



Office of
Financial Management
STATE OF WASHINGTON

Budget Activity Assessment

Attorney General's Office

July 20, 2009

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Executive Summary

- The Attorney General's Office (AGO) has a good variety of performance measures, with quite a few outcome and efficiency measures. However, the portfolio would be strengthened by a few output measures, such as the volume of certain types of legal documents created, or the volume of some type of legal advice.
- In general, performance measures are not timely (June 30, 2006, is the most recent period reported in 60% of the measures) and lack performance estimates or targets (only three of 13). The AGO should enter data more regularly and set targets or estimates for performance.
- Although several measures have at least five data points, many do not, and even five points is not sufficient to evaluate performance.
- The AGO has three "return on investment (ROI)" measures, where dollars recovered are divided by program cost. Such efficiency measures are better for internal agency management purposes. Outcome measures are more relevant to a budget or policy audience. The numerator in each of these formulae (i.e. dollars recovered from an activity's work) is a customer-focused outcome measure. The AGO should consider reporting dollars recovered per period for these activities.
- Several Expected Results statements include a good "so-that" explanation of work results that suggest measures a reader would expect to see. The AGO should consider adopting measures that clearly relate to expected results.

Activity Performance Measure Qualitative Evaluation Summary

* Evaluation Criteria Definitions

Relevance	Useful to a budget/policy development audience in assessing the level of accomplishment
Understandability	Clear, concise, and easy for a non-expert to understand
Comparability	Do the data, targets, and footnotes provide the reader with enough context to tell whether performance is getting better, worse, or staying the same?
Timeliness	Is the data current and reported frequently enough to be of value in assessing accountability and making decisions?
Consistency	Is the data collection method standardized and is the operational definition for data calculations adhered to?
Reliability	Is the information verifiable, free from bias, and a faithful representation of what it purports to represent?
Performance	Is actual performance in reference to the stated targets getting better, worse, or staying the same over time?

Meets or Exceeds OFM Expectations

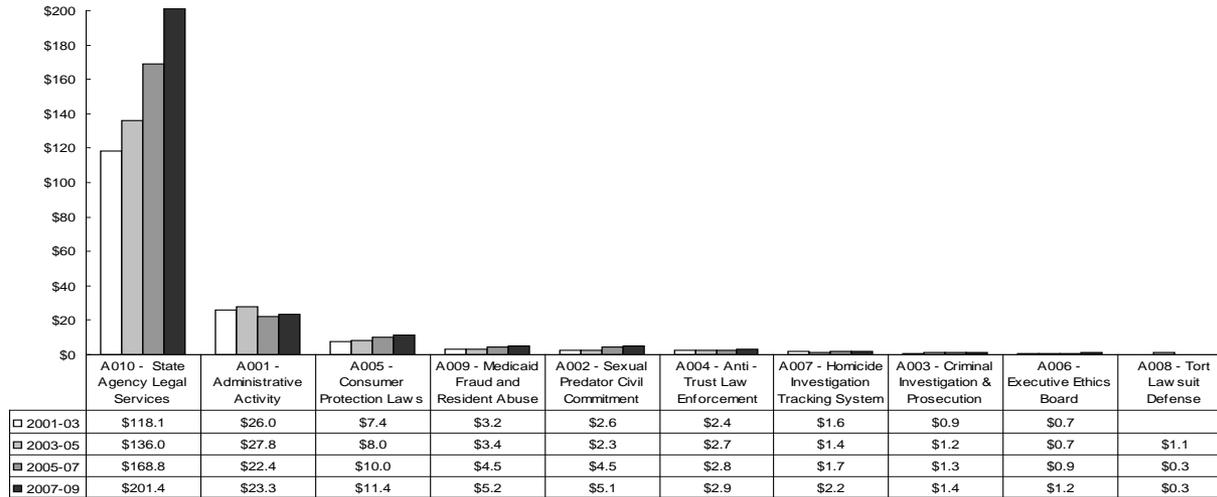
Marginally meets OFM Expectations

Needs Improvement to Meet OFM Expectations

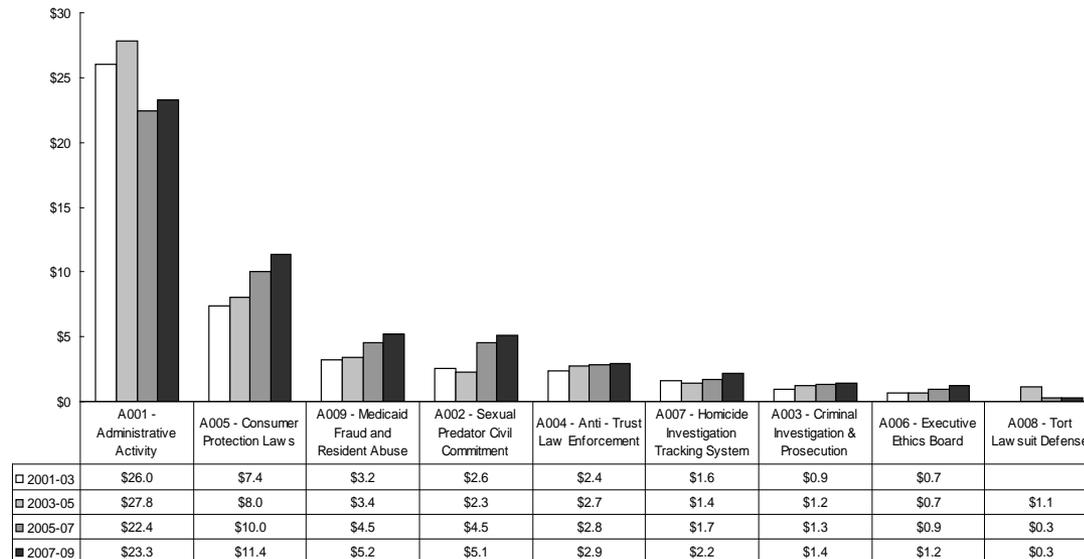
Budget Activity	Performance Measure Evaluation Criteria *						
	Relevance	Understandability	Comparability	Timeliness	Consistency	Reliability	Performance
Legal Services to State Agencies - A010	Yellow	Red	Yellow	Red	Yellow	Yellow	Yellow
Administrative Activity - A001	Yellow	Yellow	Red	Red	White	White	Red
Enforce Consumer Protection Laws - A005	White	Yellow	Red	Red	Yellow	Yellow	Red
Investigate Medicaid Fraud and Resident Abuse - A009	White	White	White	Red	Red	Red	Red
Civil Commitment, Sex Predators - A002	White	Red	White	Yellow	Yellow	Yellow	White
Anti - Trust Enforcement - A004	White	White	White	Red	Red	Red	Red
Homicide Investigation Tracking System A007	White	White	White	Yellow	White	White	White
Executive Ethics Board - A006	White	White	White	Yellow	White	White	Red
Criminal Investigation and Prosecution - A003	White	White	White	Yellow	Red	Red	Yellow
Tort Lawsuit Defense - A008	White	White	White	Yellow	White	White	White

AGO Budget, History by Activity

Office of the Attorney General, Activity Funding per Biennium
(\$ in millions)



Attorney General Activity Funding per Biennium without largest activity
(\$ in millions)



Agency Comments and Reactions

The Office of the Attorney General has a long history of looking at workload indicators and performance measures. We are strongly committed to be the best public law office in the country. The AGO has an internal AGMAP (Attorney General Management Accountability Program) established by the prior Attorney General. Within our AGMAP review, we have two tiers of measures and report internally more frequently. This information was shared during the assessment review. Prior OFM measures focused return on investment annually as this was a question frequently asked by legislative and OFM staff during funding debates. We are continuing our strategic planning and performance measure work as we transition to a new Chief of Staff. Where information is accessible, we will report more frequently for existing measures.

The AGO has been working and will continue to work to find more complete performance measures as opposed to workload indicators that will cross all the legal services divisions. Ninety percent of our budget is work provided by twenty six different divisions. The nature of the legal work performed across these divisions and locations in the state is not the same. The AGO has a few divisions that specialize only in client advice and do not have litigation matters to track. As an office, we want to measure legal services, including client advice. However, that work is even more variable and difficult to capture as a performance measure than litigation work. For instance, a measure of our performance regarding advice to clients could be client satisfaction which we currently measure through our client survey. However, the quality of the legal services provided in the form of advice does not necessarily correlate to the results achieved. For example, a client may choose to not follow our advice.

As an agency working to improve where possible, the AGO will include a new to OFM workload measure: The number of open litigation matters at the end of the month. This is measurable and data is currently being collected and can be posted monthly. We acknowledge it is not a true performance measure and we are committed to continuing to find a measurement that provides better data regarding our measure of success. We are considering is to take a similar approach to all litigation outcomes as we do with appellate outcomes.

We are willing to continue the dialogue with OFM to develop measures that meets the needs of AGO management, our strategic plan and OFM. Thank you for your thoughtful review of budget activity measures.

Specific Opportunities for Improvement

Budget Activity Number and Title	Measures	Improvement Suggestions
Legal Services to State Agencies - A010	1AE0 – Processing days per formal opinion 1BE0 - Processing days per informal opinion 4BE0 – Agency wide percent of favorable appellate outcomes	Measures 1AE0 and 1BE0 are very similar, and both are technical. At the least, they should be edited for plain talk. One could be replaced with an Immediate outcome measure to provide a more well-rounded picture of this Activity's work. The agency should consider reporting a measure such as percent of litigation that ends in settlement, or volume of legal work produced for clients.
Administrative Activity - A001	4EE0 - Percentage of Professional Development Plans (PDP) completed.	The agency should enter data for Measure 4EE0 that it has provided to the Dept. of Personnel. The AGO should consider an additional measure of administrative effectiveness, such as infrastructure support (e.g. usage of technology such as case management systems) or efficiency (e.g., unit cost per legal document).
Enforce Consumer Protection Laws - A005	4AE0 – Consumer dollars recovered per AGO dollar spent	Consider reporting measures of effectiveness at helping consumers, such as number of complaints resolved per period in key market segments.
Investigate Medicaid Fraud and Resident Abuse - A009	4NE0 - Dollars recovered by Medicare Fraud Control Unit per State dollar spent.	Consider reporting the number of resident abuse cases successfully investigated or prosecuted.
Civil Commitment, Sex Predators - A002	4HE0 - Percentage of SVP commitments achieved out of cases closed.	The measurement technique produces non-intuitive results (e.g. data over 100%) with no clear explanation of why. The measure should either have its operational definition documented, or changed to something more understandable (e.g. percent of cases that result in commitments).
Anti - Trust Enforcement - A004	4CE0 - Dollars recovered in Anti-Trust per AGO dollar spent.	Consider reporting measures of effectiveness at consumer and business education, such as number of complaints resolved per period in key market segments.

Specific Opportunities for Improvement

Budget Activity Number and Title	Measures	Improvement Suggestions
Homicide Investigation Tracking System A007	4ME0 - Number of requests for information from the HITS system	Consider reporting data more frequently, such as quarterly.
Executive Ethics Board - A006	4FE0 – Average number of days to complete ethics investigation	Consider reporting investigations closed per quarter.
Criminal Investigation and Prosecution - A003	4LE0 - Percentage of referred criminal litigation cases resulting in defendant charged with crime.	Update performance more frequently.
Tort Lawsuit Defense - A008	1CE0 – Percent of successful appellate outcomes 4PE0 – Percent of Tort cases resolved through early resolution	Update performance more frequently.

Budget Activity and Measure Critique

Budget Activity: Legal Services to State Agencies - A010

Summary of Expected Results: The Attorney General's Office expects to provide high quality, option-based legal advice that assists agency decision making, reduces the threat of lawsuits, and saves the state the time, and in many cases, the high costs of litigation. If litigation becomes necessary, the office expects to initiate, defend, and resolve its cases effectively and efficiently for the benefit of the state, its agencies, and its citizens.

Related Performance Measures

Number & Title	Type	Analysis Comments
1AE0 – Processing days per formal opinion	Process	Not enough data points to evaluate.
1BE0 - Processing days per informal opinion	Process	Not enough data to evaluate.
4BE0 – Agency wide percent of favorable appellate outcomes	Outcome	Newest data in system is old (June 30, 2006). No target.

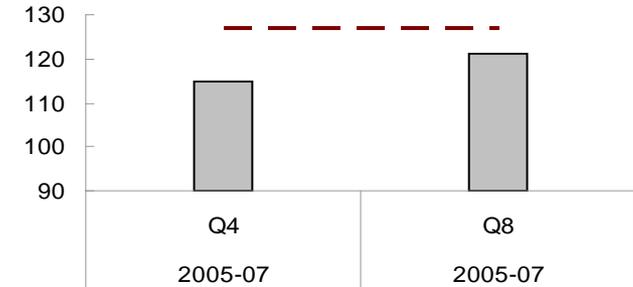
OFM Assessor Comments: The two process measures are very similar to one another, and use jargon in their title. Is timeliness the primary attribute of quality legal advice? Annual data doesn't tell a very compelling story, and it will take a long time to obtain enough data points to identify variation.

The outcome measure (percent of favorable appellate outcomes) is very far out the "results chain", distant in time and impacted by a variety of factors outside the AGO's ability to control. This might be more meaningful as a benchmark against other states.

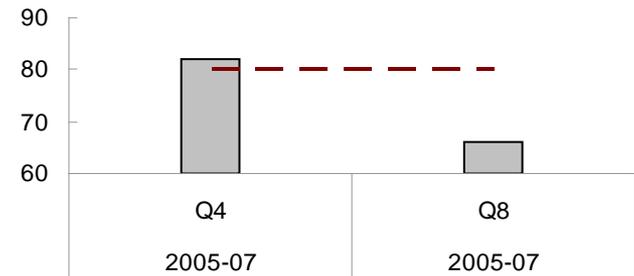
From the expected results, I would expect to find measures describing the volume of legal advice of various types provided to agencies (How many formal or informal opinions in a period?) If an objective is to resolve cases efficiently and effectively in order to avoid high cost litigation, what percent of litigation ends via settlement agreement? Is there data on litigation cost that could help quantify this avoided cost?

Agency Contextual Comments:

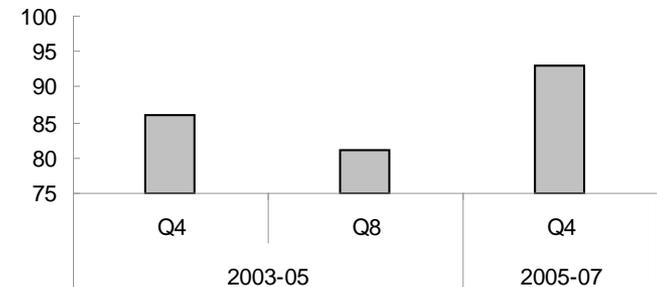
1AE0 - Processing days per formal opinion



1BE0 - Processing days per informal opinion



4BE0 - Percent of favorable appellate outcomes, agency-wide



Budget Activity and Measure Critique

Budget Activity: A001 - Administrative Activity		
Summary of Expected Results: Provide continued high quality leadership and infrastructure support for the agency in an efficient and effective manner.		
Related Performance Measures		
4EE0 Percentage of Professional Development Plans (PDP) completed.	2005-07 Q4	98.7%
Type	Analysis Comments	
Output measure	98.7% seems like a high number, but there's only a single data point, nothing against which to compare it.	
<p>OFM Assessor Comments: Given the expected results statement, I would expect to see measures of efficiency, effectiveness, or infrastructure quality for this Activity. Given that this is the second-largest Activity by dollars, an additional measure might be warranted.</p> <p>Performance Development Plans (PDPs) are a good tool to help align individual employees with agency goals; successful agencies tend to pay attention to employee evaluations; and this is a well-defined measure that is regularly reported to the Dept. of Personnel (the AGO has reported this measure in at least four GMAP Human Resources Reports).</p> <p>However, percent of PDP's completed isn't as compelling as the next box in the logic model ("We want all employees to have PDPs so that they have clear development goals, they know how their work contributes to AGO results, and to minimize employment disputes.") Measuring one of these immediate outcomes might tell a better story.</p>		
Agency Contextual Comments:		

Budget Activity and Measure Critique

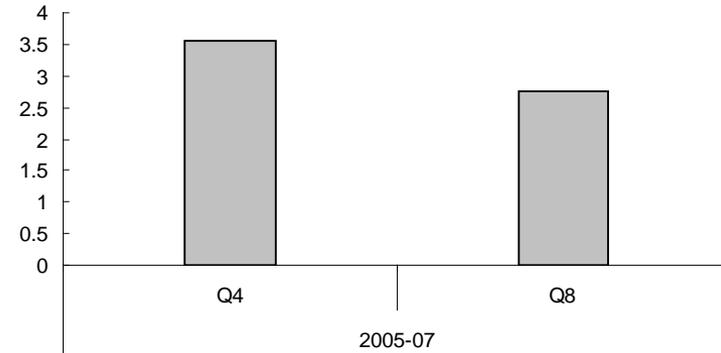
Budget Activity: Enforce Consumer Protection Laws - A005

Summary of Expected Results: The Consumer Protection Division enforces state and federal laws prohibiting unfair and deceptive business practices. The Division typically recovers more money on behalf of consumers than the cost of its operations. Current focus issues are automobiles, pharmaceutical companies, and credit and financial industries. In addition to litigation, the division fields customer calls, provides advice to other state agencies, and does education and outreach. These activities help eliminate potential problems and provide consumers with the tools to educate themselves and make better decisions.

Related Performance Measures

Number & Title	Type	Analysis Comments
4AE0 – Consumer dollars recovered per AGO dollar spent	Efficiency (Process)	Not enough data to judge performance.

4AE0 - Consumer dollars recovered per AGO dollar spent



OFM Assessor Comments: This is basically a Return on Investment (ROI) calculation, with “return” equal to consumer dollars recovered, and “investment” equal to program costs. While ROI appears to be used as a metric in private law firms, it represents a process measure from an agency’s perspective rather than an outcome from a customer’s point of view. Simply reporting the amount of dollars recovered for consumers (i.e. the numerator used in the measure) would be more relevant to customers, but the amount is almost certainly going to be influenced by external factors.

The expected results statement suggests that part of this Activity’s work is focused on preventing problems through consumer education in key industries (autos, pharmaceuticals, financial). If education (and enforcement) are successful, there should be declining numbers of complaints. Thus, reporting the number of consumer complaints resolved per quarter in key market segments might provide useful information about the effectiveness of prevention work.

Agency Contextual Comments:

Budget Activity and Measure Critique

Budget Activity: Investigate Medicaid Fraud and Resident Abuse - A009

Summary of Expected Results: Through the Medicaid Fraud Control Unit's efforts in investigating and prosecuting Medicaid fraud, money that is illegally taken or received is returned to the Medicaid system. Also, because of prosecution, others are deterred from committing similar crimes. This unit also investigates and prosecutes crimes committed against the residents of Medicaid-funded facilities. Often times these are the most vulnerable victims. The unit's investigation and prosecution of these offences help protect those who cannot protect themselves.

Related Performance Measures

4NE0	Dollars recovered by Medicare Fraud Control Unit per State dollar spent.	2005-07	Q4	11.87
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Type	Analysis Comments
Process/efficiency	Only a single data point, nothing against which to compare that performance.

OFM Assessor Comments: This is basically a Return on Investment (ROI) calculation. While this appears to be used in private law firms, it represents an agency-centric view of performance rather than looking at performance from the customer's point of view. Reporting the amount of Medicare fraud dollars recovered (i.e. the numerator used in this measure) would be an outcome measure, and more relevant to customers. The expected results describes two distinct lines of investigation and prosecution business: Medicaid fraud and resident abuse. Only one of these has a measure. Reporting the number of abuse cases investigated or successfully prosecuted would be informative about the second line of work.

Agency Contextual Comments:

Budget Activity and Measure Critique

Budget Activity: Civil Commitment, Sex Predators - A002

Summary of Expected Results: As a result of the Sexually Violent Predator (SVP) Unit, the most dangerous and violent sexual predators in the state are detained, evaluated, and treated. They are held until they no longer constitute a threat. Consequently, fewer people are victimized, and the public is better protected from those who are most likely to reoffend.

Related Performance Measures

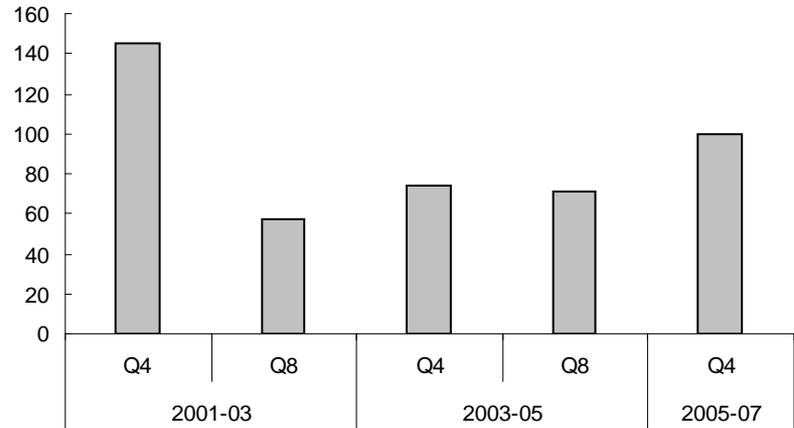
Number & Title	Type	Analysis Comments
4HE0 - Percentage of SVP commitments achieved out of cases closed.	Outcome	Not enough to judge performance. Data is not fresh.

OFM Assessor Comments: Having a percentage above 100% is difficult to comprehend. The explanation provided in the measure footnote, "Percentage can exceed 100% as cases can take several years to get a commitment," does not clear up confusion. What's in the numerator? What is a closed case? The AGO may want to add an operational definition of this measure to make this more understandable. A more intuitive measure might be percent of cases that result in commitments.

If the expected result is that predators no longer victimize people, then re-offenses might be a relevant outcome measure (albeit an "error rate").

Agency Contextual Comments:

4HE0 - Percent of commitments out of closed cases



Budget Activity and Measure Critique

Budget Activity: Anti - Trust Enforcement - A004

Summary of Expected Results: The Anti-Trust Division protects the citizens of Washington State from antitrust activities such as price-fixing, monopolization, and illegal mergers, resulting in a competitive market, and consumers benefit from that competition in the form of lower prices or better services. The division responds to consumer complaints, provides advice to state agencies, and provides community education and outreach ensuring that consumers will have problems addressed, agencies will prevent problems from occurring, and businesses will become educated about their responsibilities under the antitrust laws.

Related Performance Measures

4CE0	Dollars recovered in Anti-Trust per AGO dollar spent.	2005-07 Q4	8.18
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Type	Analysis Comments
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Process/efficiency measure	Only a single data point makes it impossible to judge performance.
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OFM Assessor Comments: This is basically a Return on Investment (ROI) calculation. While ROI appears to be a metric used in private law firms, it represents an agency-centric view of performance rather than looking at performance from the customer's point of view. Reporting the amount of dollars recovered from anti-trust actions (i.e. the numerator used in this measure) would be an outcome measure, and more relevant to customers.

Some expected results (more competition, lower prices) can be quantified. Reporting the number of consumer complaints per quarter would provide not only a measure of workload, but complaints also represent an outcome of AGO prevention and business education work (i.e., if consumers are educated and businesses are responsible, the number of complaints should decline.)

Agency Contextual Comments:

Budget Activity and Measure Critique

Budget Activity: Homicide Investigation Tracking System - A007

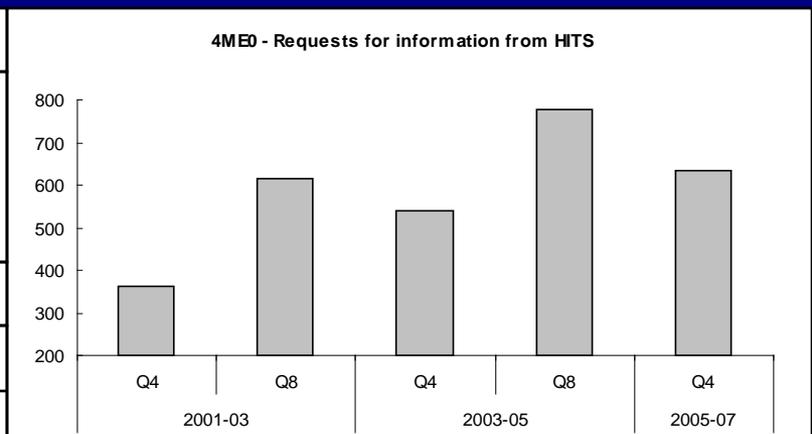
Summary of Expected Results: The HITS system and investigator provide assistance to law enforcement giving them much greater access to information, advice and assistance that supports them greatly in their investigation of violent crimes. As a result, the best suspects are pursued, which leads to saved time and better public protection.

Related Performance Measures

Number & Title	Type	Analysis Comments
4ME0 - Number of requests for information from the HITS system	Input	Good measure, with several data points, but data is not fresh. Requests for information appear to be increasing, although there are not enough data points to establish a trend.

OFM Assessor Comments: The expected results statement suggests some intriguing outcome measures. For instance, how would management know that the best suspects are pursued: Time to apprehend? Conviction rate? Feedback from system users?

Agency Contextual Comments:



Budget Activity and Measure Critique

Budget Activity: Executive Ethics Board - A006

Summary of Expected Results: The Executive Ethics Board handles complaints filed by public employees and citizens. By completing investigations within a reasonable period of time, the public will be better served and public trust and confidence in government will increase.

Related Performance Measures

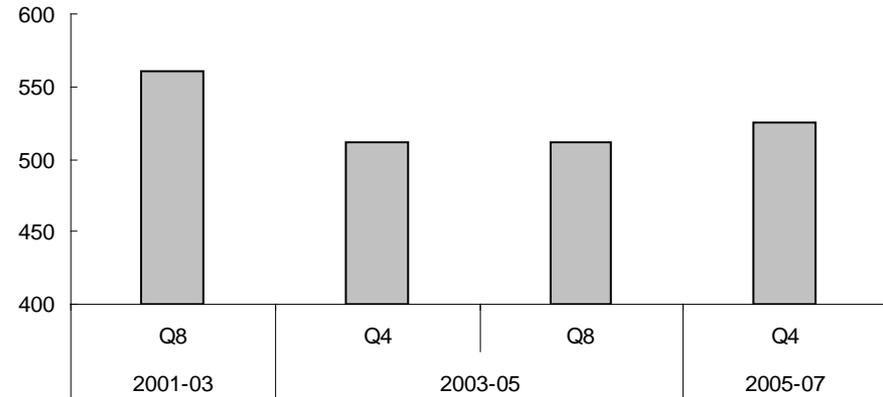
Number & Title	Type	Analysis Comments
4FE0 – Average number of days to complete ethics investigation	Process	Good measure, with several data points, but data is not fresh.

OFM Assessor Comments: The best performance shown here – an average of 511 days to complete an ethics investigation - does not seem to meet a first-impression criterion of “completing investigations within a reasonable period of time.” Is this acceptable to customers or management?

A workload or output measure (number of ethics investigations closed or received per quarter) might provide context for the time to complete an investigation.

Agency Contextual Comments:

4FE0- Average days to complete an ethics complaint investigation



Budget Activity and Measure Critique

Budget Activity: Criminal Investigation and Prosecution - A003

Summary of Expected Results: This Criminal Litigation Division assures that where a prosecution can not proceed because of conflict or lack of experience, there is a competent, highly-skilled prosecutor to represent the people. On occasion, the local prosecutor may not be able, or may refuse to act, and if so requested, the existence of the unit guarantees that matters can be prosecuted even if the local prosecutor does not wish them to be. This unit raises the level of prosecution and this results in greater public protection.

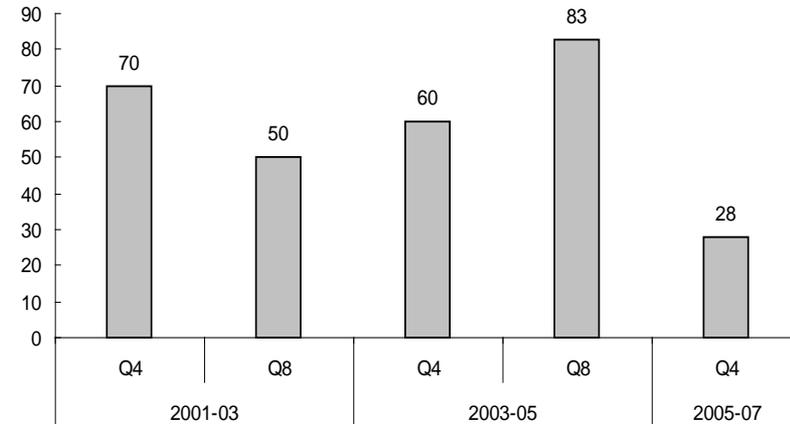
Related Performance Measures

Number & Title	Type	Analysis Comments
4LE0 - Percentage of referred criminal litigation cases resulting in defendant charged with crime.	Outcome	Good measure, with several data points, but data is not fresh.

OFM Assessor Comments: Without targets, it's not clear if a performance swing from 83% to 28% is acceptable, although this is within the range of normal variation. This measure has no description of where data comes from or how it is calculated. Since no operational information is provided, it's difficult to judge the measure's consistency and reliability.

Agency Contextual Comments:

4LE0 - Percent of referred criminal cases resulting in charges



Budget Activity and Measure Critique

Budget Activity: Tort Lawsuit Defense - A008

Summary of Expected Results: The Torts Division provide high quality and efficient legal services by measuring the age at which lawsuits resolve and by tracking clearance rates on a quarterly basis. The division maintains a high rate of Tort case appeal litigation success.

Related Performance Measures

Number & Title	Type	Analysis Comments
1CE0 – Percent of successful appellate outcomes	Outcome	Why did the target change to be below the lowest annual performance (81%)?
4PE0 – Percent of Tort cases resolved through early resolution	Outcome	Data is not fresh

OFM Assessor Comments: These are good outcome measures. Reporting one of the measures specifically mentioned in the expected results statement (age at which lawsuits resolve) would be informative. The footnote on successful appellate outcomes explains how the measure is calculated, which is a good thing, but could be improved by providing additional operational information (e.g. how is “successful” defined).

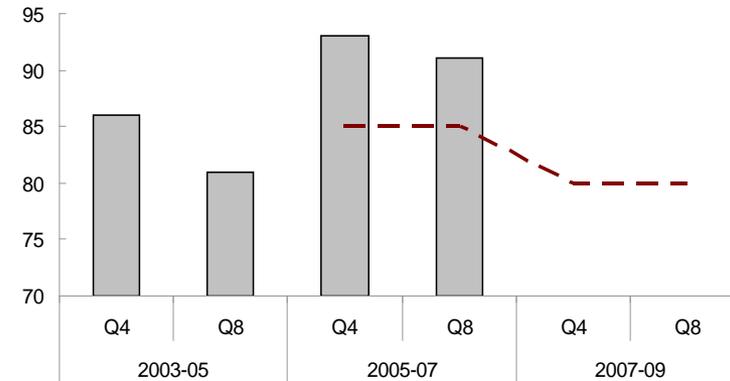
This activity has zero staff, and only \$300,000 for the biennium; it’s not clear how anything happens with zero staff.

Re 1CE0 - Is there research on what percent of successful appeals to expect?

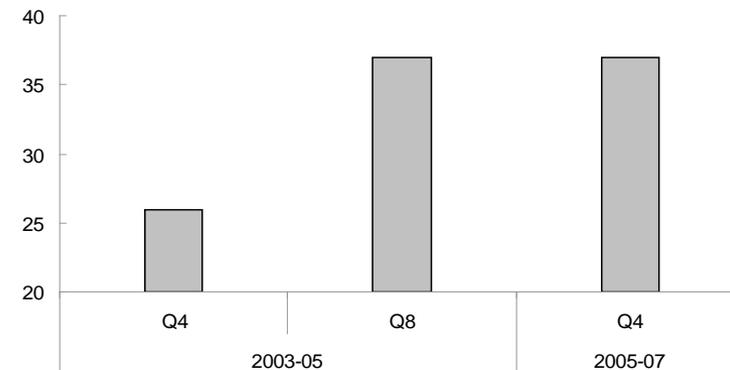
Re 4PE0 - What’s “early resolution”, e.g. compared to “regular resolution”?

Agency Contextual Comments:

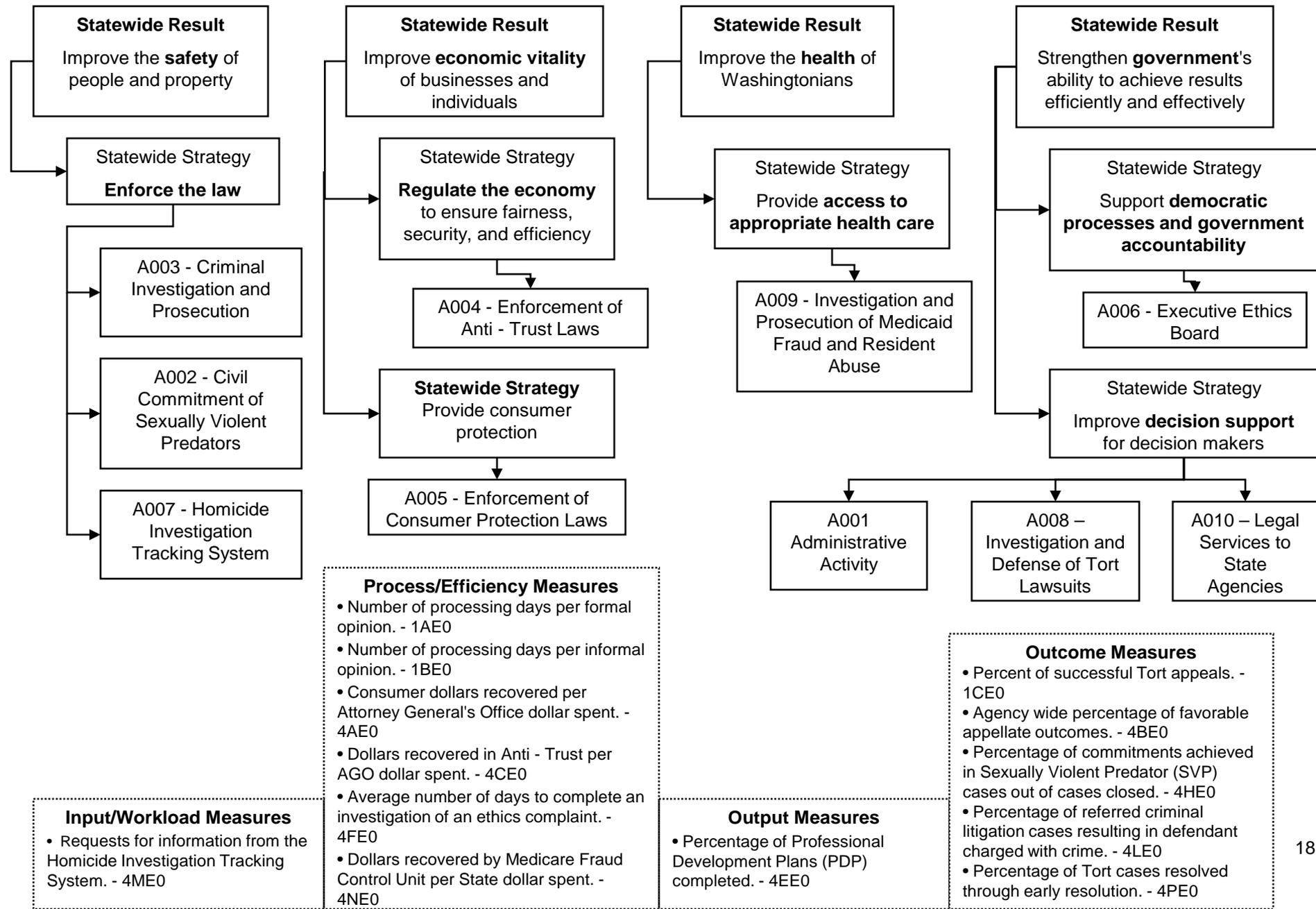
Percent of successful Tort appeals - 1CE0



Percent of Tort cases Resolved Early - 4PE0



Alignment Overview – Budget Activity Structure



Alignment Overview – Attorney General Strategic Plan Structure

Mission - As an independent constitutional office and legal counsel to state government, we serve the citizens of Washington with the highest standards of *excellence, ethics, and effectiveness*

