

**State of Alaska
FY2002 Governor's Operating Budget
Performance Measures**

Department of Law

Department of Law

Key Performance Measures for FY2002

OFFICE OF THE ATTORNEY GENERAL

Measure: The success of the Office of the Attorney General in achieving its missions will be measured by considering (1) the cost of legal services to each state agency; and (2) whether the divisions and offices in the department meet the performance measures described hereafter.

Benchmark: The following are the costs, rounded to the nearest hundred dollars, to each state agency for legal services rendered by the Civil Division on behalf of those agencies during FY 2000. These amounts include the cost of contract legal counsel and other costs external to the Department of Law as well as Law's internal costs:

Office of the Governor	\$248,000
Department of Administration	\$2,027,600
Department of Revenue (Including AHFC, and the Permanent Fund Corporation)	\$2,908,600
Department of Education (including Postsecondary Education)	\$492,700
Department of Health and Social Services	\$1,390,500
Department of Labor and Workforce Development	\$288,900
Department of Community and Economic Development (Including AIDEA)	\$1,114,300
Department of Military and Veterans Affairs	\$184,200
Department of Natural Resources	\$141,700
Department of Fish and Game	\$160,200
Department of Public Safety	\$70,200
Department of Environmental Conservation	\$1,207,900
Department of Transportation	\$3,238,900
Legislative Branch	\$0
Court System	\$10,900

DIVISION OF ADMINISTRATIVE SERVICES

Measure: Administrative Services: (1) the cost of the division compared to personnel costs for the department; (2) the number of late penalties incurred for payroll or vendor payments; (3) the number of audit exceptions.

Benchmark:

FY 2000 Total actual cost of the Administrative Services Division	\$1,096,300
FY 2000 Total Personal Services Costs for the Department of Law	\$30,684,000

Ratio: 3.6%

No late penalties were incurred for payroll or vendor payments. The FY 1999 statewide single audit does not contain any audit exceptions for the Department of Law.

Background:

The Administrative Services Division of the Department of Law is highly centralized encompassing those positions associated with fiscal functions, personnel and payroll, acquisition of equipment and supplies and procurement of contractual services, mailroom services, budgeting, computer network and desktop support, and administrative management. Each individual Civil and Criminal Division office employs one to two positions, depending on the size of the office, in part to assist with administrative functions such as small procurements of office supplies, disbursements of field warrants, and completing some personnel and travel forms. Those positions are not part of the Administrative Services Division.

CIVIL DIVISION***Collections and Support***

Measure: The monetary value of the criminal and civil judgments collected, including indigent defense costs, costs of incarceration for offenders convicted of driving while intoxicated, and other fines and costs owed to the state.

Benchmark and Current Status:

	Amount Collected	Judgments Satisfied
FY 1997	\$2,278,500	Not Available
FY 1998	\$2,469,900	8,569
FY 1999	\$3,111,000	10,125
FY 2000	\$2,769,600	8,569

In the FY 2001 Governor's budget, it was anticipated that FY 2000 collections would remain at the FY 1999 level. However, the FY 1999 collections were unusually high because the IRS did not attach PFD's that year as they have in all other years, including FY 2000. Staffing vacancy was a secondary cause, creating a backlog of uncollected matters. A catch up of the backlog will be experienced in FY 2001 as evidenced by the more than \$2.5 million already collected year-to-date. Thus, FY 2001 is likely to show high collections while FY 2002 may once again drop closer to the levels of fiscal years FY 1997, 1998, and 2000. The unit oversees 76,000 unpaid judgments at this time.

Background and Strategies:

The function of the collections unit is to collect money owed to the state in criminal, civil, and some administrative cases. The criminal cases include the cost of imprisonment in driving while intoxicated or refusal cases, cost of appointed counsel in cases where a public defender or public advocate appointment is made to represent a defendant, and outstanding fines and bond forfeitures. While the courts can collect on fines and bond forfeitures (these cases are only transferred to the collections unit if they are overdue to the court) the cost of appointed counsel cases are automatically transferred to the unit. Civil case collections must have a judgment in excess of \$250 entered with the court and the money collected must be free for deposit into the general fund.

There are a number of factors that affect the amount collected. The most important factor is the amount and number of judgments transferred by the courts. If a judgment is not transferred, it is unlikely the unit will receive voluntary payments and cannot seize money from a permanent fund dividend. The second factor is the number and dollar value of voluntary payments made by defendants. The only recourse the department has for nonpayment is the potential to seize the obligor's permanent fund dividend. Additional factors include the actual amount of the permanent fund dividend, the number of defendants applying for dividends; the number of defendants determined to be eligible for dividends; and other agencies or cases with statutory priority to seize dividends before our seizures are possible.

Measure: Increase completion of child support enforcement cases by 15%.

(Not yet addressed by Legislature.)

Benchmark:

In FY 1999 the Child Support Enforcement staff closed 688 files.

Current Status: In FY 2000 the Child Support Enforcement staff closed 1,425 files, an increase of more than 200%. This remarkable increase stems from two factors: first, beginning in February 1998, CSED migrated to a new computer system and the ensuing year was a transition period that resulted in far fewer files transferred to Law's child support unit; second, an attorney was added to the unit in November of 1999. The end of the computer system transition period at CSED and the attorney added during FY 2000 resulted in a renewed focus on processing these cases. So far in FY 2001, staff have closed 368 files. The projected total for FY 2001 is 1,472 files.

Background and Strategies:

The child support unit represents the Child Support Enforcement Division (CSED) in court, including paternity establishment and disestablishment, modification of child support orders, employer non-compliance actions, criminal non-support prosecutions, licensing appeals, and miscellaneous other activities related to enforcement of child support orders. In addition, the unit provides legal support in matters relating to administrative child support enforcement actions, drafts legislation and regulations, and provides general legal advice to CSED.

Human Services

Measure: The number of new cases opened relating to protecting children in the state against abuse and neglect and the caseload per attorney.

Benchmark/Current Status:

In FY 2000, 695 child protection cases representing more than 1,100 Alaskan children were opened statewide.

Measure: (1) the percentage of child abuse and neglect cases completed in the permanency placement backlog; and (2) the percentage of other child abuse and neglect cases that are resolved within the statutory deadline of no more than 21 months of out-of-home placement.

(1) 662 children were identified for the Balloon Project as having been in out-of-home care 15 of the prior 22 months as of November 19, 1997. As of 10/15/00, 535 of these children were in permanent placements, and another 84 were legally free for adoption, completing the Department of Law's role in their placement. These children represent 94% of the original cases. New phases (Phases II and Phase III) involving additional children in out-of-home care were added on 2/15/00. We will provide statistics on those cases in subsequent updates of performance measures. (2) New statutory deadlines for legal action in child abuse and neglect cases became effective on September 14, 1998; thus the department looked at 164 children's cases opened in October and November of that year as the benchmark. Of 164, 91% had the required legal action taken in their cases within 21 months, and in 2 %, the required legal action took between 21 and 23 months to complete. Seven percent are still pending.

The success in meeting statutory deadlines is largely driven by Law's attorney workload. According to the American Bar Association, Center for Children and the Law, a reasonable caseload for child protection attorneys is between 40 and 50 active cases. Caseload statistical data has been developed over the course of the last three years. The following average statewide child protection caseloads of Law's Human Services section are "snapshots in time" and reflect that the success of our efforts in permanency placement for Alaskan children is largely driven by additional staff added resulting in much more reasonable caseloads per attorney. At last count, average statewide levels are approaching those suggested by the American Bar Association:

October 1, 1997	95.2
September 25, 2000	57.6

Background and Strategies:

With the passage of Ch. 99, SLA 98, the new state child protection law and the new federal Adoption and Safe Families Act, important changes were made as to how long children may remain in the child protection legal system, and when certain actions must occur. These new statutory changes at the state and federal level more concretely define parental responsibility and the changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The large number of cases placed on the accelerated schedules when the legislation became effective severely impacted attorney workloads.

The legislation defines the timelines for permanency hearings and termination of parental rights. As previously discussed, to achieve those timelines, and to eliminate the permanency placement backlog and provide the assistance outlined above, the per attorney caseload must be manageable. As a result, Law's FY 2002 budget for the Civil Division's Human Services section includes a request for interagency receipts from H&SS in the amount of \$297,800 to maintain current staff levels after the Balloon Project funding ends.

Oil & Gas & Mining

Measure: The monetary value of disputed oil and gas taxes and royalties received by the state through court judgment or settlement.

Benchmark:

FY 1999 Receipts - \$63,532,574:

Royalty Settlements -	\$1,500,000 (collectable in 24 installments through 3/01)
Tax Settlements -	\$62,032,574

FY 2000 Receipts - \$447,579,583:

Royalty Settlements -	\$14,500,000
Tax Settlements -	\$433,079,583

Background and Strategies:

These amounts will vary from year to year depending on a number of factors including the length of audit cycles, which sometimes cover more than one year, and the number and value of disputed payments.

Timekeeping and Support

Measure: Civil Division - the number of new case files opened, categorized by type of case, for each year for the past five years.

Benchmark:

File Type	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
Oral Advice/Aid to agency	1842	1548	1122	948	899
General Litigation	1559	1610	1770	1523	1360
Executions	98	63	68	40	41
Torts	130	134	132	127	135
Child Support Proceedings	1650	1848	918	998	1184
Children's Proceedings	1007	1063	1405	1434	1350
Legislative Drafting	79	111	61	74	86
Legislative Review	166	120	148	103	144
Regulations Review	134	139	168	145	171
TOTALS	6665	6636	5792	5392	5370

CRIMINAL DIVISION

Measure: Establish a baseline for the number of (1) violent felony prosecutions; (2) felony drug case prosecutions; and (3) misdemeanor domestic violence assault prosecutions.

Benchmark:

FY 2000

- Violent Felonies Prosecuted – 1,115
- Felony Drug Prosecutions – 667
- Misdemeanor domestic violence prosecutions – 2,007

Note: The Criminal Division case tracking system tracks people, rather than cases.

Background and Strategies:

The workload for the Criminal Division is driven by factors largely beyond its control, such as the staffing levels and policies of local police agencies, staffing levels of defense attorneys, whether municipalities control alcohol, and the policies and practices of local courts and local defense attorneys. As such, the division is able to exercise very little control over attorney caseload ratios and no control whatsoever over the volume of work coming in at any given time. Thus available quantitative information often does not show the effectiveness and competency of the work. For example, it is very difficult to draw meaningful conclusions based on conviction rates. More convictions don't necessarily mean that attorneys are doing a better job. Instead it may mean any or a combination of the following: (1) crime is up, (2) the police are conducting better investigations, (3) new laws are more effective, (4) the division is understaffed and therefore plea-bargaining more, (5) the public defender agency is understaffed and they are pleading out more of their clients.

For this reason, knowing the number of cases handled is the best measure of the division's performance.

Because Alaska is one of a very few states that handles all types of criminal offenses at the state level, useful comparative data of attorney caseload is impossible to attain. Even within Alaska, there are remarkable differences between caseloads in the urban centers and rural communities. Caseloads in rural Alaska per attorney tend to be much higher because defendants are more likely to plead out, or the district attorney is more likely to come to an agreement with the public defender.

Office of Special Prosecution and Appeals

Measure: Criminal Division (1) the number of new criminal cases reviewed for prosecution; (2) the number of criminal cases resolved; (3) the number of new appeals and petitions opened; (4) the number of appeals and petitions resolved; (5) the average cost per criminal case reviewed; and, (6) the average cost per appeal or petition opened.

Benchmark:

- (1) New criminal cases reviewed – 357
- (2) Criminal Cases resolved (as of 10/5/2000) – 231
- (3) New appeals and petitions opened – 335
- (4) Appeals and petitions resolved – 149
- (5) Avg. cost per criminal case reviewed - \$3,200
- (6) Avg. cost per appeal/petition opened - \$3,185

Status of FY2001 Performance Measures

	<i>Achieved</i>	<i>On track</i>	<i>Too soon to tell</i>	<i>Not likely to achieve</i>	<i>Needs modification</i>
ADMINISTRATION AND SUPPORT					
<ul style="list-style-type: none"> • The success of the Office of the Attorney General in achieving its mission will be measured by considering <ul style="list-style-type: none"> (1) the cost of legal services to each state agency; and (2) whether the divisions and offices in the department meet the performance measures described hereafter. • Administrative Services baselines to establish: <ul style="list-style-type: none"> (1) the cost of the division compared to personnel costs for the department; (2) the number of late penalties incurred for payroll or vendor payments; (3) the number of audit exceptions. 					
CIVIL DIVISION					
<ul style="list-style-type: none"> • Establish baselines for the monetary value of: <ul style="list-style-type: none"> (1) disputed oil and gas taxes received by the state; and (2) disputed oil and gas royalties received, whether obtained through court judgment or settlement. • Maintain collections of criminal and civil judgments including indigent defense costs, costs of incarceration for DWI offenders, and other fines owed the state at the level of \$3.1 	X				
		X			

<p>million.</p> <ul style="list-style-type: none"> • Increase completion of child support enforcement cases by 15%. • Establish a baseline by determining the number of new case files opened, categorized by type of case, for each year for the past five years. • Establish a baseline for: <ol style="list-style-type: none"> (1) the number of new cases opened relating to protecting children in the state against abuse and neglect; (2) the percentage of child abuse and neglect cases completed in the permanency placement backlog; and (3) the percentage of other child abuse and neglect cases that are resolved within the statutory deadline of no more than 21 months of out-of-home placement. • Review 50% of all adopted regulations with 120 days of a request for final review and 75% completed within 180 days of a request. <p>CRIMINAL DIVISION</p> <ul style="list-style-type: none"> • Establish a baseline for the number of <ol style="list-style-type: none"> (1) violent felony prosecutions; (2) felony drug case prosecutions; and (3) misdemeanor domestic violence assault prosecutions. • Establish a baseline for the number of <ol style="list-style-type: none"> (1) new criminal cases reviewed for prosecution; (2) criminal cases resolved; (3) new appeals and petitions opened; (4) appeals and petitions resolved; (5) the average cost per criminal case reviewed. 	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>			
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