

AGENCY STRATEGIC PLAN

FOR THE FISCAL YEARS 2009-2013 PERIOD

BY

OFFICE OF THE ATTORNEY GENERAL

GREG ABBOTT

July 11, 2008

Signed and Approved:



**Diane B. Smith
Deputy for Administration**

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 |
| Technology Initiative Alignment | 39 |
| Appendices: | |
| Appendix A: Description of the Agency’s Planning Process | 42 |
| Appendix B: Agency Organizational Chart | 44 |
| Appendix C: Projections of Outcome for the Five-Year Planning Horizon | 45 |
| Appendix D: Performance Measure Definitions | 46 |
| Appendix E: Implementing the Texas Transformation | 117 |
| Appendix F: Workforce Plan | 121 |
| Appendix G: Agency Historically Underutilized Business Program | 154 |

STATEWIDE ELEMENTS

Statewide Vision

- 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 to secure Texas' global competitiveness, leading our people and a stable source of funding for core priorities;
- 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 have the skills necessary to pursue any option including attending a university, a two-year institution, other post-secondary training, military or enter the workforce; ensuring students learn English, math, science and social studies skills at the appropriate grade level through graduation; and demonstrating exemplary performance in foundation subjects.

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

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

HIGHER EDUCATION

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

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

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

HEALTH AND HUMAN SERVICES

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

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

Statewide Benchmarks which are directly influenced by OAG Strategies:

Benchmark: Percent of Texas population enrolled in Medicaid, Children's Health Insurance, and the Health Insurance Premium Payment programs

OAG Strategies impacting this statewide benchmark: **Child Support Enforcement and Child Support State Disbursement Unit.**

Benchmark: Average amount recovered and saved per completed Medicaid provider investigation

OAG Strategies impacting this statewide benchmark: **Medicaid Investigation.**

Benchmark: Percent of eligible children enrolled in CHIP

OAG Strategies impacting this statewide benchmark: **Child Support Enforcement and Child Support State Disbursement Unit.**

Benchmark: Percent of Texans receiving TANF cash assistance

OAG Strategies impacting this statewide benchmark: **Child Support Enforcement and Child Support State Disbursement Unit.**

Benchmark: Incidence of confirmed cases of abuse, neglect, or death of children, the elderly, or spouses per 1,000 population

OAG Strategy impacting this statewide benchmark: **Medicaid Investigation.**

Benchmark: Percent of children in foster care who are adopted or reunited with their families

OAG Strategy impacting this statewide benchmark: **Victims' Assistance.**

Benchmark: Percent of 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 needs; promoting a favorable business climate; and developing a well trained, educated, and productive workforce.

OAG Strategy impacting this statewide goal: **Legal Services.** The **Legal Services** Strategy does not have a direct influence on any specific statewide benchmark.

PUBLIC SAFETY AND CRIMINAL JUSTICE

Priority Goal: To protect Texans by: preventing and reducing terrorism and crime; securing the Texas/Mexico border from all threats; achieving an optimum level of state wide preparedness capable of responding and recovering from all hazards; and confining, supervising, and rehabilitating offenders.

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

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

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

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

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

Benchmark: Number of emergency incidents coordinated or supported

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

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

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

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

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

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

NATURAL RESOURCES AND AGRICULTURE

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

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

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

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

REGULATORY

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

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

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

GENERAL GOVERNMENT

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

All OAG strategies impact this Statewide Goal.

Statewide Benchmarks which are directly influenced by OAG Strategies:

- Benchmark:** Total state spending per capita
All OAG strategies impact this statewide benchmark.
- Benchmark:** Percent change in state spending, adjusted for population and inflation
All OAG strategies impact this statewide benchmark.
- Benchmark:** Ratio of federal dollars received to federal tax dollars paid
OAG strategies impacting this statewide benchmark: **Legal Services, Child Support Enforcement, Child Support State Disbursement Unit, Crime Victims' Compensation, Victims' Assistance, Medicaid Investigation.**
- Benchmark:** Number of state employees per 10,000 population
All OAG strategies with the exception of **Child Support State Disbursement Unit** impact this statewide benchmark.
- Benchmark:** Number of state services accessible by Internet
All OAG strategies impact this statewide benchmark.
- Benchmark:** Total savings realized in state spending by making reports/documents/processes available on the Internet
All OAG strategies impact this statewide benchmark.

AGENCY MISSION AND PHILOSOPHY

AGENCY MISSION

The Attorney General of Texas is the state's chief legal officer. To fulfill its constitutional and statutory responsibilities, the Office of the Attorney General (OAG) provides legal representation to state officials and agencies, investigates and prosecutes criminal activity when authorized by law to do so, renders formal legal opinions, and defends the Texas Constitution in courts of law. The OAG is committed to protecting all Texans, including children, consumers, senior citizens, and crime victims. Equally important, as the agency charged with administering and enforcing the Public Information Act, the OAG must safeguard transparency, openness, and honesty within Texas state government.

AGENCY PHILOSOPHY

At the state's law firm, the Office of the Attorney General will provide exemplary legal representation to the State of Texas. Across the state, OAG attorneys, peace officers, and staff will work diligently to protect and serve children, senior citizens, consumers, and crime victims while also aggressively fighting to prevent crime and fraud before it occurs. Consistent with the mandates provided in state and federal law, the OAG will employ efficient, effective measures to collect child support for Texas children. At all times, OAG employees will conduct the taxpayers' business in a manner that comports with the highest standards of ethical conduct and will serve the people of Texas with unfailing diligence, courtesy, and respect.

EXTERNAL/INTERNAL ASSESSMENT

The Texas Attorney General is the State's chief legal officer. Referenced more than 2,000 times in the state's laws and constitution, the attorney general has broad civil duties and specific criminal authority. The Attorney General is also charged with overseeing Texas' federally mandated child support program, administering the Crime Victims Compensation Fund, and operating the state Medicaid Fraud Control Unit.

The following describes the Office of the Attorney General's (OAG) major civil and criminal justice endeavors, child support administration, and crime victim services, as well as significant external and internal factors affecting those efforts. It also specifically discusses Medicaid fraud-related goals.

LEGAL SERVICES

Functional Description

As the State's lawyer, the Attorney General provides a wide range of legal services. The Attorney General defends lawsuits filed against state agencies, officials, or employees and provides general counsel assistance as appropriate. Under the Texas Constitution, the Attorney General is charged with issuing written legal opinions that interpret constitutional and statutory issues. Governmental bodies that want to prevent public information from being disclosed must seek a ruling from the Attorney General. 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 state regulatory agencies;
- Acting as an enforcement agent for the Texas Department of Aging and Disability Services and thereby ensuring that state regulations governing the treatment of patients in long-term care facilities are enforced;
- Investigating and prosecuting civil Medicaid fraud and violations of state consumer protection laws, including the Deceptive Trade Practices Act (DTPA), antitrust laws, and statutes governing charitable trusts;
- Pursuing, in court, delinquent debts and other financial obligations that are owed to the State, including unpaid taxes, fines, and fees;
- Conducting criminal investigations and prosecuting when authorized by law;
- Reviewing and approving bonds issued by or for governmental bodies, including state agencies, cities, counties, school districts, and other political subdivisions.

The Attorney General's legal services clients include state agency heads and general counsels, state officials and employees and state enforcement and prison officials.

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

Customer Service Delivery

The Attorney General seeks input and commentary from client agencies through satisfaction assessment surveys. Comments and performance evaluations regarding legal services have been solicited from state agency heads and general counsels. Client satisfaction assessment project details can be found in the Agency's Report on Customer Service (June 2008).

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. Austin-based staff from the Criminal Investigations Division and Juvenile Crime Intervention Unit travel extensively to provide legal services, support and training as needed.

External Factors Affecting Civil Litigation Divisions

The Attorney General's **Consumer Protection and Public Health Division (CPD)** largely handles the agency's work to protect Texans from fraud, scams, and other non-criminal threats to their financial well-being. Thanks to a forward-looking, dynamic approach, Texas has emerged as a national leader for its successful focus on three emerging and developing consumer protection areas: (1) identity and privacy theft; (2) public health; and (3) mortgage/foreclosure fraud.

Although categorized generally as a single "identity theft and privacy" problem, the issue—and the Attorney General's corresponding enforcement effort—encompasses two distinct areas of consumer protection. The first, identity theft, refers to the unlawful use or possession of personal identifying information. Identity theft can be—and frequently is—both a criminal offense and a civil violation under the Identity Theft Enforcement and Protection Act, Chapter 48 of the Tex. Bus. & Comm. Code.

The second, privacy, largely involves securing Texans' personal identifying information (PII), including Social Security numbers, dates of birth, account numbers, and other information that could fall into the possession of identity thieves. Under Texas law, businesses that collect or maintain PII cannot discard that information unless they do so in a manner that destroys or erases the data and therefore prevents it from being disclosed. To prevent identity theft and ensure widespread compliance with the 2005 law, the OAG has filed multiple enforcement actions against defendants that improperly discarded consumer data in violation of the law.

According to the Federal Trade Commission, 26,000 Texans were identity theft victims in 2006. With the crime's increased prevalence in Texas and across the nation, identity theft prevention efforts have improved consumer awareness. Although law enforcement and individual consumers are better equipped to prevent identity theft, increased awareness has also forced identity thieves to employ new technology for their criminal gain. As a result, increasingly cunning criminals began employing new, creative schemes to obtain individuals' personal identifying information.

One of the most prevalent scams primarily targets bank and financial services customers. Commonly known as "Phishing," this scheme involves fraudulent emails that appear to originate from legitimate, well known banks, credit unions, and other financial institutions. Potential victims are asked to 'update' their account information by sending a reply email or visiting a website. In

both circumstances, the website or email recipient is not a legitimate bank, but rather is an identity thief seeking the victim's personal identifying information.

Although CPD has launched a number of "phishing" investigations, agency investigators discovered that the perpetrators are almost always located outside the United States. As a result, it is virtually impossible to locate and prosecute these identity thieves. A newer, more sophisticated version of the scam called "vishing" also uses emails, but attempts to mollify the identity theft-wary by asking recipients to call a telephone number to 'update' their financial information.

Because it is difficult to hold criminals accountable, it is critical that the OAG continue its aggressive consumer education effort. To that end, the OAG recently stepped up its educational push with the launch of a new website, www.texasfightstheft.gov.

Within CPD, the Public Health Section focuses on matters involving prescription drugs, medical devices, and other public health issues. Enforcement actions undertaken by Public Health, which are governed by complex state and federal laws and regulations that overlay technical or scientific facts, are extremely document and time intensive. The section also handles cases wherein the Attorney General seeks civil penalties against long-term care facilities such as nursing homes or assisted living facilities, and intermediate facilities that care for the mentally retarded.

Throughout the last year, an emerging crisis in the mortgage industry has commanded and received focused attention from divisions across the OAG. Though economists, market analysts and other experts are continuing to examine the cause of the crisis, less stringent lending requirements, mortgage fraud, and predatory lending are at least partly to blame. It is increasingly clear that the mortgage crisis is a multi-faceted problem that requires a multi-pronged response.

In Texas, the Office of the Attorney General is working closely with state and federal regulators, along with law enforcement, to combat the crisis and hold wrongdoers accountable. Perhaps more importantly, the Attorney General has a record of working with stakeholders to ease the problems faced by struggling homeowners. During a series of meetings with major residential mortgage companies and loan servicing firms, the Attorney General urged the lenders to convert adjustable rate mortgages to fixed-interest loans; send delinquent borrowers into loss mitigation rather than the antagonistic collections process; improve consumer outreach; waive fees or penalties while negotiating with troubled homeowners, and promptly address all homeowner complaints filed with the OAG.

With struggling homeowners committed to protecting their homes, "mortgage rescue" scams are emerging as an increasingly prevalent fraudulent enterprise. Generally speaking, mortgage rescue scams prey on delinquent or struggling homeowners, whose houses the scammers promise they can save—for a large fee. Though these enforcement efforts are still in the preliminary stages, there are already multiple unrelated defendants who all sought to profiteer from the foreclosure crisis.

Clearly, adjustable rate mortgages and fraudulent rescue schemes are just two facts of a complicated problem. The OAG is also reviewing potentially deceptive or misleading "foreclosure charges." Additional issues for the state to consider include questionable underwriting, falsified loan applications, and collusion between various financially interested parties.

The OAG will continue its leading role in the nationwide battle to protect struggling homeowners. In 2007, Texas was one of the lead states in a multi-jurisdictional enforcement effort against

Ameriquist, a large sub-prime lender. That effort alone delivered more than \$20 million in restitution and relief to struggling Texas homeowners. With the Attorney General squarely focused on the residential lending crisis, the OAG will continue devoting tremendous attention to struggling homeowners.

Though CPD's traditional focus centers on the state's consumer population, the Public Agency Representation Section (PAR) fills a specialized niche. To protect taxpayers and foster fiscal responsibility, PAR represents the State before the Public Utilities Commission, which sets utility rates. Decreased regulation, increased competition and technological advances within the telecommunications and electric industries give PAR unique opportunities to reduce the State's utility bills, which necessarily benefits the taxpaying public.

Just as the PAR represents the taxpayers, the Charitable Trusts Section (CTS) represents the State's interest in charitable resources. Because charities benefit a broad spectrum but no determinable individuals, the Attorney General is charged with protecting the larger charitable interest for the public. Consistent with its oversight mandate, CTS reviews and evaluates whether state intervention is necessary to recoup charitable assets that have been diverted for a non-charitable purpose.

Within its general responsibility for charitable oversight, CTS is specifically responsible for enforcing the Law Enforcement Telephone Solicitation Act (Art. 9023e, Tx.Civ.Stat.), a statute that applies to charities which purport to represent law enforcement-related interests. Specifically, the law applies to law enforcement charities which solicit charitable contributions over the telephone, and requires that covered organizations pay a registration fee with the OAG. CTS is responsible for processing law enforcement organizations' registration materials, investigating improprieties, and initiating enforcement actions when investigators discover badge fraud or misappropriated charitable funds.

Because state and federal laws give favorable treatment to charitable organizations, many Texas hospitals operate as not-for-profit institutions. As a result, CTS is charged with ensuring charitable hospitals fulfill their statutory obligation to provide charity care to the indigent. In recent years, hospitals are increasingly forgoing their not-for-profit status, opting instead to operate as for-profit businesses. Because such conversions mean that the public's charitable interest is losing a valuable asset, CTS reviews hospital assets valuations, ensures the institution has the authority to undertake a conversion, and oversees the disposition of non-profit assets after the conversion, merger, or sale is completed.

Although CPD fulfills the specific roles detailed above, each role falls into its general obligation to protect the public from unscrupulous actors who seek unlawful profits through deception or fraud. The Texas Deceptive Trade Practices Act (DTPA) empowers CPD to seek injunctive relief, civil penalties, attorney fees and restitution for identifiable consumers who have been harmed. The demand for enforcement continues to increase as scam artists increasingly use technology to deprive hard-working Texans. With its continuing focus on technology-based fraud, CPD is prepared for a 21st century world where authorities must use innovation and creativity to protect consumers.

The Antitrust Division, which is responsible for enforcing state and federal antitrust laws, is committed to fostering free market competition in the State of Texas. Anticompetitive activity investigated by the Antitrust Division includes bid-rigging, price-fixing, unreasonable trade restraints, and monopolization, as well as antitrust law violations. Because court decisions and legislative policy changes increasingly favor a free market approach, the Antitrust Division devotes

less resources to traditional vertical price restraint investigations than it did in the past. As a result, the division is able to focus its expertise and resources on unlawful activities that undermine the free market system, such as insider-dealing and bid-rigging. Texas, for example, is helping lead a national investigation into bid-rigging within the insurance industry.

Until 2008, the Antitrust Division contained a Civil Medicaid Fraud Section responsible for investigating collusion and price reporting discrepancies involving Medicaid providers. During the 2007 Legislative Session, the Texas Legislature dramatically expanded the section by adding full-time employees and increasing funding. Because of the section's tremendous growth and expansion, a separate **Civil Medicaid Fraud Division (CMF)** was launched earlier this spring.

Since the section's inception in 1999, CMF has recovered over almost \$280 million for the taxpayers. Most matters handled by CMF are so-called *qui tam* cases, in which a whistleblower exposes an impropriety, informs authorities, and therefore shares a portion of the amount recovered by the State. Additionally, because the federal government funds a significant portion of state Medicaid expenditures, the national treasury also receives a percentage of the State's financial recovery. Thus, since 1999, Texas' CMF enforcement efforts have yielded approximately \$1.44 million for the federal government and \$95.9 million for the State of Texas. Additionally, the OAG earned \$11.3 million in attorney fees and litigation costs, while whistleblowers' statutorily-prescribed payout totaled \$28.3 million.

Because of the Legislature's decision to dramatically increase funding for the division, CMF expects to significantly increase its litigation caseload. Past successes and pending cases indicate that the up-front costs associated with CMF's expansion will be offset by increased recoveries, attorney fees and costs.

Attorneys' fees and costs associated with multi-state efforts are apportioned according to each state's level of participation in the case. Thus Texas' increased ability to lead an effort allows CMF to recoup more money for Texas in recoveries and attorney fees. Unlike attorneys' fees, the total recovery amount is apportioned based upon population-related figures.

As of July 2008, there are approximately 170 Medicaid fraud cases pending in the CMF Division. Among those are five unsealed *qui tam* cases wherein Texas is leading the national enforcement effort. CMF estimates that these five cases' potential value could reach \$200 million and, therefore, yield \$100 million for the State of Texas. For example, just one of those five cases, which involves a major pharmaceutical manufacturer, should return more than \$15 million to general revenue during the '08-'09 biennium.

With 28 attorneys, Texas' CMF is the largest and most successful in the nation. Recent legislative funding increases will dramatically expand CMF's ability to pursue valuable enforcement actions and will, therefore, yield real value for Texas taxpayers.

The **Natural Resources Division (NRD)** enforces environmental protection laws in state and federal courts. Recent enforcement actions yielded record-breaking penalties for a Texas Clean Air Act violator and the largest-ever federal environmental air quality settlement involving a refinery. NRD is responsible for enforcing a wide variety of environmental statutes that protect Texans' health, safety, and well-being. The enforcement efforts handled by NRD include the following areas: pollution control, safe drinking water, colonias prevention, water rights, parks and wildlife, oil and gas, public lands, open beaches, pesticides and radiation control, among other matters.

Air quality is an issue that is receiving increased attention from regulators and the public alike. Because certain areas of Texas currently do not comply with federal Clean Air Act requirements, the

Texas Commission on Environmental Quality (TCEQ) will likely increase complex air pollution enforcement action referrals to the OAG. Those Clean Air Act referrals will be handled by NRD, which will work with the TCEQ to ensure Texas achieves and maintains compliance with federal environmental protection laws.

Because of the division's environmental expertise, NRD provides legal representation to numerous state regulatory agencies, including the Public Utility Commission, the Parks & Wildlife Commission, the Commission on Environmental Quality, the General Land Office, and the Railroad Commission, among others. Thus, when administrative or enforcement decisions issued by those agencies are challenged, NRD defends the agencies and works to ensure orders are upheld in the State courts.

State leaders have determined that adding electric power generating capacity is crucial for Texas' future economic growth and development. While policy decisions regarding the type of power production are left to the Legislature and state regulatory agencies, NRD is legally obligated to defend those policy and regulatory determinations if they are challenged in court.

With wind power gaining increased attention, it is likely that legal issues will arise involving so-called wind farms that are planned across the state. The wind industry is currently subject to little statutory or administrative regulation or oversight, which will likely lead to future litigation. At least one public interest group representing coastal environmental interests is already challenging the State's failure to regulate a proposed wind farm in the Laguna Madre, an environmentally sensitive coastal ecosystem in South Texas.

Because the Public Utility Commission is one of NRD's client agencies, the division also handles some non-environmental legal issues as counsel for the utilities regulator. Because of state and federal statutory changes deregulating the telephone and electrical industries, the PUC's role is constantly evolving. The changes have generated complex litigation that requires NRD to devote significant resources to its defense of the PUC in state court, federal court, and before federal regulatory agencies.

With environmental issues justly receiving increased attention from law makers, regulators, and the public, the Natural Resources Division is constantly evolving to meet the State's needs. One example of that evolution is the recent addition of colonias investigators. Generally speaking, the environmental protection regulations serve two primary purposes: (1) preserving Texas' precious natural resources for future generations; and (2) protecting Texans' health and safety. With that goal in mind, thanks to funding by the Texas Legislature, NRD recently added four investigators who are charged with helping to enforce state colonias prevention laws.

During the 1980s, developments began springing up near the Rio Grande River and the Texas-Mexico border. These developments frequently lacked basic utilities such as sewage, water, or electricity, and were primarily marketed to recent immigrants. Because the colonias lacked proper wastewater disposal systems they became environmental and public health hazards. As a result, the Legislature created specialized colonias-prevention laws that govern residential developments that lie within certain proximity to the border. Thus NRD's Colonias Investigators help enforce colonias-prevention laws by uncovering developments that lack water, sewer, and other basic

infrastructure in residential subdivisions. Because of the investigators, NRD's work to protect border residents' health and safety has substantially improved.

Though the Consumer Protection, Natural Resources, and other aforementioned divisions have largely proactive enforcement roles, a majority of the OAG's civil litigation divisions work to defend the State of Texas in court. Many of these divisions are highly specialized and focus on particular areas of law. The division with the broadest portfolio of work is the **General Litigation Division** (GLD), which defends state agencies and officials from a variety of lawsuits, including employment litigation, whistleblower claims, discrimination suits, and constitutional challenges.

In recent years, GLD's workload has been affected by federal court decisions. For example, when states facing lawsuits seek removal to federal court, those courts must evaluate how the state's decision to remove the case affects Eleventh Amendment immunity. In some cases, removing the lawsuit to federal court can waive sovereign immunity. As a result, litigation against the state is increasingly handled in state courts, where it is more difficult to resolve through legal motion practice. Another way the federal government impacts GLD relates to entitlement funding. Recent Medicaid funding reductions, for example, have increased the division's multi-plaintiff lawsuits. Finally, with a presidential election six months away, GLD will likely defend the state from lawsuits that challenge voting procedures and election results.

Additionally, the division is handling an increasing number of cases challenging the constitutionality of various state statutes. Most recently, the division defended a constitutional challenge to certain provisions in the Open Meetings Act, the Alcoholic Beverage Code and the Education Code. The constitutional challenge in each case was serious and therefore required significant legal resources.

In addition, GLD continues to handle complex cases involving the state's health care delivery system. Because these lawsuits raise difficult legal questions and have the potential for tremendous cost to the taxpayers, multiple lawyers must be assigned to defend the state. To better serve client agencies and mitigate litigation risks, the division recently assigned an employment lawyer to advise managers, and help clients avoid potential litigation.

The **Financial Litigation Division** primarily handles contractual disputes and financial regulatory issues, as well as matters involving the Employee Retirement System of Texas (ERS) and the Texas Department of Insurance (TDI).

Recent court decisions and statutory changes to Chapter 2260 of the Government Code increased district courts' authority to review decisions rendered by the State Office of Administrative Hearings (SOAH). As a result, the Financial Litigation Division's contractual disputes caseload will similarly increase as more SOAH decisions, which the OAG does not ordinarily handle, are litigated in state courts.

Contractual litigation involving the Health and Human Services Commission (HHSC), its Children's Health Insurance Program (CHIP), and Medicaid providers is also expected to rise, which will necessarily increase the Financial Litigation Division's caseload.

With the Commissioner of Insurance exercising greater authority over the insurance rate regulation, Financial Litigation will have to devote increased resources to defending the Commissioner's decisions.

Just as the Consumer Protection Division (CPD) must vigilantly investigate and uncover increasingly complex schemes to defraud the public, so too must TDI, which is charged with regulating the insurance industry. As a result, the Commissioner will likely be required to issue additional regulatory rules, which will likely increase the department's litigation referrals to the Financial Litigation Division. Similarly, when CPD uncovers Internet-based scams, state regulatory agencies are likely to respond with new regulations that also increase the division's workload.

The **Bankruptcy and Collections Division** is charged with recovering all debts, judgments, taxes, fees, fines, penalties, loans and other obligations owed to the State of Texas.

The Collection Section employs investigators, who locate and identify parties responsible for the debt, and attorneys, who pursue collection in state court. The Bankruptcy Section represents state agencies before federal bankruptcy courts—as well as in district and appellate courts—where it defends the state's financial interest in bankruptcy cases. In typical cases, the state is a creditor who is owed a debt by the bankrupt party, and the Bankruptcy Section, therefore, works to maximize the taxpayers' financial recovery.

Equally important, the section also monitors legal developments nationwide to ensure that third-party litigation does not negatively impact the State's interest in bankruptcy proceedings. For example, adverse federal court decisions, even those in which Texas is not a party, can reduce the states' creditor priority status and, therefore, limit the division's ability to recover claims from bankruptcy trustees. By taking legal action in cases where the courts generally examine a state agency-creditor's priority level, the Bankruptcy and Collections Division works to protect the OAG's ability to recover debts for the taxpayers.

It is important to distinguish the OAG's collections role from that undertaken by the Comptroller of Public Accounts. Although the Comptroller is the State's tax collector, the OAG is responsible for representing the State of Texas in court. Thus, when the Comptroller—or any other state agency—needs to rely on the civil justice system to collect a debt, assistant attorneys general with the Bankruptcy and Collections Division appear in court for the State.

The **Tort Litigation Division** primarily defends state agencies and employees in tort lawsuits including negligence, personal injury, medical malpractice, property damage, workers' compensation, libel, slander, and anti-retaliation cases. Most of the suits defended by Tort Litigation are brought under the Texas Tort Claims Act, the Medical Liability and Insurance Improvement Act and the Texas Labor Code.

Because of recent changes to the Texas Civil Practice and Remedies Code (CPRC), governmental agencies may face increased tort lawsuits. Amendments to Section 101.106, which effectively bars plaintiffs from suing both an individual state employee and the employee's state agency employer for the same cause of action, were intended to provide another layer of protection for state employees. However, tort damages against individual state employees are capped at \$100,000, while state agency tort damages are capped at \$250,000. As a result, state agencies are more attractive targets for plaintiffs.

Almost every state court of appeals has rendered an opinion on the changes to the CPRC. Consequently, there are multiple conflicting opinions, each addressing different aspects of this statute. While the Texas Supreme Court has granted petition for review in some CPRC §101.106

cases, the high court's decision is still pending and §101.106's legal effect is still unsettled. Tort litigation expects that its workload could be affected by the Supreme Court's decision in these cases.

The **Taxation Division** handles tax-related litigation and, therefore, primarily defends the Comptroller of Public Accounts when taxpayers challenge their tax liabilities in court. For example, when the Comptroller audits a taxpaying entity, the audit results in additional tax liability, and the taxpayer therefore challenges the audit in court, the Taxation Division defends the Comptroller's audit. Additionally, when the Comptroller's school district valuation studies face legal challenges, the division defends the valuation in court. Another major Taxation Division client is the Texas Workforce Commission, which faces unemployment benefits and "payday" litigation.

In recent years, the Taxation Division's caseload has been relatively stable. However, the newly created franchise tax will likely increase the division's caseload. Generally, economic and demographic factors affect the division's workload. Population growth tends to increase both tax and employment litigation. From an economic perspective, a strong economy tends to reduce lawsuits in both areas, while an economic downturn typically increases both tax and employment litigation.

The **Transportation Division's** primary client is the Texas Department of Transportation (TXDOT), which has a broad litigation docket that includes eminent domain, employment, personal injury, property damage, environmental and administrative cases. Although a number of factors are expected to affect the division's workload, a key factor will be highway construction projects with expedited completion schedules. Because new highways need right-of-way, the Transportation Division must undertake the right-of-way acquisition process under a shortened timeline, as well.

In recent years, TXDOT independently negotiated with and entered into Comprehensive Development Agreements (CDAs) with private developers that design, build, maintain, and/or operate state highways. OAG did not represent TXDOT in those transactions. Because many CDAs are public-private partnerships wherein private investors pay for the road construction in exchange for future income, the resulting roadway is typically tolled. Ordinarily, the private developer receives funding from private equity and bonds. The nature of the financing method requires that construction occur on an expedited timeline, which therefore requires the Transportation Division to accelerate its condemnation work for TXDOT. Under these circumstances, the division's workload increases because it has reduced time to complete an ever increasing amount of legal work.

With major highway construction projects planned in Central Texas, the I-10/Katy Freeway, and on northwest Houston's State Highway 290, the Transportation Division will also have a full environmental docket. Recent lawsuits challenging TXDOT's environmental review processes have increased, as activists have attempted to delay or prevent new highway construction. Environmental litigation will, therefore, also occupy an increasing amount of the division's legal resources.

The Law Enforcement Defense Division (LEDD) represents Texas' law-enforcement agencies and their employees in a wide range of lawsuits, including civil rights actions, constitutional challenges to statutes, tort and negligence actions, employment suits, *quo warranto* actions against elected officials and defense of state court judges.

Among the many agencies represented by LEDD are the Texas Department of Public Safety, state university police departments, the Board of Pardons and Paroles, the Texas Alcoholic Beverage Commission, the Texas Parks and Wildlife Department, the Texas Youth Commission, the Texas

Commission on Judicial Conduct, the Texas Fire Marshal, the Texas Polygraph Examiners Board, the Texas Board of Private Investigators, the Texas Adult Probation Commission, the Texas Lottery Commission, the Texas Commission on Law Enforcement Officer Standards and Education, the Texas Commission on Jail Standards Supervision, the University of Texas Medical Branch (UTMB) and the Texas Tech University Health Science Center (TTUHSC) as health-care providers to Texas prison inmates.

The Texas Department of Criminal Justice (TDCJ) is both LEDD's largest client agency and the largest public employer in Texas. TDCJ employs more than 40,000 security and non-security staff in a dozen divisions, among them the Correctional Institutions Division, which operates the state prisons and jails; the Parole Division, which supervises some 77,000 offenders on parole or mandatory supervision; and the Community Justice Assistance Division, which administers 121 county community supervision programs statewide. LEDD represents TDCJ in all employment lawsuits which have a high liability risk, are labor intensive and involve complex trials and appeals. Due to recent federal court decisions, which lowered plaintiffs' burden of proof in retaliation cases, employment cases are becoming more difficult to defend.

The prison population's increasing growth in recent years has increased the number of claims brought by prisoners against correctional officers and other TDCJ employees. As a result, the LEDD's workload has increased also.

Federal court cases against prison staff and healthcare providers, which allege constitutionally inadequate health care, are also increasing. These cases often allege personal injuries or failure to provide medical care. The increase is due in part to an aging inmate population, as well as dramatic healthcare cost increases. The division also has experienced an increase in litigation involving inmate religious practices brought under the Federal Religious Land Use and Institutionalized Persons Act.

LEDD, along with the Solicitor General's office, is defending a constitutional challenge to Texas' lethal injection protocol.

Fraudulent Uniform Commercial Code (UCC) liens, which prisoners are increasingly filing against state employees at all levels of government, also continue to be a problem. LEDD has developed a protocol to dispose of fraudulent liens efficiently.

The **Administrative Law Division** (ALD) provides administrative law litigation and general counsel services to a variety of state agencies, particularly occupational licensing agencies. ALD enforces and defends state agency orders and rules before state district and appellate courts, files suits to enjoin the licensed professionals from unauthorized practice, and prosecutes licensees before administrative law judges. ALD provides general counsel support to state agencies, many of which do not have in-house counsel, and routinely provides advice to these agencies on the Open Meetings Act, the Public Information Act, rulemaking, contracting, and statutory construction.

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

ALD's litigation caseload has steadily increased over the past several years. Most recently, the 80th

Legislature passed HB 75, which created a right of judicial review for administrative “public assistance benefit” decisions issued by the Health and Human Services Commission. ALD is charged with defending these agency orders when they are appealed to district court.

During its 80th Session, the Legislature passed SB 8, which mandates steroid testing for high school athletes. The program is implemented through the University Interscholastic League, an ALD client. Statutorily mandated steroid testing will involve students in grades 9-12. ALD anticipates a possible increase in athletic participation litigation because of this program.

The Department of Family and Protective Services (DFPS), which regulates child care facilities, has increased its enforcement efforts recently. As DFPS’ legal counsel, ALD defends attempts to restrain agency enforcement efforts, pursues enforcement actions that curtail illegal operations, and files motions for contempt to enforce existing court orders.

Finally, declaratory judgment actions have increased in recent years. These include lawsuits against state agencies under the Uniform Declaratory Judgments Act, Civil Practice and Remedies Code, Chapter 37, and the Administrative Procedure Act. For example, actions have been filed challenging the Health and Human Services Commission’s rate-making methodology, the Department of Aging and Disability Services’s community-based home health care enforcement strategy, and fee guidelines issued by the Texas Department of Insurance, Division of Workers Compensation. The majority of the latter cases involve challenges to insurance payout methodology under the Medical Fee Dispute Resolution Process, Texas Labor Code section 413.031. These cases generally fall into two categories: (1) in-patient hospital reimbursement claims (the so-called “stop-loss” claims); and (2) disputes over “fair and reasonable” reimbursement (the applicable standard in the absence of a medical fee guideline).

Under the Public Information Act, the OAG’s **Open Records Division** (ORD) decides whether government information is open to public disclosure. This statute requires the Attorney General to issue rulings in response to governmental bodies’ requests to withhold information from the public. Under a recently passed law, elected and appointed public officials are required to receive training about Texas open government laws. This law requires the OAG to provide training and approve training courses offered by other governmental entities. Both functions are handled by ORD.

The Open Records Division’s workload has dramatically increased in recent years. While the agency issued only 4,799 rulings in 2000, ORD hit an all-time high of 16,345 in 2007. The volume of calls to the agency’s toll-free open government hotline has continued to increase as well. This hotline provides callers with general information about open records and open meetings requirements, and facilitates resolution of open records disputes between governmental bodies and members of the public.

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 improved in recent years. More than half of open records rulings are issued within one month. Several years ago, only 5% of rulings were completed within that time.

Under the Texas Constitution, the Attorney General has a duty to provide written legal advice to the Governor and other State officials as prescribed by law. This constitutional function is handled by the **Opinion Committee**, which has 180 days to issue Attorney General Opinions. While the OAG

is authorized to accept opinions requests only from statutorily enumerated officials, the public is invited to submit legal briefing to the Committee on any pending opinion requests.

Unlike court opinions, an AG opinion does not have any precedential value. However, the legal community traditionally gives the Attorney General's opinion great deference, as the office's work product is well-researched and thorough. Much like a court, OAG opinions cannot opine on what the law should be, nor can they adopt policy decisions that suit the Attorney General's personal preferences. Rather, AG opinions must accurately depict the law as it is written by the Legislature.

During the first nine months of Fiscal Year 2008, the Committee has received 74 opinion requests. In addition to preparing and reviewing legal opinions, Opinion Committee attorneys participate in agency-wide task forces and provide training at the annual Open Government Conference and the Texas Constitutional Law Conference.

Opinion Committee attorneys also review and update several legal publications. These OAG produced handbooks address a broad range of topics, including the Open Meetings Act, economic development, and local and state officials' duties and responsibilities.

The **Public Finance Division** (PFD) reviews and approves all bonds and similar obligations ("public securities") issued by the state agencies, cities, counties, school districts, municipal utility districts, hospital districts, institutions of higher education as well as instrumentalities of the state, plus certain non-profit corporations created to act on behalf of certain political subdivisions. During Fiscal Year 2006, PFD reviewed 1,330 public securities proposals worth over \$36 billion. During Fiscal Year 2007, the division received 1,595 public securities for approval, with a dollar value of \$53,697,460,346.41. In the first nine months of Fiscal Year 2008, the division received 1,098 proposals valued at over \$30,376,904,254.15.

External Factors Affecting Criminal Investigation and Prosecution

Under Texas law, the Attorney General has the authority to commission peace officers with statewide investigative jurisdiction, but unlike many state attorneys general, the Texas Attorney General has limited original prosecutorial jurisdiction. Although there are specific statutory provisions granting the Attorney General original jurisdiction to prosecute certain criminal conduct, the Texas criminal justice system generally relies upon local district attorneys to prosecute criminal violations. Thus, in most cases, unless a local prosecuting attorney grants OAG prosecutorial jurisdiction, the OAG currently lacks that authority. However, a recent amendment to the Government Code expanded the Attorney General's authority to proactively offer assistance to local prosecutors. Though the law continues to leave original criminal jurisdiction with local prosecutors, it nonetheless improves the OAG's ability to be proactive when the Attorney General's involvement is warranted. State police officers commissioned by the Attorney General are assigned to the **Criminal Investigations Division** (CID) or **Medicaid Fraud Control Unit** (MFCU). Criminal prosecutions are handled by attorneys in the **Criminal Prosecutions Division** (CPD) or MFCU. OAG criminal appellate cases are handled by attorneys in the Criminal Prosecutions and the **Postconviction Litigation Divisions** (PCL).

The Criminal Prosecutions Division is staffed by prosecutors who practice in both state and federal courts and work regularly with local prosecutors. The division also works cooperatively with Texas'

four U.S. Attorneys' offices, prosecuting cyber crimes, child pornography and other cases. OAG prosecutors regularly appear in federal court as Special Assistant United States Attorneys.

When the division coordinates investigatory and prosecutorial assistance to local prosecutors, it assists with criminal investigations, criminal prosecutions, and state postconviction proceedings. CPD has four teams of lawyers, legal assistants, and support staff which are divided into the following sections: Violent Crime and Major Offenders, Cyber Crime and Child Protection, White Collar Crime and Public Integrity, and Juvenile Crime Intervention.

The **Cyber Crimes and Child Protection Section** prosecutes computer crime, with particular focus on child pornography and online predators who use the Internet to commit sexual crimes against children. Cyber Crimes investigators from the Criminal Investigations Division frequent chat rooms where Internet predators are known to make inappropriate communications with, and solicitations of, minors. These investigations lead to arrests that effectively identify and remove child predators from Internet chat rooms and Texas neighborhoods. The section also handles child pornography creation and dissemination cases, which are often referred by the National Center for Missing and Exploited Children (NCMEC).

This section is also responsible for the OAG's Internet Crimes Against Children (ICAC) task force, which is part of a nationwide network sponsored by the United States Department of Justice. The OAG's ICAC task force is responsible for Southern Texas, a large region of the state that includes the major metropolitan areas of Houston, San Antonio, and Austin as well as numerous rural counties.

In a majority of the online child predator and child pornography cases handled by Cyber Crimes Unit investigators, the local district attorney appoints a Criminal Prosecutions Division prosecutor as a special assistant district attorney to handle the prosecution. Cyber Crimes Unit prosecutors are also cross-designated as Special Assistant United States Attorneys in several Texas districts.

Prosecutors in the **Violent Crime and Major Offenders Section** handle cases such as capital murder, murder, aggravated assault, and sexual assault of adults. The 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 violent crime case for trial.

The **White Collar Crime and Public Integrity Section** handles criminal fraud cases, cases which involve misconduct and/or corruption by public officials and employees, Election Code violations, and criminal Open Meetings and Public Information Act violations. These cases originate with referrals from local prosecutors, law enforcement, state agencies, and members of the public. All Election Code cases investigated or prosecuted by the OAG begin as third party referrals from complainants outside the agency. No Election Code cases originate within OAG (as cyber crimes cases do, for example). Most alleged Election Code violations are referred by the Secretary of State, local law enforcement, and/or elected prosecutors. Prosecutors within this section work closely with the Criminal Investigations Division's Special Investigations Unit and Money Laundering Unit. The section also pursues asset forfeitures, property seizures, and nuisance abatement cases. The latter applies to property involved with white-collar crime, prostitution, drug use, violations of alcoholic beverage laws, or other criminal activity.

The **Juvenile Crime Intervention Section (JCI)** maintains the Gang Resource System (GRS), a secure website containing gang intelligence that is accessible only to law enforcement and juvenile justice personnel. As of March 2008, the GRS was providing information about thousands of criminal street gangs and prison gangs to more than 4,714 active users (representing law

enforcement personnel in criminal and juvenile justice agencies in over 550 cities in 39 states and more than 1,000 local, state and federal agencies). Although other intelligence-sharing and offender-specific databases are available to law enforcement, no easily accessible, statewide mechanism for managing and sharing general gang-related intelligence among criminal and juvenile justice agencies existed before the GRS. By gathering gang intelligence submitted by local law enforcement agencies, JCI identifies statewide gang trends, which it makes available to criminal justice and juvenile justice officials. JCI also provides training legal support to agencies with Texas juvenile law-related questions. JCI staff have expanded their roles, acting as liaisons to law enforcement and helping collect and disseminate criminal intelligence information throughout the state and nation.

JCI serves as a clearinghouse for juvenile crime, providing resources for juveniles, parents, educators and law enforcement agencies. JCI staff travel extensively, conducting on-site training for law enforcement, school officials, prosecutors, parent-teacher associations, and others interested in juvenile crime intervention and prevention. One of the most frequently requested training programs is a crime prevention curriculum called “Consequences,” which is designed to teach students the consequences of illegal behavior and poor decision-making. This program examines the juvenile justice process in Texas and focuses on the offenses commonly committed by juveniles. Since its creation in 2001, the Consequences curriculum has been implemented by a variety of programs that serve Texas youth grades 6-12, and more than 17,000 Consequences kits have been distributed to school districts, probation departments, faith-based organizations, and other juvenile service providers.

Looking forward, the Juvenile Crime Intervention Section could be affected if its federal funding is reduced or eliminated. The GRS and the Consequences Program are currently funded through federal grants.

In recent years, the OAG is increasingly handling complicated cases for local prosecutors. With the need for specialized prosecutorial expertise and independent out-of-county prosecutorial resources on the rise, the Criminal Prosecutions Division workload continues to increase. The Division, which is uniquely equipped to fill the gaps between local and federal prosecutorial resources, will play an important role within Texas’ criminal justice system.

The **Criminal Investigations Division** (CID) is staffed with peace officers and other professionals who work cooperatively with state, local, and federal law enforcement agencies throughout the state. CID frequently fills gaps or “niches,” pursuing special criminal activity where no statewide investigative resource previously existed. To further its mission, CID works closely with other state law enforcement authorities, as well as federal and local law officials.

CID’s investigative activities are diverse. They include locating and arresting fugitive parole absconders and convicted sex offenders who violate their court ordered sex offender registration requirements. The division investigates online child predators and child pornographers who use the Internet and computers to harm children. CID also investigates violent crimes, murder, sex crimes, money laundering, white collar crimes, complex fraud crimes, Election Code violations, and public corruption.

The units within CID are the Criminal Litigation Unit; Cyber Crimes Unit; Computer Forensics Unit; Fugitive Apprehension Unit; Special Investigations Unit; Money Laundering Unit; Joint Terrorism Task Force; Facilities Security Unit; Protective Detail; and Peace Officer Training Unit.

The **Criminal Litigation Unit** contains investigators who investigate and support the Criminal Prosecutions Division.

The **Cyber Crimes Unit**, which was established in 2003, specializes in Internet-related crimes. Studies indicate that one in seven children has received an online sexual solicitation. The Cyber Crimes Unit proactively investigates online child predators who use the Internet to prey upon children. Undercover Cyber Crimes officers pose as children in Internet chat rooms. Between May 2003 and March 2008, the unit opened 208 child enticement investigations and arrested 98 sexual predators who solicited children. As of March 2008, these arrests had resulted in 79 convictions, with the others awaiting trial or other resolution.

Child pornography manufacturers and distributors are increasingly using technology to harm innocent children. As of March 2008 the Cyber Crimes Unit had confiscated over 100,000 graphic images of sexually exploited children. By partnering with the National Center for Missing and Exploited Children (NCMEC), the Cyber Crimes Unit has arrested 91 child pornography suspects and obtained 78 convictions (the remaining suspects are still awaiting trial, etc.).

A key component of the partnership with NCMEC is the investigative referrals received from the organization's CyberTipline. Created by federal law, the CyberTipline serves as a nationwide reporting mechanism for cases of child sexual exploitation, including child pornography, online solicitation of children for sexual acts, and other forms of child sexual abuse. The CyberTipline is operated in cooperation with the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, and the U.S. Department of Justice's Internet Crimes Against Children Task Force units, of which the OAG's Cyber Crimes Unit is a partner. In addition, federal laws require Internet service providers (ISPs) to report child pornography and child sexual exploitation directly to the CyberTipline. As of March 2008 the Cyber Crimes Unit had received, reviewed, and acted on over 1,000 CyberTipLine reports.

Though it is critical that law enforcement aggressively prosecute criminals who prey on children, it is also important to educate the public so that crime is prevented before there is a victim. With that in mind, OAG has focused on educating law enforcement agencies, interest groups, school administrators, students, parents, and the general public about child exploitation and cyber safety. Cyber Crimes investigators regularly provide training to law enforcement personnel and teach cyber safety awareness to school administrators, students, and the general public. As of March 2008, OAG has made more than 315 presentations for nearly 29,000 attendees. Local law enforcement has gained valuable investigative tools through this outreach, through which educators and students have learned ways to avoid sexual predators who lurk on the Internet.

The **Computer Forensic Unit** utilizes state-of-the-art technology to recover deleted files, locate and preserve digital contraband, crack passwords and encryption, and uncover hidden data. The unit has the ability to analyze both desktop and laptop computers running Windows, Macintosh, and Linux/Unix platforms, live servers (on scene and remote), digital cameras, PDAs, electronic game devices, and cell phones. Computer Forensics supports not only the Cyber Crimes Unit, but all CID sections, as well as other OAG divisions and local law enforcement agencies.

The **Fugitive Apprehension Unit** was established to locate and arrest Texas parole absconders with child sex crime convictions. Between August 2003 and March 2008, the Fugitive Unit, in cooperation with local, federal, and international resources, had arrested nearly 400 convicted sex offenders.

On June 1, 2005, Attorney General Abbott launched "Operation Missing Predator," a statewide initiative aimed at identifying, locating, and arresting convicted sex offenders who failed to comply with their sex offender registration requirements. From June 2005 to March 2008, the unit arrested nearly 135 unregistered sex offenders, each of whom had at least one child or adult victim.

During 2007, Fugitive Apprehension Unit investigators began tracking down and arresting previously convicted sex offenders who violated terms of their release by illegally creating profiles on popular social networking websites. The OAG sent subpoenas to MySpace.com, forcing the network to release information about all registered sex offenders who established online member profiles. Investigators immediately launched the nation's first large-scale round-up of offenders who used the site in violation of their early release conditions. This effort led to 23 arrests in Texas.

During the 80th Texas Legislative Session, the OAG was provided additional funding to expand the Fugitive Apprehension Unit. Since its inception, the Unit had conducted all of its statewide fugitive investigations from the OAG's Austin offices. The legislative funding increase allowed the Fugitive Unit to transform from a single office to a regional approach by opening two new field offices in Houston and Fort Worth.

The **Special Investigations Unit** was launched in 2005 to provide a rapid response capability so that the OAG could quickly respond to law enforcement challenges throughout the State of Texas. The SIU conducts sensitive public corruption investigations, with a focus on local and state government, and Election Code violations based on criminal referrals from the Secretary of State and others. The Special Investigations Unit is uniquely suited to conduct these complex, multi-jurisdictional investigations. Cases investigated by the unit often require several weeks or months to complete, as there are numerous documents to collect and analyze, and multiple witnesses to interview.

The Special Investigations Unit has had an immediate impact on OAG's ability to respond to a variety of investigative missions. Because of the SIU, the agency was able to immediately assist the TYC conservator in the wake of sexual abuse allegations at 22 TYC facilities. The Special Investigations Unit spearheaded the OAG's response, opening preliminary investigations in conjunction with officers from the Texas Department of Criminal Justice (TDCJ) and the Department of Public Safety (DPS). Initially, SIU investigators made unannounced visits to assess TYC facilities' internal controls and evaluate reported misconduct involving TYC personnel. In March 2007, after receiving referrals from the TYC Inspector General, the SIU began conducting criminal investigations at TYC facilities across the state. By September, 832 criminal cases had been opened and investigated. Those investigations resulted in multiple arrests, indictments, and convictions.

The **Money Laundering Unit** uses the latest technology and modern investigative techniques to investigate complex schemes to conceal, transport, and legitimize illegal profits. The unit routinely investigates illicit currency shipments to the border area; state-regulated Money Service Businesses (MSB's); and the use of checks, money orders, cashier's checks, and stored value cards.

Money laundering investigations are inherently complex and time consuming. These cases require a detailed analysis of the complex business and banking records associated with financial transactions. A typical investigation can take months to produce a potential prosecution. Many money launderers use extraordinary effort to hide illicit funds flowing into bank accounts.

To support the global nature of their financial criminal investigation work, the Money Laundering Unit partners with the Financial Crime Enforcement Network (FinCEN). This partnership combines federal Bank Secrecy Act (BSA) information with other governmental and commercial information from a variety of data sources. The unit makes extensive use of BSA data through the Gateway System, a U.S. Treasury database of cash transactions and cross-border cash transportation to aid with the detection and investigation of money laundering and financial crimes.

In addition, the Money Laundering Unit has investigators assigned to and co-located within three (3) High Intensity Drug Trafficking Area (HIDTA) programs, which enhance and coordinate drug and money laundering efforts among local, state, and federal law enforcement agencies. The program provides the unit with enhanced coordination, equipment, technology, and additional resources to combat drug trafficking and money laundering in critical regions of Texas.

CID participates in several multi-jurisdictional task forces, including the **FBI-Austin Joint Terrorism Task Force**, a multi-agency response team responsible for investigating international and domestic terrorism. CID leverages its money laundering expertise to combat illicit terrorism funding. Detailed strategic data analysis is used to determine connections, if any, between individuals or terrorist groups.

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

Postconviction Litigation is currently handling a large number of appeals by condemned inmates. State and federal legislative changes that affect 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 of the Texas Code of Criminal Procedure (providing for postconviction DNA testing in certain circumstances) have all increased Postconviction's workload. The Supreme Court's *Atkins v. Virginia*, 536 U.S. 304 (2002) (prohibiting the execution of the mentally retarded); *Roper v. Simmons*, 543 U.S. 551 (2005) (prohibiting the execution of juvenile offenders); *Tennard v. Dretke*, 542 U.S. 274 (2004) and *Abdul-Kabir v. Quarterman*, 127 S. Ct. 1654 (2007) (altering the way in which pre-1991 death sentences are viewed by federal courts); and *Panetti v. Quarterman*, 127 S. Ct. 2842 (2007) (concerning "incompetency to be executed" and the procedures for determining it) decisions -- have resulted in increasingly complex capital cases. These legislative and judicial developments, as well as other factors, will increase the number and complexity of federal court appeals filed by death-row inmates.

In non-capital cases, the Supreme Court's decision in *Crawford v. Washington*, 541 U.S. 36 (2004) (changing evidentiary rules regarding the admission of out-of-court witness statements), has impacted a large number of convictions -- especially domestic violence offenses. In addition, penalties for many offenses have been increased. As a result, the division's non-capital section has seen significantly more constitutional challenges to state felony convictions, revocations of parole, and prison disciplinary proceedings.

CHILD SUPPORT

Functional Description

The child support enforcement program was established by Congress under Title IV, Part D, of the federal Social Security Act. Commonly referred to as the "IV-D" program, child support enforcement reduces welfare expenditures by ensuring parents support their kids – not the taxpayers. Collections obtained from non-custodial parents whose children received government assistance are used to repay the state and federal governments for those benefits. While the federal government continues to design, monitor, fund, and evaluate the IV-D program, the states are primarily responsible for administering the child support enforcement today.

In Texas, the Office of the Attorney General (OAG) is charged with administering the IV-D program. The Child Support Division's (CSD's) duties are specified in Chapter 231 of the Texas Family Code, which requires 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 to unmarried parents.

The Texas Child Support Enforcement System (TXCSES) fulfills federal regulations requiring an automated case management system. TXCSES is a complex mainframe system that handles vital case processing functions for more than one million cases. CSD has implemented other federally-required enhancements such as the State Disbursement Unit (SDU) which provides a centralized unit for the collection and disbursement of child support payments. The SDU processes all payments in IV-D cases and in some non-IV-D cases.

The CSD leverages emerging technology to improve efficiency. For example, CSD offers to provide wireless capability to courthouses so that lawyers have "real-time" access to child support case information, which saves significant resources and better serves families. To date, 34 counties have wireless service; additional counties will receive service upon request.

The Child Support Division has more than 2,200 field employees who directly serve child support customers. These employees have the most contact with Texas families and the greatest impact on child support collections. The number of field offices has increased to serve a growing caseload. In 1981, 30 field offices maintained a caseload of approximately 320,000. Today 66 field offices support a caseload of more than 1,000,000.

During its 25-year administration of the child support program, the OAG has managed change and responded proactively to new opportunities. The Texas Attorney General's Child Support Division is one of the best in the nation. Accomplishments this biennium include:

- Named outstanding program in the nation for 2007, by both the National Child Support Enforcement Association and the Western Interstate Child Support Enforcement Association
- Earned the highest federal incentive award in the nation for the most recent federal reporting period (over \$41 million in 2006)
- Led the nation in child support collections for 2007 (over \$2.3 billion)
- Avoided \$1.5 billion in public assistance costs for state and federal governments (i.e., Temporary Assistance for Needy Families (TANF) and Medicaid) by ensuring that families received support from non-custodial parents

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, implementing continuous improvement through operating efficiencies, and initiating innovative projects to support OAG goals for Texas families and children.

Customer Service Delivery

CSD's goal is to provide outstanding customer service to Texas families and children. Customers can access information about their cases via an interactive web site, automated voice response system, regional call centers, and in field offices throughout the state. The OAG web site (www.texasattorneygeneral.gov) provides program information and explains how to apply for services. During FY2007, it received over 13 million visits and more than 2,400 notes of thanks. The Interactive Voice Response system allows 24-hour toll-free service and handled over 25 million calls in FY2007. With one phone call, parents who pay or receive child support can obtain information such as payment records, court hearing dates, availability of genetic test results, and child support amounts owed. In FY2007, four million calls were answered at regional call centers.

The Texas Government Code, Section 2056.002 (b)(8), requires OAG to delineate specific geographic service regions, including the Texas-Mexico and the Texas-Louisiana border regions. CSD serves the entire State of Texas. To ensure effective child support services delivery, the division maintains 66 field offices. These offices are organized into 8 geographic regions, which are headquartered in Arlington, Austin, El Paso, Houston, Lubbock, McAllen, San Antonio, and Tyler.

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

External Factors Affecting Child Support Services

CSD's external challenges include demographics, market conditions, caseload characteristics, strategic partnerships, and federal mandates.

The Child Support Division currently receives sufficient funding to carry out its mission for Texas families. Funding sources include: (1) federal matching funds; (2) federal incentive awards; (3) funds retained by the State from child support collections related to Temporary Assistance to Needy Families (TANF) payments; and (4) state general revenue.

In 2005, the federal Deficit Reduction Act (DRA) altered funding for child support programs nationwide. After the change, the federal government stopped matching its own performance incentive awards with additional federal matching funds. The resulting cuts to Texas' IV-D program were replaced by the Texas Legislature in 2007. As a result, the Texas child support program has the resources needed to continue providing first-in-the-nation service for Texas families.

Federal performance incentive awards are a significant source of program funding. Because of OAG's strong performance in FY 2006, it earned incentive payments worth over \$41 million, making Texas the nation's top program. Because states compete for a capped pool of incentives, Texas may experience limited award growth in the future.

CSD's revenue from TANF collections continues to decline. Active TANF cases have decreased from approximately 50% of the caseload in 1994 to only 7% in 2007. The Texas Child Support program retains only 1% of TANF collections. This funding helps pay for Child Support enforcement services. The bulk of the TANF collections is sent directly to needy families.

Legislative amendments, coupled with changes to CSD's operational procedures have affected caseload characteristics, which have altered CSD's child support enforcement methods. The work load has shifted the agency's focus from establishing cases to enforcing existing cases. CSD has dramatically increased the percentage of its caseload covered by support orders, thus the agency increasingly focuses on enforcement activities. More than 83% of cases now have existing child support orders. Because more cases already have orders, CSD can focus on enforcing those orders to ensure timely payment. This heightened need for enforcement services, coupled with additional procedural requirements, and increasingly complex legal issues requires considerable staff time. To meet these challenges, CSD is improving its enforcement capability, leveraging technology to enhance execution, and distributing "best practices" statewide to meet enforcement needs.

Changes in demographics and job markets may affect caseload volume, types of cases, and the actual payment of child support. Projections by the Texas Comptroller of Public Accounts indicate significant population increases for the state, and some job market trends indicate increases in job-related cash transactions, which may lead to unreported and underreported income. These factors may increase caseloads and make collecting child support payments more difficult.

The Texas State Data Center predicts increased growth along the Texas-Mexico border, the I-35 corridor, and the Houston-Galveston area, which may require staffing changes. CSD continually assesses field locations, reallocating staff and offices as appropriate to ensure that services are provided where they are needed most.

To effectively accomplish its goals, CSD must maintain effective working relationships with external partners and stakeholders who assist with the provision of IV-D services. CSD is focused on building and maintaining strategic partnerships with other key agencies and organizations. These relationships will allow CSD to leverage limited funds for the future. Key partners include, but are not limited to, the Health and Human Services Commission, Texas Workforce Commission, county leaders, members of the judiciary, and community-based organizations.

Under state and federal law, the IV-D program is required to obtain medical support orders when new child support orders are issued, or old orders are modified. This helps ensure that children have healthcare coverage. CSD is charged with increasing the number of children who receive medical support. In most cases, the support is actual healthcare insurance through a parent's employer. Where parents cannot obtain health insurance, courts order cash medical support, which is an additional cash payment to help offset a child's healthcare costs. When children receive taxpayer-funded healthcare, the State has the right to recoup its costs by collecting and keeping cash medical support payments.

Recently, the Attorney General unveiled a new proposal that could provide healthcare coverage to children in the IV-D caseload. Under the plan, IV-D children whose parents do not have health insurance through their employer would be pooled into a group for insurance purposes, thereby improving the affordability and accessibility of insurance. Judges who currently order parents to make child support and medical support payments would have the option to order them to enroll children into a default insurance plan. Healthcare coverage, underwritten by a private insurance company and funded by parents, would therefore be available to parents who have the ability to afford coverage, but either do not have insurance available through their employer, do not understand how to obtain insurance, or more likely cannot afford an individual plan. Though CSD would bear some minimal administrative costs, the private health insurance would be funded by parents – not by the taxpayers.

Finally, the division’s federal oversight agency, the Office of Child Support Enforcement (OCSE), has instituted new federal reporting requirements related to medical support, medical coverage, and Medicaid eligibility. CSD is currently implementing programs to ensure compliance with new requirements, which may be costly and time-consuming to effectuate.

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 (CVC) and the Crime Victims’ Compensation Program. The fund’s primary purpose 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 a crime.

CVC was initially administered by the Texas Industrial Accident Board, later known as the Workers’ Compensation Commission. At the time, the OAG performed only a limited role investigating claims, but in 1991, the entire CVC program was moved to the OAG.

In 1997, the Fund became a constitutionally dedicated account to be used only for providing victim-related compensation or assistance. The Legislature amended the Texas Code of Criminal Procedure, authorizing the OAG to use monies appropriated from the Compensation to Victims of Crime Fund for grants and contracts supporting victim-related organizations.

The OAG serves crime victims by administering the CVC Program, the Address Confidentiality Program, victim services-related grants, training, and outreach programs. CVC’s primary clients are victims of violent crime. The agency also serves victim service providers, criminal justice professionals, and health care providers. CVC’s Victim Assistance Coordinator provides services directly to victims whose criminal cases are handled by the OAG.

Under this strategy, there are five main service areas or programs: Crime Victims' Compensation Program, Address Confidentiality Program, Grants and Contracts, Sexual Assault Prevention and Crisis Services, and Statewide Automated Victim Notification.

The Crime Victims' Compensation Program provides reimbursement as a payer of last resort for out-of-pocket expenses incurred by victims and their families. Eligible applicants may receive

reimbursement for many violent crime-related costs, including medical services, counseling, funerals, and lost earnings.

During the 80th Legislative Session, the Texas Legislature authorized the OAG to establish an Address Confidentiality Program (ACP) to protect family violence, sexual assault, and stalking victims by allowing them to establish a confidential mailing address. Under the ACP, the OAG provides a substitute post office box address that a participant may use in place of the true residential, business, or school address. The agency acts as an agent for service of process and receives the participant's mail, which it forwards to the participant's actual address.

The OAG provides vital support for crime victims by awarding grants and contracts to hundreds of local and statewide assistance programs. The OAG 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. These grants and contracts help fund a broad range of victim-related services. Domestic violence shelters, rape crisis centers, hotlines, victim advocacy, education, assistance with CVC applications, victim services positions in law enforcement and prosecutor offices, and other victim-related services are funded by these grants and contracts.

Sexual Assault Prevention and Crisis Services staff provides technical assistance and training to sexual assault programs throughout Texas. In addition, OAG staff also trains and certifies registered nurses to perform sexual assault medical forensic examinations when a patient indicates that he or she has been sexually assaulted.

The Statewide Automated Victim Notification System, also known as Texas VINE (Victim Information and Notification Everyday), established and maintains a reliable and efficient system that notifies crime victims about the criminal who harmed them, including parole or release status. VINE allows law enforcement, prosecutors, victim advocates, and other criminal justice professionals to have immediate access to offender information, including incarceration status and associated court dates. As of August 31, 2007, the system covered 93 percent of the state's population and 96 percent of the violent crime reported in Texas.

Customer Service Delivery

Responding to crime victims in a caring, sensitive, and efficient manner is the OAG's goal. The agency uses a Remote User Access System to provide crime victim compensation information to advocates, law enforcement agencies, and service providers, as well as a support hotline that improves telephone-based victim assistance. The OAG will continue to develop new capacities, such as interactive application processing and web-enabled systems, to enhance the quality of crime victim services.

The agency directly serves victims by making compensation payments to eligible Texans. Grants and contracts are provided to victim service providers in every region of the state.

OAG trains and provides information to victim service professionals about victim issues and victim rights. It also conducts outreach statewide. To provide training and address constituent needs, the agency has four regional coordinators offering crime victim services in Amarillo, Austin, El Paso, and Houston.

External Factors Affecting Crime Victim Services

The OAG's ability to deliver crime victim services is impacted by two major factors: demand and funding. Demand for services is influenced by violent crime statistics, population, benefit changes, availability of other grants and donations, and OAG program awareness. Funding for compensation and victims assistance can vary from year to year but 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 during the previous two years. However, federal matching percentage depends upon the federal Crime Victims Fund's balance.

State funding for the compensation program comes from legislative appropriations to 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 municipal ordinance violators.

While some federal funds support Sexual Assault Prevention and Crisis Services, the majority of funding for the agency's victim assistance grants comes from legislative appropriations from the state CVC Fund. Maintaining viable funding sources for compensation claims and victim assistance grants is critical to ensuring that quality victim services are available throughout Texas.

MEDICAID FRAUD CONTROL

Functional Description

In 1979, Congress mandated that the established Medicaid Fraud Control Units (MFCU) investigate and prosecute criminal fraud by Medicaid providers, fraud by the Medicaid program administrators, physical abuse and criminal neglect at health care facilities receiving Medicaid funding, and misappropriation of patients' private funds in these facilities. MFCU's criminal investigations and prosecutions target Medicaid providers who are suspected of defrauding the Medicaid program. The unit also investigates allegations of physical abuse and neglect in nursing homes that receive Medicaid funding. Investigators and auditors conduct investigations and help prosecutors pursue Medicaid providers who defraud the system or abuse the elderly. The unit also employs prosecutors who represent the State of Texas or the United States in state and federal courts throughout Texas. The unit has its administrative headquarters and an investigative team in Austin, and eleven other investigative teams in eight field offices across Texas.

The 78th Legislature authorized a large expansion of the Medicaid Fraud Control Unit. As a result, the unit has significantly increased its size and case load. As of March 2008, the Unit had 191 investigators, prosecutors, and support staff. At the end of SFY 2007 the unit had over 1,300 suspects under investigation. Between September 1, 2003 and August 31, 2007, the unit identified \$191.2 million in suspected Medicaid overpayments and obtained 277 criminal convictions.

External Factors Affecting Medicaid Fraud Control

Texas is third in the nation in Medicaid expenditures, which have increased 36.4 % since State Fiscal Year 2002. By FY 2008, Medicaid expenditures are expected to reach a projected \$22 billion. At this time, there are 2.6 million Medicaid recipients in Texas served by 107,000 Medicaid providers. Because those numbers will inevitably increase, the potential for waste, fraud, and abuse will grow as well. The Attorney General's Medicaid Fraud Control Unit is the only state law enforcement agency dedicated solely to Medicaid fraud prevention. Given its federal funding, the Unit's continued success will depend in large measure on the federal government's commitment to eradicating fraud from the Medicaid system.

ADMINISTRATION

The Office of the Attorney General is currently authorized to employ 4212.6 litigators, peace officers, prosecutors, and other employees. Approximately 2,674, or about two-thirds of the agency's employees, work for the Child Support Program. The agency's staff includes 722 attorneys, making OAG one of the state's largest law firms. In addition to its Austin offices, the Office of the Attorney General maintains 66 child support field offices and eight regional child support customer service centers, as well as seven regional Consumer Protection & Public Health Division offices, nine Medicaid Fraud Control Unit offices, and two Fugitive Apprehension Unit offices in Houston and Fort Worth.

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

Internal Factors Affecting the Office of the Attorney General

OAG Management is constantly striving to identify internal policies that need revision to reflect the agency's current needs. To that end, the Deputy for Administration routinely works with the Human Resources Division and other agency staff to evaluate policies and procedures that need to be updated. When revising the policies, the OAG largely relies upon internal resources, and examines best practices nationwide, both in government as well as the private sector.

Employee turnover, particularly amongst Assistant Attorneys General, has a tremendous impact upon the OAG. In 2005, the OAG identified higher than normal turnover among its Assistant Attorneys General, who consistently left the agency because of low salaries. As a result, the Legislature enacted a law that essentially funded an attorney pay raise. Due to this initiative, which was implemented in 2005 and 2006, turnover among attorneys has decreased markedly. In fact, prior to the raise the highest turnover class was AAG I (those attorneys with 0-2 years experience). The turnover among that subset of attorneys dropped from 42.1% to 25.6% in FY 2007. Despite improvements, turnover continues to challenge the agency as a whole and continues to be a priority for Executive Administration.

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

- 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 HUB Participation was 26.6%
- FY 2007 HUB Participation was 28.8%

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

| Category | HUB Goal |
|----------------------------|-----------------|
| Heavy Construction* | 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 5]

GOAL C. CRIME VICTIMS' SERVICES

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

GOAL D. REFER MEDICAID CRIMES

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

GOAL E. ADMINISTRATIVE SUPPORT FOR SORM.

Provide administrative support for the State Office of Risk Management in administering state employees workers' compensation [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
- Number of Criminal Investigations Call for Service Requests

GOAL B. ENFORCE CHILD SUPPORT LAW.

Objective:

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

Outcome Measures:

- Percent of Title IV-D Cases that have Court Orders 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 CVC Training Participants
- Number of CVC Outreach Recipients

Efficiency Measures:

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

Explanatory Measures:

- Number of Crime Victim Applications Received

Strategy: Victims' Assistance.

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

Output Measures:

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

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

TECHNOLOGY INITIATIVE ALIGNMENT

| Technology Initiative | Related Agency Objective | Related SSP Strategy | Status | Anticipated Benefits | Innovation, Best Practice Benchmarking |
|--|--------------------------|----------------------|----------------|---|--|
| <p>1. Develop and maintain an effective data security protocol and information security program that is supported by an appropriately rigorous security structure, and that protects and supports the OAG.</p> | <p>All Objectives</p> | <p>3-1 3-2</p> | <p>Current</p> | <ul style="list-style-type: none"> • Improve capabilities to identify and reduce security risks • Safeguard confidential data of Texas citizens • Improve security protection with all entities that interface with OAG • Maximize positive affects of security activities and mitigate risks • Appropriate and cost effective protection of OAG data, systems and networks • Ability to conduct business without compromise or interruption from surreptitious or internal attacks • Ensure no information security vulnerability exists that is caused by outdated or inappropriate information security practices or procedures • Ensure continued performance toward state and federal statutory requirements | <p>Benchmarking: Adopting industry standards</p> <p>Best Practice: Maintain effective information security industry best practices</p> |
| <p>2. Develop and maintain a fully operational information technology infrastructure through a Disaster Recovery and Business Continuity Program that protects, supports and maintains the IT operations of the OAG.</p> | <p>All Objectives</p> | <p>3-1</p> | <p>Current</p> | <ul style="list-style-type: none"> • Provide appropriate and uninterrupted services to Texas citizens • Continue access to accurate data and continuity of critical functions • Maintain acceptable service levels during disaster recovery & return to normal operations after an event • Maximize the positive affects of Disaster Recovery and Business Continuity activities and mitigate risks • Compliance with State and Federal regulations • Ensure continued performance toward state and federal statutory requirements | <p>Benchmarking: Validating risk based approach</p> <p>Best Practice: Maintain effective disaster recovery and business continuity industry best practices</p> |

| Technology Initiative | Related Agency Objective | Related SSP Strategy | Status | Anticipated Benefits | Innovation, Best Practice Benchmarking |
|--|--------------------------|--------------------------|---------|---|---|
| 3. Simplify IT service and delivery and adopt an operational managed services and governance model | All Objectives | 1-1 1-2 1-4 2-2 | Current | <ul style="list-style-type: none"> • Focus IT on core functions of business application • Improve efficiency by eliminating redundant IT systems • Improve operation support by transitioning to entities whose core business is IT support • Alignment with DIR strategic objectives • Improve ability to perform statutory responsibilities | <p>Benchmarking: Aligning with DIR and legislative intent</p> <p>Best Practice: Maintain effective managed services model and industry best practices</p> |
| 4. Research legacy application migration | All Objectives | 2-2 4-1 5-1 | Current | <ul style="list-style-type: none"> • Improve life cycle management of data and information • Ensure streamlined data management and reporting • Improve customer service through better usability and searchability • Improve ability to perform statutory responsibilities • Improve performance of internal, state, and federal goals • Increase case management capacity and collections | <p>Benchmarking: Research industry standards and identify performance results achieved by other entities, particularly technology and customer service.</p> <p>Best Practice: Improve business processes and leverage new technologies to improve operations</p> <p>Innovation: Drive innovation throughout the agency by researching improvements in service delivery, enabling technologies and business processes.</p> |

| Technology Initiative | Related Agency Objective | Related SSP Strategy | Status | Anticipated Benefits | Innovation, Best Practice Benchmarking |
|---|--------------------------|--------------------------|---------|---|--|
| 5. Expand enterprise content management and records retention | All Objectives | 1-4 2-2 4-4 5-1 | Current | <ul style="list-style-type: none"> • Improve compliance with state and federal statute • Improve and expand comprehensive records management program • Improve document management policies that organize and direct the life-cycle of agency records • Improve facilitation of responding to e-discovery requests • Continue strategic relationships and provide guidance to other state agencies • Ensure continued performance of state and federal statutory requirements | Innovation: Develop a comprehensive enterprise content management system to serve as a model for other state agencies |

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, need 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 priorities, 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 execute 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.

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

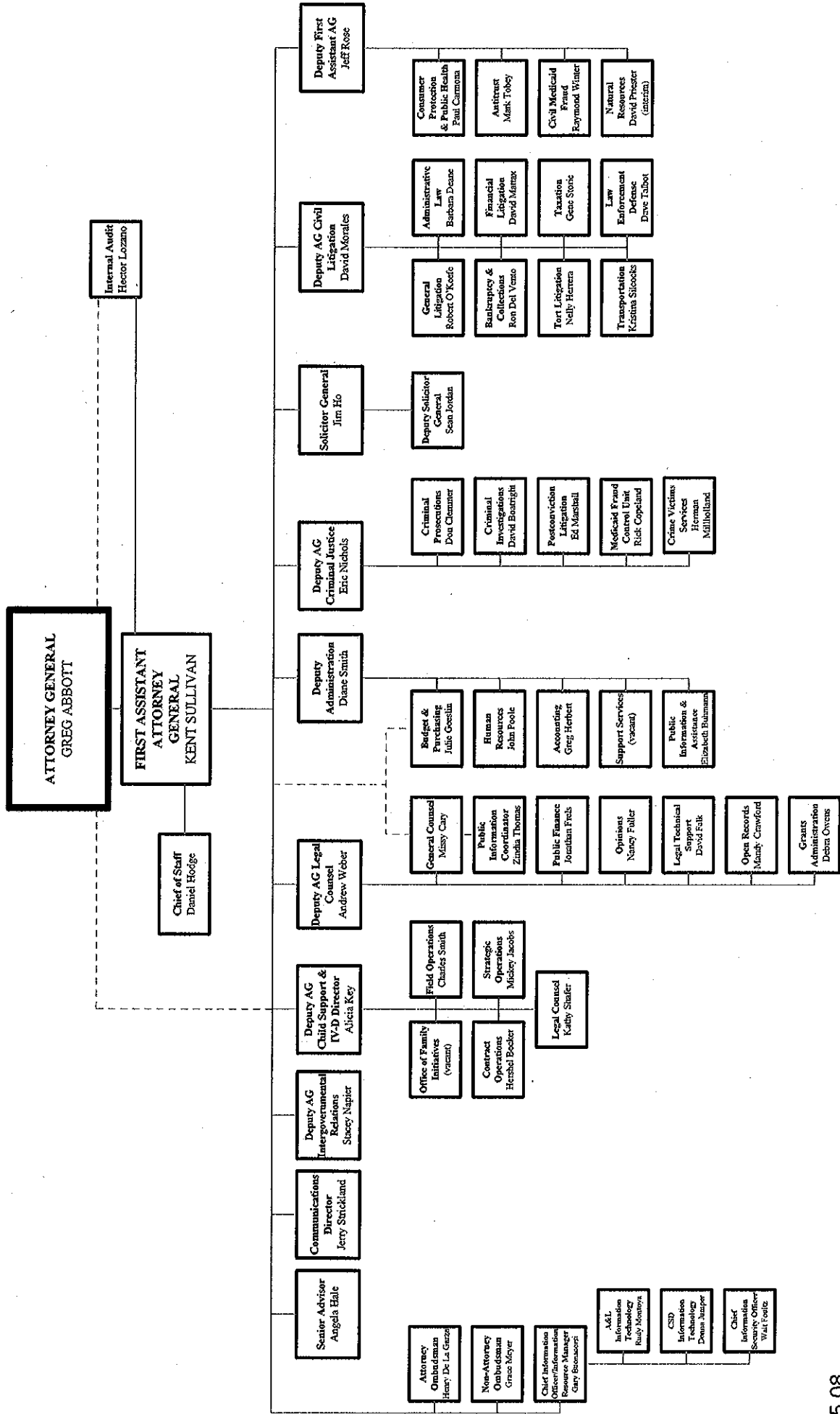
Research staff from the Public Information & Assistance Division begin the process of designing and implementing the customer satisfaction assessment for the biennium. Results are tabulated and submitted as a separate Customer Service Report. The Customer Service Report, along with more

detailed data analysis and individual completed surveys, are discussed at the executive level and then distributed to the divisions for appropriate follow-up action.

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

Within six 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. 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



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

| Outcome | 2009 | 2010 | 2011 | 2012 | 2013 |
|---|---------------|---------------|---------------|---------------|---------------|
| Goal A. Provide Legal Services | | | | | |
| Delinquent State Revenue Collected | \$ 55,000,000 | \$ 55,000,000 | \$ 55,000,000 | \$ 55,000,000 | \$ 55,000,000 |
| Ratio of Total Legal Services Caseload to Cases Closed/Settled | 2.73:1 | 2.75:1 | 2.76:1 | 2.78:1 | 2.81:1 |
| Goal B. Enforce Child Support Law | | | | | |
| Percent of Title IV-D Cases that have Court Orders for Child Support | 82.0% | 83.0% | 83.0% | 83.0% | 83.0% |
| Percent of all Current Child Support Amounts Due That Are Collected | 62.0% | 64.0% | 64.0% | 64.0% | 64.0% |
| Percent of Title IV-D Cases with Arrears Due in Which any Amount is Paid Toward Arrears | 65.0% | 67.0% | 67.0% | 68.0% | 68.0% |
| Percent of Paternity Establishments for Out-of-Wedlock Births | 87.0% | 85.0% | 84.0% | 84.0% | 84.0% |
| Goal C. Crime Victim Services' | | | | | |
| Amount of Crime Victims' Compensation Awarded | \$ 75,438,642 | \$ 74,069,827 | \$ 75,840,098 | \$ 77,666,759 | \$ 79,552,492 |
| Number of Crime Victims who Received an Award | 21,826 | 21,009 | 21,090 | 21,174 | 21,263 |
| Total Number of Children Served by Court-appointed Volunteers | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| Goal D. Refer Medicaid Crimes | | | | | |
| Amount of Medicaid Over-payments Identified | \$ 62,900,000 | \$ 62,900,000 | \$ 62,900,000 | \$ 62,900,000 | \$ 62,900,000 |
| Goal E. Administrative Support for the State Office of Risk Management | | | | | |
| (See Strategic Plan for State Office of Risk Management) | | | | | |
| Goal F. Increase the Use of Historically Underutilized Businesses | | | | | |
| Percent of the total dollar value of agency procurements awarded to HUBs for Special Trade Construction | 30.00% | 30.00% | 30.00% | 30.00% | 30.00% |
| Percent of the Total dollar value of agency procurements awarded to HUBs for Professional Services | 20.00% | 20.00% | 20.00% | 20.00% | 20.00% |
| Percent of the total dollar value of agency procurements awarded to HUBs for Other Services | 22.50% | 22.50% | 22.50% | 22.50% | 22.50% |
| Percent of the total dollar value of agency procurements awarded to HUBs for Commodities | 60.00% | 60.00% | 60.00% | 60.00% | 60.00% |

APPENDIX D: PERFORMANCE MEASURE DEFINITIONS
Office of the Attorney General
FY 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

Outcome Measure: Delinquent State Revenue Collected

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

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

Source/Collection of Data: Client State agencies furnish monthly or periodic reports which document payments that agencies receive on delinquent accounts in a certified, bankruptcy, collection or judgment status.

Amounts collected on behalf of certain state agencies are documented by the OAG's Accounting Division each month through copies of deposit and clearance vouchers.

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

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

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

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

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

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

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

Calculation Type: Non-Cumulative

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

Explanatory Measure: Number of Criminal Investigations Call for Service Requests

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

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

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

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

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

Calculation Type: Cumulative

New Measure: Yes

Desired Performance: Higher than target

Office of the Attorney General
FY 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

Outcome Measure: Percent of Title IV-D Cases that have Court Orders 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

Outcome Measure: Percent of Paternity Establishment 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

Outcome Measure: Amount of Crime Victims' Compensation Awarded

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

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

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

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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

Output Measure: Number of CVC Outreach Recipients

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

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

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

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

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 - Provide grants or contracts, training, and technical assistance to support victim related services or assistance in the state; certify Sexual Assault Nurse Examiners and sexual assault advocate training programs; and provide victims of family violence, sexual assault, and stalking with a confidential mailing address and a means of receiving mail.

Office of the Attorney General
FY 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

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

Source/Collection of Data: Victim Assistance Report on Grants Awarded, 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 which receive a grant or contract for victim services or assistance.

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

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

Calculation type: Cumulative

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

Outcome Measure: Amount of Medicaid Over-Payments Identified

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

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

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

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

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

Calculation Type: Non-Cumulative.

New Measure: No.

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

Objective: Make a good faith effort to meet or exceed 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 the Comptroller's Texas Procurement and Support Services -TPASS- term contract expenditures) awarded to HUBs for Special Trade Construction.

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

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

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

Data Limitations: 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: An agency is limited in their efforts by the number of qualified 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: An agency is limited in their efforts by the number of qualified 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: An agency is limited in their efforts by the number of qualified 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 2010 - 2011 Performance Measure Definitions

Agency Name: Office of the Attorney General

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

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

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

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

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

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

Data Limitations: 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 2010 - 2011 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 and Comptroller's Office Texas Procurement and Support Services (TPASS). Reporting occurs twice annually on a statewide level. Internal agency reports are created monthly for performance tracking (OAG Monthly HUB Report). Subcontracting data is collected and compiled monthly.

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

Data Limitations: An agency is limited in their efforts by the number of qualified 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 Performance Measure Definitions

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

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

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

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

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

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

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

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 Performance Measure Definitions

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: None.

Calculation Type: Cumulative.

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

GOAL: CRIME VICTIMS' SERVICES

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

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

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

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

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

Data Limitations: None.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: None.

Calculation Type: Cumulative

New Measure: No

Desired Performance: Higher than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 Performance Measure Definitions

(PERFORMANCE MEASURES FOR CUSTOMER SERVICE/SATISFACTION)

Agency Name: Office of the Attorney General

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

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

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

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

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

Data Limitations: None.

Calculation Type: Non-Cumulative

New Measure: No

Desired Performance: Lower than target.

Office of the Attorney General
FY 2010 - 2011 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 2010 - 2011 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: IMPLEMENTING THE TEXAS TRANSFORMATION

Managed Service Delivery

Has the agency considered use of managed services in order to focus more on its business needs?

Yes. The Office of the Attorney General (OAG) has current managed services projects, and is researching the adoption of an operational managed services model. Current projects include converting current fixed channel networks (TDM) to a Voice Over IP (VOIP) environment; providing call center solutions that support consolidation, data mining, and voice recognition; and developing a solution to connect to the DIR statewide network. The OAG is also researching managed services initiatives in further data center consolidation, desktop and printer hardware support, and email services.

The OAG's goal is to adopt an operational managed services model that simplifies information technology (IT) service and delivery, and allows the agency to focus on core IT business application functions. This effort would eliminate redundant IT systems, increase application development and support, streamline vendor and invoice management, ensure consistency with contracts, and possibly provide volume discounts.

Managed Supply Chain

Does the agency leverage and obtain additional value from the Information and Communications Technology (ITC) Cooperative Contracts program; for example, by further negotiating not-to-exceed pricing?

Yes. The agency utilizes the Cooperative Contracts Program to purchase IT commodity items that are available on a Cooperative Contract. Blanket exemptions or one-time exemptions are utilized for all other IT commodity purchases. The Cooperative Contracts Program allows for a more streamlined approach to obtaining State of Texas discounts.

Security and Privacy

Describe the agency's strategies to align with the State Enterprise Security Plan (<http://www.dir.state.tx.us/pubs/securityplan2007/index.htm>)

The OAG has established an Information Security Strategic Plan (ISSP) that aligns with the State Enterprise Security Plan. The OAG is committed to data integrity and considers that every reasonable effort must be made to protect information that is entrusted to the agency. An effective data security protocol, supported by an appropriately rigorous security structure is critical to the success of the OAG ISSP. The agency is implementing a risk-based information security strategy to provide a means to mitigate risks that also maximizes the positive affects of security activities and minimizes costs. The OAG ISSP priority goals are: develop and maintain an information security program that both protects and supports agency operations; coordinate protective activities with appropriate state and Federal agencies; advise and inform executive management of any existing or suspected security situations that may impact operations or customers; conduct and maintain effective research into industry best practices for possible integration into agency practices; and provide professional guidance and consulting as necessary to operational divisions, personnel, and management.

Describe the agency's policies, practices and programs, implemented or planned, that comply with relevant statutes and administrative rules to ensure the privacy of confidential data. Consider federal privacy requirements (e.g., the Health Insurance Portability and Accountability Act or the Family Educational Rights and Privacy Act) that apply to the agency. List the organizational units (program, offices, IT, legal, etc.) that manage privacy functions. Describe any future plans for improvement.

The OAG's Information Security Strategic Plan is aligned with both state and federal regulatory requirements including the DIR State Enterprise Security Plan, the Texas Administrative Code (TAC 202), the Federal Information Security Management Act (FISMA), the Internal Revenue Service (IRS 1075), and the Health Insurance Portability and Accountability Act (HIPAA).

The OAG is dedicated to securing all devices, nodes, communications, and applications from a physical layer to the application layer. This is achieved by an array of security devices, authentication/encryption, logs, auditing, and reporting. The current security architecture integrates various products and tools into the enterprise system architecture. Capabilities include firewalls, intrusion detection, identity management, network vulnerability assessment, anti-virus/spam/spyware, web application security assessment, consolidation of syslogs, etc. Email services are secured via several devices that detect the difference between invalid and legitimate emails. The agency offers many forms and applications via the internet. Entry pages requiring information from the customer are encrypted. Email responses to customer inquiries exclude sensitive case-identifying information such as Social Security numbers. Privacy functions are managed by each division.

Current OAG Security projects include disaster recovery and business continuity software for security event management, automatic change management, and network access control. The agency has a long-standing commitment to the protection of customer information, and as such, maintains a strong privacy policy.

Technology Policy, Best Practices, and Partnerships

What current practices or plans are in place to improve usability and searchability of the agency's Web content? (2007 SSP, Strategy 4-1)

The OAG recently updated the agency website www.oag.state.tx.us. The website, including Child Support Interactive, serves approximately 17 million customers per year. The redesigned and retooled website includes more innovative ways to communicate and interact with our customers. Updated features include a more professional look, and an updated design and multimedia homepage presentation to make the new OAG website more appealing and inviting to visitors. The redesigned website will save Texans time and make their visits more productive by making it easier to navigate and search the website.

The OAG is currently researching options to enhance existing self-service tools through an Interactive Voice Response (IVR) system, websites, and direct mainframe access. OAG's goal is to improve the organization and layout of websites to provide easier access to customers, other state and federal agencies, advocacy groups, and the general public. Enhancements include improving customers' ability to more effectively provide and request information and improving interfaces with other entities to exchange more up-to-date information.

What current practices or plans are in place to improve life cycle management of agency data and information? Include the agency's approach and ability to meet future open records and e-discovery requests. (2007 SSP, Strategy 4-1)

The OAG is currently researching improvements to legacy applications. Consideration will be given to different technology options with strong life-cycle management, web services, security support, version control, change notification, and classification and customization of services.

The OAG is a member of the Electronically Stored Information (ESI) Task Force, which is comprised of representatives from several state agencies. As a result of the ESI Task Force's collaborative effort, a Tool Kit was designed to educate state agencies and provide guidance in responding to open records and e-discovery requests. The OAG anticipates the need for enterprise-level upgrades to our records management and IT systems, in order to comply with amendments to the Federal Civil Rules of Procedure and the Texas Open Records Act, relative to e-discovery.

Describe the agency methods and standards (federal, state, industry), implemented or planned, intended to enhance data sharing (i.e., improve interoperability) with other entities. (2007 SSP, Strategy 4-2)

The OAG currently has many interfaces and shared applications with state and federal entities, county leaders, judiciaries, private sector vendors, and community-based organizations. The agency's strategic plan sets forth initiatives to enhance current data sharing efforts and increase interoperability by expanding interfaces and shared applications.

Core Missions

Does the agency have any plans to simplify or reduce the number of existing platforms (e.g., operating systems, application development environments, database systems, office suites, other COTS applications)? If no, is the agency fully leveraging its technology to support both its current and future business environments?

Yes. The OAG has both current and planned projects designed to simplify and reduce the number of existing platforms. The agency has a current project to consolidate child support applications to a common architecture to provide a single entry point, with a consolidated view, for customers and business partners to access automated systems. Other current projects include data reorganization which will develop alternatives to restructure data and alleviate challenges due to batch schedule downtime, disk storage, and database maintenance and resources. This project will improve online availability of information, and quicken disaster recovery and application response time.

The agency is also researching and analyzing recommendations from a detailed review of business processes focused on continuous improvement and investing in our infrastructure. The OAG's strategic goal to simplify IT services and delivery is expected to include determining the most effective path for improvements; reducing the number of existing platforms; refining business processes; expanding business analytics; and designing an infrastructure to increase agency effectiveness, reduce operating costs, and improve customer service.

Describe any current or planned activities targeted at reducing the environmental resource consumption of technology equipment (recycling, consolidating, virtualizing, buying energy efficient equipment, etc.).

The OAG utilizes many opportunities to reduce the environmental resource consumption of technology equipment. As a Data Center Services participant, existing servers are being consolidated further under the DIR IBM Data Center. The agency currently invests in virtualization initiatives to increase the number of applications running on fewer servers. As obsolete monitor equipment is refreshed, the OAG has replaced CRTs with flat-panel monitors which run cooler, use less electricity, are more comfortable for users, and take less IT staff time to install. As obsolete hardware is refreshed, the OAG offers the equipment to other state agencies, charities, and schools. If no agency, charitable or educational entity has interest in the equipment, the OAG transfers it to Texas Correctional Industries to be recycled.

APPENDIX F: WORKFORCE PLAN

Office of The Attorney General Fiscal Year 2010 - 2011 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-five percent (1062.8) 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 as well as two Fugitive Apprehension units in Houston and Ft. Worth.

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 64.71% (2725.9) of the OAG's authorized FTEs. The OAG provides child support services across the State through 66 field offices, eight regional offices and eight regional customer service centers.

The Attorney General is also assigned the responsibility for administering the Crime Victims' Compensation Program. Four percent (185.9) 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 (222.6) 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 and, in certain instances, prosecutions 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. The MFCU staff is located in Austin and eight field offices operating in Dallas, Houston, Lubbock, Tyler, El Paso, San Antonio, Corpus Christi and McAllen.

The Legislature does not identify a separate strategy for agency-wide administrative functions within the OAG, such as accounting, internal audit, budgeting, 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 (allocated and included in numbers above).

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, (15.4 FTEs, .36%) include staff that performs agency-wide administrative support functions.

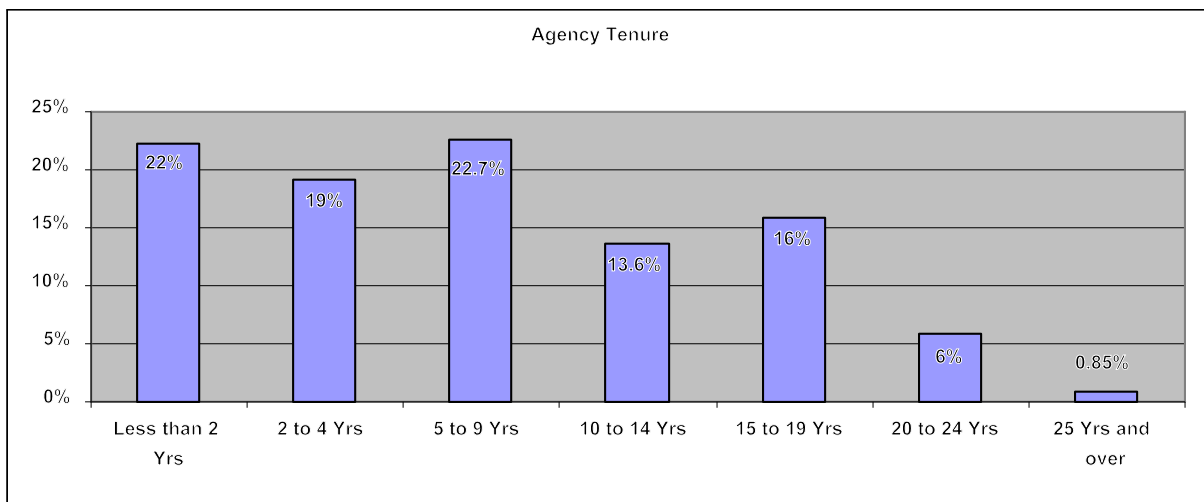
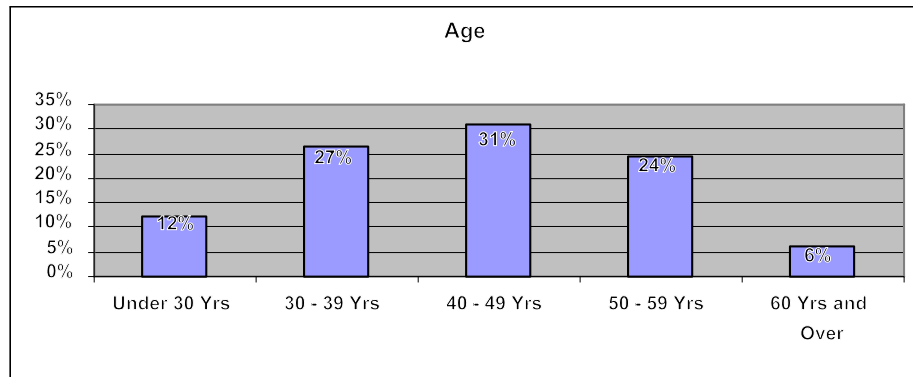
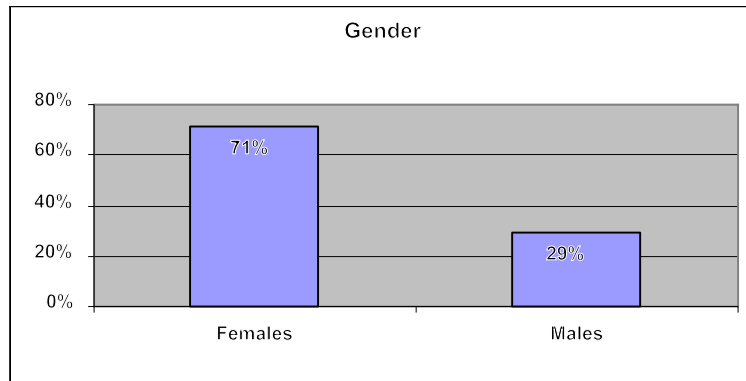
A. Goals and Objectives

| | |
|-----------|---|
| 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 5] |
| 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 workers' compensation program [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, 2008. The charts include full-time and part-time employees. The OAG workforce consists of 29 percent male and 71 percent female. Sixty-one percent of our employees are over the age of 40. Forty-one percent of the employees have less than five years of state service. Thirty-six percent have between 5 to 14 years of state service.



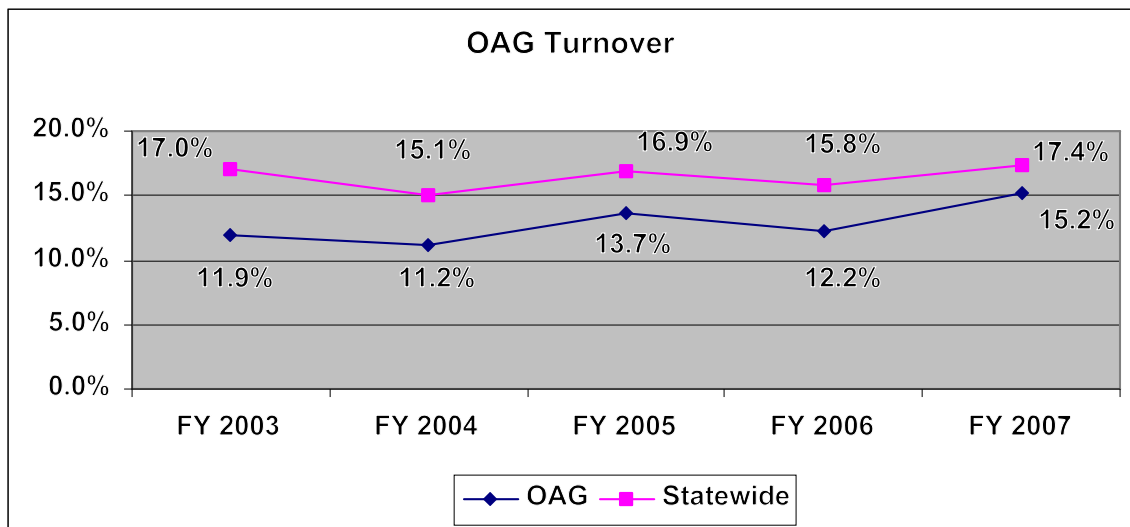
The following table compares the percentage of African American, Hispanic and Female OAG employees (as of May 1, 2008) to the statewide civilian workforce as reported by the Civil Rights Division of the Texas Workforce Commission. In most categories, the agency's figures are higher than the statewide workforce statistics.

| Job Category | African American | | Hispanic | | Female | |
|---------------------------|------------------|---------|----------|---------|--------|---------|
| | OAG % | State % | OAG % | State % | OAG % | State % |
| Officials, Administration | 9.0% | 6.6% | 15.0% | 14.2% | 34.0% | 37.3% |
| Professional | 7.2% | 8.3% | 19.4% | 13.4% | 52.3% | 53.2% |
| Technical | 9.0% | 12.4% | 25.0% | 20.2% | 32.0% | 53.8% |
| Administrative Support | 16.0% | 11.2% | 46.5% | 24.1% | 90.0% | 64.7% |
| Skilled Craft | 50.0% | 6.0% | 0.0% | 37.5% | 0.0% | 4.8% |
| Service and Maintenance | 21.5% | 13.8% | 38.6% | 40.7% | 84.0% | 39.0% |

The demographics of the OAG workforce are extremely representative of the Texas Labor Pool. There is only one job category which reflects significant under-representation. That category is the under-representation of Female Technical in the OAG. Two other categories with under-representation are African American Technical and Females as Officials and Administrators. The under-representation of Hispanic Service and Maintenance, African-American Professional and Female Professional categories are considered minimal. The office has only one position in Skilled Craft so this category is not considered statistically significant. Protective Services and Para-Professionals categories are combined with the Service and Maintenance category consistent with directives from the Texas Workforce Commission, Civil Rights Division.

C. Employee Turnover

The turnover rate for the OAG 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 '03 through FY '07 is below.



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

D. Potential Retirement Eligibility Impact

Analyses of the Office of the Attorney General (OAG) staff tenure and leave records indicate that 200 staff members, or approximately 5 percent of the agency's workforce currently are, or will become eligible to retire during Fiscal Year 2008, 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 FY2008, with 69 or approximately 6 percent of the employees in that strategy reaching retirement eligibility by the end of FY2008.

Between FY2008 and FY2013, approximately 19 percent, or 784, of the OAG's staff are anticipated to become eligible for retirement under the "Rule of Eighty." With 21 percent of its employees projected to reach eligibility, 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 Administrative Divisions are projected to become retirement eligible between FY2008 and FY2013. (**Note:** The Medicaid Fraud Control and Crime Victims Services divisions are excluded from Table B since they are separate strategies.)

Table C illustrates that approximately 21 percent of the Child Support Enforcement Division's (CSD) Information Resources staff will become eligible to retire between FY2008 and FY2013. Approximately 29 percent of the remaining State Office CSD staff will attain retirement eligibility during the same period, compared with approximately 18 percent of the more than 2,100 Field Office CSD staff.

Table D shows the estimated number of agency staff, in select classified position series, who will reach retirement eligibility during the FY2008 through F2013 period. Approximately 38 and 26 percent of the agency's directors and managers, respectively, are projected to reach retirement eligibility during this period. Twenty-two percent of the agency's Assistant Attorneys General are projected to reach retirement eligibility during this same time.

Between December 31, 2001 and January 31, 2008, a total of 424 agency staff retired. Seventeen percent of these retirees had not been identified as being retirement eligible in previous strategic plans. Comparison of the 597 staff identified as becoming retirement eligible between FY 2002 and FY 2007 to actual retirees indicated that approximately 59 percent had retired from the agency as of January 31, 2008. Conversely, 41 percent had not retired. The large number of eligible employees deferring retirement, coupled with newly eligible staff, is creating a growing pool of employees, who could decide to retire within a short period of time.

It should also be noted that the OAG relies on a sizable number of rehired state retirees to conduct its mission critical work, with approximately 2.3 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 January 31, 2008.

¹ These estimates are based on the number of staff on the OAG's payroll as of January 31, 2008. The estimates are conservative, since they do not include staff that may be eligible to retire as a result of reaching the age of sixty with five years of service. These estimates also exclude staff with un-purchased prior state service or military time or purchases of optional service time. The 91 rehired state retirees in the OAG's employ as of the end of January 2008 are also excluded from the annual estimates of retirement eligible staff. Rehired state retirees, however, are included in the total count of agency employees as of January 31, 2008.

TABLE A

| Number of OAG Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80 | | | | | | | | | | |
|---|--------------|-------------|-------------|-------------|-------------|-------------|-----------------------|--|-----------------------------|---|
| Strategy Area | FY 08 | FY09 | FY10 | FY11 | FY12 | FY13 | Total Eligible | Total Staff by Area¹ | % Eligible in FY2008 | % Eligible Between FY2008 & FY2013 |
| Child Support | 118 | 54 | 63 | 87 | 85 | 102 | 509 | 2,623 | 4% | 19% |
| Crime Victims Services | 4 | 6 | 5 | 5 | 2 | 2 | 24 | 130 | 3% | 18% |
| Legal Services ² | 69 | 27 | 30 | 25 | 35 | 39 | 225 | 1,087 | 6% | 21% |
| Medicaid Fraud Control | 9 | 5 | 2 | 6 | 2 | 2 | 26 | 192 | 5% | 14% |
| Agency Total | 200 | 92 | 100 | 123 | 124 | 145 | 784 | 4,032 | 5% | 19% |

¹Count is of filled positions as of 1/31/08, 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 | | | | | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-----------------------|--|-----------------------------|---|
| Strategy Area | FY08 | FY09 | FY10 | FY11 | FY12 | FY13 | Total Eligible | Total Staff by Area¹ | % Eligible in FY2008 | % Eligible Between FY2008 & FY2013 |
| Administrative Divisions | 14 | 5 | 7 | 5 | 7 | 9 | 47 | 207 | 7% | 23% |
| Criminal Justice Divisions | 0 | 3 | 3 | 2 | 4 | 2 | 14 | 222 | 0% | 6% |
| Executive Management ² | 1 | 0 | 3 | 1 | 0 | 1 | 6 | 38 | 3% | 16% |
| Legal Counsel Divisions | 7 | 2 | 1 | 3 | 4 | 1 | 18 | 91 | 8% | 20% |
| Litigation Divisions | 47 | 17 | 16 | 14 | 20 | 26 | 140 | 529 | 9% | 26% |
| Strategy Total | 69 | 27 | 30 | 25 | 35 | 39 | 225 | 1,087 | 6% | 21% |

¹Count is of filled positions as of 1/31/08, includes rehired retirees; excludes vacant positions.

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

TABLE C

| Number of CSD Employees Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80 | | | | | | | | | | |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-----------------------|--|-----------------------------|---|
| Functional Area | FY08 | FY09 | FY10 | FY11 | FY12 | FY13 | Total Eligible | Total Staff by Area¹ | % Eligible in FY2008 | % Eligible Between FY2008 & FY2013 |
| Field Office Staff | 78 | 40 | 49 | 60 | 70 | 86 | 383 | 2,147 | 4% | 18% |
| Information Technology Staff ² | 7 | 4 | 6 | 6 | 4 | 5 | 32 | 156 | 4% | 21% |
| State Office Staff | 33 | 10 | 8 | 21 | 11 | 11 | 94 | 320 | 10% | 29% |
| CSD Total | 118 | 54 | 63 | 87 | 85 | 102 | 509 | 2,623 | 4% | 19% |

¹Count is of filled positions as of 1/31/08, includes rehired retirees; excludes vacant positions.

²Based on IT staff budget codes, primarily includes programmers, systems analysts, network specialists, systems support specialists, network specialists, technical writers, and data base administrators.

TABLE D

| Number of OAG Employees By Selected Position Series Projected to Be Eligible to Retire By Fiscal Year Using Rule of 80 | | | | | | | | | | |
|---|------|------|------|------|------|------|----------------|---|----------------------|------------------------------------|
| Strategy Area | FY08 | FY09 | FY10 | FY11 | FY12 | FY13 | Total Eligible | Total Employees by Classification Series ¹ | % Eligible in FY2008 | % Eligible Between FY2008 & FY2013 |
| Administrative Assistants | 15 | 7 | 6 | 12 | 10 | 10 | 60 | 293 | 5% | 20% |
| Assistant Attorneys General | 42 | 21 | 13 | 21 | 25 | 25 | 147 | 677 | 6% | 22% |
| Child Support Officers | 38 | 18 | 24 | 38 | 30 | 54 | 202 | 1,226 | 3% | 16% |
| Child Support Technicians | 7 | 8 | 9 | 9 | 12 | 7 | 52 | 365 | 2% | 14% |
| Directors ² | 7 | 3 | 4 | 2 | 6 | 2 | 24 | 63 | 11% | 38% |
| Investigators | 10 | 5 | 3 | 6 | 8 | 2 | 34 | 243 | 4% | 14% |
| Legal Assistants | 2 | 0 | 5 | 0 | 3 | 4 | 14 | 86 | 2% | 16% |
| Legal Secretaries | 2 | 6 | 0 | 1 | 1 | 4 | 14 | 92 | 2% | 15% |
| Managers | 11 | 4 | 7 | 1 | 3 | 5 | 31 | 118 | 9% | 26% |

¹Count is of filled positions as of 1/31/08, includes rehired retirees; excludes vacant positions.

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

TABLE E

| Rehired Retiree State Employees as a Percentage of OAG Workforce as of 1/31/08 | | | |
|--|-------------------------------|-----------------------------|---|
| OAG Strategy | Total Employees as of 1/31/08 | # of Rehired State Retirees | State Retiree Rehires as % of Total Employees |
| Child Support | 2,623 | 31 | 1.2% |
| Crime Victims Services | 130 | 1 | 0.8% |
| Legal Services | 1,087 | 39 | 3.6% |
| Medicaid Fraud Control | 192 | 20 | 10.4% |
| Agency Total | 4,032 | 91 | 2.3% |

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 requirements, 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 Legal Education Section consists of a Program Coordinator who receives direction, advice and assistance from the Legal Education Committee, consisting of 13 AAGs from a diverse selection of divisions within the agency. The Program Coordinator meets monthly with the Committee to plan continuing legal education (CLE) programs for the agency. These CLE programs are primarily for the attorneys, but audiences include support staff as well. All AAGs and some legal assistants accrue CLE credit hours to maintain their State Bar memberships. The Legal Education Section offers CLE for all experience levels of litigating and non-litigating AAGs. Many courses are 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. In addition to over 30 programs presented live during each year, several programs are available via the agency website for staff in regional offices, including legal ethics programs.

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 80 different courses within the 180 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 (VIP), the Law Clerk Program, and the Child Support Outreach and Volunteer Program.

The purpose of **Recruitment** is to:

- Attract to public service outstanding individuals from a variety of academic disciplines and certified professionals 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.
- Encourage the benefits of public service careers to those who might not have otherwise considered state government.

The VIP 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 **Law Clerk 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, writing ability, previous legal experience and genuine interest in public service work.

Summer law clerks and volunteer law clerks are law students who wish to spend at least six weeks working at the 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 law schools, attending public service career events and accepting mailed applications from out-of-state law schools.

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 (CSD). If turnover occurs in the chief and deputy director positions, deputy chiefs and designated representatives 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 individuals 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 (CSD) has deputy directors for five major sections. With the exception of Field Operations, each section utilizes practices and procedures similar to the administrative and legal divisions for informal succession planning.

Field Operations is divided into eight regions with 66 individual field offices. Each region is supervised by a Field Regional Administrator who reports to the Deputy Director for Field Operations. All regions have a senior regional attorney, and two of the largest regions have an assistant regional administrator. The senior

regional attorney co-supervises the managing attorneys in each field office and is available to serve as a managing attorney in an individual field office, if necessary. 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 field offices within a particular region.

Each field office is supervised by a managing attorney and has between one and six staff attorneys. Many of the senior regional attorneys are former managing attorneys. An office manager supervises non-attorney staff in each office, and most managers have an experienced unit supervisor that assists with an office’s daily operations. The core functions of field staff are similar so trained staff are available when advancement opportunities arise.

CSD also has a regional customer service center (RCSC) in each of the eight regions. RCSC managers are generally selected from among the pool of child support field supervisors and child support officers in the state. When turnover occurs, there is a pool of trained staff from which to draw replacements.

Mentoring and Management Development Program

CSD instituted the Mentoring and Management Program (M&M) to ensure continuity in key or critical task positions. In operation since FY 2005, this program has increased the pool of skilled and motivated staff from which to draw suitable replacements. Participants receive tailored training during the mentoring period and specialized instruction and guidance from an experienced staff mentor. Approximately 17% of all CSD staff is currently participating in M&M.

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. Assistant Attorneys General licensed between one and five years left the OAG at a rate of 21.3% in FY 2007. AAGs I - III, who are generally licensed three years and less, departed, at an average rate of 22.2%. AAGs I and III left at the rate of 25.6% and 14.3%, respectively.
- The turnover rate for Legal Assistants decreased from 20.3% in FY 2005 to 14.0% FY 2007.
- The turnover rate for Legal Secretaries increased in FY 2007 to 19% as compared to the 15% rate experienced in FY 2005.

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, a city, county or federal government agency. While agency employees report a high level of job satisfaction, they cannot ignore the rising costs of living in most areas of the state.

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. The additional appropriation enabled the office to establish new salary minimum 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 continues to monitor turnover rates to assess the long term effect these minimum salaries increases are having on turnover. However, as noted above the turnover rates continue to be high for assistant attorneys general.

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. However, the OAG continues to be concerned about the growing volume of public information requests. The office responded to over 1,000 requests in one month for the first time in 2004. This pace has remained constant as 16,345 responses were issued during FY 2007. This volume creates an FTE issue with the number of AAGs available to devote to this statutory duty.

The Post Conviction Litigation Division is experiencing an increase in workload as the result of, among other things, court rulings on the constitutionality of executions. These court rulings have resulted in an increased volume of evidentiary hearings on post-conviction filings in state and federal court. More evidentiary hearings are also being conducted in non-capital cases on such claims as ineffective assistance of counsel.

In addition, the Attorney General has also heightened the attention and increased resources dedicated to criminal justice. The Criminal Prosecutions Division is staffed by prosecutors who practice in both state and federal courts in Texas. These prosecutors handle cases pursuant to the Attorney General's original criminal jurisdiction, when original jurisdiction is provided by Texas law; pursuant to concurrent criminal jurisdiction with district and county attorneys, when concurrent criminal jurisdiction is provided by Texas law; and pursuant to requests for assistance from local prosecutors and offers of assistance to local prosecutors. The division also works cooperatively with the U.S. Attorney's Offices in the four federal districts in Texas, and prosecutors in the division appear in federal court as Special Assistant United States Attorneys. Furthermore, the Division also coordinates investigatory and prosecutorial assistance to local prosecutors throughout Texas. These resources are applied in the areas of criminal investigations, criminal prosecutions, and state post-conviction proceedings. This volume creates an FTE issue with the number of AAGs available to devote to these statutory duties.

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. The 80th Legislature added 28 FTEs for an expansion of the Fugitive Apprehension Unit.

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

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|--------------|---|
| 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 | 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. |

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| 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 Services Overview

Strategic Goals and Strategies

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| Goal | To enforce aggressively and fairly both state and federal child support laws and regulations |
| Objective | <ul style="list-style-type: none"> • Collect court-ordered child support through the use of administrative actions and all available legal actions allowed by state and federal laws and regulations. • Operate a federally-mandated state disbursement unit. |

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

No changes are expected.

B. Current Workforce Profile (Supply Analysis)

The child support program has approximately 2,700 full-time equivalents (FTE); 80 percent are employed in Field Offices and 20 percent in the Austin State Office. Field staff provides direct services for more than 1,000,000 child support cases, including collection and disbursement of child support, establishment of paternity and court orders for support payments, and enforcement of child support and medical support orders. State Office staff services include administrative and support functions, contract and grant oversight, technology system support, planning, policy development, and training.

Critical Workforce Skills

The Child Support Division (CSD) relies upon a highly-skilled workforce in a variety of program disciplines to carry out its mission. Maintenance of a professional workforce with the skills needed to meet ongoing business objectives and goals is critical. Critical workforce skills include the following:

- Child support program knowledge and specialized skills (e.g., financial analysis, international case processing, and state parent locate services)
- Legal skills and coordination and management of court cases
- Knowledge of applicable federal and state laws and regulations
- Contract, grant, and project management skills
- Management of high volume casework in a changing environment
- Customer service and complaint resolution skills
- Advanced information technology skills and familiarity with new technology
- Programming and data entry skills within the current legacy system
- Web and database development and maintenance experience

C. Future Workforce Profile (Demand Analysis)

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

While the CSD mission is expected to remain constant, changing demographics, caseload characteristics, federal mandates, and business process needs may impact division operations.

Demographics

Changes in population and job markets can affect caseload volume, types of cases, and the payment of child support. Projections by the Texas Comptroller of Public Accounts indicate significant population increases for the state. And, job market trends indicate increases in unreported and underreported income. These factors result in a larger caseload, which can lead to an increased need for collecting child support payments for families.

Caseload Characteristics

Changes in caseload characteristics have resulted in adjustments to CSD services. The percentage of active referral-based (TANF) cases within the child support caseload continues to decrease. The shift to more application-based customers leads to additional service needs and heightened customer expectations. CSD customers now have increased expectations of the division; different service needs, and they have come to expect the ease and convenience provided by access to internet services. To meet expanded needs for electronic access, CSD is leveraging technology to enhance its web-based service and designing new electronic functions. These enhancements will include convenient self-service features and automated appointment notifications.

Federal Mandates related to Medical Support

The division's federal oversight agency, the Office of Child Support Enforcement (OCSE), has instituted new reporting requirements related to medical support, medical coverage, and Medicaid eligibility. These mandates will require extensive programming and operational changes, which are often costly and time-consuming to effectuate.

Business Processes

CSD is comprehensively studying all core business processes and looking for efficiencies to better use staff and technology. It is critical that we align IT strategies with our business processes as we invest in technology that takes us into the future. This will inevitably involve identifying and training new skills and realigning the skill sets required of different positions. As a result of this process, our workforce will continue to evolve.

Future workforce skills needed

CSD will need a flexible, highly-skilled workforce, able to respond to changing caseload requirements, customer needs, and advances in technology. Future workforce skills needed include the following:

- Skilled staff with the ability to analyze business processes and performance to improve operational effectiveness
- Highly-trained child support staff, able to understand and apply complex program policies to establish new support obligations and enforce court orders
- Staff able to adapt to high volume casework and a rapidly changing environment
- Skilled project managers, able to oversee and direct complex projects that cross multi-functional areas
- Well-prepared financial specialists, able to respond to inquiries on collection and disbursement activities and make necessary adjustments to automated systems
- Competent customer service staff, able to respond to complex inquiries on case status and payment activity
- Knowledgeable information technology staff, able to adapt to advanced technology and meet changing customer needs

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 may negatively impact current service levels.

D. Gap Analysis

Anticipated surplus or shortage of employees

No surplus of child support employees is anticipated. Shortages may occur due to retirement eligibility factors and increases in caseload volume and complexity.

Nineteen percent of CSD employees will be eligible for retirement between FY2008 and FY2013, including 29 percent of State Office, 21 percent of Information Technology, and 18 percent of Field Office employees. Retirements of these tenured staff will negatively impact the pool of qualified employees. As retirement eligibility continues to rise, it is critical that CSD identify and transfer child support knowledge and skills through its mentoring program. Anticipated child support caseload growth may lead to shortages in staff needed to maintain current service levels. State FTE caps are expected to remain in place, which causes greater demands on current staff.

Anticipated surplus or shortage of skills

No surplus of skills is anticipated. Shortages may occur due to staff retirements, changing caseload characteristics, and increased needs for grant and contract management and information technology skills.

As our workforce ages, many seasoned staff are retiring, taking with them program knowledge and critical skills. CSD is responding to this challenge through the Mentoring and Management Program (M&M). In operation since FY 2005, this program has increased the pool of skilled and motivated staff within CSD.

CSD staff must also build their skill sets in contract and grant management. The number of vendor relationships is expected to increase. CSD will develop specialized contract and grant management skills among staff to support growth in these areas.

CSD requires staff with knowledge of existing child support systems, familiarity with current and advanced technology, and the flexibility to respond to customers’ changing needs. To meet this increasing need for skilled technology staff, CSD provides critical technical training, educates cross-functional teams, and develops subject matter experts.

E. Strategy Development

| Gap | Workforce Retention and Recruitment |
|------------|---|
| Goal | Develop strategies to ensure leadership continuity, program knowledge retention, and effective recruitment for key positions. |
| Rationale | <ul style="list-style-type: none">• Extensive program knowledge and critical skills may be lost due to staff retirements.• Knowledge transfer is critical for CSD to develop new leaders and experts.• Efforts are needed to retain qualified and experienced CSD staff.• Field positions experience high turnover rates in metropolitan areas with robust job markets.• New staff expects increased communication tools and advanced technology.• CSD must develop creative ways to reach the workforce and deliver training.• CSD staff demographics are changing to reflect a shorter tenured trend.• Effective recruitment efforts are needed for attracting a younger workforce to difficult-to-fill positions. |

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| Action Steps | <ul style="list-style-type: none"> • Continue improvements to and participation in the Mentoring and Management Program (M&M). • Identify employees with critical knowledge and strengthen knowledge transfer efforts through cross-training and mentoring. • Define workforce competencies and standardize employee performance plans and evaluations to support staff development. • Continue staff development through web-based training and video conferencing. • Enhance training delivery through increased modular units and alternative training methods. • Provide a streamlined training curriculum to get new employees prepared sooner. • Support the use of communication tools and advanced technology. • Provide more opportunities for career advancement. • Develop strategies for mobilizing the workforce, including the use of technology to improve access and performance. • Develop a recruitment strategy for attracting a younger workforce to difficult-to-fill positions. |
|--------------|---|

| Gap | Increased Need for Skills to Support a Changing Caseload |
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| Goal | Meet the needs of a changing caseload. |
| Rationale | <ul style="list-style-type: none"> • Customer expectations associated with enforcement cases continue to grow. • Customers (e.g., parents, employers, and courts) have greater needs for electronic access to information and services. • Customers are requesting new or expanded services (e.g., medical support enforcement, registry services, and family programs). |
| Action Steps | <ul style="list-style-type: none"> • Increase training opportunities for enforcement skills and complex technical knowledge. • Distribute “best practices” statewide. • Build and maintain effective relationships with other agencies and the private sector. • Explore new technology initiatives to improve systems and processes. • Synchronize technology among external partners and systems. • Expand and enhance self-service models for customers. |

| Gap | | Increased Need for Business Operations Management |
|--------------|--|--|
| Goal | Develop and effectively manage business operations, contracts, and grants. | |
| Rationale | <ul style="list-style-type: none"> • CSD requires skilled staff to monitor and evaluate business processes and identify needed process enhancements. • Federal mandates, FTE limitations, and outsourcing trends may increase the use of contractors. • CSD manages a number of complex contracts (e.g., State Disbursement Unit and Medical Support enforcement services). • Staff must increase focus on contract and grant management, development, and monitoring. • CSD continues to apply for and receive federal grant awards. Adequate oversight of these funds is essential. | |
| Action Steps | <ul style="list-style-type: none"> • Develop specialized business process monitoring and evaluation skills to improve operational effectiveness. • Develop specialized contract, grant, and project management skills. • Develop contract quality assurance and monitoring skills. • Provide training to external entities that provide services under contract (e.g., statutory requirements and TXCSES skills). • Expand monitoring function for contracts and grants. | |

| Gap | | Increased Need for Information Technology Skills |
|------------|---|---|
| Goal | Use technology to increase customer access to information and satisfaction with services and maximize efficiency of existing staff. | |
| Rationale | <ul style="list-style-type: none"> • CSD requires staff with knowledge of existing child support systems, familiarity with advanced technology, and the flexibility to respond to customers' changing needs. • CSD's systems are large and complex, and technology is constantly evolving. Several of these systems are proprietary, and it takes time to acquire proficiency. • A large number of IT staff will be eligible to retire during the next biennium, creating the potential for a shortage of IT skills. • Training is needed in emerging technologies that are incorporated into the CSD technology architecture. • Efforts are needed to identify and categorize essential job skills so staff may be cross-trained as expeditiously as possible. • As CSD expands collaborations with local, state, and federal governments, there is an increasing need to train external business partners to access TXCSES. | |

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| Action Steps | <ul style="list-style-type: none"> • Provide training in critical technical areas and educate cross-functional teams to increase the development of subject matter experts. • Develop strategies for expanding the IT skill base and computer literacy of all users. • Increase subject matter expertise by fully engaging staff in M&M. • Develop strategies to ensure efficient use of new technologies. • Improve internal processes to reflect recognized industry standards and remain current with the latest technological advances (e.g., web-based applications and wireless technology). • Collaborate with external partners, including other state agencies, employers, and vendors to evaluate trends, leverage resources, optimize interfaces, and increase efficiencies. |
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IV. WORKFORCE STRATEGY - CRIME VICTIM SERVICES

A. Crime Victim Services Overview

Strategic Goals and Objectives

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

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

No changes are expected.

B. Current Workforce Profile (Supply Analysis)

The workforce under the Crime Victims' Compensation and Victims Assistance strategies is located primarily in Austin. Three employees are currently housed in regional offices, one each in Amarillo, El Paso, and Houston. Staff is dedicated to two main functions: direct victim compensation and victim assistance grants and contracts. Approximately 75.6 % of the workforce under these strategies supports the compensation function, where staff manages nearly 55,000 active compensation claims annually. The staff determines eligibility, reviews expenses, and makes recommendations for payments. The OAG's Victim Assistance

Coordinator also provides direct victim assistance in criminal cases handled by the OAG. Another 15.2 % of the workforce supports the victim assistance grants and contracts function. This staff administers the grants awarded by the OAG, provides training and technical assistance, and monitors funded programs for fiscal and programmatic compliance. Another 2.5 % of the staff operates the Address Confidentiality Program. This staff receives and forwards mail on behalf of eligible participants. The remaining 6.7 % of the CVS workforce perform the executive and administrative functions. The OAG also utilizes temporary employees and contracted vendors to assist with daily functions under these strategies.

Critical Workforce Skills

The workforce under these strategies will need the following skills to operate effectively in today's technology-driven environment:

- Skills in financial management and analysis
- Skills in monitoring and evaluating programs
- Skills in analyzing complex legal issues and interpreting statutes and regulations
- Organizational skills to manage a high claim volume
- Skills in grant writing and grant management
- Skills in developing written program materials
- Project management skills
- Computer technology skills in word processing, spreadsheet, and database software
- Multi-lingual communication skills
- Public speaking skills

In addition, employees with highly specialized training are also required:

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

In the past three years, the turnover rate within the Crime Victims' Compensation and Victims Assistance strategies has risen each year. 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. Focus should be placed on not only training new staff, but identifying ways to retain current staff.

C. Future Workforce Profile (Demand Analysis)

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

Several factors may impact the agency's workforce providing assistance under these strategies.

Compensation Applications

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 the immediate future. CVC forecasts a more conservative growth rate in victim applications for the next few years. 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 and has continued to decline through 2007.

Address Confidentiality Program

During the 80th Legislative Session, the Texas Legislature authorized the OAG to establish an Address Confidentiality Program (ACP) to protect the location of victims of family violence, sexual assault, and stalking through the establishment of a confidential mailing address. Under the ACP, the OAG provides a substitute post office box address that a participant may use in place of the true residential, business, or school address, acts as an agent to receive service of process and mail on behalf of the participant, and forwards to the participant first class mail received by the OAG on behalf of the participant. Additional demands will be placed on the agency to fully implement and operate this program which became effective June 1, 2008.

Cost Containment

CVC utilizes a cost containment vendor to process medical bills to ensure payment is made according to the Texas Medical Fee Guidelines as required by law. Any changes in the cost containment vendor impact the medical review process and workloads, and potentially impact the delivery of payments.

Grants and Contracts

For FY 2008-2009, the OAG was appropriated \$66.18 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 staff will also need to work collaboratively with other agencies and non-profit organizations in administering grants at the state level. Additionally, based on sexual assault federal funding guidelines, the OAG will work with local service providers to continue the transition from a direct services focus to enhanced efforts in primary prevention using a public health model.

Statewide Automated Victim Notification System

By the end of FY 2008, an estimated 148 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 staff will be required to provide additional training and technical assistance to the communities using the statewide system. The agency also received a federal grant to implement Texas VINE in rural areas. Under the grant, the OAG assumed additional responsibilities to foster collaboration and growth of the system. As more counties become operational, staff will be required to provide additional training and technical assistance to the communities using the statewide system.

SANE Training and Certification Program

Each year, the Sexual Assault Prevention and Crisis Services Program (SAPCS) trains nurse across the state to be Sexual Assault Nurse Examiners (SANE). The training is provided by OAG staff and three contracted SANE trainers located in various regions of the state. Additional technical

assistance, continuing education for nurses, and support to foster retention will be required as more nurses receive SANE training and certification. Additionally, the program is collaborating with rural counties to ensure that sexual assault victims are receiving essential services.

Funding

The OAG receives state and federal funds to support compensation payments and victim services delivered by grantees. State funding for these services comes from a Legislative appropriation from the Texas Compensation to Victims of Crime Fund. Reductions in funding would affect the agency's performance and ability to maintain current services.

Data Center Consolidation

In the 79th Legislative Session under HB 1516, the Texas Legislature mandated the consolidation of certain state agency data centers. The implementation of this consolidation may impact the agency's ability to deliver crime victim services and to process CVC claims in a timely manner.

Information Technology

CVC has implemented technology solutions such as a document imaging/workflow system and customized automation software to offset increases in workload. CVC has also begun automated downloads from the Health and Human Services Commission for Medicaid and other collateral sources. To further improve efficiency, the OAG 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 OAG must acquire or develop 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 agency needs skilled technology workers with diverse backgrounds.

New Initiatives

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

Future Workforce Skills Needed

The OAG anticipates that future core workforce skills requirements will be the same as our current skill requirements under these strategies. However, as the agency increasingly utilizes technology to streamline processes, meets the demands of constituents, and provides more efficient services, additional skills may be required. These essential skills will include advanced computer related skills. The focus will shift to systems design and analyses, web design and development, and the ability to adapt to new or modified application systems to keep up with the changing technology.

Critical Functions

- Retain and continue to attract a talented and diverse workforce.
- Develop current employees for needed skills
- Identify and eliminate unreasonable bureaucratic standards
- Automate more work processes
- Increase the use of technology to streamline workflow
- Increase the use of interactive information exchange
- Enhance the monitoring and evaluation processes

D. Gap Analysis

Anticipated Surplus or Shortage of Skills

While employees have sufficient skills for the current environment, additional skills will be needed in the future. With the addition of new duties and responsibilities, the organization has become more complex. Employees are taking on more job responsibilities that require different skill sets, including grant management and technical/system support. The agency must develop all the required competencies necessary to maintain quality performance in the changing work environment. The technology needs of the OAG are constantly evolving, and employees must be poised to handle these emerging requirements.

The agency will also face the challenge of retaining the institutional knowledge that may be lost as a result of employee turnover. The focus for staff under the Crime Victims' Compensation and Victims Assistance strategies will be in transferring knowledge and in positioning key staff members for promotion, career development, and succession planning.

E. Strategy Development

| Gap | Increased Demands for Victim Services |
|--------------|---|
| Goal | Have sufficient human resources to respond to increased demands and maintain the necessary oversight of programs. |
| Rationale | As service demands increase, maintaining the proper number in the workforce is critical to ensuring proper use of state funds and quality services for crime victims. |
| Action Steps | <ul style="list-style-type: none">• Identify ways to improve efficiency of current staff through organizational change and the use of technology.• Automate processes for victim compensation where possible.• Work with other state agencies to streamline the compensation, address confidentiality, and grant/contract processes where possible. |

| Gap | Critical Skill Development |
|--------------|--|
| Goal | Develop new competencies/employee skill sets and maintain a well-trained workforce. |
| Rationale | The training and development of current employees is critical to the success of the agency in delivering crime victim services. |
| Action Steps | <ul style="list-style-type: none"> • Identify new skill sets required as a result of program changes or technological advancements. • Expand training curriculum to include programs such as, change management, effective leadership, project management, and strategic planning. • Identify candidates from which to pull future leaders and prepare them to move into jobs with higher level skill requirements. • Create training and development plans to develop increased competency in staff who have demonstrated the potential or interest to assume positions at higher levels as vacancies occur. • Promote the transfer of knowledge through cross functional training, mentoring programs, and enhancement of written procedures. • Hire replacement staff with advanced financial and database experience as positions are vacated. |

| Gap | Information Technology Skills |
|--------------|--|
| Goal | Continue to use technology to improve productivity and services. |
| Rationale | Through the use of technology the agency will be more efficient, 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 information management systems. • Enhance the infrastructure with new technologies and implement organizational changes to keep up with increased workloads. • Explore and identify available technologies to address the needs of the compensation, address confidentiality, 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, the OAG must be competitive in the market for skilled workers. |
| Action Steps | <ul style="list-style-type: none"> • Focus on rewarding exceptional performance, providing a structured approach to staff development and creating a culture that supports innovation and excellence. • Utilize pay incentives, where appropriate, to attract and retain staff. • Adjust salaries within assigned pay ranges for employees in positions that are either critical functions or have high turnover rates. • Continue to allow employees who are seeking new challenges to work on special projects, rotations, and/or developmental assignments. • Promote lower level employees into positions with increasing levels of skill to advance development. • Assess workplace environment and survey staff to prioritize suggested improvements. • Continue to support staff participation in Agency and Division-wide events. • Encourage staff recognition and award systems. |

V. WORKFORCE STRATEGY - MEDICAID FRAUD CONTROL

A. Medicaid Fraud Control Unit Overview

The Medicaid Fraud Control Unit (MFCU) is an investigation and prosecution division of the 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 thorough investigation and, when appropriate, prosecution of Medicaid providers and Medicaid funded facilities for violations of state and federal law. The MFCU functions under the authority of the U.S. Code of Federal Regulations, Title 42, Part 1007 and the federal oversight of the U.S. Department of Health and Human Services - Office of Inspector General. MFCU cases involve fraud in the administration of the program, the provision of medical assistance, and/or the activities of providers of medical assistance under the State Medicaid plan. The mission of the MFCU is, through thorough investigation and prosecution, to create an industry deterrent so that Medicaid recipients can receive medical care in an environment that is as free as possible from fraud, physical abuse and criminal neglect.

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| Goal | Conduct a statewide program for investigating and prosecuting (or referring for prosecution) violations of all applicable state laws pertaining to fraud in the administration of the program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid Plan. |
| Objectives | <ul style="list-style-type: none"> • Review complaints and conduct criminal investigations into allegations of fraud committed by Medicaid providers. • Review complaints and conduct criminal investigations of allegations of abuse and neglect that occur in facilities that receive Medicaid funding. • Review complaints and conduct criminal investigations of allegations of the misappropriation of patients' private funds in facilities. • Prosecute fraud, abuse/neglect cases either in federal or state court utilizing staff 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. • 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. |

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 24% of the division's total staff, the Corpus office represents 6%, the Dallas office represents 15%, the El Paso office represents 5%, the Houston office represents 22%, the Lubbock office represents 4%, the McAllen office represents 9%, the San Antonio office represents 8%, 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 efficient 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 17% administrative staff (including analysts), 21% investigative auditors, 9% attorneys, and 53% 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, executing subpoenas and search warrants and participating with other local, state and federal law enforcement partners in investigating health care fraud matters. The Unit promotes a teamwork approach to criminal investigations, which encourages and requires staff to bring all of the collective expertise and knowledge to bear in each case worked. The division also utilizes medical consultants and specialists on an as-needed basis to assist with thorough investigation and, where appropriate, prosecution of cases.

Critical workforce skills of MFCU

- Performance of fraud and abuse/neglect investigations (Medicaid nexus)
- Prosecution of fraud and abuse/neglect cases in coordination with federal, state, and local prosecuting authorities (Lawyers experienced in pre-indictment work, grand jury, trial work, and appellate law are preferred.)
- Extraction and analysis of Medicaid, criminal, civil and other data from various state and other databases to facilitate case investigation and prosecution
- Knowledge of the Medicaid program and Medicaid managed care in Texas
- Information systems management (Novell network and LAN/WAN experience)
- Database design, implementation and work process analysis
- Connectivity to outside agency databases: download, compile, and analyze large amounts of billing information (data mining)
- Natural language programming for the OAG/MFCU mainframe case management system
- 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. Medicaid in Texas is a huge, multifaceted program with varying requirements regarding who must provide the services, and the setting in which the services must be provided, in order for the service(s) to be reimbursable. It is also vital for staff to have experience and knowledge in investigative/auditing techniques, including records review, interviewing techniques, data analysis, statistical analysis, 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). Additionally, because Texas is increasingly moving toward a managed care model, the Unit will need to increase its knowledge of the managed care health care delivery systems and the various ways in which fraud and other crimes may be committed in that environment. Attorneys on staff should be knowledgeable of criminal law and proceedings, be able to assist with investigations, be responsible for directing, planning, organizing and/or monitoring legal activities; interpreting laws and regulations; providing legal advice, counsel and assistance to federal prosecutors, and also be able to represent the state's interest in criminal matters involving Medicaid including preparing cases for trial.

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

The Medicaid program continues to grow in size and complexity. Medicaid spending in Texas for 2008 is projected to exceed \$22 billion dollars. The increase is due in part to the *Frew* lawsuit settlement agreement. In Texas, the total number of Medicaid recipients was 2,607,281 as of December 2007, and the total number of Medicaid providers was 107,024 as of February 2008. With a large Medicaid population, Texas also has a large number of doctors, dentists, counselors, pharmacists, oncologists and other types of medical providers and long term care facilities willing to treat the medically indigent and underserved. The Unit's ability to effectively respond to allegations and complaints of fraud, and criminal abuse and neglect, will be a continuing challenge as the delivery of health care services in Texas continues to grow, change and expand.

On February 8, 2006 the President signed the Deficit Reduction Act of 2005 (DRA). The DRA included net reductions of \$4.8 billion over five years and \$26.1 billion over the next ten years from Medicaid. The DRA also provided for an increase in federal regional staffing to accommodate federal and state requirements. The federal government added hundreds of staff to address caseload increases, new federal requirements, and enhanced child welfare investigations. The HHS-OIG received annual funding of \$25 million from FY 2006 through FY 2010 to undertake fraud and abuse control activities related to the Medicaid program.

The effects of this increase in staffing on the MFCU and the Single State Agency are yet to be fully determined. The mission for the newly hired HHS-OIG staff appears fairly similar to the mission of HHSC-OIG, and we are aware that both agencies are working together toward coordination and the minimization of duplication of effort. The DRA also called for the expansion of the Medicare-Medicaid Data Match Program (Medi-Medi Program). It requires the HHS Secretary to enter into contracts with eligible entities to ensure that the Medi-Medi Program is conducted for the purpose of: (1) identifying program vulnerabilities in Medicare and Medicaid through the use of computer algorithms to look for payment anomalies, (2) working with states, the Attorney General, and the Inspector General of HHS to coordinate appropriate actions to protect Medicare and Medicaid expenditures and (3) increasing the effectiveness and efficiency of both programs through cost avoidance, savings and recoupment of fraudulent, wasteful or abuse expenditures. The MFCU anticipates that we will have additional or increased coordination and perhaps even joint investigations or at least some enhanced level of federal involvement in the cases we are charged to work.

Additionally, as the government continues to increase the private sector's role in delivering Medicaid services, new types of fraud are showing up that are sometimes harder to spot, more complicated to prosecute and potentially more dangerous and harmful to patients. Currently the MFCU is attempting to better understand the types and kinds of fraud schemes that may lend themselves to the managed care industry, which has grown substantially in Texas in the past several years and has increased the number of beneficiaries it serves.

For example, one type of managed care fraud may involve a provider shortchanging patients or physicians to cut costs while collecting preset fees from the government. For instance, a provider might refuse to enroll unhealthy people, cut back on paying doctors in a timely manner, or deny patients care.

The full implications of the many changes the State is experiencing in the health care field are still being explored. MFCU anticipates increased federal oversight and scrutiny, and based upon the federal staffing increase to combat Medicaid fraud, the Unit may have additional federal partners in the field. As a result, MFCU will continue to provide staff with sufficient resources, training, and tools needed to respond to the challenges that will continue to be inherent in criminal investigative and prosecutorial work.

It is increasingly apparent that training, communication, information management systems and access to technologies that permit staff to access information, people and other resources in real time, is vital to the MFCU's continued success. Similarly, MFCU will continue its efforts to develop a case management system that is as dynamic as the health care environment in which the Unit operates.

Future workforce skills needed

The MFCU anticipates that the future workforce skill requirements will remain much the same as they are currently. The Unit will continue to need analysts, attorneys, auditors, peace officers, nurses and contracts with medical professionals in order to capably and effectively investigate Medicaid fraud and abuse and, when appropriate, secure prosecutions. As technology advances and health care delivery changes, it is anticipated that MFCU staff in all professional disciplines will have to become more technologically informed to identify fraud schemes that will arise. Because of the fast pace of technological change, MFCU must take steps to

increase and enhance case management systems and afford better training opportunities to staff. Emphasis will be placed on creating training opportunities for staff and partnering with other law enforcement agencies with similar missions and interests.

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

The MFCU is committed to placing staff where the fraud, abuse and neglect (crime) is occurring thus improving pro-activity and response time to protect Texas' Medicaid funding and the citizens who rely on the Medicaid program for health care. The MFCU does not anticipate a needed increase or decrease in staffing at this time. The MFCU continually evaluates staffing needs and work demands, to include assessing the mix of our current caseload and where the cases are in the State, and the Unit attempts to adjust its allocation of resources according to where the data and analysis suggest the staff are needed.

D. Gap Analysis

Anticipated surplus or shortage of employees

The MFCU continues to be concerned about the availability of attorneys, auditors, and investigators with experience in criminal investigations and prosecutions. During the Unit's growth, a number of retired employees who had left state or local government in one capacity or another as an investigator or an auditor were hired. MFCU attracted a number of retired DPS employees, Texas Rangers, FBI, local police and sheriff department retirees and other federal or state investigative retirees who wanted to continue to work in the investigative arena. These staff came to MFCU with a wealth of investigative and auditing experience and the knowledge and expertise they brought to the table allowed us to move more quickly toward early results. However, MFCU anticipates that in the next three years, many of these employees will retire, again creating a number of vacancies for the Unit. The MFCU has also experienced a 10% attrition rate that has been largely due to our inability to compete with the salaries paid to white-collar law enforcement professionals by the federal government, district attorneys' offices and other law enforcement agencies. Many of the federal agencies and the district attorneys' offices provide their investigative workforce with take home cars. In this present economy, this has been viewed by many staff as an added enhancement and benefit.

Anticipated surplus or shortage of skills

The MFCU training program will assist with ensuring that staff has the knowledge and skills necessary to be successful. Given the increased complexity of evidence collection techniques in the automated environment, MFCU's ability to attract, retain and/or train staff on computer seizure and forensic examination of electronically stored data will be vitally important. Staff training will continue to be a priority over the next biennium, as a confident and mature workforce will be critical to the Unit's continued success.

E. Strategy Development

Specific goals to address workforce competency gaps or surpluses:

| Gap | Employee Turnover |
|--------------|---|
| Goal | Develop retention programs |
| Rationale | Staff with experience and knowledge in criminal investigations is vital to the continued success of the unit. The training costs required to best prepare an employee to do Medicaid fraud and abuse/neglect investigations are high, because many of the courses are offered out-of-state. Competitive salaries remain an issue and once staff are acquired and adequately trained, it is cost effective and prudent to retain them for as long as possible. |
| Action Steps | <ul style="list-style-type: none"> • Work with staff within and outside the OAG to seek support to increase our out-of-state travel cap. • Continue to work to gradually increase the salary levels of MFCU staff. • Continue to develop and improve our internal training program. • Recruit and bring in outside speakers to enhance our knowledge and skills. • Ensure Texas MFCU staff participates in case development and policy conferences at the national level to ensure early detection of new fraud trends and timely implementation of innovative investigative techniques and tools. |

| Gap | Skills for identifying qualified applicants |
|--------------|---|
| Goal | Recruitment strategy |
| Rationale | Recruit and retain highly motivated professional staff that will allow us to become one of the premier law enforcement agencies in State Government, and a place where investigators, auditors and prosecutors choose to work. |
| Action Steps | <ul style="list-style-type: none"> • Reward top performers and utilize pay incentives (raises and bonuses). • Enhance staff development and allow staff to participate in the process as much as possible. • Promote from within as frequently as possible and establish expectations for staff on necessary steps to get to the next level. • Continue to solicit input from staff regarding how to improve the Unit and implement their suggestions/recommendations when feasible. • Utilize our annual training conference as a staff recognition and reward mechanism. • Create an environment in which current staff are our greatest advocates because the tools available (technology) to get the job done, the partnerships developed with other agencies and the support systems in place make the MFCU a great place to work. |

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| Gap | Need for employee development. |
| Goal | Implement annual development goals for each employee. |
| Rationale | Allow employees to have input into the types of skills and training they determine essential for success on the job based upon their knowledge of the job they are performing in the Unit. |
| Action Steps | <ul style="list-style-type: none"> • Establish a training and development budget for every MFCU staff member. • Implement an annual process, to occur in conjunction with the annual performance review, in which each manager meets with assigned staff to document an employee development plan. • Ensure that managers and employees work together to monitor the employee's progress toward agreed upon development strategies. |
| Gap | Strengthen relationships with prosecutors' offices across the state. |
| Goal | Develop and strengthen cooperative relationships with local district and county attorneys' offices across the state and with the U.S. Attorney's Offices in Texas. Make available all MFCU attorney resources when requested, and be proactive in offering prosecutorial assistance when appropriate. |
| Rationale | MFCU expects that more cases will be prosecuted by MFCU attorneys. Cooperative and collaborative relationships with district and county attorneys' offices and U.S. Attorney's 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 in a referral to a prosecutor of a concluded investigation for supervisory review. • Deliver a complete investigative package to district, county, or U.S. Attorney's office that includes a well-written report with the evidence needed to support pursuit of a potential criminal violation. • Work more closely with the district and county attorneys and U.S. Attorney's Offices 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 G: 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 Comptroller of Public Accounts (CPA) 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 21 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 CPA 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.