



Office of the Attorney General OAG (CB)

MISSION

The mission of the Office of the Attorney General (OAG) is to enforce the laws of the District of Columbia and to provide legal services to the District of Columbia government.

SUMMARY OF SERVICES

OAG is charged with conducting the District's legal business. To discharge these duties, OAG is divided into ten Divisions: the Office of the Solicitor General; Child Support Services; Civil Litigation; Commercial; Family Services; Health and Human Services; Legal Counsel; Public Safety; Personnel, Labor and Employment; and Agency Management. OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District's behalf and represents the District in a variety of administrative hearings and other proceedings. In addition, OAG is responsible for advising the Executive Office of the Mayor, the D.C. Council, the D.C. Courts, various Boards and Commissions, for reviewing legislation and regulations, and for supervising lawyers working in the general counsel offices of 28 agencies. All told, the Attorney General supervises the legal work of about 350 attorneys and an additional 350 administrative/professional staff.

ACCOMPLISHMENTS:

- ✓ We made major, demonstrable progress in our class action consent decree cases. In February 2012, we secured -- as the former Chief Judge of the U.S. District Court for the District of Columbia aptly put it, a "historic" -- victory in the Dixon case on behalf of the District's Department of Mental Health -- ending federal oversight of DMH in that 37-year-old- class-action lawsuit and with the Court dismissing the lawsuit. In November 2012, in the Petties case, we obtained dismissal of a case that involved 17 years of federal court supervision over the District's special-education transportation program and special education payments.
- ✓ We obtained a ruling by the D.C. Court of Appeals that effectively brought to an end the litigation that has held up the Skyland Shopping Center redevelopment, litigation that has saved more than \$9 million in land costs for the project. With the litigation against the former owners and shopkeepers concluded, the District will be able to make significant strides in this economic redevelopment project that is projected to create hundreds of jobs, provide affordable housing opportunities, and encourage private economic development in this Ward 7 neighborhood.
- ✓ We obtained a series of major favorable consumer protection settlements arising out of our multi-state investigations, including obtaining: a settlement against major financial institutions for mortgage-related fraud under which \$40 million became available to D.C. homeowners, and \$4.6 million was paid to the District, a portion of which the District through the DISB has allocated towards obtaining housing counselors for District residents; a settlement with a subsidiary of Johnson & Johnson concerning improper marketing of the antipsychotic drug Risperdal for which the District received over \$4 million; a settlement with Abbott Laboratories over allegations of illegal off-label marketing of its drug Depakote, under which the District

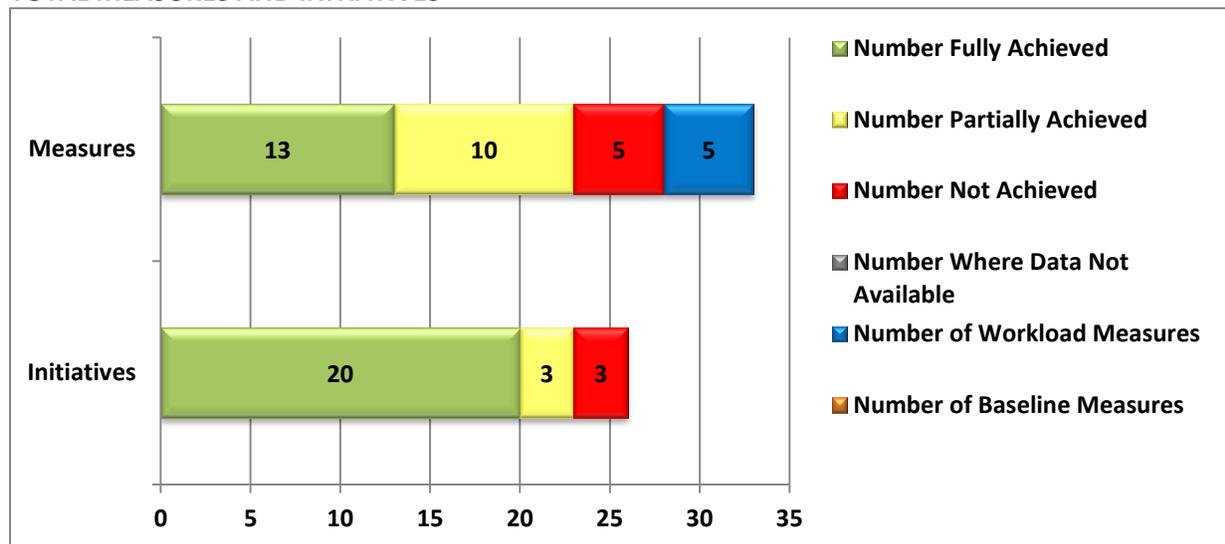


received over \$1 million; and a \$635,000-plus settlement with drug manufacturer GlaxoSmithKline, LLC, resolving the District's Medicaid fraud claims arising from the sales, marketing, and pricing of several widely-used drugs. Each of these resolutions also included important injunctive relief for District consumers.

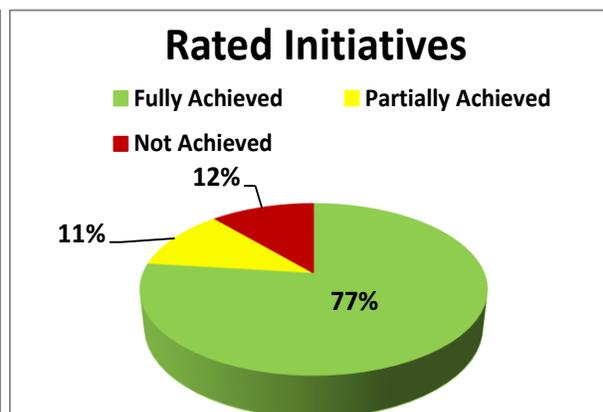
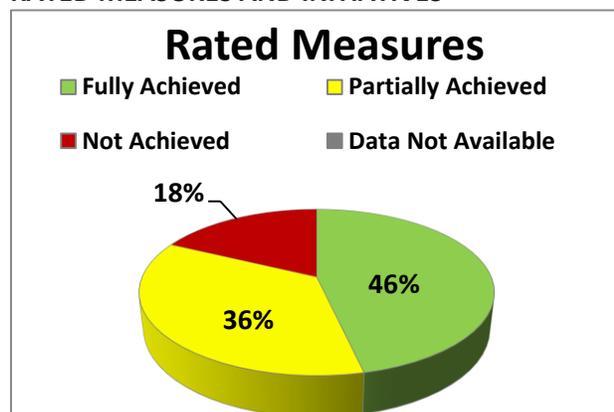


OVERALL OF AGENCY PERFORMANCE

TOTAL MEASURES AND INITIATIVES



RATED MEASURES AND INITIATIVES



Note: Workload and Baseline Measurements are not included

Default KPI Rating:	
$\geq 100\%$	Fully Achieved
75 - 99.99%	Partially Achieved
$< 75\%$	Not Achieved



Key Performance Indicators – Details

Performance Assessment Key:

 Fully achieved  Partially achieved  Not achieved  Data not reported

Child Support Services Division

OBJECTIVE 1: Child Support

INITIATIVE 1.1: Foster Care Paternity Establishment

Fully achieved. In FY 2012, CSSD initiated a partnership with the Child Protection Section (CPS) of the Family Services Division to address child support issues in abuse and neglect cases. As part of this partnership, CSSD made significant progress is working with CPS and the DC Superior Court to develop a child support pilot project. The project will implement a system for referring all new child welfare cases to CSSD for establishment of paternity and consideration of the appropriateness of seeking child support. The initiative is still in the planning stages and will be fully implemented in FY 2013. (CSSD and CPS are already exchanging paternity data on existing abuse and neglect cases and have developed the forms for referrals of cases from CPS to CSSD.) Even though the pilot has not yet been finalized and launched, paternity was established in nearly 70 cases involving child abuse and neglect matters in FY 2012. CSSD staff did not, however, regularly attend abuse and neglect court proceeding to establish paternity in foster care cases. The attorney hired to do this left after a very short time at CSSD for an opportunity with the D.C. Superior Court. CSSD received approval from the City Administrator to hire an attorney to assist with this initiative. The attorney's start date is January 14, 2013.

INITIATIVE 1.3: AVR Call Back Assist

Fully achieved. CSSD successfully added the Callback Assist (CBA) feature to the Interactive Voice Response (IVR) application which allows customers to keep their place in the call queue without having to stay on the phone. The feature announces to callers the estimated wait time, and then offers to have an agent call them back rather than wait on hold. The CBA feature is offered to customers when call wait times are high. If a customer chooses to accept the CBA offer, they are prompted for information needed to make the callback. When it is the customer's turn, the system rings the agent's phone. After the agent picks up the phone, they are told that they have a callback request and the customer's Social Security number so that they may pull up the case. Then the system automatically calls the customer. CBA was activated the week of July 23, 2012 and is now offered as a normal part of the customer's IVR experience. 1,155 customers used the callback feature in FY 2012, (i.e. from July 23 through September 30, 2012). CBA is offered to CSSD customers between the hours of 8:15 and 4:00 on the days that the IVR is in normal business hours.



Civil Litigation Division

OBJECTIVE 1: The Civil Litigation Division objective is to provide the District of Columbia, its agencies and its employees a defense in civil litigation that is filed in the Superior Court of the District of Columbia and in the United States District Court for the District of Columbia.

INITIATIVE 1.1: Convert the opening of new Civil Litigation Division case files (with the exception of class action cases and emergency matters such as motions for a temporary restraining order and/or preliminary injunction) to a paperless process to increase efficiency of case assignment and tracking of status of all filed cases.

Fully achieved. During FY 2012, the Civil Litigation Division intake procedure for assigning civil lawsuits was converted to a paperless system. Upon receipt of a new lawsuit, the intake unit scans all lawsuits and attachments into an electronic file. The file is then sent to the Division Deputy or Assistant Deputy as an attachment to an email. The attachment also includes an assignment tracking sheet which includes basic information on the case: case name, Prolaw case number, court, description of the case, agency, assignment to a particular section and comments. Both the lawsuit and assignment sheet are electronically sent back to the intake unit by the Division Deputy with a copy to the supervisor of the section or division to which the lawsuit is assigned. The email is also copied to the general counsel of the relevant agency whose conduct is primarily at issue in the lawsuit. This process has shortened the time period in which case assignments are made within OAG and the client agency is notified of a new lawsuit against that agency. This initiative has increased the efficiency of the civil case assignment process and improved the ability of the civil litigators to ensure an appropriate and timely defense, save the costs of attorney time, and the expense of paper and other related supplies, all of which resulted in a cost savings for the citizens of the District. This initiative would have been deemed successful if 80% of all cases assignments had been done electronically in the 4th Quarter of the fiscal year. However, the division achieved a 90% compliance rate for this activity.

INITIATIVE 1.2: Initiate a quarterly review of all closed special education cases in the Civil Litigation Division to explore ways to increase the closure rate of pending Public School System special education cases.

Fully achieved. During FY 2012, the Civil Litigation Division initiated a procedure for reviewing on a periodic basis all special education cases in the Division. This review was done on an informal basis in weekly and monthly meetings with the chief of the section handling the special education cases and the trial attorney assigned to the case. Although the focus of this initiative was to institute a review of the special education cases on a quarterly basis as cases were closed, it was determined early on that such a review should be conducted at the onset of the litigation and periodically through the time period in which the case was pending. Case reviews were held periodically as cases proceeded through litigation with discussions on litigation strategy at the motions stage at the start of the case, investigation of the lawsuit as the case progressed and mediation opportunities as long as a case was pending on the docket of either the Superior Court and/or the U.S. District Court. In addition, to ensure a uniform review of cases that eventually were closed, the Division Deputy reviewed all cases closed either with a decision in the District's favor, an adverse court decision or a settlement to identify issues regarding program challenges and areas in which litigation strategy and client litigation support could be improved. The Division achieved a review rate of more than 90% of all closed special education cases at various time periods during which a case was pending and post-closure reviews and produced an increase in FY 12 over FY 11 in the number of special education cases that were closed.



- **INITIATIVE 1.3: Initiate a quarterly review of all settled cases to assure that settlement payments are timely processed and payments made.**

Fully achieved. During FY 2012, the Civil Division reviewed on a quarterly basis all cases that were settled to assure that the appropriate paper work to obtain payment was being submitted within ten (10) business days of the execution of all necessary settlement documents. The Division also reviewed settled cases to track the timely transmission of payment to the settling party. This initiative ensured that the District met its obligations timely, facilitated proper budgeting for settlements by identifying spending pressures on the Settlement and Judgment funds earlier in the fiscal year, and minimized litigation arising from the District's failure to comply with a settlement agreement. This initiative also resulted in savings to the District in the budget process by identifying spending pressures early on in the fiscal year to assure that additional funding was made available to OAG. This allowed the City to continue settling cases in which the District faced significant fiscal exposure. And, by emphasizing the need to timely submit settlement documents to plaintiffs, the District minimized the resources that had to be committed to defending against motions to enforce settlement agreements and sanctions. Although the measure was not tracked consistently during the 4th quarter, it is estimated that at least 50% of all settlement payment requests were submitted within 10 business days of the Division's receipt of all required forms, releases and W9s required to process the payment request.

Commercial Division

OBJECTIVE 1: Provide legal advice and transactional and litigation support to the District Government in the core areas of community and economic development, real estate, procurement, tax and finance, land use and public works, and bankruptcy.

INITIATIVE 1.1: In conjunction with the Office of Tax & Revenue and the Office of the Chief Financial Officer, revise the tax sale regulations to provide for clarification on the tax sale process including procedures for redeeming properties sold at tax sale.

Fully achieved. The Zoning Commission agreed to hear 18 text amendments drafted by LPW intended to codify past rulings by the Commission and the Board of Zoning Adjustment, achieve consistency within the two forum's rules, and make changes requested by both bodies. The Office of Planning had requested the Section share its recommendations in these areas. The proposed amendments would, among other things (1) extend the Commission's ex parte rules to the BZA, (2) apply the Board's standard for granting re-hearings to the Commission, (3) codify the standard for extending first stage PUD orders, (4) confirm that filing a request to modify a BZA order does not toll its expiration, (4) prohibit the Zoning Administrator from accepting an escrow in satisfaction of a PUD condition; (5) grant the BZA the authority to dismiss a proceeding if the applicant does not appear without explanation; (6) conform the BZA procedures for requesting party status in applications and appeals; and (7) permit the BZA to grant more than one time extension of its orders. This last recommendation was particularly important to the Board, which has been presented with several requests for second extensions of its orders due to the persistent difficulty faced by developers in financing projects. In each instance the Board has voted to waive the limitation.

- **INITIATIVE 1.2: In conjunction with the Department of Housing & Community Development and the Office of Tax & Revenue, seek to acquire more bid-off properties for disposition by DHCD to place back on the tax rolls.**

Not achieved. While the Division undertook, in conjunction with IT Servus and OAG technical personnel, an investigation, it has not proven easy to implement the project due to security



concerns expressed by both agencies, in particular the OCFO.

INITIATIVE 1.3: In conjunction with the Office of the Chief Procurement Officer, provide additional training opportunities to contracting and procurement staff.

Not achieved. In conjunction with DHCD and OTR, the Land Acquisition & Bankruptcy Section will continue its concerted effort to acquire a larger portion of tax sale “bid-off” properties for disposition to the private sector for ultimate development and return to the tax rolls. DHCD must commit to fund the acquisition of these properties via the tax sale foreclosure process which requires funding for title reviews, service of process, and other incidental costs associated with tax sale litigation, with the ultimate goal of acquiring insurable title to these properties for subsequent conveyance to the private sector for development and return to the tax rolls. This initiative will be considered successful if the number of bid-off properties acquired by the District in FY 2013 exceeds by 25% the average number of properties acquired in each of the preceding five fiscal years. Result: This initiative continues and remains a high priority for both the Commercial Division and DHCD. Unfortunately, due to personnel changes and lack of funding, the initiative has not progress as far and as quickly as hoped.

Family Services Division

OBJECTIVE 1: To ensure safety, permanency and well-being of allegedly neglected children, and to seek guardianships or conservatorships for allegedly neglected, abused or exploited vulnerable adults.

INITIATIVE 1.1: Collaborate with CFSA to ensure compliance with Fostering Connections to Success requirement to engage all extended family resources when children are placed in foster care

Partially Achieved. During FY 2012 CFSA instituted a new strategic plan that consists of 4 pillars: Narrowing the Front Door; Temporary Safe Havens; Well Being and Exits to Positive Permanence. The first pillar – Narrowing the Front Door, emphasizes children growing up with their families and removing a child only when necessary to keep them safe. It also places priority on kinship placement. As a result of the institution of this strategic agenda, the number of child removals has declined from FY11 to FY 12. The Child Protection Section has seen a 25% decline in the number of removal cases and custody orders referred for petitioning from CFSA. In FY 2011 a total of 600 cases were received by CPS in comparison to about 450 in FY 2012. This decline in cases has also lead to a stagnant growth in the number of children placed in approved kinship placements. CPS AAGs are complying with the Fostering Connection requirement by ensuring that a copy of the FTM plan is filed with the court upon their receipt of the plan. However, this has not resulted in a 15% increase in approved kinship placements due to the sharp decline (25%) in the number of children removed from their home.

INITIATIVE 1.2: Identify fathers and establish paternity when neglect matters are initiated:

Not achieved. The Family Services Division made significant progress in working with the Child Support Services Division and the DC Superior Court to develop a child support pilot project. The Project will implement a system for referring all new cases to CSSD for establishment of paternity and consideration of the appropriateness of seeking child support. The initiative is still in the planning stages and will be implemented in FY 2013, however, the Child Protection Sections independently established paternity in nearly 70 cases involving child abuse and neglect matters in FY 2012. This effort demonstrates that there is a need for paternity establishment in abuse and neglect matters and a coordination of efforts between FSD and CSSD will increase the outcomes associated with establishing paternity.



INITIATIVE 1.3: Provide representation to victims of stalking and sexual assault

Fully achieved. In FY 12, the Domestic Violence Section offered representation to 79% of all cases screened for OAG representation involving stalking victims and 98% of all cases screened for OAG representation involving sexual assault victims. The Section surpassed the goal of representation in 50% of all cases.

Legal Counsel Division

OBJECTIVE 1: To assist the Executive Office of the Mayor (“EOM”) and all agencies of the District government by providing legal research and advice, reviewing for legal sufficiency all enrolled bills presented for action by the Mayor, reviewing for legal sufficiency all draft Executive bills, rulemakings, Mayor’s Orders, and inter-agency MOUs, preparing Executive legislation and rulemakings, preparing formal opinions, legal memoranda, letters, and Office Orders for the Attorney General, and serving as attorney-advisor to the Advisory Neighborhood Commissions (“ANCs”).

INITIATIVE 1.1: Work with the Mayor’s Office of Police and Legislative Affairs (“OPLA”) to streamline the current procedures for legal and policy review of agency rulemakings
Fully achieved. During FY 2012, LCD worked with the Office of Documents and Administrative Issuances (“ODAI”), OPLA, the Office of the City Administrator, and all Deputy Mayors’ Offices to revise and rationalize the legal and policy review procedures applicable to executive branch rulemakings. The efforts resulted in the issuance of Mayor’s Memorandum 2011-2, Revised Rulemaking Approval Procedures, dated October 19, 2011. The new procedures streamline the approval process to ensure that emergency, proposed, and final rules are reviewed and approved by the City Administrator and Deputy Mayors before an agency can present the rule to OPLA for policy review. After receiving OPLA approval, the agency must submit the rules to LCD, which must review them for legal sufficiency before the agency can submit then to ODAI for publication. The new procedures benefit the District and its citizens by providing clear and detailed guidance to the agencies, promoting greater efficiency in the rulemaking process and ensuring timely coordination with the agencies, OPLA, LCD and ODAI.

INITIATIVE 1.2: Develop recommendations for a protocol to be approval by the Attorney General that would allow otherwise confidential legal memoranda by LCD that have significant interest and value to the public as legal precedent to be published on OAG’s webpage, after approval by affected agency clients.

Fully achieved. During FY 2012, LCD proposed a detailed protocol with guidelines for reviewing memoranda prepared by the division, identifying significant legal memoranda and assigning subject matter headings to those memoranda. The protocol also identified procedures for obtaining waivers of any applicable privileges from LCD clients and for obtaining clearance from other OAG divisions that might have a legitimate need to withhold the legal advice. The protocol was completed by LCD and submitted to OAG senior management. OAG management evaluated the complexities of the project and the competing time and resource obligations of LCD and its clients, as well as a desire to allow the future elected Attorney General to determine whether to pursue this program, and concluded that this project would be paused at this time. LCD will continue to add memoranda to its internal database, and all LCD attorneys will be encouraged to increase their use of this valuable resource in responding to the diverse needs of LCD’s many clients throughout District government. OAG management has indicated that it regards LCD’s diligent work and results on this initiative to be fully successful.



INITIATIVE 1.3: Vet all Mayoral Nominees to the Council for Satisfaction of Statutory Qualifications Requirements.

Fully achieved: During FY 2012, LCD reviewed for legal sufficiency all the resolutions of Mayoral nominees that were submitted to LCD by EOM before those resolutions were forwarded to Council for approval. LCD has been advised by the Office of Boards and Commissions (OBC) that the Council approved all of the nominees LCD considered during this period of review, although it subsequently raised a question about one approved nominee. In addition to the resolutions submitted to the Council, LCD reviewed for legal sufficiency hundreds of appointments made by Mayor's Orders to agencies, boards and commissions. According to OBC records, 535 appointments were made by Mayor's Order during FY 2012. In assessing the legal sufficiency of these resolution and Mayor's Orders, LCD determined, based upon biographical information submitted by EOM, whether proposed nominees satisfied the licensing, residency, and other qualification requirements of the statutes creating the positions, and ascertained that the lengths of terms identified for the nominees were consistent with the terms of those statutes. The efforts of the division benefitted the District government and its citizens by assisting in the timely appointments of qualified individuals to scores of District agencies, boards, and commissions. LCD will continue its legal sufficiency review of such resolutions and Mayor's Orders in FY 2013.

Office of the Solicitor General

OBJECTIVE 1: To provide the best possible representation to the District of Columbia government in matters before appellate courts, including the District of Columbia Court of Appeals, the United States Court of Appeals for the District of Columbia Circuit, and the United States Supreme Court, and to provide guidance and expertise to other parts of the District of Columbia government that require advice in other matters that may reach appellate courts.

INITIATIVE 1.1: Review of transcripts of past performance at oral argument

Fully achieved: A requirement was put in place that, where recordings of oral arguments are available (as they normally are in the District of Columbia Court of Appeals), assistant attorneys general should obtain and review those recordings. That practice has been followed, with success. The regular practice of obtaining and reviewing recordings allows the Office of the Solicitor General to take any necessary further action in the particular case (for instance, in preparing for rehearing petitions or submitting any supplemental briefs the Court requests) and also to improve attorney performance in future cases. The success of this initiative is seen in the high percentage of defensive appeals successfully resolved (93.1%).

INITIATIVE 1.2: Meetings with other Divisions and General Counsel in preparation for Oral Argument.

Fully achieved: The Office of the Solicitor General chose not, for the most part, to do formal meetings with trial divisions or selected general counsel's offices but instead to engage in targeted meetings with managers and attorneys, as this proved more effective on a case-by-case basis. (The reported goal of having every assistant attorney general meet with every trial division and selected general counsel's offices was a typographical error; no such initiative was intended to be adopted, nor would that number of meetings have been productive.) The meetings have been useful in promoting trial divisions' and general counsel's offices' better understanding of how to prepare cases for appeal. The success of this initiative is seen in the high percentage of defensive appeals successfully resolved (93.1%).



INITIATIVE 1.3: Seminars on critical appellate practices or issues

Fully achieved: Trial and agency attorneys in select areas know which assistant attorneys general in the Office of the Solicitor General are points of contact and expertise on particular subject matters—for instance, Stacy Anderson on issues involving abused and neglected children; Richard Love on issues involving alcoholic beverage licensing; James McKay Jr. on issues involving the Home Rule Act; and Rosalyn Groce on issues involving criminal and juvenile cases. The success of this initiative is seen in the high percentage of defensive appeals successfully resolved (93.1%)

Personnel, Labor and Employment Division

OBJECTIVE 1: The Personnel Labor and Employment Division's objective is to: defend agencies against administrative challenges to adverse actions, public sector workers' compensation and discrimination claims; hire and retain excellent diverse attorneys and interns while maintaining a diverse environment; ensure no person is a victim of workplace discrimination; and provide meaningful training and professional development for all OAG employees.

INITIATIVE 1.1: Improve risk management and reduce the cost of administrative personnel litigation by increasing the processing time for those cases needing earlier resolution, thereby saving the client dollars in terms of monetary payouts and staff time.

Fully achieved: The Personnel and Labor Relations Section is one of the busiest sections in the Office of the Attorney General. It is currently staffed by eight trial attorneys and one attorney manager who, by necessity, carries a caseload in addition to her supervision duties. In 2012, the section experienced a 48% increase in the amount of new cases referred for representation over 2011 (2012 = 480, 2011 = 325). This has resulted in the assignment of approximately 60 new personnel and employment matters per attorney this calendar year in addition to their already existing caseloads. Because of the size of the caseloads, attorneys are in hearings at least three days per week. Most of the increased case has been in the Public Sector Worker's Compensation area and matters before the Office of Employee Appeals. In the Public Sector Worker's Compensation area, PLRS has assisted its client, the Office of Risk Management, by aggressively litigating matters. Cases take months to reach a final decision and significant cost savings were not seen in fiscal year 2012. However, as decisions come in, ORM has seen a 26% cost savings since October 1, 2012.

INITIATIVE 1.2: Improve morale by creating a work atmosphere similar to the environment of organizations recognized as one of the country's top 100 best places to work.

Fully achieved: OAG continues to improve the morale in the office by creating a positive work atmosphere. Resources prevent the office from mirroring private sector incentive award programs. However, our non-monetary Incentive Award Ceremony held in January 2012 was well-received by staff because it rightly communicated that hard work deserves recognition. OAG will hold its Incentive Award Ceremony again in March 2013. OAG continues to enhance its pro-bono partnerships with local law firms, lawyers and various top law schools to recruit volunteer attorneys and exceeded its goal of acquiring over 250 volunteers to assist existing attorneys. Suggestions for improving OAG's workforce come through our Labor Management Committee made up of both managers and staff. Other suggestions which have obtained positive feedback and are in the process of being implemented are : 1) a pilot attorney rotation program so that attorneys may obtain experience in different parts of the office to continue their professional development; 2) an OAG internal newsletter; and 3) the utilization of computer technology to timely locate OAG staff.



Public Interest Division

INITIATIVE 1.1: Close more Civil Enforcement cases prior to litigation to reemphasize collection of money owed the District of Columbia.

Fully achieved: During the fiscal year the Civil Enforcement Section of the Public Interest Division will institute a pre-drafting review of all referred cases to determine if cases can be settled prior to the commencement of litigation or an enforcement action. CES attorneys will be tasked with obtaining full recovery or to seek terms that are as favorable to the client agency as is possible. This review will include a minimum of one contact, where possible, with the opposing party in the potential action. The purpose of this initiative is to redistribute limited resources to allow a greater emphasis on collection of money owed the District of Columbia by reducing the non-monetary litigation of the Civil Enforcement Section. The intended benefit is to save taxpayer dollars by avoiding litigation or prosecutions and the costly expenses associated therewith. This initiative will be considered successful if the Civil Enforcement Section settles at least 65 cases without the need of filing an action. CES surpassed its goal of resolving 65 cases pre-litigation by settling 119 cases this past fiscal year. In so doing, CES saved taxpayer dollars by avoiding litigation or prosecutions and the costly expenses associated therewith.

INITIATIVE 1.2: Redesign and augment OAG's website content to support the Public Advocacy Section's consumer education, complaint intake, and law enforcement work

Partially achieved. The Public Advocacy Section substantially implemented Initiative 1.2 by developing new website materials pertaining to the Section's five enforcement areas, including, for each enforcement area, a description of relevant laws and an electronic form for reporting suspected violations. In addition, the Section substantially updated and improved the website's consumer-education content. The new website materials were prepared by the Section during August-October 2012, and were posted in full by OAG during October-November 2012. The Section still needs to add, for several of the enforcement areas, examples of common law violations and a list of recent OAG enforcement actions. The website improvements appear to have resulted in a slight increase in reports of suspected law violations in the area of charities enforcement. Several charities-related reports were received electronically in the first couple of months after the Section implemented its electronic form for suspected charities law violations. The Section has not yet received reports on its electronic forms for reporting antitrust violations, fraud against the government, or tobacco sales violations. Prior to this initiative, the Section had an electronic complaint form only for consumer complaints, and the link to that form appeared in multiple locations on OAG's website. The low utilization of the new reporting forms may be explained in part by the fact that each form can be reached only through a single link that appears two levels past OAG's home page. So the public may simply be unaware of the availability of these electronic forms.

INITIATIVE 1.3: Document Management.

Fully achieved: Equity was successful in meeting its goal for initiative 1.3. By the end of FY 2012, 13/14 attorneys and staff had received training in Concordance for a completion rate of 92.8%. This training was instrumental in facilitating the use of Concordance in a number of large class-action and other cases, where the District was or is in the position of reviewing and potentially producing to the opposing party thousands of pages of relevant documents. The use of Concordance serves the citizens of the District because it assists in the successful litigation of these complex cases, allowing the District to track discovery from relevant agencies, classify documents for appropriate production, and most importantly, to identify the appropriate



defense strategy based on the supporting documentary evidence.

Public Safety Division

OBJECTIVE 1: The objective of the Public Safety Division’s three Sections (Juvenile, Criminal and Neighborhood and Victim Services) is to take appropriate legal action on behalf of the District of Columbia and to enforce District laws and regulations. Whether through civil or criminal prosecution to enforce the District’s laws, the Division initiates legal claims to protect the public and to seek restitution, where applicable, for those who have been harmed—including the Government of the District of Columbia.

INITIATIVE 1.1: Re-establish the District’s Alcohol Breath Testing Program and assist in writing the Breath Testing Manual.

Fully achieved: The Criminal Section worked closely with the Office of the Chief Medical Examiner (OCME) to develop an Alcohol Breath Testing Program for the Metropolitan Police Department (MPD) in FY 12. Over the course of the fiscal year, the Criminal Section maintained regular and frequent multi-agency meetings to keep the development of this program on track. In addition to OCME, OAG partnered with MPD, the Executive Office of the Mayor (EOM), and the DC Department of Transportation (DDOT). Additionally, the group provided several updates to DC Councilmember Mendelson. In FY 12, OCME hired a Breath Alcohol Program Manager.

- The Criminal Section worked closely with this manager to ensure the appropriate development and evaluation of critical changes to the previous Intoximeter software, development of a new breath alcohol test operator program (including the training manual), development of a quality management program, and the placement of appropriately certified, evidential breath test instruments into operational use in the field. As a result of this cooperative effort, the District of Columbia’s Breath Alcohol Program was successfully reinstated at the end of FY 12 (September 28, 2012). As a result, evidential breath scores were obtained in numerous impaired driving cases and will be used in the prosecution of those trials (which will not occur until December 2012).

INITIATIVE 1.2: Identify individuals improperly claiming the District’s Homestead deduction and referring those individuals to the Office of Tax and Revenue.

Partially achieved. The Neighborhood and Victim Services Section (“NVS”) took steps to complete this initiative by checking to see how each case referred to the Office of the Attorney General (“OAG”) was being taxed. When OAG ascertained that a property owner was improperly receiving the District’s Homestead Deduction (“deduction”), it immediately referred such cases to the Office of Tax and Revenue (“OTR”). Much of this initiative is based upon information that OAG learns once contact with a property owner and/or a tenant is actually established. In many instances, NVS learned that property owners were not improperly receiving the deduction. Although NVS did not refer 36 cases to OTR, it did refer 15 cases. The fact that only 15 cases were referred suggests that many property owners were in compliance with the law. Some of the challenges in referring more cases to OTR were due to situations beyond NVS’s control. For instance, NVS attorneys learned that a property owner was improperly receiving the deduction only when they had actual oral or written contact with a property owner and learned from this contact that the property owner did not reside at the property. However, NVS attorneys are not always able to establish actual oral or written contact with property owners. Therefore, even though NVS was not successful in the total number of cases referred, NVS has measured this initiative to be very successful because with only 15 referrals to OTR, over \$66,000 was billed to property owners for improperly receiving the deduction. This is a substantial amount of money for the District because it only involved



15 persons. Ongoing steps to accomplish this initiative in the future are being taken including NVS continuing its relationship with MPD officers and making more inquiries from property owners or tenants.

INITIATIVE 1.3: Refer at least 10% of eligible juvenile cases to the Family Court Mental health Calendar

Fully achieved. The Juvenile Mental Health Calendar is called the Juvenile Behavioral Diversion Court (“JBDP”). In order to complete the JBDP initiative, the Juvenile Section identified eligible youth at the initial hearings for placement in the program. In order to identify youth, the attorneys in the Juvenile Section were advised to consider mental health court as part of plea negotiations. The Section designated a special prosecutor to handle this calendar in order to maintain consistency and continuity. Further, training was offered to the defense to assist with their participation. OAG measured success by tracking the numbers of eligible youth and adjusting referrals to the program to ensure appropriate placements. Many lower level offenders were considered eligible to take advantage of the program. The initiative was successful in that the Juvenile Section consistently identified eligible youth and there was an increase in the number of youth referred to the Suitability Committee for consideration. The success of this program positively impacts the community by increasing access to mental health services for DC youth and providing faster linkage to the service providers. This, in turn, helps address serious mental health needs resulting in better school attendance and an increase in public safety when treated youth are receiving appropriate services and medication. Of the 692 juveniles who were eligible for participation, 162 were referred, for an effective rate of almost 24%.



Key Performance Indicators – Details

Performance Assessment Key:

● Fully achieved
 ● Partially achieved
 ● Not achieved
 ● Data not reported

	KPI	Measure Name	FY 2011 YE Actual	FY 2012 YE Target	FY 2012 YE Revised Target	FY 2012 YE Actual	FY2012 YE Rating	Budget Program	
Child Support Services Division									
	●	1.1	Paternity Establishment Percentage	80.5	85		90.01%	105.90%	CHILD SUPPORT SERVICES DIVISION
	●	1.2	# of non-custodial parents enrolled in employment services program	251	255		18	7.06%	CHILD SUPPORT SERVICES DIVISION
	●	1.3	# of parents newly registered to access their on-line payment histories	1708	1500		1160	77.33%	CHILD SUPPORT SERVICES DIVISION
	●	1.4	# of Child Support Orders Established	2254	2350		1747	74.34%	CHILD SUPPORT SERVICES DIVISION
Civil Litigation Division									
	●	1.1	# of Civil Litigation Closed Cases	304	310		419	135.16%	CIVIL LITIGATION DIVISION
	●		% of completed settled cases submitted within 10 business days of receipt of all required forms for payment ¹	NA	NA	75%	NA	NA	CIVIL LITIGATION DIVISION
	●	1.2	# of closed Public School System Special Education cases closed per attorney FTE	0	0		85	Workload Measure (Not rated)	CIVIL LITIGATION DIVISION

¹ This measure was deleted mid-year because the agency had no ability to track the results.



	KPI	Measure Name	FY 2011 YE Actual	FY 2012 YE Target	FY 2012 YE Revised Target	FY 2012 YE Actual	FY 2012 YE Rating	Budget Program	
Commercial Division									
	●	1.1	% of Legal sufficiency reviews performed by Land Use and Public Works Section timely completed.	90	87.5		84.80%	96.91%	COMMERCIAL DIVISION
	●	1.2	% of Real Estate Transactions Section transactional documents prepared and/or reviewed for legal sufficiency within 60 days.	94	95		96.86%	101.95%	COMMERCIAL DIVISION
	●	1.3	# of litigation successes by the Tax and Finance Section per FTE	27	20		19.17	95.83%	COMMERCIAL DIVISION
	●	1.4	% of litigation success by the Land Acquisition and Bankruptcy Section	95	92.5		98.65%	106.65%	COMMERCIAL DIVISION
	●	1.5	% of Procurement Section non-emergency procurement reviews completed within 60 days	95	92.5		97.14%	105.02%	COMMERCIAL DIVISION
Family Services Division									
	●	1.1	% of favorable resolution in all cases which reach adjudication in the division.	98	98		94.96%	96.90%	FAMILY SERVICES DIVISION
	●	1.2	% of children whose first permanency hearing is held within 12 months of the child's entry into foster care.	90.8	91		95.56%	105.01%	FAMILY SERVICES DIVISION



	KPI	Measure Name	FY 2011 YE Actual	FY 2012 YE Target	FY 2012 YE Revised Target	FY 2012 YE Actual	FY 2012 YE Rating	Budget Program	
	●	1.3	% of cases filed for termination of parental right by the Child Protection Sections within 45 days of the child's goal becoming adoption	88.5	90		92.39%	102.66%	FAMILY SERVICES DIVISION
	●	1.4	Successfully resolved criminal contempt motions handled by the Domestic Violence Section per FTE per quarter	4.24	4.5		5.37	119.37%	FAMILY SERVICES DIVISION
Legal Counsel Division									
	●	1.1	# of rulemaking projects completed for client agencies	36	40		39	97.50%	LEGAL COUNSEL DIVISION
	●	1.2	% written assignments completed by deadline given by client agency, or 30 days if no deadline given	99	99		99.46%	100.46%	LEGAL COUNSEL DIVISION
	●	1.3	# completed written assignment per FTE	180	215		54.79	Workload Measure (Not rated)	LEGAL COUNSEL DIVISION
	●	1.4	# of high-profile lawsuits directly assisted	15	20		13	65%	LEGAL COUNSEL DIVISION
	●	1.5	# of written opinions issued to ANCs	17	20		13	65%	LEGAL COUNSEL DIVISION
Office of the Solicitor General									
	●	1.1	% of favorable resolution in defensive appeals cases	94	92		93.15%	101.25%	SOLICITOR GENERAL DIVISION
	●	1.2	% of regular calendar arguments in which a moot court was held	100	100		100%	100%	LEGAL COUNSEL DIVISION
	●	1.3	Motions for summary disposition filed per FTE	2	2.1		2.83	Workload Measure (Not rated)	SOLICITOR GENERAL DIVISION



	KPI	Measure Name	FY 2011 YE Actual	FY 2012 YE Target	FY 2012 YE Revised Target	FY 2012 YE Actual	FY 2012 YE Rating	Budget Program
Personnel, Labor and Employment Division								
	● 1.1	# of attorneys who left the agency	29	35		37	94.59%	PERSONNEL LABOR & EMPLOYMENT DIVISION
	● 1.2	# of interns assisting attorneys and staff on an annual basis	256	250		273	109.20%	PERSONNEL LABOR & EMPLOYMENT DIVISION
	● 1.3	# of in-house training hours taken per legal FTE	33.5	25		9.25	Workload Measure (Not rated)	PERSONNEL LABOR & EMPLOYMENT DIVISION
Public Interest Division								
	● 1.1	\$ Collected by the Civil Enforcement Section per Attorney FTE	114267.11	130000		123,843.70	94.59%	OFFICE OF THE ATTORNEY GENERAL
	● 1.2	\$ Collected by the Public Advocacy Section excluding Tobacco Settlement	2611640	2700000		\$2,673,005.88	99%	OFFICE OF THE ATTORNEY GENERAL
	● 1.3	# of Closed Cases in the Equity Section	76	40		84	210%	OFFICE OF THE ATTORNEY GENERAL
Public Safety Division								
	● 1.1	# of Nuisance Property Prosecutions	11	15		13	86.67%	PUBLIC SAFETY DIVISION
	● 1.2	% of Juveniles referred for rehabilitation	89	90		85.07%	94.52%	PUBLIC SAFETY DIVISION
	● 1.3	Successful Criminal Cases per FTE	72	65		60.84	Workload Measure (Not rated)	PUBLIC SAFETY DIVISION