

AGENCY STRATEGIC PLAN

FOR THE FISCAL YEARS 2007-2011 PERIOD

BY

OFFICE OF THE ATTORNEY GENERAL

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Signed:

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TABLE OF CONTENTS

Statewide Elements	1
The Philosophy of Texas State Government	2
Statewide Goals and Benchmarks	3
Agency Mission and Philosophy	7
External/Internal Assessment	8
Agency Goals	33
Objectives, Strategies and Measures	34
Appendices:	
A. Description of the Agency’s Planning Process	39
B. Agency Organizational Chart	41
C. Projections of Outcomes for the Five-Year Planning Horizon	42
D. Performance Measure Definitions	43
E. Workforce Plan	116
F. Survey of Organizational Excellence Results	152
H. Agency Historically Underutilized Business Program	154

STATEWIDE ELEMENTS

Statewide Vision

Working together, I know we can accomplish our mission and address the priorities of the people of Texas. My administration is dedicated to creating greater opportunity and prosperity for our citizens, and to accomplish that mission, I am focused on the following critical priorities: assuring open access to an educational system that not only guarantees the basic core knowledge necessary for productive citizens but also emphasizes excellence and accountability in all academic and intellectual undertakings; creating and retaining job opportunities and building a stronger economy that will lead to more prosperity for our people and a stable source of funding for core principles; protecting and preserving the health, safety, and well-being of our citizens by ensuring healthcare is accessible and affordable and by safeguarding our neighborhoods and communities from those who intend us harm; and providing disciplined, principled government that invests public funds wisely and efficiently.

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

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 are ready for college, a two-year institution, other post-secondary training, or the workforce; Continuing to develop reading, math, and science skills at 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.

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: Providing public assistance for those most in need through an efficient and effective system; and creating partnerships with local communities, advocacy groups, and the private and not-for-profit sectors.

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.
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 Strategy 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 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 that fosters economic opportunity, job creation, capital investment, and infrastructure development by: promoting a favorable and fair system to fund necessary state services; addressing transportation and housing needs; and developing a well trained, educated, and productive workforce.

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

Benchmark: Number of lane miles contracted to increase capacity.

PUBLIC SAFETY AND CRIMINAL JUSTICE

Priority Goal: To protect Texans by enforcing laws quickly and fairly; maintaining state and local emergency, terrorism, and disaster preparedness and response plans; policing public highways; and confining, supervising, and rehabilitating offenders.

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

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; and encouraging responsible, sustainable economic development.

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

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 debts.

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: Savings realized in state spending by making reports/documents/processes available on the Internet.
All OAG strategies impact this statewide benchmark.

AGENCY MISSION AND PHILOSOPHY

AGENCY MISSION

The Attorney General is the lawyer for the State of Texas. In fulfilling this responsibility, the Office of the Attorney General (OAG) defends and enforces the Texas Constitution and state laws in court; represents and advises state officials and agencies; and investigates and prosecutes crimes and fraud. The OAG works to support and protect families, children, consumers, seniors and victims of violent crime while safeguarding the people's right to an open and honest government.

AGENCY PHILOSOPHY

The Office of the Attorney General is committed to providing the highest possible quality of legal representation to the State of Texas, vigorously defending its clients while enforcing the law to the utmost degree within its legal authority. The agency will act swiftly and aggressively to protect children, seniors and consumers, and to fight crime and fraud. The agency is dedicated to providing all available support to Texas children and victims of crime, and to serving the people of Texas with unfailing diligence, courtesy and respect.

EXTERNAL/INTERNAL ASSESSMENT

The Attorney General is designated by the Texas Constitution as the State's legal counsel in court. In addition, Texas law contains nearly 2000 references to the Attorney General. The law provides the Attorney General with civil and criminal enforcement authority in a number of specific areas. It also assigns responsibility to the Attorney General for Texas' federally mandated child support program, for crime victim services, and for Medicaid fraud control.

The following narrative is a description of the agency's major activities under the legal services, child support, crime victim services, and Medicaid fraud goals, and a discussion of significant external and internal factors affecting those activities.

LEGAL SERVICES

Functional description. As the State's legal counsel, the Attorney General provides a wide range of services. The Attorney General defends lawsuits against state agencies, officials, and employees, and provides general counsel services upon request. The Attorney General issues opinions interpreting the law for officials who are authorized opinion requestors, and rules on public information requests made to and disputed by governmental bodies. Other legal services include:

- enforcing state banking and insurance laws and regulations, environmental protection statutes, health and safety codes, and other rules, regulations, and statutes on behalf of various state regulatory agencies;
- enforcing state standards for the treatment of patients in long-term care facilities on behalf of the Texas Department of Aging and Disability Services;
- investigating and prosecuting civil Medicaid fraud and violations of state consumer protection laws, including the Deceptive Trade Practices Act (DTPA), antitrust laws, and charitable trusts and solicitation laws;
- collecting delinquent debts and obligations owed to the State or to a state agency, including delinquent state taxes and defaulted student loans;
- assisting prosecutors and law enforcement upon request with criminal prosecutions and investigations; and
- reviewing and approving all bonds issued by or on behalf of state agencies, cities, counties, school districts, and all other political subdivisions.

The Attorney General's legal services clients are state agency heads and general counsels, state officials and employees, bond counsel, and law enforcement and prosecutors who request assistance.

The divisions that provide legal services fall into three areas: civil litigation; criminal prosecution and investigation; and general counsel.

Customer service delivery. The Attorney General seeks input and commentary from its customers through client satisfaction assessment surveys involving major client groups. Comments and performance evaluations regarding legal services have been solicited from state agency heads and general counsels, as well as from prosecutors who have requested assistance. Details of the client satisfaction assessment project can be found in the Agency's Report on Customer Service (June 2006).

The agency's client groups are, in some cases, widely distributed throughout the state. There are regional Consumer Protection & Public Health Division offices in seven cities, and staff from the Criminal Law Enforcement Division and Juvenile Crime Intervention Unit travel extensively to provide requested legal services, support and training wherever they are needed.

External factors affecting civil litigation. The **Administrative Law Division** provides administrative law litigation and general counsel services to a variety of state agencies, a significant number being occupational licensing agencies. The division enforces and defends agency orders and rules in district and appellate courts, files suits to enjoin the unauthorized practice of licensed professions, and prosecutes licensees before administrative law judges. The division provides general counsel support to state agencies, many of which do not have in-house counsel, and routinely provides advice to these agencies on topics such as the Open Meetings Act, the Public Information Act, rulemaking, contracting, and statutory construction.

In addition, the division includes a section devoted solely to litigation support for the Open Records Division of the Office of the Attorney General. The division also presents conferences on government law and liability for board members and agency administrators and publishes the Administrative Law Handbook for state agencies.

The **Antitrust and Civil Medicaid Fraud Division** has an ever-increasing caseload, generally involving complex litigation with multi state/federal coordination and efforts. The Antitrust Section is responsible for investigating possible violations of state and federal antitrust laws, including bid-rigging, price-fixing, unreasonable restraints of trade, and monopolization. Although the number of merger reviews done by the Antitrust Section decreased this last year, the number of pharmaceutical-related cases involving agreements not to compete and other conduct cases has significantly increased. The Antitrust Section is also a lead state in national litigation against insurance brokers and insurance companies for bid-rigging, which will continue to be a main focus for the Section.

The Civil Medicaid Fraud Section receives a majority of its cases from private citizens acting as whistleblowers. The Medicaid Fraud Control Unit and the Inspector General at the Health and Human Services Commission also have begun referring matters for review that may have merit as state civil Medicaid fraud lawsuits. The caseload of the Civil Medicaid Fraud section has grown very rapidly, from 0 to approximately 150 potential cases. Not only are there substantially more whistleblower suits, but also more potential cases are being referred by HHSC and MFCU each month.

On October 17, 2005, the new Bankruptcy Abuse Prevention and Consumer Protection Act became effective - the first major overhaul by Congress of federal bankruptcy laws since the enactment of the Bankruptcy Reform Act in 1978. Prior to the effective date, bankruptcy filings reached epidemic

proportions nationwide as debtors tried to take advantage of perceived harsher obstacles under the new law. It remains to be seen how the glut of new filings will impact the **Bankruptcy and Collections Division**'s inventory levels and what issues will surface in cases filed under the new law. Filings are, however, expected to increase in certain economic sectors, especially the automotive industry (the Adelphi Auto Parts and Dana Corporation bankruptcy filings) will be affected.

The Public Agency Representation Section of the **Consumer Protection & Public Health Division** (CPD) represents state agencies and institutions of higher education in utility rate matters. The section has experienced a significant increase in the size and complexity of its workload due to decreasing regulation, increasing competition and accelerating technological advances in telecommunications and electric markets.

Technological advances and decreased regulation in the telecommunications and electric service industries have also resulted in the use of more aggressive marketing practices by competitors and an increased number of complex consumer protection issues requiring additional enforcement efforts.

A new unit within CPD is the Internet Enforcement Unit, which was created in response to the growing problems of identity theft, "phishing," unsolicited commercial e-mail (aka "spam"), and the increased use of the internet for consumer transactions.

In light of increased attention to charity oversight and reform by Congress, the media, state charity officials across the country and individual donors, the Charitable Trusts Section is experiencing a significant increase in time spent investigating and litigating larger cases involving both public charities and private foundations. The section recently obtained a multimillion dollar verdict against former officers of a private foundation who were found to have committed breaches of fiduciary duties, fraud and malice against the foundation. The demand for review of these types of cases is more than one investigator can do; additional resources are vital to this Section's ability to investigate and pursue these significant cases, which benefit the State of Texas and the public's interest in charities. Greater attention to multistate investigations and multistate litigation also benefits this state, but additional time and resources are needed to conduct such complex litigation.

The attorneys in this section are also statutorily charged with reviewing and evaluating potential intervention in three to five cases each week, (sent pursuant to Texas Property Code Ch.123). The Law Enforcement Telephone Solicitation Act (Art. 9023e, Tx.Civ.Stat.) likewise continues to place additional demands on the Charitable Trusts Section. This law imposed registration and other requirements on entities that solicit for a charitable purpose related to law enforcement. The Attorney General processes registration materials, responds to inquiries, investigates, and initiates actions to enforce this law.

As many hospitals continue to change from non-profit to for-profit status or seek expansion/modification of their charitable missions, the Charitable Trusts Section is called upon to review the valuation of assets of the non-profit hospitals, the authority to change the non-profit status or the purpose of the hospitals, and the use of non-profit assets after the conversion, merger, or sale. The section also reviews non-profit hospitals to determine whether they are providing the amount of charity care required by statute. In addition, a recent flurry of class action lawsuits against several

non-profit hospital systems across the country, including suits filed in Texas, are requiring review and potential intervention.

Public awareness regarding insurance issues and the business practices of insurance companies has increased. As a result, the Insurance Practices Section is receiving more consumer complaints. In addition, substantial and numerous changes taking place in the health care industry, including HMOs, PPOs and managed care generally, are significantly affecting the work of this section.

The Deceptive Trade Practices Act (DTPA) authorizes the Consumer Protection & Public Health Division to enforce violations of the DTPA and empowers the division to seek injunctive relief, civil penalties, attorney fees and actual damages on behalf of identifiable consumers. The demand for enforcement has been increased by virtue of the fact that the legislature has now enacted 42 laws which "tie-in" to the DTPA by providing that a violation of such law is a *per se* violation of the DTPA. The CPD Regional Offices in Austin, Dallas, El Paso, Houston, Lubbock, McAllen and San Antonio handle the wide array of investigations and lawsuits under the DTPA and other consumer-related statutes.

CPD's investigators and attorneys are also actively looking into various forms of mail, telemarketing, and internet fraud that target Texas seniors. Specifically, identity theft, foreign lotteries and sweepstakes scams are areas in which CPD has spent a significant amount of time investigating and educating the Senior community. Likewise, scams that target the Hispanic community have been the focus of stepped-up enforcement by CPD. Notably, the division's lawsuits against *notarios* (non-attorneys illegally providing immigration services) have had a measurable impact in terms of deterring immigration scams.

Pursuant to referrals from client health and human services agencies, the Consumer Protection and Public Health Division is now prosecuting cases for civil penalties against long-term care facilities. The legislature has determined that nursing homes, assisted living facilities, and intermediate care facilities for the mentally retarded will be regulated to ensure that the highest possible quality of care is provided. Accordingly, the division aggressively pursues these facilities for licensing violations of the minimum acceptable levels of care. The division often works with the Bankruptcy and Collections Division on cases involving chains that have filed for bankruptcy, and jointly the two divisions have handled complex litigation issues balanced with continued protection of some of the State's most vulnerable citizens.

The two main areas of the **Financial Litigation Division's** practice—contracts and regulatory matters—are expected to continue to grow. Additional contract cases are anticipated to be filed under Chapter 2260, increasing the number of cases referred to the division. The Commissioner of Insurance has been given more authority to regulate insurance rates, and defending the Commissioner's decisions in rates cases should expand the workload of the division. The expansion of electronic and digital commerce will lead to new and different methods of payment and transfer of funds, also via electronic means.

There may be an intersection of banking, securities and insurance issues with respect to these money service businesses, and effective responses may need to be multi state as well as involving more than one of our state agencies. It can be expected that economies will continue to become increasingly digital and electronic, and that our workload will continue to increase to address actions involving

fraud, regulatory violations for unlicensed entities and receiverships. As health care costs continue to rise, a proliferation of fraudulent insurance schemes may result, requiring additional regulatory and enforcement action.

As the federal courts apply Eleventh Amendment immunity to claims, and as questions arise over the State's immunity upon removal of cases, the **General Litigation Division** (GLD) is seeing more litigation in state courts, where it is more difficult to end cases through motion practice. In addition, sexual harassment cases continue to be difficult to defend because of heightened federal standards. Further, whistleblower/retaliation cases are more difficult to defend in light of Enron and growing societal distrust of government. Reductions in funding for Medicaid and other entitlement programs has led to more multi-plaintiff and attempted class action litigation for the division. The division has also experienced a substantial caseload increase in the areas of school desegregation and finance.

A team of attorneys in the General Litigation Division handled the State's defense in the West Orange Cove school finance litigation, a multi-claim, multi-party challenge to the Texas School Finance System. The case has taken up a significant portion of GLD attorney, paralegal, and staff resources and diverted those resources away from the division's work in defending the State in other matters. Of the 25 attorneys in the division, six worked on the litigation almost exclusively from February, 2004, through the trial conclusion in September, 2004. The team has remained involved through the appeal of the case, and further proceedings are anticipated in the trial court in the summer of 2006.

As prison construction has been completed in recent years, the Texas Department of Criminal Justice's staff has grown to accommodate the increased inmate population. As a result, the Attorney General's **Law Enforcement Defense Division** faces proportionately more issues in employment and tort law, and more lawsuits filed by inmates.

The **Natural Resources Division** continues to experience an increased workload in its representation of the Public Utility Commission of Texas as a result of the passage of the Public Utility Regulatory Act of 1995 (PURA95), the federal Telecommunications Act of 1996, and comprehensive amendments in 1999 to PURA95. PURA95 directed the PUC to enact rules deregulating the wholesale transmission of electric power in Texas. PURA95 also gave the PUC responsibility to implement a comprehensive transition-to-competition scheme for the Texas telecommunications industry. The Telecommunications Act of 1996 superimposed a federal scheme for telecommunications deregulation and enlisted state commissions such as the PUC to implement key provisions of the Act. The 1999 amendments contained significant new provisions to promote retail electric and telecommunications competition. These pieces of legislation have generated and will continue to generate complex litigation requiring NRD to expend significant resources in its representation of the PUC.

In addition, the Natural Resources Division will continue to experience increased workload defending, in federal and state courts, the State's efforts to achieve and maintain compliance with the federal Clean Air Act. Certain counties in Texas are currently nonattainment areas; that is, they fail to meet national ambient air quality standards for ozone. Additional counties in other areas are critically close to nonattainment. With the imposition of a new, stricter national ozone standard, even more areas will become nonattainment. To bring nonattainment areas into compliance, the State (via Texas Commission on Environmental Quality) must promulgate rules containing requirements and

restrictions that affect all sectors of the region. As more areas become nonattainment and new rules are promulgated, many more lawsuits are anticipated.

Finally, increased demand for and limited supplies of water have spawned legislative initiatives and novel legal issues in the water rights area. In its representation of TCEQ, NRD is experiencing an increase in workload with new challenges to TCEQ's regulatory scheme and new statutes to apply as this area of law evolves.

The **Taxation Division** defends tax cases for the State Comptroller and conducts employment litigation for the Texas Workforce Commission related to unemployment benefits and "payday" issues. The division's caseload has been relatively stable over the last few years, due primarily to a strong economy and the relative stability of the state's tax structure. A new business tax, however, may generate a substantial increase in caseload. Economic and population factors also affect the division's workload. Population growth tends to increase both tax and employment litigation, and a strong economy tends to reduce litigation in both areas. In economic downturns, the division would expect to see an increase in both tax and employment cases.

The **Tort Litigation Division** is a civil defense litigating division. It defends state agencies and state employees in civil suits and appeals involving personal injury, including medical malpractice, property damage, workers' compensation, libel, slander, and anti-retaliation. The Division also evaluates pre-litigation claims for potential settlement or defense of said claims and it provides advice to numerous state entities on tort related civil matters. Most of the suits defended by Tort Litigation are brought under the Texas Tort Claims Act (TTCA), the Medical Liability and Insurance Improvement Act and the Texas Labor Code.

As a result of some of the recent changes to various tort statutes, there may be an increase of tort actions defended by governmental entities. The increase is attributable to a statutory change to Chapter 101.106 of the Civil Practice and Remedies Code (TTCA) which effectively bars claimants from suing both a state employee and their state employer for the same matter. While the statutory amendments provide state employees with another layer of protection from suit, the amendments are also redirecting claimants to sue the governmental employer/entity for their claims.

The **Transportation Division's** primary client is the Texas Department of Transportation (TxDOT). Transportation represents TxDOT in all litigation matters, including eminent domain, employment, personal injury, property damage, and administrative matters. A number of factors are expected to affect the division's workload over the next several years, including new highway initiatives with faster delivery of new or improved roadways as well as new functions assigned to TxDOT. These new highway initiatives will require additional acquisition of right-of-way in shorter time periods.

The need for new transportation facilities to meet the mobility requirements for growth in the State exceeds the current public funding capacity to build new facilities. Toll roads are a means to meet these needs. Once a decision is made to build a project as a toll facility, the time within which such a project must be commenced and completed will be substantially accelerated due to the character of new financing required by toll roads, primarily bond financing. The consequence of the State's ability to meet the ever growing demand for transportation facilities by expanded sources of financing toll roads is the increased demand for the delivery of right of way on shorter and shorter schedules. Therefore, the Transportation Division has experienced and will continue to experience

an increasing demand for condemnation work which will have to be completed on an expedited basis in order to meet the accelerated schedules of projects involving private bond financing.

Acquisition of right-of-way for new projects involving some type of private involvement are underway. Acquisition of new right of way for State Highway 130 in central Texas is continuing, and acquisitions for the first segment of the Trans Texas Corridor (TTC-35) is expected within the next year. Additionally, through the persistent work of the attorneys in Transportation and coordination with TxDOT and its consultants, most of the new right-of-way has been acquired for the I-10/Katy Freeway expansion project through highly developed areas of Houston in a record amount of time. Acquisition of these parcels was completed on an accelerated basis in order to stay ahead of the contractor's work. Over 100 of these condemnation cases, mostly complex, high dollar commercial properties, are pending trial in Harris County.

The Transportation Division has established a record of meeting strict time deadlines for acquiring right-of-way while working with private contractors on the Central Texas Turnpike Project and the I-10/Katy Freeway Project. It is essential for the Transportation Division to meet all deadlines in order to avoid delaying the private contractors and to assure that the projects are completed and begin generating revenue to pay bond debt on schedule. Additionally, with an anticipated increase of the investment of private capital in transportation facility projects, TxDOT will come under growing pressure to complete more projects on shorter schedules, resulting in greater pressure for the Transportation Division to deliver right-of-way. Once the TTC-35 project comes on line as well as other planned projects across the State, there will be an increased demand for the Transportation Division to work with and stay ahead of private investors and contractors building the transportation facilities of the future.

With the advent of these new highway initiatives and primarily the introduction of more toll roads, the Transportation Division has defended TxDOT in many environmental lawsuits across the state threatening to shut down and indefinitely delay projects. These lawsuits are challenging the environmental review conducted by TxDOT before beginning a new project, and these challenges are expected to continue to attempt to delay future projects.

External factors affecting criminal investigation and prosecution. The OAG is involved in both investigation and prosecution of criminal offenses. Criminal investigators are generally assigned to the Office of Special Investigations, **Criminal Investigations Division (CID)**. Criminal prosecutions are handled by attorneys in the **Criminal Law Enforcement Division (CLE)**. OAG criminal appellate cases are handled by attorneys in the **Postconviction Litigation Division**.

One very important special unit within the criminal justice branch of the OAG, the **Cyber Crimes Unit**, is a team effort involving CID investigators and CLE prosecutors. General Abbott established the Cyber Crimes Unit in May 2003. The Unit pro-actively investigates online child predators who commit Internet sex crimes against children.

As of April 2006, the unit had arrested 138 child sexual predators and obtained 89 convictions. The arrests and convictions stem from solicitation of children and child pornography crimes committed on the Internet. In addition, the Cyber Crimes Unit has responded to nearly 2701 calls for service, executed 154 search warrants and obtained 113 indictments. The Cyber Crimes Unit has confiscated nearly 46,710 graphic images of sexually exploited children. In a partnership with the National

Center for Missing and Exploited Children, the Cyber Crimes Unit has obtained convictions against 61 men on child pornography charges.

General Abbott has also placed an emphasis on educating law enforcement agencies, various interest groups, school administrators, students and the public in regard to child exploitation crimes and cyber safety. The Attorney General approved the hiring of an investigator who is primarily responsible for training law enforcement personnel and teaching cyber safety awareness to school administrators, students and the public. Since September 2004, more than 100 presentations have been conducted to various groups, with several thousand attendees in the audience. Law enforcement officers have gained valuable investigative tools through this outreach, and educators and students have learned ways to keep themselves safer from child predators who roam the Internet.

Additionally, Cyber Crimes investigators have attended numerous training schools and conferences, which has expanded their ability to conduct child exploitation investigations. Cyber Crime investigators have received specialized training in protecting children online, investigating child exploitation and digital forensics. CID has developed a highly qualified, knowledgeable and experienced staff of investigators, who are able to share their capabilities with other law enforcement agencies throughout the State of Texas.

The Cyber Crimes Unit has also joined forces with the Dallas Police Department's Internet Crimes Against Children (DPD ICAC) Task Force, the National Center for Missing and Exploited Children (NCMEC) and the West Texas Cyber Crime Task Force (WTCCTF). Memorandums of Understanding have been signed by the Office of the Attorney General with each of the aforementioned groups. The Cyber Crimes Unit receives child exploitation investigative referrals from both DPD ICAC and NCMEC. In addition, the unit has conducted child exploitation investigations with the WTCCTF. The Cyber Crimes Unit's affiliation with these groups has provided an excellent network of investigators who specialize in child exploitation crimes. Cyber Crime investigators have also benefitted from training opportunities afforded by each of these groups.

During the 79th Legislative Session, the Texas Legislature passed HB 2228, which created a new Penal Code Section 33.021, Online Solicitation of a Minor. This new statute provides that a person who uses the Internet to communicate with children in a sexually explicit manner, distributes sexually explicit material, or solicits a child to meet for sex, commits an offense. As of April, 2006, this new statute had resulted in the arrest of six persons who otherwise most likely would not have been prosecuted for their illicit use of the Internet.

The **Criminal Investigations Division** investigates criminal activity in a number of areas in addition to cyber crimes. General Abbott established a **Fugitive Unit** with an original mission of locating and arresting Texas parole absconders who had in their criminal history a sex crime involving a child victim. Since August 2003, the Fugitive Unit, with the assistance of local, federal and international resources, has arrested 280 convicted sex offenders.

On June 1, 2005, General Abbott announced the commencement of "Operation Missing Predator." This statewide initiative is aimed at identifying, locating and arresting convicted sex offenders who have failed to comply with mandated sex offender registration requirements. Fugitive Unit investigators have combined their efforts with local law enforcement agencies across the state

and are actively pursuing sex offenders meeting the criteria. Since its inception, the unit has arrested 50 unregistered sex offenders. These fugitives have both child and adult victims related to their sex crime.

Another noteworthy effort was the "Louisiana Sex Offender Operation." Hurricane Katrina caused the evacuation of hundreds of convicted Louisiana sex offenders and violent offenders to numerous Texas cities. The Fugitive Unit worked with the Federal Emergency Management Agency (FEMA), the New Orleans Police Department and Texas law enforcement agencies in tracking down both sex offenders and violent offenders with outstanding warrants. Fugitive Unit investigators arrested 13 Louisiana evacuees with outstanding warrants. In addition, Fugitive Unit investigators traveled to numerous cities and located 12 Louisiana sex offenders who were not in compliance with Texas sex offender registration laws. Of those 12, 10 subsequently registered as Texas sex offenders as mandated by state law, and criminal charges were filed against the other two.

On June 1, 2005, General Abbott established a **Special Investigations Unit** to provide a rapid response to law enforcement challenges throughout the state of Texas. The type of case this unit handles varies greatly, and includes white collar crimes, criminal consumer fraud, identity theft, election code violations, voter fraud and public corruption.

In an effort to uphold the sanctity of our election process and curb criminal activities surrounding them, investigation of election code violations is a top priority of the Special Investigations Unit. These investigations may take several weeks or months to complete, as there are numerous documents to collect and analyze, and multiple witnesses to interview.

The Special Investigations Unit conducts sensitive investigations of public corruption with a focus on local and state government, to include allegations of violations to regulatory statutes, law enforcement corruption and contract, open meetings and open records law.

Identity theft is the fastest growing crime in the United States. For law enforcement, this crime has been extremely demanding on resources, mainly because of the volume of paperwork involved and jurisdictional boundaries. The Special Investigations Unit is uniquely suited to conduct these complex, multi-jurisdictional investigations.

The mission of the **Money Laundering Unit** is to disrupt and dismantle the complex money laundering schemes of criminal organizations. The transportation of bulk currency, either domestically or across borders, is still a preferred method to move large sums of cash from point of collection to money laundering sources in and outside the country. The Money Laundering Unit disseminates detailed financial dossiers utilizing the Financial Crimes Enforcement Network's (FinCEN) Gateway System. This system provides financial intelligence and investigative support products to Texas law enforcement agencies and prosecutor offices under the provisions of the Bank Secrecy Act (BSA) and U.S. Department of the Treasury regulations implementing the BSA. The financial information provided is vital to law enforcement efforts to combat terrorist financing and money laundering alike.

The **Computer Forensic Unit** utilizes state-of-the-art computer equipment and software to recover deleted files and partitions, locate and preserve digital contraband and evidence, defeat passwords and encryption, and locate hidden data. The Computer Forensics Unit has the ability to analyze both

desktop and laptop computers running Windows, Macintosh and Linux/Unix platforms, using live servers (on scene and remote), digital cameras, PDAs, electronic game devices and cell phones. The unit supports not only the OAG cyber crimes initiative, but all elements of the Criminal Investigations Division, as well as other OAG divisions and external law enforcement agencies.

Over the last two years, the Computer Forensics Unit has made extensive progress in the development and implementation of digital and computer forensic analysis and recovery capabilities. The forensic team includes five highly trained investigators with a diverse background in both stand-alone computer and network forensics. Members of the team regularly interact and attend meetings with the FBI North Texas Regional Computer Forensic Lab and both the Houston and Dallas United States Secret Service HITEC Task Forces.

The Criminal Investigations Division (CID) is a participant in the FBI-Austin Joint Terrorism Task Force. The task force is a multi-agency response team that is responsible for the investigation of criminal conduct relating to international or domestic terrorism. CID leverages its expertise in money laundering investigations to add valuable resources to combat illicit terrorism-based funding. Detailed strategic data analysis of suspects and illicit assets is conducted to direct further investigative development in determining connections, if any, between individuals or terrorist groups.

The criminal analysts in CID provide technical and tactical real-time analytical support for investigative staff within the division. Crime analysts access complex law enforcement databases and public data information to aid in the identification of suspects, victims and witnesses. Inquiries are conducted on driver license, criminal history, sex offender, vehicle registration, employment, and business databases. Liaison is maintained with applicable local, state and federal law enforcement agencies in order to request and share information.

The **Criminal Law Enforcement (CLE) Division** prosecutes complex criminal cases referred from county or district attorneys when the local prosecutor has a conflict of interest or when specialized prosecution services are needed, as well as cases referred from the Criminal Investigations Division. The majority of the cases prosecuted by attorneys in the Criminal Law Enforcement Division result in convictions with high levels of punishment assessed against those found guilty. Surveys of the past eight years from county and district attorneys across the State have indicated that local prosecutors need and highly value the Attorney General's assistance with criminal prosecutions.

Texas law generally gives local prosecutors exclusive jurisdiction in criminal cases. However, the Attorney General has been given unique specific authority to assist local prosecutors in a variety of high tech prosecutions. It is worth noting that in a majority of the online child predator and child pornography cases handled by Cyber Crimes Unit investigators, the local district attorney appoints a CLE prosecutor as a special assistant district attorney to handle the prosecution. Cyber Crimes Unit prosecutors are also designated Special Assistant United States Attorneys in several districts in Texas. This provides direct access to the federal court system for Cyber Crimes Unit cases.

For the period May 1, 2003 through March 31, 2006, CLE had 104 indictments for cyber crime cases. Of those indictments, 82 cases have been disposed and 81 convictions have resulted. In one case, the cyber crime charge was dropped because CLE attorneys were able to get a longer sentence

on a sexual assault charge. Of the 81 cases that have either pled or gone to trial, CLE has a 100% conviction rate.

CLE attorneys in the **Major Crimes Unit** handle cases such as capital murder, murder, sexual assault of adults or children and white collar crime. The lawyers in this section most often assist prosecutors in rural parts of the State, where the local prosecutor may not have the staff or experience to prepare a complex criminal case for trial. The **Public Integrity Unit** handles cases that involve Open Meetings and Public Information Act violations, as well as public corruption and prosecution of criminal violations of the Election Code.

Referrals of Election Code violations are received from the Secretary of State or elected prosecutors, and are reviewed and developed by investigators in CID, then sent to CLE for prosecution of the case. These referrals occur throughout the year, but increase dramatically during the years when State-wide elections are held. The OAG has concurrent jurisdiction with District and County Attorneys to prosecute criminal Election Code violations.

Attorneys in the **Nuisance Abatement Unit** focus on shutting down properties involved in prostitution, drug use, violations of alcoholic beverage laws, or other criminal activity. These attorneys also prosecute asset forfeitures and seizures.

Pursuant to Art. 49.18 of the Code of Criminal Procedure, the Attorney General receives a full investigative report on the death of any person in the custody of a law enforcement agency, jail, or other penal institution. The Texas Department of Criminal Justice is now required to submit reports on certain custodial deaths that occur within its facilities. Continued growth in the prison population also results in more custodial deaths. Both of these factors have increased the number of reports that come to the division. The CLE Division serves as the repository for custodial death reports filed by entities throughout the state.

An additional function of the CLE Division is in response to mandates in Article 61.11 of the Code of Criminal Procedure. The **Juvenile Crime Intervention (JCI) Unit** maintains the Gang Resource System (GRS), a website of gang intelligence that is accessible only to criminal and juvenile justice agency personnel. Currently, the GRS is providing information on the activities of thousands of criminal street gangs and prison gangs to more than 3700 active users (representing personnel in criminal and juvenile justice agencies in more than 540 cities in 41 states and more than 950 local, state and federal agencies). The Office of the Attorney General is the only agency in the state mandated to collect information on gangs.

The JCI Unit serves as a clearinghouse of information related to youth crime and its prevention, providing resources for juveniles, parents, educators and law enforcement agencies, including juvenile-law and gang awareness training as well as juvenile-related printed materials. JCI Unit staff travel extensively all over Texas, conducting on-site training for law enforcement, school officials, prosecutors, parent-teacher associations, and others with an interest in juvenile crime intervention and prevention. One of the frequently requested training programs is the crime prevention curriculum called *Consequences*, which is designed to help students understand the consequences of negative behavior and poor decision-making. This legal-based program examines the juvenile justice process in Texas and focuses on the offenses most commonly committed by juveniles. It has been adopted by a variety of programs that serve Texas youth grades 6-12. Since the inception of the

Consequences curriculum in January 2001, more than 13,000 *Consequences* kits have been distributed to school districts, probation departments, faith-based organizations and other juvenile service providers.

As the need for specialized investigations and prosecutions increases, so does the work of the Criminal Investigations and Criminal Law Enforcement Divisions. The number of cases in the Cyber Crimes Unit has grown explosively in the last few years, and this trend is expected to continue.

The work of the Juvenile Crime Intervention Unit could be affected by a lack of permanent funding. The work of the JCI unit is currently funded through grants.

The **Postconviction Litigation Division** defends state felony convictions against constitutional challenge and handles, in federal court, challenges by death-sentenced inmates to the validity of their convictions and sentences. The division's attorneys, representing the Director of the Institutional Division of the Department of Criminal Justice (the inmate's custodian), review the record from the state trial to support their arguments that the defendant received all constitutional protections that were due. Capital litigation attorneys handle petitions for certiorari review on direct appeal from the Texas Court of Criminal Appeals and federal habeas challenges from the federal district court through the U. S. Supreme Court.

The division currently is handling a record number of appeals by condemned inmates due to the ever swelling population of Texas' death row. Division attorneys continue to litigate recent state and federal legislative changes affecting capital *habeas corpus* procedure, including the passage of the Antiterrorism and Effective Death Penalty Act of 1996 (amending the federal *habeas corpus* statute), Article 11.071 of the Texas Code of Criminal Procedure (revising state *habeas corpus* process), and Article 64.01 of the Texas Code of Criminal Procedure (providing for post-conviction DNA testing in certain circumstances). And recent judicial decisions - such as the opinions of the U.S. Supreme Court in *Atkins v. Virginia*, 536 U.S. 304, 122 S. Ct. 2242 (2002), and *Penry v. Johnson*, 532 U.S. 782, 121 S. Ct. 1910 (2001) - have resulted in increasingly complex litigation in these cases. Due to these recent legislative and judicial developments, as well as other factors, the division anticipates an increase in both the number and complexity of federal court appeals filed by death row inmates.

In addition, penalties for many offenses have been increased. As a result, the division's Habeas Corpus Section has seen a significant increase in constitutional challenges to state felony convictions, revocations of parole, and prison disciplinary proceedings.

External factors affecting general counsel divisions. The Office of the Attorney General issues written decisions related to access to government information under the Public Information Act, Chapter 552 of the Government Code. This statute requires the Attorney General to issue rulings in response to requests. As knowledge has spread of the public's right to government information through the outreach efforts of the OAG and others, the workload of the agency's **Open Records Division** has dramatically increased. While the agency issued only 2,535 rulings in 1996, the number increased to 6,149 in 2001, and hit an all-time high of 11,565 in 2005. The volume of calls on the agency's toll-free open government hotline has continued to increase as awareness of open government has increased. This hotline provides general information about open records and open meetings requirements, and facilitates resolution of open records disputes between governmental bodies and members of the public.

Under a recent addition to the statute, elected and appointed public officials are required to receive training in Texas open government laws. This law requires the OAG to ensure that the training is made available by both providing such training and by approving any acceptable course of training offered by a governmental body or other entity.

Despite recent changes and additions to the statute, the mounting volume of requests, and the increased volume of hotline calls, the OAG's response time for ruling requests has decreased. Approximately half of all requests for rulings are currently being completed within one month. Several years ago, only one request in twenty was completed within that time.

The Attorney General has a duty as old as the Texas Constitution to provide written legal advice to certain state and local officials, agencies of the state, and universities. This duty is amplified in chapter 402 of the Government Code which establishes a 180-day processing period for the research and issuance of written legal opinions on a wide variety of topics. The questions submitted and legal opinions issued affect business, industry, the professions, and rights, duties and responsibilities of officials. A published opinion is regarded in the legal community as a correct statement of the law until there is a change in the law or a court or subsequent Attorney General Opinion overrules it.

From May 1, 2005 through April 30, 2006, the **Opinion Committee** received 143 opinion requests from authorized requestors. In addition to preparing and reviewing legal opinions, Opinion Committee attorneys also review and analyze legislative proposals, participate in agency-wide task forces at the request of the legislature, and provide training at the ever-expanding annual Open Government Conference and the Texas Constitutional Law Conference.

Opinion Committee attorneys also review and update several legal publications that are provided to the public on topics ranging from the Open Meetings Act to economic development legal issues to duties and responsibilities of local and state officials. After the Seventy-ninth legislative session, and the enactment of Senate Bill 286, the Opinion Committee attorneys have been responsible for creating an Open Meetings Act training video, providing live training to public officials on the Open Meetings Act, and reviewing third-party submissions of Open Meetings Act training materials.

Attorneys in the **Public Finance Division** review and approve all bonds and similar obligations ("public securities") issued by state agencies, cities, counties, school districts, municipal utility districts, hospital districts, institutions of higher education and all other governmental entities or instrumentalities of the state, plus certain non-profit corporations created to act on behalf of some of these political subdivisions. The division received for approval 1618 public securities, with a dollar value of \$43,067,689,510.75, during fiscal year 2005 and 731 public securities, with a dollar value of \$16,906,396,378.51, during the first seven months of the 2006 fiscal year.

CHILD SUPPORT SERVICES

Functional description. In 1975, the U.S. Congress created a nationwide child support enforcement program under Title IV, Part D, of the federal Social Security Act. Commonly referred to as the "IV-D" program, it was created to assist in the collection of child support obligations to control welfare costs. Collections obtained from the non-custodial parent of a family that had

received cash assistance were used to repay the state and federal governments for benefits received. While the federal government's role in program design, monitoring, funding, and evaluation is ongoing, the states are primarily responsible for administering the child support enforcement program.

In 1983, the Texas Legislature assigned responsibility to the Attorney General for the administration of the program. The duties required of the Child Support Division (CSD) are specified in Chapter 231 of the Texas Family Code and require the division to collect and disburse child support payments, establish, enforce, and modify child support orders, locate absent parents, and establish paternity for children born out of wedlock.

Since 1983, child support collections have increased from \$18 million a year to more than \$1.8 billion in FY2005. During that same period, collections per Full Time Employee (FTE) increased from \$60,000 to \$670,000, far above the national average of \$380,000. The OAG continually strives to improve its performance, enhance operations, and better serve customers.

In 1988, the federal government required states to create an automated case management system to meet specific federal criteria. In Texas, this requirement was fulfilled with the implementation of the Texas Child Support Enforcement System (TXCSES). TXCSES is a complex automated system that handles vital case processing functions related to:

- case assessment
- paternity establishment
- child support order establishment and enforcement
- parent locating
- child support payment processing

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) made significant changes to child support programs by establishing a new federal incentive system and requiring new systems and enhancements such as a state-wide case registry, an automated state and national Directory of New Hires, and the Financial Institution Data Match program.

Other enhancements include operation of a centralized unit for the collection and disbursement of payments and expansion of administrative remedies for establishment and enforcement. The State Disbursement Unit processes all IV-D child support payments and payments in certain non IV-D cases and has improved the accuracy of child support records and the speed in processing payments.

Automated Income Withholding (AIW) has been CSD's most effective enforcement tool. The AIW program allows the matching of state child support case files against a directory of new hires to facilitate income withholding by employers. In addition, administrative subpoenas may be issued to obtain information from employers or others in order to carry out child support enforcement duties. The CSD automated its computer system to issue AIW orders directly to employers. This process now accounts for more than 70 percent of collections.

The CSD is currently implementing an initiative to provide courthouses statewide with wireless capability for "real-time" access to child support case information. By allowing attorneys and child support staff immediate access to child support information while in court, significant time and costs

can be saved, and families will receive better service with fewer delays. To date, 25 counties have service and approximately eight more are scheduled for FY 2006.

The heart of the child support program is embodied in more than 2,100 field staff who directly serve child support customers. It is here that CSD has the most contact with Texas children and families and the greatest impact upon child support collections. The number of field offices has increased to serve a growing workload of customers. For example, in 1981, 30 field offices maintained a caseload of approximately 320,000, and by the end of FY 2005, 68 field offices support a caseload of more than 900,000.

The Child Support Review Process (CSRP) is an administrative proceeding designed to allow parties to negotiate their cases without going before the court. The CSRP reduces delays caused by hearing schedules, eases overburdened dockets, and facilitates discussions between parents in a non-adversarial environment.

In 2004, the Office of Family Initiatives (OFI) was created to support and build upon the OAG commitment to Texas families and children. OFI implements innovative policies and initiatives that encourage and support healthy marriage, family formation, and responsible fatherhood/parenthood. OFI works through grant-based projects designed to maximize benefits to children and families and to decrease long-term costs to government.

Ensuring adequate medical care for children is an important component of child support. In FY2004, CSD disbursed \$11 million to custodial parents pursuant to medical support orders and obtained third party medical insurance coverage for over 69,000 children. In addition, \$440 million in Medicaid costs were avoided due to the enforcement of financial and medical support for children. To further support this important initiative, the Office of Medical Support Initiatives (OMSI) was recently created.

The OMSI will highlight and focus attention on issues and policies that foster medical and dental support for children. Initiatives will emphasize working with partners, including: the court system to ensure appropriate court orders for access to medical care; sister agencies HHS and HHSC as the federal and state providers of medical insurance for children; and state and federal legislators to obtain necessary tools to further these objectives. Together the CSD, OFI, and the OMSI constitute the Division for Families and Children (DFC).

During the 23 years since it first took responsibility for the collection and disbursement of child support payments for Texas children and families, the OAG has managed change and responded proactively and vigorously to new opportunities. The Texas Child Support Enforcement program is now known as one of the best programs in the nation. Texas is ranked second in the nation for its collections, which exceeded \$1.8 billion in FY2005. In FY2004, Texas earned the second highest federal performance incentives award in the nation, and a comparable result is expected in FY2005. To continue this record of excellence, the OAG is committed to providing exceptional service to all customers, achieving or exceeding operational and state performance goals, and initiating innovative projects to support OAG goals for Texas families and children.

Customer service delivery. The vision of the Division of Families and Children (DFC) is to provide outstanding customer service to Texas families and children. The DFC enforces financial

and medical support for children, encourages the involvement of both parents, and works to build healthy families. It sets high standards for customer service and strives to provide its customers with convenient, accurate, and timely access to information about their cases. Customers can access information from the division's award winning interactive website and voice response system at any time of the day or night.

The main website of the Attorney General (www.oag.state.tx.us) provides general information about the child support program and procedures for applying for services. Those with child support cases can obtain specific case information from a secure section of the site called Child Support Interactive. During FY2005, the website received 13 million visits, an increase of 10 million from FY2002. A recent Child Support Interactive update created a mechanism to record positive comments from customers. More than 300 notes of thanks and appreciation were received in the first month.

With one phone call, parents who pay or receive child support can obtain a record of recent payments, dates and locations of pending court hearings, dates of service on current legal actions, availability of genetic test results, and amounts owed for current and past-due child support. More than 24 million calls were handled in FY2005 on this 24-hour toll-free automated voice response system.

Child Support callers may speak directly to a customer service representative by dialing one of eight Regional Customer Service Centers for assistance. A monitoring system is in place to ensure quality customer service, identify training needs, and mitigate disputes. In FY2005, more than four million calls were answered at these regional call centers.

In addition, in FY2005, the DFC Public Official Inquiry section responded to 11,000 public official inquiries from such stakeholders as state legislators and government officials, congressional leaders, and federal oversight agency staff. Staff also responded to 98,000 customer email inquiries and more than 8,000 customer letters.

The Division of Families and Children (DFC) serves all geographic areas of Texas. To ensure the delivery of effective child support services in every geographic region, the division maintains offices in 68 locations. These offices are divided into 8 geographic regions and serve all 254 counties. In addition, eight regional call centers respond to telephone inquiries; these Customer Service Centers are located in Lubbock, San Antonio, McAllen, Arlington, Tyler, Houston, Austin, and El Paso.

The Texas Government Code, Section 2056.002 (b)(8), requires the identification of geographic regions that are served, including the Texas-Mexico and the Texas-Louisiana border regions.

- The Texas-Mexico border region encompasses 43 South Texas counties. These counties are served by the southern part of Region 1, which serves 86 counties in the Panhandle and Southern Plains area. Also serving the border region are the following: Region 2, serving 24 counties in the San Antonio area; Region 3, serving 13 Rio Grande Valley counties; and Region 8, serving 21 West Texas counties.

- The Texas-Louisiana border region encompasses 18 Northeast Texas counties. These counties are served by the northern part of Region 5, which serves 43 counties in east Texas.
- Additional geographic regions include: Region 4, serving 16 counties in the Dallas/Fort Worth area; Region 6, serving 9 counties in the Houston area; and Region 7, serving 42 counties in central Texas.

External factors affecting child support. Since 1983, when the OAG first took responsibility for the child support enforcement program, the child support division has worked diligently to create a program of excellence providing outstanding customer service, record-breaking collections, and cost-effective operations. In spite of its many strengths, including highly trained and knowledgeable staff, a strong customer service philosophy, and committed leadership, the Division for Families and Children (DFC) faces a number of challenges through the end of the decade. The DFC has identified those challenges and is initiating or implementing projects in response. Within these challenges lie great opportunities to test its innovative and resolute spirit, to evoke creative proposals, and ultimately, to better serve the children and families of Texas.

The following pages provide both a review of external factors affecting the division, and as appropriate, a description of activities underway to address obstacles. External challenges include a number of issues, such as funding limitations, changing caseload characteristics, and the need to build effective relationships with external partners. However, the greatest challenge facing the program at this time is reduced funding due to federal funding reductions and decreases in retained collections.

The Child Support Division (CSD) has three major sources of funding: (1) federal matching funds that reimburse the state for 66 percent of allowable state expenditures on child support activities; (2) federal incentive payments made to the State based on performance; and (3) funds retained by the State from assigned child support collections paid on behalf of Temporary Aid to Needy Families (TANF) and former TANF families. **All three sources of funding are threatened during the period covered by this strategic plan.**

In February 2006, Congress addressed budget shortages with the passage of the Deficit Reduction Act (DRA). The DRA dramatically reduces funding to child support enforcement programs nationwide; however, its effect is most pronounced on high-performing states like Texas. Beginning in FY2008, states are prohibited from using performance incentive payments to draw down federal matching funds. This prohibition is estimated to cause a shortfall in the CSD budget of approximately \$70 million per year. Such a shortfall would cause reductions in staff with resulting reductions in child support collections.

The CSD is providing state leaders with information on the impact the DRA will have on Texas families and urging restoration through general revenue funds to enable the continuation of vital services to families.

Federal performance incentives are a significant source of program funding. Federal incentives are based on states' performance on five federal measures, which are:

- Percent of births out of wedlock with paternity established or acknowledged
- Percent of IV-D cases with support orders
- Percent of current support due that is collected
- Percent of cases with arrears that pay any amount toward arrears
- Cost effectiveness

The CSD works hard to gain incentive funding, ranking second in the nation, earning incentive payments of \$34 million in FY2004. Although the Texas program enjoys a history of strong performance and steady collections growth, federal incentive payments are expected to level out in the next several years. States compete for a capped pool of incentives that will experience severely limited growth in the future.

As a result of the success of welfare reform, TANF caseloads continue to decline. In 1994, the IV-D caseload was evenly divided between TANF and non-TANF cases, and by FY2005, TANF cases had decreased to only 9% of the caseload. The Texas child support program relies on TANF collections as a source of program funding because a portion is retained by CSD to maintain the program. While these "retained collections" constitute only a fraction of the TANF collections that are sent to families, they are instrumental in allowing the CSD to provide services to Texas families and to achieve collections of \$2 billion a year. TANF caseload forecasts indicate a continued decline in cases through the next biennium, and this trend is expected to significantly erode division retained collections.

Changes in caseload characteristics have resulted in profound changes in the way the CSD performs child support enforcement. The CSD caseload is changing rapidly from an establishment to an enforcement caseload because of legislative changes and subsequent CSD activities. Legislation enacted in 1999 streamlined the Acknowledgment of Paternity (AOP) process by allowing a form signed by both parents to be equivalent to a judicial determination of paternity. This new process provided significant time and cost savings to families and the state.

The CSD has focused intensely on establishment activities since 1999, dramatically increasing the percentage of the caseload with orders for support. As a result, more than 80% of cases now require enforcement to ensure that child support is paid. This heightened demand for enforcement services requires considerable staff time and effort to respond to additional procedural requirements, more complex legal issues, and more recalcitrant parties. The CSD is addressing needs by increasing staff training on enforcement skills, identifying successful techniques, and distributing "best practices" statewide.

The CSD has requested modifications to its performance measures to serve the changing needs of the IV-D caseload, to reflect legislative changes, and to focus attention on measures that generate more federal dollars for Texas families. Requested changes included moving two key output measures to non-key and two non-key outcome measures to key. This switch in measures would align state performance measures with federal incentive measures that reap federal funding and would better reflect the changing nature of the child support caseload.

During the 79th Legislative Session, the Legislature agreed to the elevation of the two non-key measures to key status. However, two measures remain unaligned. The CSD will seek approval

during the 80th Legislative Session to move "Number of children for whom paternity has been established" and "Number of child support obligations established" to non-key to align state and federal measures and to focus efforts on measures that can increase federal incentive funding.

Changes in demographic and economic factors are expected to affect caseload volume, types of cases, and the ability of non-custodial parents to pay child support. Projections by the Texas Comptroller of Public Accounts indicate significant population increases for the state, and the Texas State Data Center/Office of the State Demographer predicts shifts in the economic makeup of Texas. Conservative projections indicate increased poverty and enrollment in social service programs. Economic and demographic factors have a strong effect upon a non-custodial parent's ability to provide child and medical support. The combination of significant population growth and increasing poverty may lead to higher child support caseloads and increased difficulty of collecting child support for families.

To effectively accomplish its goals, CSD must maintain effective working relationships with external partners and stakeholders who assist in the provision of IV-D services. The CSD is focusing efforts on building and maintaining strategic partnerships with other key agencies and with the private sector. Such partnerships will enable CSD to leverage limited funds for the future. Key partners include, but are not limited to, federal officials, the Health and Human Services Commission, the Texas Workforce Commission, county leaders, members of the judiciary, local health providers, and community-based organizations. These relationships will become even more critical if financial pressures increase on CSD.

The OAG manages a number of contracts with private vendors and oversees several federal grants. Private vendors provide vital child support-related services through programs such as the State Disbursement Unit, the Financial Institution Data Match, Employer New Hire Reporting, and more than two hundred contracts for county services. Federal grants target the needs of families and children by encouraging and supporting several initiatives that support families. Contracts and federal grants will remain critical mechanisms to deliver services over the next five years. With so many critical programs and contracts at stake, it is imperative that the CSD maintain the staff expertise to effectively manage these projects. In addition, data consolidation initiatives and FTE caps may necessitate that the CSD move to more outsourced contracts and grants rather than providing these services itself.

The division's federal oversight agency, the Office of Child Support Enforcement (OCSE), has instituted new federal reporting requirements that provide for additional tracking and recordkeeping on medical support, medical coverage, and Medicaid eligibility. The OCSE allows a phased-in approach from 2006 to 2009; however, these requirements necessitate extensive programming and operational changes for the CSD. While the division wholeheartedly supports the provision of medical support for children, these changes are expected to be costly and time-consuming to effectuate.

Internal factors affecting DFC performance. The Division of Families and Children (DFC) benefits from an experienced, dedicated staff committed to providing excellent service to internal and external customers. The DFC has approximately 2700 FTEs, most of whom (80%) are employed in field operations. Field staff provide direct services on more than 900,000 child support cases, establishing paternity and court orders for child support payments and enforcing child support

and medical support orders. State Office FTEs comprise 20 percent of the DFC workforce and provide services such as technology system support, budget and fiscal management, strategic and operational planning, comprehensive training, tracking and submission of state and federally mandated reports, development of policies and initiatives, and contracts and grants development and management.

The DFC believes that planning is vital to running an organization that is effective at all levels. Focused planning efforts establish a cohesive statewide direction, align resources, leverage partnerships, improve accountability, and enable clear communication across the agency. DFC strategic planning captures the long-term vision, while business planning links daily operations and projects to that long-term vision. Program priorities have been clearly established: children, child support collections, excellent customer service, and cost effectiveness/efficiency. Planning builds the foundation that guides our vision to improve the lives of Texas families.

The Division of Families and Children (DFC) benefits from the strength of its staff and their commitment to the families and children of Texas. The division continually monitors staffing issues in order to preserve its greatest asset, DFC staff, and to address any obstacles to providing efficient and effective services. The following issues are expected to affect staff and infrastructure needs of the DFC.

Data from the Comptroller of Public Accounts and the forecasting firm, GlobalInsight, indicate that the state population continues to increase by 1.8 percent per year, double what is expected in the rest of the nation. The Texas State Data Center/Office of the State Demographer predicts that increased growth will concentrate along the Texas-Mexico border, the central corridor from Dallas-Fort Worth through San Antonio, and the Houston-Galveston area. Population increases indicate additional child support staffing needs, and concentrated growth areas indicate changes will be needed in field office locations. The DFC continually assesses field locations, reallocating staff and offices as appropriate to ensure that services are provided where they are most needed.

Regulations related to office space continue to affect field office configurations. The Texas Building and Procurement Commission (TBPC) adopted a standard regulating the percent of office to cubicle space in state agencies. Space requirements (80/20) provide for a ratio of 80 percent open, or cubicle, space to 20 percent office space in agency offices. This standard conflicts with needs established by the Child Support Review Process (CSRP) authorized under the Family Code, Chapter 233. The CSRP provides for parents to negotiate support orders with Child Support Officers in the field office rather than the courtroom, thereby providing benefits to the families and easing overburdened dockets. CSRP negotiations must provide reasonable standards of confidentiality that cubicle workstations cannot provide. The 80/20 requirement could result in reduced productivity and put the state at risk of losing millions in federal incentive payments.

During the last biennium, many seasoned veterans of the child support program retired, taking with them years of knowledge and skill. A significant percentage of DFC staff will be eligible to retire between 2006 and 2011, as well. Seventeen percent of DFC staff will be eligible for retirement during that period, including 27 percent of state office, 19 percent of information technology, and 15 percent of field office employees. DFC is faced with the challenge of ensuring the transfer of critical skills and knowledge from experienced employees to less seasoned staff. The DFC is responding to this challenge through the Mentoring and Management Program.

The Mentoring and Management Program has been in operation since FY 2005 and now has more than 400 participants. The program will ensure continuity of leadership, retain child support program knowledge, and build talent from within the DFC. This is accomplished through mentoring relationships between DFC employees, providing training and leadership development opportunities, and encouraging experienced DFC employees to participate as mentors.

Division staffing and operations will be affected by HB 1516, the data consolidation bill enacted by the 79th Legislature. HB 1516 requires agencies to consolidate various aspects of information technology operations to attain cost savings. While it is too early to know exactly what impact the bill will have, it is expected that downsizing among staff will occur and dependence on private contractors for data center operations will grow. The DFC will focus on ensuring that the selected vendor provides the best possible service and that an optimal and fair solution is reached for employees who will be impacted. Information Technology staff also may experience a shift in the nature of their work. As data consolidation efforts shift technology services to contractors, DFC staff will shift from providing the services toward managing these technical contracts.

FTE caps continue to operate as a limiting factor to operations. While 66% of the DFC's budget and up to 95% of some grants received by OFI are federally funded, division operations are limited by state FTE caps. FTE limitations challenge the division's ability to hire sufficient staff rather than rely heavily on contractor services.

CRIME VICTIM SERVICES

Functional description. In 1979, the Texas Legislature passed the Crime Victims' Compensation Act, which created the Compensation to Victims of Crime Fund and the Crime Victims' Compensation Program (CVC). The primary purpose of the Fund is to encourage greater victim participation in the apprehension and prosecution of criminals, and to reimburse victims for certain out-of-pocket expenses incurred as a result of the crime.

CVC was initially administered by the Texas Industrial Accident Board, later known as the Workers' Compensation Commission. The OAG performed the limited role of investigating claims. In 1991, the entire program and staff were moved to the OAG and the Crime Victims' Compensation Division was created.

In 1997, the Fund became a constitutionally dedicated account to be used only for the purpose of providing victim-related compensation or assistance. In addition, the Legislature amended the Texas Code of Criminal Procedure to authorize the OAG to use monies appropriated from the Compensation to Victims of Crime Fund for grants and contracts supporting victim related services or assistance. Compensation and other victim-related services and assistance were consolidated in the Crime Victim Services Division.

The goal of the Crime Victim Services Division is to provide services and information to crime victims in a caring, sensitive, and efficient manner. The primary clients are victims of violent crime. The division also serves victim service providers, criminal justice professionals, and health care providers. The division consists of four main programs: the Crime Victims' Compensation Program, the Grant and Contract Management Program, the Sexual Assault Prevention and Crisis Services

Program, and the Crime Victim Notification Program. In addition, the Victim Assistance Coordinator provides direct services to victims on cases being handled by the OAG.

The Crime Victims' Compensation Program provides reimbursement as a payer of last resort for out-of-pocket expenses to victims of violent crime and their families. The program can assist eligible applicants by providing reimbursement for many of the costs incurred as a result of violent crime, including reimbursement for medical services, counseling, funerals, and lost earnings.

The Grant and Contract Management Program administers the Victim Coordinator and Liaison Grants (VCLG), Other Victim Assistance Grants (OVAG), Sexual Assault Prevention and Crisis Services (SAPCS) contracts, and other contracts as authorized by the Texas Legislature.

The Sexual Assault Prevention and Crisis Services Program provides grant funding, technical assistance, and training to sexual assault programs throughout Texas. The program also trains and certifies sexual assault nurse examiners who provide forensic examinations of sexual assault victims and certifies sexual assault advocate training programs.

The Crime Victim Notification Program provides a statewide automated victim notification service (Texas VINE) to the victims of crime and local units of government in the State of Texas. The service allows victims, law enforcement, prosecutors, victim advocates, and other criminal justice professionals to have immediate access to offender information, including offender incarceration status and associated court dates.

Customer service delivery. Responding to victims of crime in a caring, sensitive, and efficient manner is the goal of the Crime Victim Services Division. Crime Victim Services uses a Remote User Access System to provide information to advocates, law enforcement agencies, and service providers, as well as a provider support hotline to allow more telephone availability for victim assistance. Crime Victim Services will continue to develop new capacities, such as interactive application processing and web-enabled systems, to enhance the quality of services.

The Crime Victim Services Division provides services across Texas as well. Compensation payments are made to eligible victims throughout the state and to eligible Texas residents who are victims of crime while outside the state. Grants and contracts are provided to victim service providers in every region of the state.

The division trains victim service professionals on victim issues and victim rights and conducts outreach statewide. To provide training and address constituent needs, the division also has three regional coordinators in Amarillo, El Paso, and Houston.

The Crime Victim Notification Program provides victims across the state with consistent and reliable access to information about the status of an offender's incarceration and associated court events. As of August 31, 2005, the system covered 87 percent of the state's population and 90 percent of the violent crime reported in Texas.

External factors affecting crime victim services. The Crime Victim Services Division's ability to deliver services is impacted by two major factors: demand and funding. Demand for services is influenced by a number of factors including: the number of violent crimes, population,

benefit changes, availability of other grants and donations, and awareness of OAG programs. Funding for compensation and victims assistance can vary from year to year but comes primarily from federal and state sources.

Federal funding for compensation programs is available from the Office for Victims of Crime (OVC) at the U.S. Department of Justice. Currently, the OVC provides a 60% federal match on state compensation dollars paid two years prior. However, the continuation of matching funds at 60% is dependent on balances in the federal Crime Victims Fund.

State dollars for the compensation program come from legislative appropriations from the Texas Compensation to Victims of Crime Fund (CVC Fund). The main revenue source for this fund is court costs imposed on convicted criminals and violators of municipal ordinances.

While some federal funds support Sexual Assault Prevention and Crisis Services, the majority of funding for the division's victim assistance grants comes from legislative appropriations from the state CVC Fund. These grants fund family violence shelters, rape crisis centers, mandated victim services positions in law enforcement and prosecutor offices, and other critical direct services.

Maintaining viable funding sources for compensation claims and for victim assistance grants is critical to meeting the needs of the target population and ensuring that quality victim services are available throughout Texas.

The Crime Victim Services Division must continually look at its business processes to ensure that its technology infrastructure is keeping pace with requests for services and information. There will be additional demands on the telecommunication system and the imaging/workflow system, and the division must develop an adequate grant management system to ensure the efficiency of the grant funding and monitoring process. Placing emphasis on interactive applications and Web-based information is crucial to keeping the constituents informed.

MEDICAID FRAUD CONTROL

Functional description. The Medicaid Fraud Control Unit (MFCU) was created in 1979 by federal mandate to investigate, and refer for prosecution, criminal fraud by Medicaid providers, physical abuse and criminal neglect of patients in health care facilities receiving Medicaid funding, and misappropriation of patients' private funds in these facilities.

In 1999, the OAG was granted legislative authority to employ commissioned peace officers. As commissioned peace officers, unit investigators are able to serve arrest warrants, search warrants, and subpoenas. Unit investigations are referred to state or federal prosecutors, but MFCU investigators and attorneys are available upon request to assist in prosecutions. In 2000, the unit began cross-designating OAG attorneys as a Special Assistant United States Attorney to prosecute MFCU cases in federal court.

The 78th Legislature authorized a large expansion of the Medicaid Fraud Control Unit. As a result, the unit has significantly increased its staffing and case load. In response to the unit's well managed expansion and increased productivity, the federal government has authorized grant funding to support a total of 215 employees for FY 2006. As of May 1, 2006, the unit had 197 staff on-board in Austin and in eight field offices across Texas. The unit has over 1,000 Medicaid entities and individuals under investigation and during the first eight months of FY 2006, the unit has identified more than \$35 million in Medicaid overpayments and has obtained 56 criminal convictions.

The Medicaid Fraud Control Unit is headquartered in Austin and has field offices in Corpus Christi, Dallas, El Paso, Houston, Lubbock, McAllen, San Antonio, and Tyler.

External factors affecting Medicaid fraud control. Texas is third in the nation in Medicaid expenditures. These expenditures in Texas continue to grow. Expenditures have increased 31% since Fiscal Year 2002 to a projected \$17 billion. At this time, there are 2.5 million Medicaid recipients in Texas served by 55,000 Medicaid providers. Those numbers will inevitably increase. The U.S. General Accountability Office has estimated that fraud within the Medicaid program is between 10% and 17%. The impact to Texas taxpayers of fraud in this program is very serious. The Attorney General's Medicaid Fraud Control Unit is the only state law enforcement agency dedicated to this problem. The unit also reviews, investigates and assists with the prosecution of complaints of physical abuse and criminal neglect of patients in health care facilities receiving payments under the State Medicaid Plan.

ADMINISTRATION

The Office of the Attorney General is currently authorized to employ a staff of 4,138.8. Approximately 2,700, or about two-thirds of the agency's employees, work for the Child Support Program. Nearly 660 of the agency's staff are attorneys, making the agency in effect one of the largest law firms in the state. In addition to its Austin offices, the Office of the Attorney General maintains 68 regional child support offices and eight child support regional customer service centers in other cities around the state, as well as seven regional offices for the Consumer Protection & Public Health Division and nine Medicaid Fraud offices.

The agency participated in the Survey of Organizational Excellence administered by the University of Texas-Austin. The survey covered employee views of the agency as a workplace, and reported generally very favorable results about the work environment, structure and management of the agency.

The agency receives federal dollars for its Legal Services, Child Support Enforcement, State Disbursement Unit, Crime Victim Compensation, Victims Assistance, and Medicaid Investigation Strategies. All of these strategies directly influence the statewide benchmark regarding Texas' overall ratio of federal dollars received to federal tax dollars paid.

The agency has consistently maintained an annual Historically Underutilized Business (HUB) participation of over 20%. The agency's overall HUB participation in recent years has been as follows:

- FY 2001 HUB Participation was 25.3%
- FY 2002 HUB Participation was 20.4%
- FY 2003 HUB Participation was 24.6%
- FY 2004 HUB Participation was 21.0%
- FY 2005 HUB Participation was 27.8%
- FY 2006 first six months the agency has a 25% HUB Participation rate.

The Office of the Attorney General will continue its good faith efforts to meet the following HUB category goals established by the Texas Building and Procurement Commission (TBPC):

Category	HUB Goal
Heavy Construction*	11.9%
Building Construction*	26.0%
Special Trade Construction	57.2%
Professional Services	20.0%
Other Services	33.0%
Commodity Purchasing	12.6%

*The Office of the Attorney General typically does not expend funds within these two categories.

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 V, Subtitle D]

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 [Section 412.0111, Labor Code]. **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 Gov't Code, Title 10, Subtitle D, Section 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 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 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

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 for Child Support
- ◆ Percent of all Current Child Support Amounts due that are Collected
- ◆ Percent of Title IV-D Cases with Arrears Due in which any Amount is Paid Toward 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 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
- ◆ Total Number of Children Served by Court-appointed Volunteers

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 Bills Reviewed
- ⇒ 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 Clients Determined to be Eligible
- ⇒ Number of Crime Victim Applications Received

Strategy: Victims' Assistance Grants.

Provide grants and contracts to support victim-related services or assistance in the state; provide training on the prevention, intervention, and crisis services for sexual assault victims; and provide certification of Sexual Assault Nurse Examiners and sexual assault volunteer training programs.

Output Measures:

- ⇒ Number of Entities/Organizations which receive a Grant or Contract for Victim Services or Assistance
- ⇒ Total Dollars Awarded to Victim Services or Assistance Programs
- ⇒ Number of Sexual Assault Training Participants
- ⇒ Number of Sexual Assault Outreach Recipients
- ⇒ Total Number of Court-Appointed Volunteers Advocating for Children
- ⇒ Total Number of Counties Served by CASA Programs

GOAL D. REFER MEDICAID CRIMES.

Objective:

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 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

Explanatory Measures:

- ⇒ Number of Convictions Obtained

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 statewide goal 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

APPENDICES

APPENDIX A: DESCRIPTION OF THE AGENCY'S PLANNING PROCESS

The strategic planning process at the Office of the Attorney General 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 level of executive management, the Attorney General and his deputies prioritize and direct the agency's reactions to broad influences that have impact on core activities. These influences may be internal or external, and may include such factors as trends in crime or litigation, changes in state and federal legislation, court decisions, demand for services among the agency's primary client groups, and the availability of human or capital resources. Executive policy is then implemented through communications between the deputies and their division chiefs. Executive policymaking activity is itself a continuous effort, involving both downward and upward internal communication.

Division chiefs and the supervisors under them are responsible for adapting day-to-day operations to reflect executive management policy, and they oversee the process of monitoring — periodically measuring and reporting — the agency's performance in their areas, using the performance measures established in the effective Strategic Plan. The Attorney General's strategic planning staff is not centralized in one division or section; instead, designated staff in the 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 make up the agency's many duties and responsibilities.

Within the first few months of the start of a new biennium, staff within administrative divisions begin the process of evaluating and revising the existing Strategic Plan. Staff from the Budget and Purchasing Division approach 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 and Planning to fine-tune the agency's and the Legislature's ability to monitor key activities and measure future performance.

Research staff from the Public Information and Assistance 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 and revised according to their comments before it is incorporated in the overall Strategic Plan.

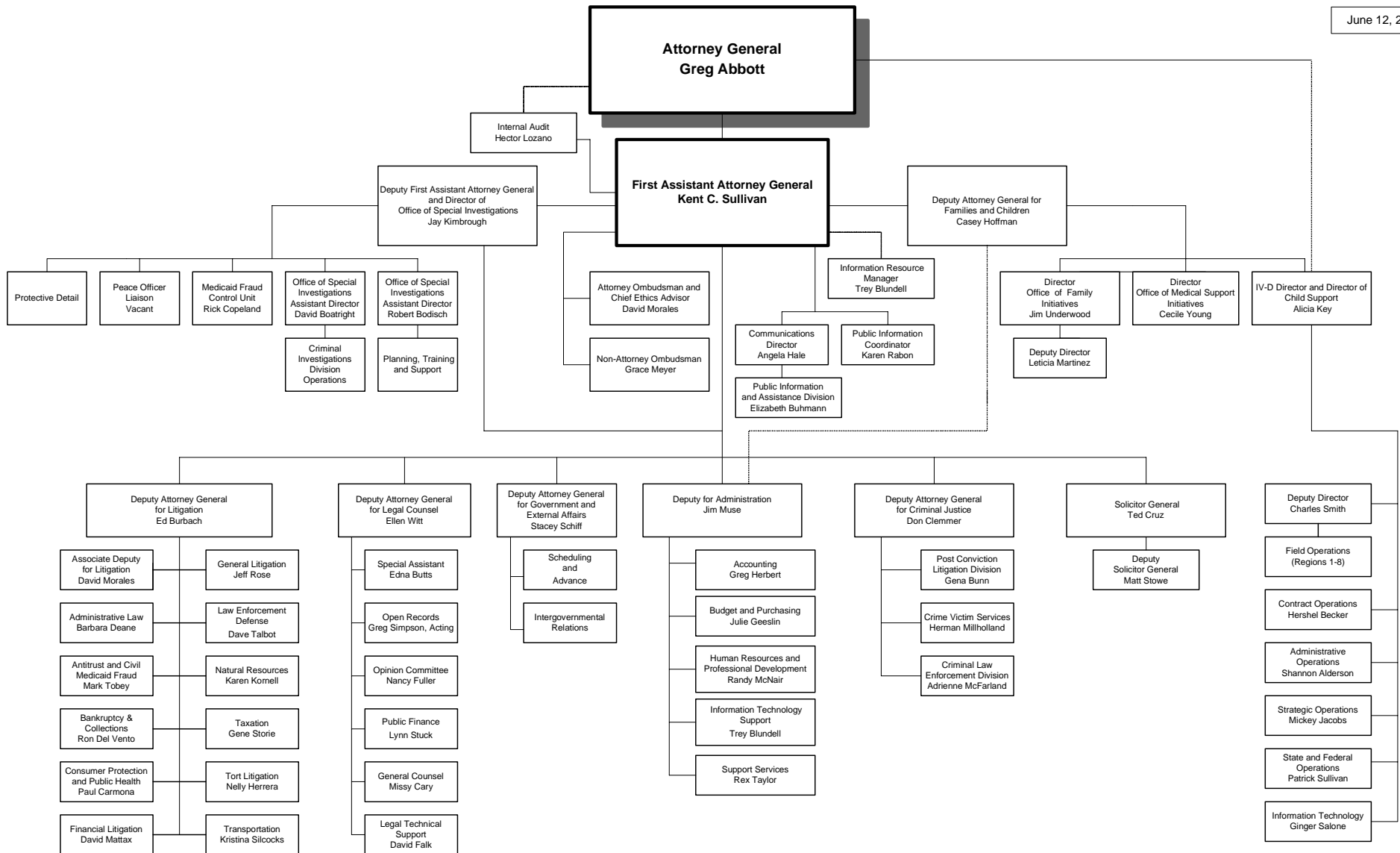
Research staff also begin the process of designing and implementing the customer satisfaction assessment for the biennium. Results are tabulated and submitted as a separate Customer Service Report. The Customer Service Report, along with more detailed data analysis and individual completed surveys, are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

Information Technology Support Division staff assess the agency's technical environment and consult both internal and external sources to draft an Information Resource Strategic Plan (IRSP). As with the overall strategic plan, staff in numerous divisions throughout the agency are called upon to review and make their contributions to the draft IRSP.

Within six months, the various members of the strategic planning team will have assembled 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 executive review and revision. Finalization of the plan may at times, and at various stages, involve repeated trips up and down the organization's structure to ensure that executive policy, the elements of the Strategic Plan, and day-to-day operations are all efficiently aligned and are all in compliance with the requirements of the statewide strategic planning process.

APPENDIX B: AGENCY ORGANIZATIONAL CHART

June 12, 2006



APPENDIX C: PROJECTIONS OF OUTCOME FOR THE FIVE-YEAR PLANNING HORIZON

Outcome	2007	2008	2009	2010	2011
Goal A. Provide Legal Services					
Delinquent State Revenue Collected	\$ 47,000,000	\$ 47,000,000	\$ 47,000,000	\$ 47,000,000	\$ 47,000,000
Ratio of Total Legal Services Caseload to Cases Closed/Settled	2.7:1	2.8:1	2.8:1	2.9:1	2.9:1
Goal B. Enforce Child Support Law					
Percent of Title IV-D Cases that have Court Orders for Child Support	82.0%	82.0%	83.0%	83.0%	84.0%
Percent of all Current Child Support Amounts Due That Are Collected	61.0%	61.0%	61.0%	62.0%	63.0%
Percent of Title IV-D Cases with Arrears Due in Which Any Amount is Paid Toward Arrears	65.0%	65.0%	65.0%	66.0%	66.0%
Percent of Paternity Establishments for Out-of-Wedlock Births	95.0%	95.0%	95.0%	95.0%	95.0%
Goal C. Crime Victims' Services					
Amount of Crime Victims' Compensation Awarded	\$ 88,637,582	\$ 90,330,787	\$ 95,198,756	\$ 100,367,251	\$ 105,862,889
Number of Crime Victims who Received an Award	26,251	26,228	27,099	28,010	28,964
Total Number of Children Served by Court-appointed Volunteers	22,512	24,087	25,533	26,809	28,150
Goal D. Refer Medicaid Crimes					
Amount of Medicaid Over-payments Identified	\$ 63,000,000	\$ 66,150,000	\$ 66,150,000	\$ 50,000,000	\$ 50,000,000
Goal E. Administrative Support for the 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	24.50%	25.50%	25.50%	25.50%	25.50%
Percent of the Total dollar value of agency procurements awarded to HUBs for Professional Services	40.00%	40.00%	40.00%	40.00%	40.00%
Percent of the total dollar value of agency procurements awarded to HUBs for Other Services	24.50%	25.50%	26.50%	26.75%	27.50%
Percent of the total dollar value of agency procurements awarded to HUBs for Commodities	40.00%	40.00%	40.00%	40.00%	40.00%

**Office of the Attorney General
FY 2008-2009 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: 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 2008-2009 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 2008-2009 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 Time Keeping system.

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

Calculation Type: Cumulative

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 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 Time Keeping 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 2008-2009 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.

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 of a subdivision, 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 Time Keeping system.

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

Calculation Type: Cumulative

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 timekeepers.

Calculation Type: Non-cumulative.

New Measure: No.

Desired Performance: Lower than target.

**Office of the Attorney General
FY 2008-2009 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 Time Keeping system.

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

Calculation Type: Non Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 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 Time Keeping system.

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

Calculation Type: Non Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 six 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 six regional offices; Dallas, El Paso, Houston, Lubbock, 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 2008-2009 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 or Section 552.301 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. 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 2008-20079 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: 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 for Child Support

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 2008-2009 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Outcome Measure: Percent of Title IV-D Cases with Arrears Due in which any Amount is Paid Toward 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 2008-2009 Performance Measure Definitions

Agency Name: Office of the Attorney General

Outcome Measure: Percent of Paternity Establishments for Out-of-Wedlock Births

Short Definition: Paternities established is a count of those children for whom paternity has been legally established through court action or the Acknowledgment of Paternity (AOP) process. Paternities established through the AOP process are those in which a Texas Department of State Health Services (DSHS) Acknowledgment of Paternity form has been signed and not rescinded. This measure counts BOWs (births out-of-wedlock) born during the state fiscal year and AOPs received at the DSHS Vital Statistics Unit (VSU) during the same time frame.

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: This information will be obtained from management reports generated from data available on TXCSES and electronic files received from the VSU.

Method of Calculation: The percentage is calculated as the unduplicated number of children with paternities established through court action or the AOP process divided by the number of births out-of-wedlock received.

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 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 and BOW 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 2008-2009 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 2008-2009 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

Short Definition: The number of children for whom paternity has been established. Paternity may be established either through court action or the Acknowledgment of Paternity (AOP) process. The measure will count the number of children that have had paternity established by either process. This measure is an unduplicated count of paternities established through the courts during the state fiscal year and AOPs received at the Vital Statistics Unit (VSU) during the same time frame.

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

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

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

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.

Any data entries or modifications made after the end of the quarter will be reported as an adjustment to prior quarter activities in subsequent reports.

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: Cumulative

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-20079 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. This measure will be determined using information from court orders for which obligations are established.

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 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 number of child support obligations established as provided by management reports generated from data available on TXCSES.

Data Limitations: Any data entries or modifications made after the end of the quarter will be reported as an adjustment to prior quarter activities in subsequent reports.

Calculation Type: Cumulative

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Output Measure: Number of Income Withholdings Initiated

Short Definition: The number of income withholdings initiated during the reporting period. Income (e.g. wage, bonus, pension, retirement) withholding is a deduction of child support from the non-custodial parent's income.

Purpose/Importance: This measure reflects agency efforts to 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 calculation for this measure is a cumulative count of the number of income withholdings initiated 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 2008-2009 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 2008-2009 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 2008-2009 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: Not applicable

**Office of the Attorney General
FY 2008-2009 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 2008-2009 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 2008-2009 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 2008-2009 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 2008-2009 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

GOAL 3: 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.

Method of Calculation: The calculation for this measure is a cumulative count of crime victims' compensation awarded

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 2008-2009 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 Mainframe 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 2008-2009 Performance Measure Definitions

Agency Name: Office of the Attorney General

Outcome Measure: Total Number of Children Served by Court-appointed Volunteers

Short Definition: The total number of children involved in cases in which CASA has been assigned. These children are either the subject of a suit affecting the parent-child relationship brought by a governmental entity, or who are 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 total number of children served on the first day of the fiscal year plus the number of additional children served each quarter. To report quarterly performance, the total number of children served on the first day of the quarter will be counted, plus the number of additional children served that quarter.

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.

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.

**Office of the Attorney General
FY 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

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 Mainframe 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Output Measure: Number of Bills Reviewed

Short Definition: The Number of bills reviewed by the Crime Victims' Compensation Program and the cost containment vendor resulting from expenditures incurred by a crime victim, including medical treatment, counseling, funeral, child care, travel, crime scene clean-up, and other expenses.

Purpose/Importance: Bills are reviewed to ensure accurate payment is made to providers, claimants, and victims. The measure indicates the output of indemnity awards and accounts payable.

Source/Collection of Data: Internal reports generated by the Crime Victims' Compensation Program.

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

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 reviewed. The number of bills reviewed 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.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 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 2008-2009 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: Yes

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 mainframe 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 Mainframe 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 2008-2009 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 Mainframe 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 2008-2009 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 Mainframe 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Crime Victim Clients Determined to be Eligible

Short Definition: The total number of crime victim applications reviewed with eligibility determinations made, less the number of applications determined to be statutorily ineligible.

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: The data for this measure comes from the Victims of Crime Compensation System Automated Mainframe Report. The system counts the total number of claims in which a determination has been made. The report also shows the number of claims "approved" or "denied". The measure is calculated by counting the number of claims in which the status is approved or eligible.

Method of Calculation: The calculation for this measure is a cumulative count of the number of crime victim clients determined to be eligible.

Data Limitations: This measure is dependent upon the number of applications received by the agency. There is a direct relationship between the number of applications received and the number of victims determined to be eligible.

Calculation Type: Non Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 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 Mainframe 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 Grants- Provide grants and contracts to support victim-related services or assistance in the state; provide training on the prevention, intervention, and crisis services for sexual assault victims; and provide certification of Sexual Assault Nurse Examiners and sexual assault volunteer training programs.

**Office of the Attorney General
FY 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

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

Short Definition: The number of entities or organizations 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, and contract documents/award letters compiled and maintained by the Office of the Attorney General (OAG).

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

Data Limitations: The number of entities or organizations 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 or organizations 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

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

Short Definition: The amount of money awarded by grants or contracts to victim service and assistance programs by the Office of the Attorney General. 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 Office of the Attorney General (OAG) for grants and/or contracts to support victim service and assistance programs in Texas.

Source/Collection of Data: Victim Assistance Report on Grants Awarded, and award letters and contracts 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 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 2008-2009 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: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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: None.

Calculation Type: Cumulative.

New Measure: Yes

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

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

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

Purpose/Importance: The greater the number of active court-appointed volunteers who serve these children who are in conservatorship of the Child Protective Services Division of the Texas Department of Family and Protective Services the less time a child spends 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. To report quarterly performance, the total number of volunteers on the first day of the quarter will be counted, plus the number of additional volunteers that became active in that 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Output 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 2008-2009 Performance Measure Definitions

Agency Name: Office of the Attorney General

GOAL 4: 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 2008-2009 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Output Measure: Number of Cases Referred for Prosecution

Short Definition: The number of investigations which have disclosed prosecutable offenses and which have been referred to an appropriate prosecuting authority with a recommendation for action.

Purpose/Importance: The MFCU is charged by federal statute to refer cases for prosecution. The MFCU is required to report the number 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 2008-2009 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 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Convictions Obtained

Short Definition: The number of investigations referred for prosecution that result in any judgment of conviction arising from a plea or verdict, including any action or judgment where the defendant submits himself to the jurisdiction, supervision, and order of a criminal court (except a dismissal), even though there is technically no judgment of conviction.

Purpose/Importance: This measure reflects the success of investigations accepted for prosecution. The MFCU is required to report the number of convictions obtained 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 convictions obtained.

Data Limitations: Requires cooperation and participation of local and federal prosecutors. 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.

Calculation Type: Non Cumulative

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

GOAL 5: 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 the statewide goal 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 TBPC 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, Texas Building and Procurement Commission and Comptroller's Office. 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 TBPC HUB category Special Trade Construction (under defined object codes, excluding TBPC term contract expenditures).

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

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 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 TBPC 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, Texas Building and Procurement Commission and Comptroller's Office. 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 TBPC HUB category Professional Services (under defined object codes, excluding TBPC term contract expenditures).

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

Calculation Type: Non-Cumulative

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 TBPC 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, Texas Building and Procurement Commission and Comptroller's Office. 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 TBPC HUB category Other Services (under defined object codes, excluding TBPC term contract expenditures).

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

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 TBPC 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, Texas Building and Procurement Commission and Comptroller's Office. 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 TBPC HUB category Commodity Purchasing (under defined object codes, excluding TBPC term contract expenditures).

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

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

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.

**Office of the Attorney General
FY 2008-2009 Performance Measure Definitions**

Agency Name: Office of the Attorney General

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: An agency is limited in their efforts by the number of qualified HUB's participating within a specific procurement category.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

**Office of the Attorney General
FY 2008-2009 Performance Measure Definitions**

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, Texas Building and Procurement Commission and Comptroller's Office. 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 HUB's participating within a specific procurement category.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 2008-2009 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 2008-2009 Performance Measure Definitions
(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Client Agencies) 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 2008-2009 Performance Measure Definitions
(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Output Measure: Number of Customers (Client Agencies) 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 2008-2009 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 2008-2009 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 2008-2009 Performance Measure Definitions
(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

Outcome Measure: Percentage of Surveyed Customer Respondents (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. 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

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 the survey.

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 2008-2009 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 were called during a telephone survey or 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 were called during a telephone survey or offered a written survey.

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 2008-2009 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 2008-2009 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 2008-2009 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) 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 2008-2009 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 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: 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 2008-2009 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 whom operators attempted to reach by telephone during a telephone survey on 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 were called during a telephone survey.

Data Limitations: None.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2008-2009 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 2008-2009 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 called during a telephone 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 called during a telephone survey.

Data Limitations: None.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Lower than target.

Office of the Attorney General
FY 2008-2009 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 2008-2009 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

The Office of The Attorney General Fiscal Year 2008-2009 Workforce Plan

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 nearly 2000 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 percent (818) of the OAG's authorized FTEs staff the Legal Services Strategy. Most of this staff is located in Austin; however, seven regional consumer protection offices are operated throughout Texas, located in Dallas, San Antonio, El Paso, Houston, Lubbock, McAllen and Austin.

The Texas Constitution also assigns responsibility to the Attorney General for the administration of Texas' federally mandated child support enforcement services program under Title IV-D of the Social Security Act and by Chapter 231 of the Texas Family Code through its Child Support Enforcement Strategy. This strategy represents the largest percentage of OAG employees, with approximately 66% (2,696) of the OAG's authorized FTEs. The OAG provides child support services across the State through 68 field offices and eight call centers.

The Attorney General is also assigned the responsibility for administering the Crime Victims' Compensation Program. Three percent (128) of the OAG's authorized FTEs provide services and assistance to victims of violent crimes and various organizations through the Crime Victims' Compensation and the Victims Assistance Strategies. This staff is located in Austin primarily, with some staff in Amarillo, El Paso and Houston.

The OAG's Medicaid Investigation Strategy is carried out by the State's Medicaid Fraud Control Unit mandated by federal regulation (42 C.F.R. 1007.11). With five percent (197) of the OAG's authorized FTEs, this strategy serves as a deterrent to criminal fraud and other criminal activity in the State Medicaid Program by conducting investigations of a wide variety of Medicaid providers throughout Texas that receive payments under the State Medicaid Plan. Investigations of Medicaid patient abuse and criminal neglect are also conducted. Many of these staff are located in Austin; however, eight regional offices are 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, support services, human resources and information technology support. Instead, like other statewide elected officials, 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.

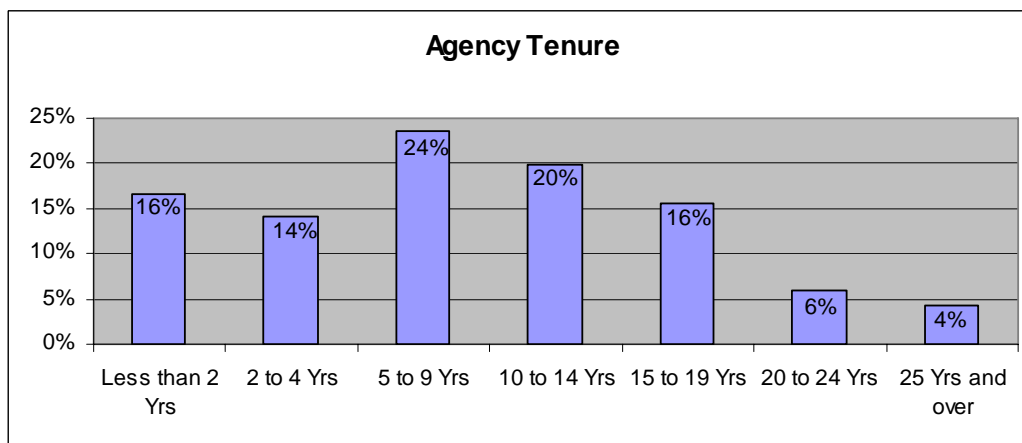
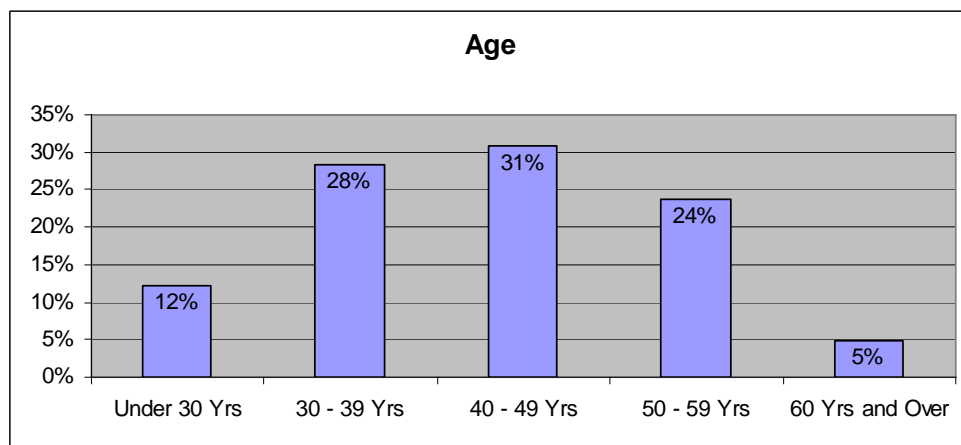
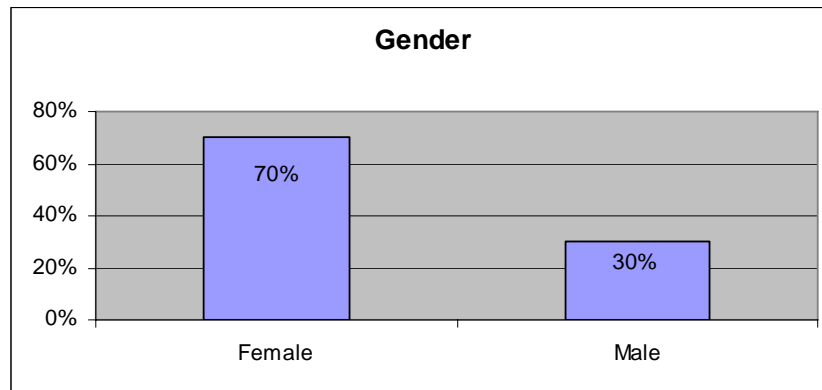
A. Goals and Objectives

Goal 1	<i>Provide Legal Services</i>
Objective	To provide skillful and high quality legal representation, counseling, and assistance for the State of Texas, its authorized entities and employees in the lawful performance of their duties. [Tex. Const. art. 4 §22]
Goal 2	<i>Enforce Child Support Law</i>
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 V, Subtitle D]
Goal 3	<i>Assist Crime Victims with Services</i>
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, Subchapter E and G]
Goal 4	<i>Refer Medicaid Crimes</i>
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	<i>Provide Administrative Support for SORM</i>
Objective	Provide administrative support for the State Office of Risk Management as it administers the state employees workers' compensation [Section 412.0111, Labor Code].
Goal 6	<i>Increase the Use of Historically Underutilized Businesses</i>
Objective	To carry out policies governing procurements that foster meaningful and substantive inclusion of historically underutilized businesses. [Texas Gov't Code, Title 10, Subtitle D, Section 2161.181]

B. Current Workforce Profile

Workforce Demographics

The following charts are profiles of the agency's workforce as of May 1, 2006. The charts include full-time and part-time employees. The OAG workforce consists of 30 percent male and 70 percent female. Sixty percent of our employees are over the age of 40. Thirty percent of the employees have less than five years of state service. Forty-four percent have between 5 to 14 years of state service.



The following table compares the percentage of African American, Hispanic and Female OAG employees (as of May 1, 2006) to the statewide civilian workforce as reported by the Civil Rights Division of the Texas Workforce Commission. In most categories, the agency's figures are higher than the statewide workforce statistics.

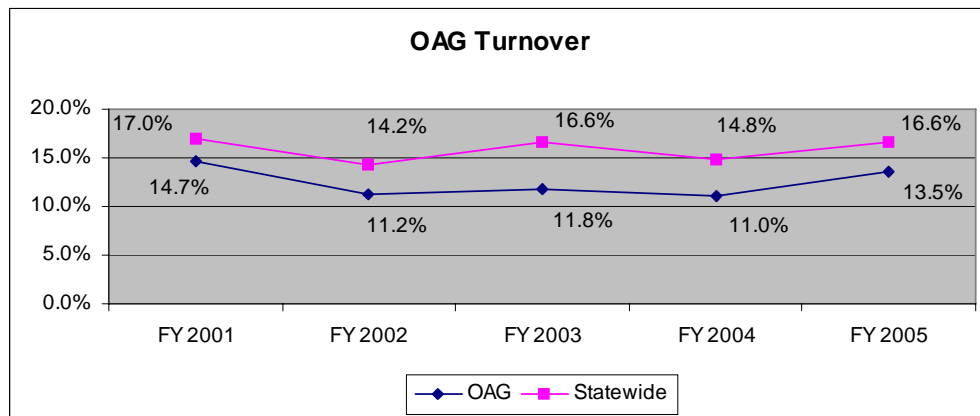
Job Category	African American		Hispanic		Female	
	OAG %	State %	OAG %	State %	OAG %	State %
Officials, Administration	9.0%	7.1%	18.0%	15.2%	36.0%	44.1%
Professional	7.0%	7.9%	20.0%	14.4%	53.0%	54.4%
Technical	12.0%	10.4%	25.0%	19.8%	45.0%	47.5%
Para-professional	22.0%	17.9%	39.0%	31.8%	85.0%	55.6%
Administrative Support	17.0%	9.9%	45.0%	23.2%	90.0%	61.5%
Skilled Craft	50.0%	4.7%	0.0%	34.1%	0.0%	7.0%
Service and Maintenance	29.0%	8.7%	29.0%	33.0%	0.0%	39.9%
Protective Services	21.0%	18.0%	14.0%	22.1%	29.0%	21.6%

The demographics of the OAG workforce are extremely representative of the Texas Labor Pool. There is only one job category which reflects legitimate under-representation. That category is the under-representation of Female as Officials/Administrators in the OAG. Two other categories with minimal under-representation are Female Professional and Female Technical. Female Technical is a category that has experienced significant improvement during the last biennium. On the other hand, Female Professional has decreased but not to a significant level. The under-representation of African-Americans in the Professional category is also considered minimal since it is less than one percent. There also has been improvement in this category during the last biennium.

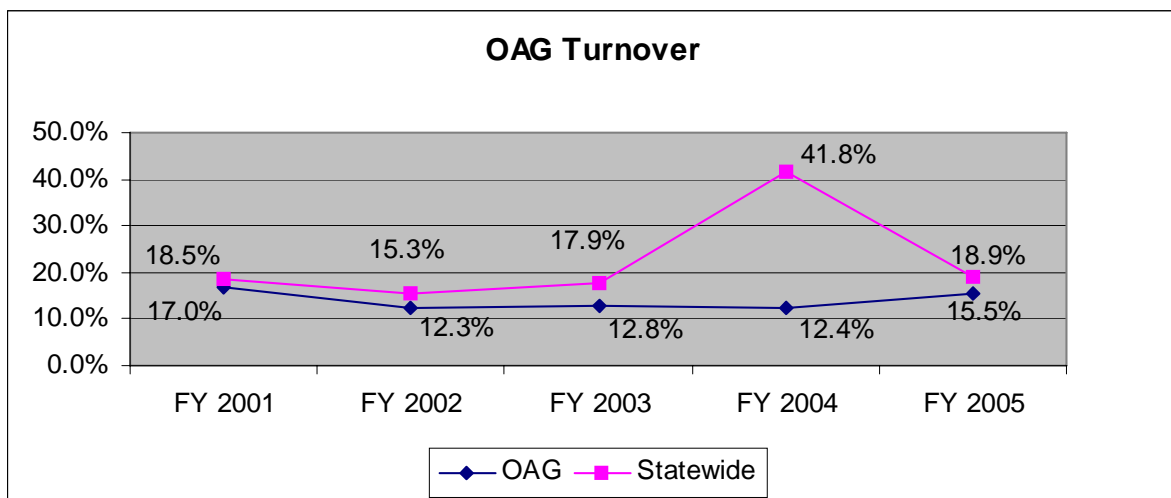
The office has only nine positions in the combined Skilled Craft and Service/Maintenance areas so these categories are not considered statistically significant. The presence of under-representation of Female in Protective Services is caused in large part by the small number of employees in that category and the amount of turnover it experiences within the OAG.

C. Employee Turnover

The turnover rate for the OAG as a whole is generally consistent with or below the turnover rate for state government. A comparison of the OAG turnover rate to state government for FY '01 through FY '05 is below.



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



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

While the turnover rate for attorneys in the Legal Services Strategy has been alarmingly high historically, the OAG received a special appropriation in the 79th Legislative Session to raise the minimum starting salaries for AAGs I-V in the Legal Services divisions. The new starting salaries are: AAG I - \$46,000; AAG II - \$51,000; AAG III - \$56,000; AAG IV - \$61,000; and AAG V - \$66,000. Through the use of equity adjustments, the new salary minimums were implemented for all AAGs I-V in the agency. The office will monitor the turnover rates during the next biennium to assess whether the new minimum salaries reduce turnover.

D. Potential Retirement Eligibility Impact

Analysis of the Office of the Attorney General (OAG) staff tenure and leave records indicates that 174 staff members or approximately 4 percent of the agency's workforce will become eligible to retire during Fiscal Year 2006, under the state's "Rule of Eighty" criteria.¹ As Table A on the following page indicates, the OAG's Legal Services Strategy has the highest percentage of potential exposure to staff loss due to retirements in FY2006, with approximately 60 or 6 percent of the employees in that strategy reaching retirement eligibility by the end of FY2006.

Between FY2006 and FY2011, approximately 17 percent or 711 of the OAG's staff is anticipated to become eligible for retirement under the "Rule of Eighty." With 19 percent of its employees becoming retirement eligible, the Legal Services Strategy is at the highest risk during this period.

Tables B and C on the following pages provide more detailed analyses of the potential effects that retiring employees could have on the agency's Legal Services & Child Support Enforcement strategies. Table B shows that, within the Legal Services Strategy area, 20 percent or more of the staff in the Legal Counsel, Litigation, and Executive Divisions are projected to become retirement eligible between FY2006 and FY2011. (Note: Medicaid Fraud Control and Crime Victims Services related divisions are excluded from Table B, since they are separate strategies.)

Table C shows that approximately 19 percent of the Child Support Enforcement Division's (CSD) Information Resources staff will become eligible to retire during FY2006 through FY2011. Approximately 27 percent of the remaining State Office CSD staff will attain retirement eligibility during the same period, compared with approximately 15 percent of the more than 2,100 Field Office CSD staff.

Table D illustrates the estimated number of agency staff in selected classified position series who will reach retirement eligibility during FY2006 through FY2011. Approximately 24 percent of the agency's managers and 34 percent of the agency's directors are anticipated to reach retirement eligibility during this period. Nineteen percent of the agency's Assistant Attorneys General are projected to reach retirement eligibility during this same period.

It should also be noted that the OAG already relies on a sizable number of rehired state retirees to conduct its mission critical work, with approximately 2.6 percent of its employees being state retiree rehires. Table E shows the number and percentage of rehired retirees employed by the agency according to strategy area as of December 31, 2005.

¹These estimates are based on the number of staff on the OAG's payroll as of December 31, 2005. 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 five years of service. These estimates also exclude any unpurchased prior state service time or purchases of optional service time. The 107 rehired state retirees in the OAG's employ as of the end of 2005 also are excluded from the annual estimates of retirement eligible staff. Rehired state retirees, however, are included in the total count of agency employees as of December 31, 2005.

TABLE A

Number of OAG Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Strategy Area	FY	FY	FY	FY	FY	FY	Total	Total Staff by Area ¹	% Eligible in FY2006	% Eligible Between FY2006 & FY2011
	06	07	08	09	10	11				
Child Support Strategy	106	47	42	74	79	110	458	2,701	4%	17%
Crime Victims Services	1	36	6	3	7	2	22	124	1%	18%
Legal Services ²	60	23	27	30	29	33	202	1,073	6%	19%
Medicaid Fraud Control	7	3	3	5	4	7	29	195	4%	15%
Agency Total	174	76	78	112	119	152	711	4,093	4%	17%

¹Count is of filled positions as of 12/31/05, includes rehired retirees, excludes vacant positions.

²Includes Executive Management and Administrative Division staff.

TABLE B

Number of Legal Services Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Functional Area	FY	FY	FY	FY	FY	FY	Total	Total Staff by Area ¹	% Eligible in FY2006	% Eligible Between FY2006 & FY2011
	06	07	08	09	10	11				
Administrative Divisions	10	5	6	4	8	5	38	228	4%	17%
Criminal Justice Divisions	2	1	2	1	1	6	13	163	1%	8%
Executive Management ²	2	0	0	3	3	1	9	30	7%	30%
Legal Counsel Divisions	8	3	2	1	3	1	18	90	9%	20%
Litigation Divisions	38	14	17	21	14	20	124	562	7%	22%
Agency Total	60	23	27	30	29	33	202	1,073	6%	19%

¹Count is of filled positions as of 12/31/05, includes rehired retirees, excludes vacant positions.

²Includes Internal Audit, Public Information Coordination, and Intergovernmental Relations Division staff.

TABLE C

Number of CSD Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Functional Area	FY	FY	FY	FY	FY	FY	Total	Total Staff by Area ¹	% Eligible in FY2006	% Eligible Between FY2006 & FY2011
	06	07	08	09	10	11				
Field Office Staff	67	34	24	52	63	80	320	2,130	3%	15%
Information Technology Staff ²	11	4	8	4	6	5	38	204	5%	19%
State Office Staff	28	13	10	18	10	25	100	367	8%	27%
CSD Total	106	47	42	74	79	110	458	2,701	4%	17%

¹Count of filled positions as of 12/31/05, includes rehired retirees, excludes vacant positions.

²Includes Computer Operators, Data Administrators, Network specialists, Programmers, Systems Analysts, Systems Support Specialists, Technical Writers, and Telecommunication Specialists.

TABLE D

Number of Agency Employees By Selected Position Series Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80										
Classification Title	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	Total	Total Employees by Classification Series¹	% Eligible in FY2006	% Eligible Between FY2006 & FY2011
Administrative Assistants	16	4	7	9	11	13	60	329	5%	18%
Assistant Attorneys General	44	10	13	17	18	26	128	669	7%	19%
Child Support Officers	36	20	8	27	39	42	172	1,197	3%	14%
Child Support Technicians	7	1	6	8	9	13	44	403	2%	11%
Directors ²	3	3	5	3	3	5	22	67	5%	34%
Investigators	4	4	4	4	3	12	31	218	2%	14%
Legal Assistants	2	3	1	5	2	1	14	83	2%	17%
Legal Secretaries	1	0	3	5	1	2	12	90	1%	13%
Managers	6	5	3	9	3	3	29	120	5%	24%

¹Count is of filled positions as of 12/31/05, includes rehired retirees, excludes vacant positions.

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

Table E

Rehired Retiree State Employees as a Percentage of OAG Workforce as of 12/31/05			
OAG Strategy	Total Employees as of 12/31/05	# of Rehired State Retirees	State Retiree Rehires as % of Total Employees
Child Support	2,701	46	1.7%
Crime Victims	124	1	0.8%
Legal Services	1,073	37	3.4%
Medicaid Fraud	195	23	11.8%
Total	4,093	107	2.6%

E. Training

The OAG provides staff development opportunities via three separate sections dedicated to addressing the staff development needs of three specific employee groups within the organization.

The Child Support Division has a training section dedicated to providing staff development to approximately 2,700 employees. Due to federal funding, it provides training separately from the rest of the organization. Staff development is delivered in the classroom by internal and external instructors. In addition, staff development is delivered via the internet, videos, CD-ROMs and other approaches.

The Litigation Training Section is dedicated to providing staff development opportunities to approximately 400 attorneys in the legal divisions. The Litigation Training Section offers continuing legal education courses for all levels of litigation experience. Most of the courses are highly

participatory, resulting in a maximum benefit to the participants. Faculty for the advocacy courses include experienced AAGs, attorneys in private practice, educators, and sitting judges.

The Human Resources Division has a Staff Development Section dedicated to providing staff development opportunities to approximately 875 non-attorney employees in the organization. Staff development is delivered via the classroom, videos, CD-ROMS, and other creative approaches. The section has the capability of delivering approximately 115 different courses within the 300 offerings scheduled every fiscal year.

F. Recruitment

The OAG has several ongoing programs that serve to enhance recruitment of employees. They are the Volunteer/Intern Program, the Attorney Recruitment Program, and the Outreach and Volunteer Program.

The purpose of the **Volunteer/Intern Program** is to:

- attract to public service outstanding individuals from a variety of academic disciplines who have an interest in, and commitment to, state government.
- provide assistance to the divisions by recruiting, placing, monitoring and evaluating individuals chosen to participate in the program.
- serve as the liaison between the OAG divisions, colleges, community organizations and individuals interested in state government.

This program provides assistance with trained individuals when the division is short of staff, and a ready pool of potential employees when vacancies occur. The VIP provides realistic training situations that allow volunteers/interns valuable hands-on experience. Recruiting for the VIP include attending job and internship fairs, public presentations at colleges and universities, dissemination of information to various career services offices and referrals. Additional recruiting efforts include word of mouth, and direct referrals from the divisions.

The **Attorney Recruitment Program** encompasses two aspects of attorney employment: summer law clerks and volunteer law clerks. The hiring considerations for these programs include: grade point averages, class rank, moot court/mock trial, writing ability, previous legal experience and genuine interest in public service work.

Summer law clerks and volunteer law clerks are first and second-year law students who wish to spend at least six weeks working at the Office of the Attorney General (OAG). They will work alongside senior attorneys, gaining hands-on experience in their areas of interest. As in a traditional clerkship program, law clerks will be expected to research and write legal memoranda.

Recruiting includes participating in on-campus interviewing at various Texas and out-of-state law schools and attending public service career events.

The **Outreach and Volunteer Program** has a two-fold mission including outreach to a diverse population and recruitment of volunteers for all aspects of the child support program. Volunteer and intern recruitment provides full time staff with invaluable support and assistance and, in return, the interns and volunteers gain experience and marketable skills. Specific outreach efforts include educating targeted groups such as teen parents, deaf and hard of hearing persons, and community groups on the legal rights and responsibilities of parents.

By promoting the exciting opportunities available at the Office of the Attorney General, the office hopes to attract people who are interested in both short and long-term service with the agency.

G. Retention

The Office of the Attorney General anticipates the loss of institutional knowledge and expertise due to a variety of factors including turnover, retirement and a highly competitive private sector market. To minimize this loss, the OAG will continue to provide and promote the following retention and recruitment programs:

Payment of Professional Certifications and License Fees

For certifications or licenses that are directly or substantially related to the individual employee's business function in the agency, the OAG will reimburse certain professional fees paid by OAG employees, subject to certain terms and conditions.

OPT Program (Optional Work Hours Program)

The goals of this program are to reduce absenteeism and turnover, enhance recruitment, increase productivity and morale, improve customer service, increase cross-training and maximize parking availability. The employee should benefit from a more personalized work schedule with greater control over personal time and increased flexibility and job satisfaction.

Telecommuting

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

Performance Leave

Employees can be rewarded performance leave for outstanding performance as an individual and/or team. This leave is in addition to other leave accruals.

Business Casual Attire Policy

Business casual attire is permitted throughout the week. On Friday, employees may wear jeans and other appropriate casual attire.

Educational Leave Program

The agency allows non-attorney employees to apply for paid leave to attend up to 3 hours per week of undergraduate college courses at an accredited institution.

E-Degree Program

The E-Degree Program expands the existing educational leave policy to allow employees to pursue college degrees from accredited universities via distance learning while at work. The E-Degree Program follows existing agency Educational Leave provisions, with the additional operational feature of permitting use of agency computers and internet service to take the course work "online" via the internet and to work on course material at the employee's work station or other appropriate PCs in the office.

H. Succession Planning

The OAG utilizes a variety of practices and procedures which collectively contribute to the continuity of competent personnel in critical positions. While the agency does not have formally designated development positions, almost all non-executive management positions have deputies, associates or assistants who are available as permanent or transitional successors when management turnover occurs.

Since the Attorney General is a statewide elected official, executive management in the agency is normally replaced by new attorneys general. The executive management team in the OAG includes the First Assistant Attorney General and deputy attorneys general over each major area of the office. Appointment to a position in executive management is regarded as an honor, a public service and a valuable career experience. As such, a shortage of qualified personnel in executive management is not considered an issue. If turnover occurs in executive management, the First Assistant Attorney General normally designates a division chief or deputy director to provide transitional leadership until a replacement is appointed.

Due to the occasional turnover in executive management, a large share of institutional knowledge rests with the next level of agency management: agency-wide division chiefs. The second level of management is comprised of division chiefs in the administrative and legal divisions and deputy directors in the Child Support Division. Each division chief has a deputy chief and each deputy director has an associate deputy director. If turnover occurs in the chief and deputy director positions, the deputy chiefs and associate deputy directors are present and available to either assume the leadership vacancy or serve in an acting capacity until a new chief/deputy is appointed by the Attorney General.

Administrative and Legal Divisions

Each administrative and legal division designates one person to be the office manager. The office managers are responsible for administrative functions and usually supervise support staff. Office managers typically have assistant office managers except in the smallest divisions. The assistants are essentially designated development positions that provide for trained succession when turnover occurs.

For other managerial and supervisory positions, the OAG relies on the informal designation of successors through pay raises and promotions, training opportunities and job assignments to recognize and retain future leaders. These individuals may be referred to as team leaders or senior staff. As vacancies occur in divisions, these staff are available to become managers or supervisors.

While the OAG remains concerned about the ability to recruit and retain attorneys because of uncompetitive compensation levels and benefit packages, young attorneys are attracted to positions in the agency for career enhancement reasons. Thus, the supply of attorneys is available if the office is able to provide adequate compensation packages to recruit and retain them.

Child Support Division

The Child Support Division has deputy directors and associate deputy directors for five major sections. With the exception of Field Operations, all of the sections utilize practices and procedures similar to the administrative and legal divisions for informal succession planning.

Field Operations is divided into eight regions. Each region has a regional administrator. All eight regional administrators report to the Deputy Director for Field Operations. The regional administrator supervises the region's administrative office and the field offices within the region. All regions have a senior regional attorney and the largest regions have assistant regional administrators. The assistant regional administrator is available as a permanent or transitional successor when a vacancy occurs in the regional administrator's position or among the office managers in any of the field offices that are in a particular region. The senior regional attorney co-supervises the managing attorneys in the field offices and is available to serve as a managing attorney in an individual field office, if necessary.

The Child Support Division has 68 field offices. Each unit is supervised by a managing attorney. Each field office has between one and three staff attorneys. Many of the senior staff attorneys are former managing attorneys. The office manager supervises the non-legal staff in the unit. Most managers have a unit supervisor. The unit supervisor has broad child support program experience, as does the office manager. The core functions of the 68 field offices throughout the state are essentially identical so ample trained staff are available when advancement opportunities arise.

There are also call centers in each region. The call center manager is generally selected from among the office managers in the state. When turnover occurs there is ample trained staff from which to draw replacements.

Mentoring and Management Development Program

The Child Support Division has also instituted a Mentoring and Management Development Program designed to ensure continuity in key or critical task positions in the Child Support Division (CSD) and the Office of Family Initiatives (OFI). Candidates chosen to participate in the Mentoring and Management Development Program receive customized training during the mentoring period, and specialized instruction and guidance from the mentor who presently occupies the designated position. A candidate must meet certain requirements to be eligible for the Mentoring and Management Development Program.

I. Attorney General (AAG) Salary Concerns

The OAG is continuously concerned about the ability of the office to recruit and retain attorneys, legal assistants and legal secretaries qualified to carry out the constitutional mandate to represent the legal interests of the State of Texas. During the 79th Legislative Session, Regular Session, the OAG received a special appropriation to increase the salaries of Assistant Attorneys General I - V in the Legal Services divisions. The additional appropriation enabled the office to establish new salary minimums that are significantly higher. The new starting salaries are: AAG I - \$46,000; AAG II - \$51,000; AAG III - \$56,000; AAG IV - \$61,000; and AAG V - \$66,000. The office will monitor the turnover rates during the next biennium to assess whether the new minimum salaries reduce turnover. There is concern that the improvement in salaries relative to attorneys in other state agencies will be short-lived. This is because other attorneys in state government received an across-the-board pay increase of four percent in FY 2006 and will receive a three percent in FY 2007. The 79th Legislature decided to exclude OAG AAGs I-V in the Legal Divisions from these across-the-board increases.

J. Health Benefit Constraints

As recently as seven (7) years ago, this agency could utilize the benefits package provided to employees not only as a recruiting incentive, but also as a motivator for employee retention. Full insurance coverage for an employee, coupled with low co-pays, low deductibles, and multiple coverage options with many participating physicians was quite a consideration for new employees. New employees who were less than enthused with the salary ranges would balance this against the strong and flexible benefits package and would hire on with the agency. Likewise, current employees viewed the strength and extensive scope of their benefits program as a significant motivator for continuing their state employment.

The 78th Legislative Session in 2003 significantly eroded the strength and flexibility of the state employees' benefits program. The convenience of HMO coverage was eliminated, deductibles increased, co-pays increased from \$10 to \$20 and then to \$30, prescription co-pays increased along with emergency room costs and deductibles, and a retail maintenance fee was imposed to force employees into the use of mail order for maintenance medications if they wanted to obtain the lower cost. Mandatory generic prescription drugs were required. Additionally, a 90-day waiting period was imposed for new hires. The minimum eligibility for retiree insurance increased to age 65 plus 10 years of service. Moreover, part-time employees lost full-time coverage and their contributions for dependent coverage increased. As a result, new hires have no incentive from the benefits program for at least the first 90 days, and current employees continue to watch in frustration as their benefits continue to erode and they are faced with absorbing ever-increasing costs. In effect, there is no increased loss or risk in moving from the state sector to the private sector when the element of benefits programs is considered. There is a concern that the agency has been deprived of a recruiting and retention strategy that has proven to be invaluable in the past.

K. Administrative Support

The Department of Information Resources (DIR) and affected state agencies are currently implementing HB 1516 passed during the 79th Legislative Session. The project is referred to as the Texas Data Center Consolidation Project. Approximately 27 state agencies, including the OAG, will have their mainframe operations consolidated and operated by an outside vendor. The OAG will lose approximately 40 FTEs who currently perform these functions. The efficient operations of the office will depend on the reliability of the service provider.

Another significant area of concern involves the loss of Child Support funded positions in the administrative divisions. Due to recent federal budget cuts in the Deficit Reduction Act of 2005, the Child Support Division (CSD) is preparing for the possibility of a significant cut in funding unless the Texas Legislature appropriates equivalent state funding in the 80th Regular Session. Because the administrative divisions have CSD funded positions that support CSD, there is the possibility that the administrative divisions will lose CSD funded FTEs. The concern for the administrative divisions is that CSD related work will not decrease commensurately.

II. WORKFORCE STRATEGY I - 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 cost-efficient and excellent 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

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 communications 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 even more important. The agency suffers from high turnover rates among these three classifications:

- The turnover rate for legal staff in Litigation Services has been historically high. In the last Strategic Plan, the OAG noted that Assistant Attorneys General licensed between one and five years left the OAG at a rate of 24.9% per year. AAGs I - III, which are generally licensed three years and less, departed, at an average rate of 35.8%. AAGs I and III left at the rate of 42.1% and 41.1%, respectively. These turnover rates were

compared to attorney turnover rates in the ten other state agencies with twenty or more attorneys. The average turnover rate in those agencies was 11.76%.

- The turnover rate for Legal Assistants has begun to rise as the Austin economy strengthens. The turnover rate for FY 2005 was 20.3%. This follows a dip to only 14.8% during FY 2003. The FY 2005 rate is approaching the 23% experienced in FY 2001. The return to high turnover rates for Legal Assistants is not unexpected and is likely to grow if the economy continues to improve.
- The turnover rate for Legal Secretaries is also beginning to increase after a high of 25% per year in FY 2001. The 8.8% experienced in FY 2003 was apparently short-lived as evidenced by the FY 2005 rate of 15%. The rate will probably rise as the economy continues to grow.

The reasons for departure most frequently cited by legal staff are salary-related. The agency provides excellent training, responsibility and experience to its legal staff, yet 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 even by joining a city or county 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.

Because of these high turnover rates, the OAG requested a special appropriation in the 79th Legislative Session of \$2.8 million for AAGs I-V. The OAG received, after deductions for fringe benefits, a special appropriation of \$2.4 million per fiscal year. The additional appropriation enabled the office to establish new salary minimums that are significantly higher. The new starting salaries are: AAG I - \$46,000; AAG II - \$51,000; AAG III - \$56,000; AAG IV - \$61,000; and AAG V - \$66,000. The office will monitor the turnover rates during the next biennium to assess whether the new minimum salaries reduce turnover.

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 State Legislature may create additional duties and responsibilities for the OAG but its essential mission and strategies will not change significantly.

The Attorney General has also heightened the attention and increased resources dedicated to the Cyber Crimes Unit. The Unit investigates child exploitation crimes involving child pornography that are referred from a variety of sources. The unit conducts pro-active on-line solicitation investigations, as well as peer-to-peer cases (sharing of electronic child pornography files). The Texas Criminal Justice Advisory Council has recommended an expansion of the OAG's sex offender enforcement efforts. The increased funding would establish six Fugitive Unit regional offices. Together with additional staffing, the new funding would allow the Unit to be more proactive in tracking down sex offenders.

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 communications skills, critical thinking and familiarity with legal terms and concepts will remain as top priorities.

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

The legal services divisions would benefit from a moderate increase in FTEs for attorneys and legal staff; however, the current staffing is not expected to change significantly. The 79th Legislature did authorize 15 additional FTEs for FY 06 and three more FTEs for FY 07. Six of the FY '06 FTEs were earmarked for the Open Records Division and nine were earmarked for the Post Conviction Litigation Division. The three FY 07 FTEs were earmarked for the Open Records Division.

D. Gap Analysis

Anticipated surplus or shortage of employees

No surplus of legal-services employees is anticipated. There have been and continue to be shortages of qualified legal assistant and legal secretary applicants, leading to months of long efforts to fill vacant positions. There is no shortage of qualified attorneys to apply for and accept vacant positions, but high attrition rates are disruptive to the agency's work.

Anticipated surplus or shortage of skills

Applicants for entry-level legal positions generally do not possess the level of skills required of effective attorneys. To cultivate an educated, skilled workforce within the agency, the training programs offered to both attorneys and legal staff must be continued. More of the staff training courses offered must be tailored to the legal workplace. Management should ensure that the internal workforce is well-trained thereby fostering professional growth and increasing 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 probable organizational change.
Gap	High turnover rates for legal staff
Goal	Become a competitive employer of choice and retain a high percentage of employees past the five and ten-year marks.

Rationale	<ul style="list-style-type: none"> • The agency loses its highly-trained, professional legal staff at high rates. • This disrupts continuity of legal services for our clients and increases demands on human resources services.
Action Steps	<ul style="list-style-type: none"> • Offer professional training. • Offer salaries competitive with or better than city, county, and other state government agencies. • Conduct exit interviews with all departing staff to discern levels and areas of satisfaction and dissatisfaction.
Gap	Need for an agency-wide recruitment program for non-attorney legal staff.
Goal	Review current efforts to recruit legal secretaries and legal assistants.
Rationale	There have been cyclical shortages of qualified legal assistant and legal secretary applicants, leading to long efforts to fill open positions.
Action Steps	<ul style="list-style-type: none"> • Work with area high schools, community colleges, universities and proprietary schools to promote career opportunities. • Standardize mentoring and intern programs. • Be proactive in attempts to reach out to potential employees by promoting the benefits of OAG employment.
Gap	Need for long-term plan for career and leadership development among legal staff.
Goal	Consider a long-term plan for career and leadership development for legal staff.
Rationale	Applicants for entry-level legal positions generally do not possess the level of skills required.
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. • Encourage upward movement within the agency.

Gap	Need to improve technology and legal workplace skills.
Goal	Continue to develop computer, staff, and litigation training programs.
Rationale	The agency has developed excellent programs and should expand its offerings to keep pace with technology.
Action Steps	<ul style="list-style-type: none"> • Partner with other state agencies by inviting their trainers to present programs. • Send our employees to their training sessions. • Explore options with local and federal government agencies, colleges and universities, professional organizations, etc.

III. WORKFORCE STRATEGY - CHILD SUPPORT SERVICES

A. Child Support Division 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)

Most of the CSD workforce (80%) is deployed in field operations. Field staff provide direct services to families by working approximately 945,000 child support cases, establishing paternity and court orders for child support payments and enforcing those orders in response to caseload needs. In FY2005, 82 percent of the caseload had court orders for support. Among the workforce in field offices, 54 percent are child support officers, 27 percent are child support technicians, 10 percent are attorneys, and 8 percent are managers or supervisors. Eight percent of the total workforce reside in 8 Regional Call Centers, where staff respond to customer phone inquiries and requests for service.

State Office FTEs comprise 20 percent of the workforce: 8 percent in information technology and 12 percent in program operation, administrative, and support functions. State Office functions include oversight of contracts (such as the State Disbursement Unit, which handles child support disbursements) and assurance of contractor and CSD accountability for taxpayer dollars. State Office staff also provide functions that include technology system support, strategic and operational planning, budget and fiscal management, comprehensive training, policy development, tracking and submission of state- and federally-mandated reports, and development and oversight of federal grants that target the needs of families.

Critical Workforce Skills

The CSD relies upon a highly-skilled workforce in a variety of program disciplines to carry out the mission. It is critical for the division to maintain a professional workforce with the skills needed to meet ongoing business objectives and goals. Without these skills, the CSD would be unable to provide current levels of service to families and children throughout the state. Current critical workforce skills include the following:

- Child support program knowledge
- Management of data on the TXCSES system
- Legal counsel, coordination, and management of court cases
- Knowledge of special services such as international case processing and state parent locate services
- Customer service skills
- Management of high volume casework in a changing environment
- Computer skills for a complex and changing automated system
- Contract, grant, and project management skills
- Advanced information technology skills
- Knowledge of applicable federal and state laws and regulations
- Accounting and financial analysis knowledge
- 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, changes in funding, work, and workloads are expected to have a profound effect upon division operations.

Federal Funding

The Deficit Reduction Act of 2005 (DRA), which passed in February 2006 resulted in reduced federal funding for child support programs nationwide; however, its effect is most pronounced among high-performing states such as Texas. The law includes funding reductions that could cause a significant reduction in the CSD workforce. Reduction estimates in federal performance incentive funding could cause a shortfall in the CSD budget of up to \$70 million in FY2008 alone. Such a shortfall would result in reductions in staff and in the number of families served and child support payments collected.

Workloads

Demographic information from the State Data Center continues to indicate robust growth for the State of Texas. As the state grows, the CSD expects attendant increases in caseloads, which could require additional staff.

Caseload Characteristics

The CSD caseload is changing from primarily an establishment to an enforcement caseload. Because of an intense focus on establishment activity since 1999, the percentage of the caseload with orders for support in place has risen dramatically. As a result, over 80% of cases now require enforcement activities. This shift requires complex analytical skills and increased staff time. Enforcement cases require more effort due to a number of factors: additional procedural requirements; more complex legal issues; more recalcitrant and disgruntled parties; and, the need for additional court time and county resources. Customer expectations and needs associated with enforcement cases are often much higher. While enforcement cases present special challenges, CSD customers in general are increasing their expectations from the division and have come to expect the ease and convenience provided by access to internet services.

Medical Support

The division's federal oversight agency, the Office of Child Support Enforcement (OCSE), has instituted new federal reporting requirements that provide for separate tracking and recordkeeping on medical support orders. These requirements necessitate extensive programming and operational changes as CSD works to comply with upcoming deadlines. While the division wholeheartedly supports the provision of medical support for children, these changes are expected to be costly and time-consuming to effectuate.

Future workforce skills needed

The CSD will need a flexible, highly skilled workforce, able to respond to changing caseload requirements, customer needs, and advancements in technology. In addition, decreasing funding will require the division to continue leveraging opportunities with other state agencies and private partners and to rely upon technological advances to obtain new efficiencies. Legal, contract, and project management skills as well as child support knowledge and computer and technical abilities continue to be priorities. Future workforce skills needed include the following:

- Knowledgeable information technology staff (of those who remain with the division) able to respond to a rapidly changing environment
- Skilled project managers who can oversee and direct complex projects that cross multi-functional areas
- Highly trained field staff, able to understand and apply complex procedures and policies to establish paternity and to establish and enforce court orders for child support
- Well prepared financial specialists, able to respond to inquiries on collection and disbursement activity and make necessary adjustments to the automated system
- Competent customer service staff, able to respond to complex inquiries on case status and payment activity
- Staff with the ability to adapt to high volume casework and a changing environment, computer skills for complex and changing automated systems, and contract and grant management skills

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 from establishment to enforcement cases could require additional staff to maintain current service levels.

The passage of HB1516 during the 79th Texas Legislative Session is anticipated to reduce the number of information technology staff at state agencies. HB 1516 allows the Department of Information Resources (DIR) to establish and manage the operation of statewide technology centers and to consolidate services in order to negotiate more favorable prices. Consolidating IT services and data centers will result in a decrease in IT staff employed by the CSD, and operations will be outsourced to vendors. IT staff performing those operations will also move with the vendor, and the expected result is that neither a shortage nor surplus of IT employees will occur; however, it is premature to determine if this expectation is accurate and whether or not service levels in IT support will be preserved.

D. Gap Analysis

Anticipated surplus or shortage of employees

Limits on FTEs, project timelines, and retirement eligibility factors are expected to affect CSD employee numbers through 2011. Seventeen percent of CSD employees will be eligible for retirement between FY2006 and FY2011. Twenty-seven percent of State Office and fifteen percent of Field Office employees will be eligible for retirement during this same time period. Retirements of these tenured, skilled employees could potentially result in a shortage of qualified employees. Further state FTE caps are expected to remain in place, which could limit in-house human capital and increase reliance on outsourced services.

Anticipated surplus or shortage of skills

A serious skill shortage could result if a large percentage of individuals in program support areas located centrally in Austin retire over the next five years. The CSD will need to identify critical knowledge and skills and ensure the transfer of those skills in order to lessen the impact of losing veteran staff through retirement. The Mentoring and Management Program was developed to address this issue and to ensure that critical skills, knowledge, and expertise are transferred to employees interested in expanding their knowledge and skill level.

Because the majority of cases in the CSD caseload are obligated, work will require more focus on enforcement activities than on establishment activities. The shift from establishment to enforcement will require that field staff resources also undergo a similar shift. The Procedures and Training department is prepared to respond to needs for increased training in enforcement strategies and other higher level skills.

E. Strategy Development

Gap	Changing Child Support Caseload
Goal	Meet the needs of a changing caseload
Rationale	<ul style="list-style-type: none">• The child support caseload is increasingly an enforcement caseload, rather than an establishment caseload resulting in additional needs.• As of FY2005, 82% of the caseload has established court orders and customer service needs have increased as a result.• There are new types of customers, more applicants for services, and fewer public assistance referrals.• Customers (CPs, NCPs, employers, courts) want continued and improved electronic access to information and services. More customers are communicating with CSD electronically rather than by mail.• Customers may request new or expanded services (e.g., medical support enforcement, registry services, and family or fatherhood programs).

Action Steps	<ul style="list-style-type: none"> • Provide training opportunities to support the increased need for enforcement skills and techniques. • Continue to deliver core services to Texas families, while increasing efficiency and productivity. • Identify and distribute best practices statewide. • Continually explore collaborations with other agencies to provide seamless access to information and child support services. • Provide customer access to electronic records and imaging. • Expand automated responses to customer requests and consider proactive outbound calling services.
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Gap	Workforce Retention and Stability
Goal	Develop strategies to ensure that CSD strategically maintains its pool of leadership talent, continually develops current staff, and captures critical knowledge from experienced employees.
Rationale	<ul style="list-style-type: none"> • Seventeen percent of CSD employees are eligible for retirement between FY2006 and FY2011, which includes 27% of State Office and 15% of Field Office staff. • Many of the employees who are eligible for retirement possess extensive program knowledge and expertise. • Transferring the knowledge possessed by employees who are eligible for retirement is critical to developing an inventory of new leaders. • Field positions in metropolitan areas with robust job markets experience high turnover rates. • Staff will need to be technologically skilled. • Efforts are needed to retain qualified and experienced CSD staff.
Action Steps	<ul style="list-style-type: none"> • Continue implementation and growth of the Mentoring and Management Program. • Encourage experienced employees to participate in the Mentoring and Management Program as mentors. • Identify employees with critical knowledge and ensure that this knowledge is captured and transferred to other employees through cross-training and mentoring. • Continue to support the Procedures and Training program. • Continue to provide a variety of staff development opportunities through multiple technologies such as web-based training and videoconferencing. • Encourage participation in leadership development training. • Provide more technology training. • Define competencies and assess needs to support staff development planning. • Refine methods of communication of key knowledge, skills, abilities and attributes required for key jobs. • Use standardized employee performance plans and evaluations.

Gap	Growth in Contract and Grant Management
Goal	Develop and effectively manage contracts and grants
Rationale	<ul style="list-style-type: none"> • The CSD manages a number of complex contracts including those for the operation of the State Disbursement Unit, the Financial Institution Data Match project, Employer New Hire reporting, Medical Support enforcement services and several hundred contracts for county services. • State Office staff will have an increasing focus on contract and grant management that will include project management, contract development, contract monitoring, budgeting, and accounting support. • Vendor relationships are expected to increase in the next five years as outsourcing strategies are used to leverage resources. • The CSD has been awarded a number of federal grants targeting needs of fathers and families. • Additional funding for federal grants for fatherhood and marriage initiatives was enacted in the DRA Act in February 2006. Adequate oversight of these funds is essential. • New federal mandates, limitations placed on staffing and FTEs, and trends toward outsourcing have increased the use of contractors.
Action Steps	<ul style="list-style-type: none"> • Develop specialized skills in staff who provide contract and grant management. • Develop project management and business analysis skills. • Provide training to external entities who are providing services under contract (federal and state requirements, TXCSES skills, and internal policies and procedures). • Develop quality assurance and contract monitoring skills. • Expand monitoring function for contracts and grants. • Expand contract and grant management staff to support growth in these areas.

Gap	Developing Information Technology Skills Needed for the Future
Goal	Use technology to increase customer access to information, satisfaction with services, and maximize efficiency with existing staff
Rationale	<ul style="list-style-type: none"> • Training is needed in emerging technologies that are incorporated into the CSD technology architecture. • Training is needed to develop and prepare staff to work in a collaborative culture with strategic partners from local, state, and federal governments, such as those who access TXCSES data. • As the CSD expands collaborations with local, state, and federal governments, there is an increasing need to train external business partners to access TXCSES. • Increasing numbers of public assistance applicants can submit applications via internet, telephone, fax, or email. Automated access will need to be provided to more stakeholders (employers, courts, private attorneys, private collection agencies, community-based organizations and counties).

Action Steps	<ul style="list-style-type: none"> • Identify vendors to provide skills training to the CSD state Information Technology staff. • Continue work on the CSD Enterprise Architecture Plan and develop a service-oriented architecture strategy to ensure thoughtful and efficient utilization of new technologies. • Establish and maintain policies, standards, and infrastructure within which new technologies and architectural changes are being implemented. • Develop strategies for expanding the skill base and computer literacy of all users. • Continue to utilize the IT Research and Development group to ensure future growth. • Assess impact of consolidation caused by HB 1516 and report its impact to Executive Administration.
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IV. WORKFORCE STRATEGY - CRIME VICTIM SERVICES

A. Crime Victim Services Overview

Strategic Goals and Strategies

Goal	Provide services and information to victims of crime in a caring, sensitive and efficient manner.
Objectives	<ul style="list-style-type: none">Assist victims of crime through direct compensation payments and grants/contracts 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/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 direct services to crime victims on cases being handled by the OAG.

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 (CVS) workforce is located primarily in Austin. Three employees are currently housed in regional offices, one each in Amarillo, El Paso, and Houston. The division's staff is dedicated to two main functions: direct victim compensation and victim assistance grants/contracts. Approximately 79% of the CVS workforce supports the compensation function, where staff manage nearly 55,000 active compensation claims annually. The staff determine eligibility, review expenses, and make recommendations for payments. Another 16% of the CVS workforce supports the victim assistance grants/contracts function. This staff administers the grants awarded by the division, provides training and technical assistance, monitors funded programs for fiscal and programmatic compliance, and provides direct victim assistance in criminal cases handled by the Office of the Attorney General. The remaining 5% of the CVS workforce perform the executive and administrative functions for the division. The division also utilizes temporary employees and contracted vendors to assist with daily functions.

Critical Workforce Skills

The workforce in CVS 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

CVS also requires staff with highly specialized training:

- Attorneys
- Certified Fraud Investigators
- Certified Internal Auditors
- Certified Public Accountants
- Nurses
- System Analysts
- System Programmers

In the past two years, the turnover rate in the Grant and Contract Management Program has been about 50%. This turnover 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. The section is currently training several new grant managers and is working 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.

CVS anticipates that several factors will impact the division's workforce.

Compensation Applications

From 1996 through 2004, CVC received more victim applications than ever before at an average annual increase of 10.2%. In FY 2005, for the first time in ten years, the number of applications declined. Although the drop only represented a 1% decrease, current indicators point to a leveling in the number of applications for FY 2006. CVC forecasts a more conservative growth rate in victim applications for the next few years.

Grants and Contracts

For FY 2007, the OAG was appropriated \$37.6 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 focus on automating its workflow and making grant processes more efficient. The division will also need to work collaboratively with other agencies and non-profit organizations in administering grants at the state level. Additionally, based on new sexual assault federal funding guidelines, the OAG will work with local service providers to transition from a direct services focus to enhanced efforts in primary prevention using a public health model.

Statewide Automated Victim Notification System

By the end of FY 2006, the division estimates 141 contracts will be in place with counties across the state for implementation for the Statewide Automated Victim Notification System (Texas VINE). As the Texas Department of Criminal Justice (TDCJ) and more counties become operational, the division will be required to provide additional training and technical assistance

to the communities using the statewide system. In May 2006 the Agency received a federal grant to implement Texas VINE in rural areas of the state. As a result, the OAG has assumed additional responsibilities to foster collaboration with other entities and growth of the system.

SANE Training and Certification Program

Each year, the Sexual Assault Prevention and Crisis Services Program (SAPCS) trains approximately 100 nurses across the state to be a Sexual Assault Nurse Examiner (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 Division receives state and federal funds to support compensation payments and victims services delivered by grantees. State funding for these services comes from a Legislative appropriation from the Texas Compensation to Victims of Crime Fund. Reductions in funding would affect the Division's performance and ability to maintain current services.

Information Technology

The division has implemented technology solutions such as a document imaging/workflow system and customized automation software to offset increases in workload. The division is also reviewing automated downloads from the Health and Human Services Commission for Medicaid and other collateral sources. To further improve efficiency, the division must maintain its current systems, further refine its core data management processes, and develop new automated mainframe and client/server structures to replace underdeveloped and outdated systems. To assist in managing grants and contracts, the division has also been working closely with the Information Technology division in the development of a Grants Tracking System (GTS) that will collect and track all financial and programmatic data. To perform these tasks and provide ongoing support to its employees, the division needs skilled technology workers with diverse backgrounds.

New Initiatives

If the Legislature mandates new duties or implements new benefits, the division's ability to provide the current level of service will be impeded.

Future Workforce Skills Needed

CVS anticipates that future core workforce skills requirements will be the same as our current skill requirements. However, as the Division 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. CVS must develop all the required competencies necessary to maintain quality performance in the changing work environment. The technology needs of the Division are constantly evolving, and employees must be poised to handle these emerging requirements.

CVS will also face the challenge of retaining the institutional knowledge that may be lost as a result of employee turnover. The division’s focus 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 compensation claims and other 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 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 division.

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 Division will be more efficient, will be able to enhance victim and provider access to information, and 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 Division's information management systems. • Enhance the Division's 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 grant/contract business process. • 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, Crime Victim Services 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 UNIT

A. Medicaid Fraud Control Unit Overview

The Medicaid Fraud Control Unit (MFCU) is an investigation and prosecution division of the Office of the Attorney General 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 aggressive investigation and prosecution of Medicaid providers and Medicaid funded facilities who are violating 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 aggressive investigation and prosecution, to create an industry deterrent so that Medicaid recipients can receive medical care in an environment, 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	<p>Review complaints and conduct criminal investigations into allegations of fraud committed by Medicaid Providers.</p> <p>Review complaints and conduct criminal investigations of allegations of abuse and neglect that occur in facilities that receive Medicaid funding.</p> <p>Review complaints and conduct criminal investigations of allegations of the misappropriation of patients private funds in facilities.</p> <p>Prosecute fraud, abuse/neglect cases either in federal or state court utilizing Special Assistant U.S. Attorneys or in-house Assistant Attorneys General that are also available to support local prosecutors in their prosecution of these cases.</p> <p>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.</p>

B. Current Workforce Profile (Supply Analysis)

The MFCU workforce is located in 9 cities across the State. The Austin office is headquarters and currently represents 26% of the division's total staff, the Corpus Christi office represents 6%, the Dallas office represents 16%, the El Paso office represents 5%, the Houston office represents 17%, the Lubbock office represents 4%, the McAllen office represents 10%, the San Antonio office represents 9%, and the Tyler office represents 7% 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 optimal level in order to accomplish its critical functions. The Unit employs Analysts, 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 the Unit'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 15% administrative staff (including analysts), 19% Investigative Auditors, 8% Attorneys and 58% Investigators. Approximately half of the Unit's investigative staff are commissioned Peace Officers which enhances the MFCU's ability to expedite cases by making arrests, running search warrants and participating with other local, state and federal law enforcement partners to aggressively work cases. 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 and every case worked. The division also utilizes medical consultants and specialists on an as needed basis to assist with successful prosecution and investigation 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.)
- 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
- Provision of other support services

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. It is also vital for staff to have experience and knowledge in investigative/auditing techniques including records review, interviewing techniques, data analysis, statistical analysis, verbal 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, Board of Medical Examiners).

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. Medicaid spending in Texas for 2006 is expected to exceed \$17 billion. Reports from the U.S. Department of Health and Human Services indicate that Medicaid is now outspending Medicare. Indications two years ago were that the federal government was going to begin to place more of a regulatory and oversight emphasis on the Medicaid Program. It appears that day has arrived. The Congress recently passed the Deficit Reduction Act of 2005. Several provisions in the legislation are related to the Medicaid program including a requirement for a state false claims act, requirements for company employee education programs regarding the false claims act, prohibitions against restocking and double billing of prescription drugs, and additional requirements for the Medicaid Integrity Program.

The HHS Secretary is to establish a five-year fiscal plan for ensuring the integrity of the Medicaid program by combating fraud, waste, and abuse. In developing a comprehensive plan, the Secretary is to consult with the U.S. Attorney General, the Director of the FBI, the Comptroller General of the U.S., the HHS Office of Inspector General (OIG), and state officials with the responsibility for controlling provider fraud and abuse in the Medicaid program. Congress has appropriated \$50 million for each of the fiscal years 2006 through 2008 to carry out the Medicaid Integrity Program, and \$75 million for each fiscal year after 2008. The Secretary will be required to submit a report to Congress.

The bill also creates a Medicaid Chief Financial Officer at the Center for Medicare and Medicaid Services (CMS) and a Medicaid Program Integrity Oversight Board who shall be responsible for identifying vulnerabilities in the Medicaid program and developing strategies for minimizing integrity risks to the program. States must comply with any requirements that the HHS Secretary determines to be necessary in carrying out the Medicaid Integrity Program. The HHS OIG will receive increased funding and there will be an increase in staff at CMS devoted to ensuring the integrity of the Medicaid program.

The Medicare-Medicaid (Medi-Medi) Data Match Program will also be expanded. HHS is required to provide any data and statistical information, in a timely manner, that is collected by this program to the U.S. Attorney General, the FBI, the HHS OIG and to the state MFCUs. This information will be provided no less frequently than on a quarterly basis.

Presently, the full implications that the many changes at the federal level will have on the operations of the MFCU are unknown. MFCU anticipates increased federal oversight and scrutiny, and based upon the anticipated federal staffing increase to combat Medicaid Fraud, the Unit may have additional federal partners in the field to assist with investigations. MFCU also anticipates a continued increase in case openings and the need to provide staff with sufficient resources, training, and tools needed to respond to the challenges that will continue to be inherent in criminal investigative work.

Additionally, it continues to be 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 going to be vital to the MFCU's continued success. Similarly, finding the resources to develop a case management system that is as dynamic as the MFCU environment

and allows the Unit to quickly pull multiple data elements and build ad hoc reports continues to be a challenge.

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, peace officers, nurses and contracts with medical professionals in order to capably and effectively investigate Medicaid fraud and abuse and obtain successful prosecutions. As technology advances and healthcare 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 as criminals become more creative. However because of the fast paced world of technological change, MFCU must take steps to increase and enhance case management systems and afford better training opportunities to staff.

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

The MFCU is presently at the end of its huge growth process that took two full years. The Unit is beginning to realize the impact that MFCU efforts can have on Medicaid fraud and abuse in this State. MFCU is working to build case management and data analysis systems that will assist with evaluating staffing needs and continued work demands. MFCU is committed to placing staff where the fraud, abuse and neglect (crime) is occurring thus improving pro-activity and response time to protect Texas' Medicaid funding and the citizens who rely on the Medicaid program for healthcare.

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 Units two-year growth process 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 the knowledge and expertise they brought to the table allowed us to move more quickly toward early results. However, MFCU anticipates in the next three to five years that many of them will retire again creating a number of vacancies for the Unit.

The Unit continues to be concerned with its ability to attract and retain qualified applicants whose salary expectations are not consistent with the amounts the unit can pay. While the MFCU does not anticipate this will lead to a shortage of employees or applicants, there is concern that it may impact the breadth of experience and knowledge it is able to recruit and retain.

Anticipated surplus or shortage of skills

It is anticipated that the MFCU training program will assist with ensuring that staff have the knowledge and skills necessary to be successful. 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 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 is costly 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 obtain a waiver to the out-of-state travel cap. • Work to gradually increase the salary levels of MFCU staff. • Develop an internal training program. • 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	The unit has not experienced a great deal of attrition due to its historic size (36 employees). As the Unit continues to grow to 215 FTEs, attrition will occur more frequently and all managers and offices will need to be versed in and understand strategies that deal with attrition.
Action Steps	<ul style="list-style-type: none"> • Work with MFCU managers to develop a strategy to deal with anticipated attrition. • Create an environment where 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, where each manager meets with assigned staff to document an employee development plan. • Ensure that managers and employees work together to monitor the employees progress toward agreed upon development strategies.
Gap	Strengthen relationships with prosecutors' offices across the state
Goal	Develop and strengthen cooperative relationships with local district and county attorneys' offices across the state and with the state prosecutors association and with the U.S. Attorneys Offices. Make available all MFCU attorney resources when requested.
Rationale	MFCU expects that more cases will be prosecuted. 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"> • Clarify and communicate through training the information to be included with a concluded investigation for supervisory review. • Deliver a complete investigative package to district and county attorneys' offices that includes a well-written report with the evidence needed to support a potential conviction. • Work more closely with U.S. Attorneys during investigation and throughout prosecution of cases. • Train staff to identify illegally held assets to support a forfeiture action. • Train and have knowledgeable attorneys for criminal trials and forfeiture litigation.

Appendix F: Survey of Organizational Excellence Results

Participation

- Out of 4083 OAG employees 3306 or 81% responded to the Survey of Organizational Excellence.
- The response rate for the OAG was higher than other participating organizations of similar size, similar mission, and all respondents participating in the statewide survey.
- High rates of participation mean that employees have an investment in the organization. Any score above 50% reflects a sound organization.
- Employees who participate in the survey want to see the organization improve.
- Employees who participate in the survey have a sense of responsibility to the organization.
- Regarding employee retention, 87% of OAG employee respondents see themselves working with the OAG in two years.

Dimension Analysis

- Five Dimensions were measured: Work Group, Accommodations, Organizational Features, Information, and Personal
- The score range for the five dimensions measured was 331 to 357.
- OAG scores were higher in all five dimensions for similar size organizations.
- OAG scores were higher in three of the five dimensions for similar mission organizations and slightly under in the features and information dimensions.
- OAG scores were higher in all five dimensions for all state agency respondents participating in the survey.

Construct Analysis

- Scores above 300 suggest that employees perceive the issue more positively than negatively.
- Scores below 300 are viewed more negatively by employees.
- Only one construct received a score less than 300. The Fair Pay Construct under the Accommodations Dimension received a score of 253.
- Four other constructs were cited as scoring low although all four scores were above 300. The survey automatically identifies five constructs as low scoring regardless of the score.
- The four low scoring Constructs included Supervisor Effectiveness 330, Team Effectiveness 330, Change Oriented 332, and Internal Information 331.
- The two highest scoring Constructs were Strategic and Quality under the Organizational Dimension with a score of 382 and 381.

Issues

- Only one primary item, “We have an opportunity to participate in the goal setting,” scored below 3.00 at 2.88.

Responsive Steps

- Copies of SOE reports were provided to members of executive management.
- Survey of Organizational representative presented overall SOE results to OAG executive management and division chiefs.
- Copies of SOE reports were provided to division chiefs.
- Survey of Organizational Excellence report for the overall agency, divisions and sections was published in the OAG electronic newsletter and permanently posted on the OAG intranet web page.
- HRD director presented a detailed comparison report on the OAG's SOE outcomes at the agency's executive management retreat.
- HRD director presented a detailed comparison report on the OAG's SOE outcomes to executive management and division chiefs.
- Division chiefs met with their staff to discuss SOE reports and take corrective action if necessary.
- HRD's Staff Development Section conducted a two day training program for managers and supervisors on topics related to the SOE dimensions and constructs.
- HRD developed a rewards and recognition policy and training course to address supervisor effectiveness.

Appendix H: 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 Office of the Attorney General is continuing its good faith efforts (Texas Government Code, Title 10, Subtitle D, Section 2161) to meet the Texas Building and Procurement Commission's (TBPC) HUB goals which are based upon the 1994 State of Texas Disparity Study. 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, and the OAG takes a proactive approach in the areas of outreach and procurement announcements to better inform the HUB community of large-scale projects that contain potential subcontracting opportunities. The vendor community is informed, well in advance of a large procurement, by email. 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 OAG also encourages HUB Subcontracting in procurements under \$100,000 with a Good Faith Effort statement

The OAG has successfully paired 20 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 HUB forums and participated in HUB events held around the State. 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 TBPC HUB categories, allowing the agency to identify areas which may need improvement. Please note that this agency does not make procurements 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.