knowledge in criminal investigations is vital to the continued success of the unit. The training costs required to best prepare an employee to do Medicaid fraud and abuse/neglect investigations are high, because many of the courses are offered out-of-state. Competitive salaries remain an issue, and once staff are acquired and adequately trained, it is cost-effective and prudent to retain them for as long as possible.
Action Steps	<ul style="list-style-type: none"> • Work with staff within and outside the OAG to seek support to increase our out-of-state travel cap. • Continue to work to gradually increase the salary levels of MFCU staff. • Continue to develop and improve our internal training program. • Recruit and bring in outside speakers to enhance our knowledge and skills. • Ensure Texas MFCU staff participates in case development and policy conferences at the national level to ensure early detection of new fraud trends and timely implementation of innovative investigative techniques and tools.

Gap	Skills for identifying qualified applicants
Goal	Recruitment strategy
Rationale	Recruit and retain highly motivated professional staff that will allow us to become one of the premier law enforcement agencies in state government and a place where investigators, auditors, and prosecutors choose to work.
Action Steps	<ul style="list-style-type: none"> • Reward top performers and utilize pay incentives (raises and bonuses). • Enhance staff development and allow staff to participate in the process as much as possible. • Promote from within as frequently as possible and establish expectations for staff on necessary steps to get to the next level. • Continue the Relief Manager Program to afford real-time managerial experience to selected investigators and auditors. • Continue to solicit input from staff regarding how to improve the unit and implement their suggestions/recommendations when feasible. • Utilize our annual training conference as staff recognition and reward mechanism. • Create an environment in which current staff are our greatest advocates because the tools available (technology) to get the job done, the partnerships developed with other agencies and the support systems in place make the MFCU a great place to work.
Gap	Need for employee development.
Goal	Implement annual development goals for each employee.
Rationale	Allow employees to have input into the types of skills and training they determine essential for success on the job based upon their knowledge of the job they are performing in the unit.
Action Steps	<ul style="list-style-type: none"> • Establish a training and development budget for every MFCU staff member. • Implement an annual process to occur in conjunction with the annual performance review in which each manager meets with assigned staff to document an employee development plan. • Ensure that managers and employees work together to monitor the employee's progress toward agreed upon development strategies.

Gap	Strengthen relationships with prosecutors' offices across the state.
Goal	Continue to develop and strengthen cooperative relationships with local district and county attorneys' offices across the state and with the U.S. Attorneys' Offices in Texas. Make available all MFCU attorney resources when requested and be proactive in offering prosecutorial assistance when appropriate.
Rationale	MFCU expects that more cases will be prosecuted by MFCU attorneys. Cooperative and collaborative relationships with district and county attorneys' offices and U.S. Attorneys' Offices will expedite the acceptance and prosecution of cases.
Action Steps	<ul style="list-style-type: none"> • Continue to assign an MFCU AAG to each investigation and communicate to the state district attorneys that an attorney familiar with the case is available to assist prosecution. • Deliver a complete investigative package to district, county, or U.S. Attorney's office that includes a well-written report with the evidence needed to support pursuit of a potential criminal violation. • Continue the position in Harris County of an AAG serving as a full-time special assistant district attorney and seek other opportunities to add similar positions throughout the state. • Work more closely with the district and county attorneys and U.S. Attorneys' Offices during investigation and throughout prosecution of cases. • Train staff to identify illegally held assets to support a forfeiture action. • Continue to support with attorneys, analysts and auditors the global and multi-state litigation coordinated through the National Association of Medicaid Fraud Control Units.

Appendix F: Agency Historically Underutilized Business Program

The mission of the OAG's Historically Underutilized Business (HUB) Program is to assist minority and women-owned businesses to compete in an open and fair manner for contracting opportunities with the agency. The OAG's HUB Program is a success because of the agency's commitment to an open and competitive procurement environment.

The OAG is continuing its good faith efforts (Texas Government Code, Title 10, Subtitle D, Section 2161) to meet the HUB goals set by the OAG based upon the 2009 State of Texas Disparity study conducted by the Comptroller of Public Accounts and their goal setting methodology. The agency strives to meet or exceed these goals by its proactive approach to the procurement process to ensure that the opportunity for state business is extended to as many HUB vendors as possible.

The OAG requires a HUB Subcontracting Plan for all procurements greater than \$100,000, including all renewal options, where probable subcontracting has been identified. The agency takes a proactive approach in the areas of outreach and procurement announcements to better inform the HUB community of large-scale projects which contain potential subcontracting opportunities. The vendor community is informed, well in advance of a large procurement, by e-mail. This allows prime contractors and potential HUB subcontractors more time to establish subcontracting relationships. HUB subcontractors are also encouraged to attend pre-bid/pre-proposal conferences. This enables HUB subcontractors to be better informed of the procurement and to know which prime contractors may be bidding. A "Best Practices for HUB Subcontracting" training session has been provided to OAG staff in order to facilitate best practices for the large bid opportunities.

The Mentor-Protégé program at the OAG is designed to foster successful relationships between prime contractors and HUBs. Currently, the OAG has 9 Mentor-Protégé teams. As a part of the agency's other outreach efforts, the OAG has actively pursued minority chambers of commerce and minority business councils across the state to seek out and provide additional HUB resources for the agency. The OAG co-sponsored a HUB Vendor forum and participated in HUB events held in the Austin area. The OAG's "In-Reach" program is an everyday activity with interactions between the OAG HUB coordinator, agency purchasing staff, and division decision makers.

Additionally, the OAG monitors and analyzes HUB participation within each of the defined CPA HUB categories, allowing the agency to identify areas which may need improvement. Please note that this agency does not have expenditures in the "Heavy Construction" or "Building Construction" categories.

The OAG maintains a strong commitment to the objectives of the HUB program. The agency looks forward to the challenges of further increasing HUB involvement in our procurement process to the benefit of all Texans.