



## **Office of the Attorney General OAG (CB)**

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### **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. 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.

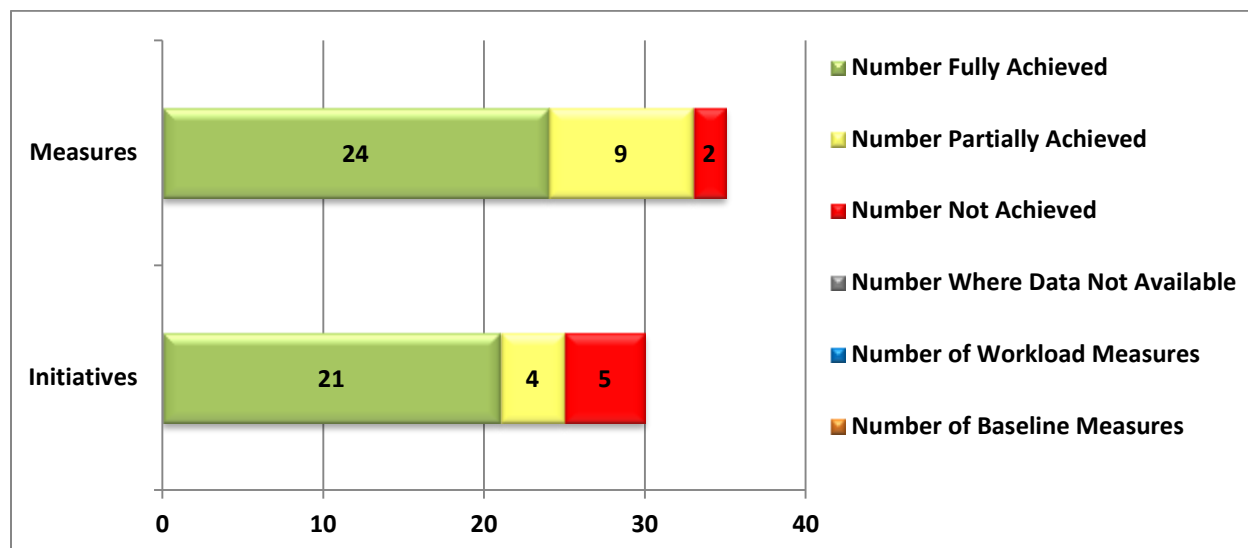
### **ACCOMPLISHMENTS**

- ✓ We made progress in consent decree cases.
- ✓ We won an appeal bringing an end the litigation holding up the Skyland Shopping Center redevelopment.
- ✓ We obtained favorable consumer protection settlements arising out of our multi-state investigations.

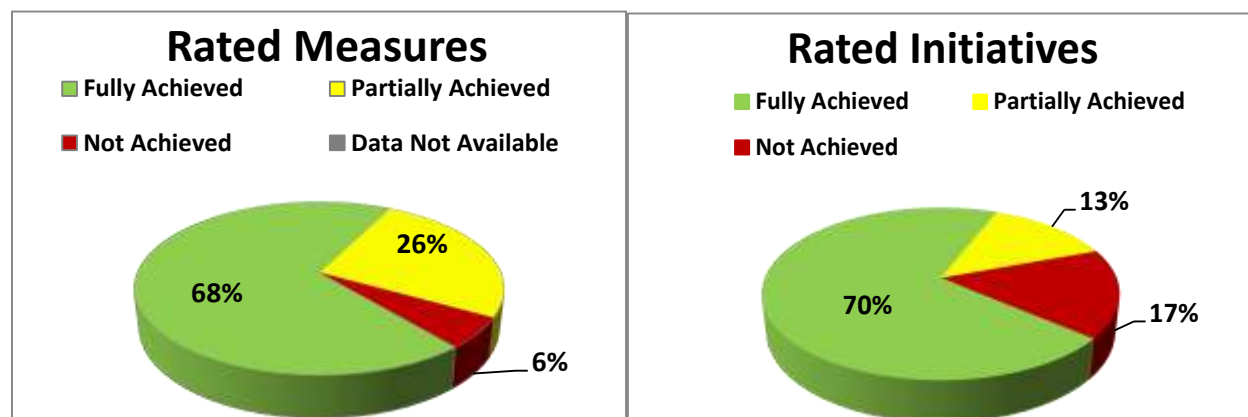


## OVERVIEW AGENCY PERFORMANCE

### 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

### Agency Management

**OBJECTIVE 1: The objective of the Agency Management Division is to guide and support the legal divisions of the office.**

**INITIATIVE 1.1: Ensure that litigating divisions receive regular oversight and guidance on high-profile matters.**

- **This initiative was fully achieved.** The AG meets bi-weekly with the Deputies (and sometimes the other managers) of the PSD, CLD, PID and OSG to discuss the status of the significant cases in each of these divisions. Each division has its own rolling agenda to which cases are added as needed or deleted as they are resolved. This allows the AG to stay abreast, in a logical way, of all the important developments in each of the matters identified. Except when he has been out of town or otherwise unavailable, the AG has consistently kept these meetings on his schedule. In those instances where he was unavailable, he rescheduled the meeting without exception.

**INITIATIVE 1.2: Implement cross-divisional team to more efficiently respond to Intra-Net Quorum (IQ) Ask the Director (ATD) inquiries.**

- **This Initiative was fully achieved.** Throughout the year, the CSR received each IQ ATD inquiry, read them thoroughly to determine to whom in the agency the inquiry should be assigned and then appropriately assigned each inquiry. When the assignment of an inquiry was not clear, the CSR would research the topic, ask agency personnel about the topic, gather the data and then assign the inquiry. This method was strategic. This method ensured that the inquiry was assigned expediently and was responded to within the two day timeframe. The two day timeframe was established not just for the purposes of this initiative but to ensure that the message that the constituent received was that the DC Office of the Attorney General cares about the matter and makes it a point to be timely in its response.

**INITIATIVE 1.3: Ensure that all investigators are trained on the service of civil summonses.**

- **This initiative was fully achieved.** The Investigation Section was able to accomplish the initiative by reallocating work assignments and receiving training on Service of Civil Summons, Information on Limited Authority to include Jurisdiction, Social Media Sites, and Peace Model of Interviewing Strategies. The session included creative ways to locate and serve unwilling persons. The training demonstrated how to use forms of social media and the ethical considerations and their limitations. The goal of the investigation Section was successful with positive feedback from the investigators and the attorneys they service.



## Child Support Services Division

### OBJECTIVE 1: Provide child support services to enhance the lives of all District children.

#### INITIATIVE 1.1: Implement a pilot program to provide free paternity tests.

**The initiative was fully achieved.** The project was implemented in fiscal year 2013. Throughout the year, customers were offered the opportunity to receive free genetic testing—a service for which they would normally pay. Customers who indicated interest were walked across the street by CSSD staff to the room in the court where the testing is performed to ensure that no one would get lost. During the fiscal year, CSSD also mailed letters offering free genetic testing to 200 customers who had previously been ordered to get testing but had not gotten it. Forty to fifty people responded to the letters, exceeding CSSD’s expectations. CSSD had two free genetic testing outreach events, one on August 14, 2013 at the Beat the Streets Edgewood Terrace event, and the other on August 24, 2013 at the First Baptist Church Health and Community Day. Between the two events 20 people received free genetic testing and two Acknowledgements of Paternity (AOPs) were signed. Customers also received gift cards. To advertise the free testing, CSSD mailed out 400 letters to customers—200 to custodial parents and 200 to non-custodial parents—who would benefit from the testing.

#### INITIATIVE 1.2: Implement a pilot program to provide walk-in child support assistance.

**The initiative was fully achieved.** Prior to the pilot, if a walk-in customer not on public assistance and needed assistance on an Interstate case, he or she was required to schedule an appointment and come back at a later date. Under the pilot, these customers were interviewed immediately. Although the proposal stated that these customers would be seen by Customer Care Waiting Room staff, these customers were instead seen by Intake interstate Support Enforcement Specialists to take advantage of their expertise on complicated interstate matters. Staff followed the cases closely, and if the customer did not provide any needed follow up documentation, he or she would be sanctioned if on TANF or have his or her case closed if not. This initiative was successful because the Agency reduced timelines for completing petitions and forwarding them to other jurisdictions, with more cases than before being processed in 45 days or less. CSSD has adopted these procedures developed in its pilot as its new permanent way of serving walk-in interstate customers.

#### INITIATIVE 1.3: Improve the timeliness of responding to interstate cases.

**The initiative was fully achieved.** By homing in on the part of the process that was not working and examining it closely, CSSD was able to determine what needed to be changed and improved as well as train staff. There were diaries to workers (i.e., instructions of what step to take next) that did not work. There were action codes in CSSD’s automated system that were not functioning correctly. These systems-related issues were fixed. Also, a team of CSSD attorneys was assigned to work interstate cases and was educated on the federally mandated time frames for processing interstate cases. CSSD Support Staff would ask the attorneys exactly what they needed so the case could be moved to court timely. Prior to the Pilot, CSSD Support Staff would send the attorneys petitions from other states that were not completely filled out. For example, a non-public assistance case might be missing pay stubs, or a case seeking paternity was missing an affidavit in support of establishing paternity. As a result, the attorneys were rejecting the petitions. Now, the Director’s Office and CSSD Support Staff follow up with the other states to get the needed information, and as a result, attorneys are rejecting fewer cases.



## Civil Litigation Division

### OBJECTIVE 1: Defend the District of Columbia, its agencies, and employees in civil actions.

#### INITIATIVE 1.1: Implement a system to close all civil cases within 30 days of the date of last activity or date of transfer to the Solicitor General for appeal.

**This initiative was partially achieved.** Chiefs were required to double check case closures. Often cases were closed shortly after payment of a settlement or judgment, transfer of the file to appellate, notice of an appeal or resolution of remaining issues in a case including disposition of documents and/or payment of costs and attorney's fees either by DC or the plaintiff. We did not institute a calendaring tracking system because Prolaw was not reliable for tracking during much of the year. Our review was a manual process either at the time of the closing or a historic review for the purposes of preparing our report.

#### INITIATIVE 1.2: Implement training for support staff to complete settlement paperwork to free line attorneys for substantive litigation matters.

**The initiative was not achieved.** We had to suspend this initiative for several reasons: (1) At the request of the Attorney General, we initiated a major review of work flow for the paralegals. Priority was given to this review and it was determined that while this review was underway mandating that all settlement processing be handled only by paralegals would not be appropriate; and (2) In addition we determined that using only paralegals to handle all settlements (as the division is currently configured) would actually result in a substantial delay in the processing of settlement requests and issuance of settlement payments to plaintiffs. This is because the paralegals have been primarily responsible for discovery, document management and trial support. And, each paralegal is working at full capacity on these assignments. However, even with the suspension of the initiative, in almost every case in which trial counsel requested assistance of the paralegal the assigned paralegal prepared the settlement papers for a case. Allowing attorneys to make the decision on the handling of the settlement payment requests helped paralegals manage their workflow more efficiently while giving the attorneys the flexibility to delegate the task to their interns or the section's administrative assistant (and in some cases the paperwork was prepared directly by the trial attorney).

#### INITIATIVE 1.3: Implement a system to download hearing transcripts in Special Education cases.

**The initiative was not achieved.** We referenced Concordance in our initiative because we assumed that the program was the document management feature that was available to every attorney at their desk (using the desk top computer) and not requiring use of the larger document management contractor. The goal was to convert voluminous administrative transcripts on available computer software, Concordance, to facilitate more timely preparation of hearing records that must be filed in federal court. However, we discovered that we could maintain an electronic document file for all transcripts of a case using the PDF feature which was available to all attorneys and paralegals. There are user limits on the number of staff that can use Concordance at the same time. Even though we opted not to use Concordance for the special education cases, we achieved the same goal of eliminating hard copy documents (paper records) and converting to electronic documents by using Microsoft and the PDF feature. This allowed the special education attorney to search for documents, dates, and file electronic copy of the hearing transcript in federal court (99% of all special education cases are litigated in federal court) in the same manner as Concordance. For regular litigation, Concordance is a more advanced document management tool. However, it is unnecessary in our hundreds of special education cases because we don't have formal discovery or a need to use the trial support feature that Concordance provides.

## Commercial Division



**OBJECTIVE 1: Provide legal advice and litigation support in the areas of tax collection, real property and other commercial transactions, economic development, and municipal finance.**

**INITIATIVE 1.1: Review and analyze the Zoning Commission's and Board of Zoning Adjustment's rules of procedure.**

**The initiative was fully achieved.** On April 19, 2013, the Land Use and Public Works Section provided extensive comments to the Office of Planning concerning proposed changes to the Board of Zoning Adjustment's rules of practice and procedure. These amendments were intended to be included as part of a revised Title 11 DCMR. However, several of the amendments represented important improvements to the Board's processes. The Section therefore requested the Office of Planning petition the Zoning Commission to adopt these and other amendments that reflected past Commission and Board rulings. The amendments were adopted by the Zoning Commission and became effective upon their publication in the June 14, 2013 edition of the DC Register. Among other things, the amendments codify the tests for obtaining use and area variances, apply the Zoning Commission's ex parte rules to the BZA, reconcile the reconsideration rules of the two bodies, identify the limited circumstances when monetary contributions and compliance with the Inclusionary Zoning Program can be recognized as public benefits of a planned unit development ("PUD"), provide a meaningful review process for the Zoning Commission to consider PUD modifications approved by the Zoning Administrator, and prohibit the Zoning Administrator from accepting an escrow when an Applicant claims it cannot provide a public benefit required under a PUD.

**INITIATIVE 1.2: Investigate and implement a "cloud" service to share information between OAG and the Office of Tax and Revenue (OTR).**

**The initiative was partially achieved.** The feasibility of implementing SpiderOak or other available "cloud" service to share documents with the Office of Tax and Revenue ("OTR") was investigated and determined unworkable at this time. Both OAG and OTR are subject to confidentiality, privacy, and similar non-disclosure restrictions which, under current law, policy, and professional ethical conventions, render "cloud" services unworkable. Notwithstanding, the Commercial Division developed and implemented information sharing conventions that have proven effective and efficient in allowing both OAG and OTR to share and process information. With OAG's weekly and monthly trial track, task order, and post-mediation dispatches into this account, together with access to this account limited to a specially constituted senior-level litigation team, the Commercial Division has realized the benefits of "cloud" informational sharing without breaching the confidentiality and other non-disclosure conventions that have made "cloud" sharing between OAG and OTR unworkable. While "cloud" or comparable single electronic medium for informational exchanges could enable the realization of additional efficiencies in processing real property tax assessment and tax sale foreclosure inter-agency informational exchanges, the Commercial Division's development and implementation of the above-described email account and informational assembly-line, respectively, have significantly enhanced the Commercial Division's ability to further the best interests of the District with respect to these matters.

**INITIATIVE 1.3: Acquire more properties through tax sales for the Department of Housing and Community Development to develop and return to the tax rolls.**

**The initiative was not achieved.** Due to client funding issues, the Initiative cannot be considered successful. This Initiative is wholly dependent upon client funding. We continue to try to acquire more properties through this mechanism, subject of course to the availability of funding from DHCD, the client agency.



## Family Services Division

**OBJECTIVE 1: Reduce the risk of harm and protect the rights of: children at risk for abuse and neglect; domestic violence victims; and incapacitated adults who are being abused or who are self-neglecting.**

**INITIATIVE 1.1: Educate the public on the civil commitment process for individuals with mental illness.**

**The initiative was not achieved.** The Mental Health Section suffered major staffing shortages in FY 13 while also seeing caseloads significantly increase. This required the section to shift priorities to supporting the operations of the Section. As a result, the Section was unable to allocate resources toward community forums to educate the public on the civil commitment process. Rather, the Section focused on the training and education of staff, physicians and social workers on the civil commitment process to improve the litigation and case processing of cases.



**INITIATIVE 1.2: Establish paternity in child support cases.**

**The initiative was not achieved.** Due to an unavailability of resources and competing demands the Child Support Services Division and Child Protection Section were unable to place resources toward this initiative's implementation. As a result, the child support pilot project was not achieved in FY 2013. Nevertheless, CPS independently established paternity in 64 cases in FY 2013. This total is considered a major accomplishment despite the fact that the pilot project was never launched. It shows that paternity establishment is being integrated in abuse and neglect case processing.



**INITIATIVE 1.3: Implement new criminal contempt prosecution procedures in domestic violence cases.**

**The initiative was fully achieved.** The new criminal contempt referral system is working well and was successful in FY13. The office is reviewing and making prosecution determinations on 100% of referrals within two weeks of receiving a referral from the Court. On a weekly basis, D.C. Superior Court staff provides the Office of the Attorney General (OAG) with a list of all contempt motions filed. By the end of the week in which the list is received, OAG identifies which cases it will take and refers the remainder to the United States Attorney's Office with information regarding OAG's position. On occasion, a case requires additional investigation in which case the assigned Assistant Attorney General works with the petitioner to gather the needed information within two weeks of the court's formal referral at the initial court date.



## Legal Counsel Division

**OBJECTIVE 1: Provide legal research and advice for the Executive Office of the Mayor, Office of the Attorney General, client agencies, and occasionally the Council of the District of Columbia.**

**INITIATIVE 1.1: Improve government transparency by increasing the number of legal opinions publicly available on the Office of the Attorney General website.**

**The initiative was partially achieved.** The Legal Counsel Division 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 pre-publication procedures for obtaining waivers of any applicable privileges from Division clients and for obtaining clearance from other OAG divisions that might have a legitimate need to withhold the legal advice. The Legal Counsel Division submitted the protocol to OAG senior management for approval. Senior management praised the Division for its diligent work on the protocol, but concluded, based on the complexities of the project and the competing time and resource obligations of the Legal Counsel Division and its clients, that the project should be placed on hold indefinitely. The Legal Counsel Division has continued to add memoranda to its internal



database, and all Division attorneys are encouraged to increase their use of this resource in responding to the diverse needs of their many clients throughout District government. At this time, however, the Legal Counsel Division is not reviewing its past memoranda to prepare them for publication.

**INITIATIVE 1.2: Assist in the creation of a new Office of Government Ethics and Office of Open Government within the newly created Board of Ethics and Government Accountability.**

**The initiative was fully achieved.** The Legal Counsel Division provided substantial and continuing assistance to the newly-created BEGA during FY13. The Division drafted and assisted in the promulgation of two sets of rulemakings that established the basic administrative and regulatory processes that permit BEGA to perform its mission. These rulemakings provided the mechanism for BEGA to have a very successful first year during which a number of high profile ethics opinions were issued and adjudicated. In addition, the Legal Counsel Division assisted the BEGA in preparing amendatory legislation to clarify language in the original BEGA act. The Division also worked closely with the BEGA once it began functioning to promote the new agency's operations. Our staff advised District employees calling with ethics questions about the BEGA's role, modified OAG's website to reflect the BEGA's functions, offered substantive comments on language that the BEGA proposed to include on its website, made many substantive suggestions to DCHR's proposed revisions to the code of conduct in Chapter 18 of the District Personnel Manual to incorporate numerous changes sought by the BEGA, and worked closely with the BEGA to implement the District's new financial disclosure laws. At the BEGA's request, the Legal Counsel Division also provided the agency with memoranda analyzing the extent of its jurisdiction

**INITIATIVE 1.3: Provide timely and reliable oral and written advice on government and legal ethics.**

**The initiative was fully achieved.** The Ethics Counselors in the Legal Counsel Division provided timely and reliable oral and written advice on government and legal ethics in response to nearly 200 inquiries on a broad variety of issues. This number included responses to numerous questions involving the Hatch Act, conflicts of interest, outside employment/activities, post-employment, financial disclosure, and professional responsibility, as well as the preparation of responses to 7 bar counsel complaints. In addition to this number, the Division's Ethics Counselors reviewed and approved or provided advice on over 300 hundred donation applications made by outside entities to the District and its agencies. In providing advice on government ethics, the Ethics Counselors worked closely with the BEGA to ensure that the advice they were providing was fully consistent with the positions of the BEGA.

**Office of the Solicitor General**

**OBJECTIVE 1: Provide affirmative and defensive appellate litigation services for the District of Columbia government.**

**INITIATIVE 1.1: Assign cases to attorneys based on general areas of expertise.**

**This initiative was fully achieved.** The Deputy Solicitors General identified internally assistant attorneys general (AAGs) with expertise in particular subject matters and took those areas into expertise into account in assigning new appeals. For instance, AAG John Woykovsky was identified as the Confrontation Clause expert and has dealt with numerous Confrontation Clause cases; AAG Mary Wilson was identified as the Freedom of Information Act expert and has dealt with numerous Freedom of Information Act cases; and so on. This initiative was successful, as an attorney who knows about a subject matter is not only likely to do a better job of briefing the





case, thus increasing the percentage of appeals won, but also do it more efficiently, thus freeing up more resources in the office and making attorneys available for more work, also increasing the percentage of appeals won.

**INITIATIVE 1.2: Recording and reviewing D.C. Court of Appeals oral arguments.**

**This initiative was fully achieved.** The Deputy Solicitors General required AAGs to obtain from the D.C. Court of Appeals recordings of their oral arguments and review them. When needed, the Deputy Solicitors General also reviewed the recordings with attorneys for feedback purposes, as well as to get a better sense of judges' concerns in particular cases. This initiative was successful, as an attorney who reviews her arguments improves her oral advocacy skills, and thus increases the percentage of appeals won.

**INITIATIVE 1.3: Soliciting moot court judges from other divisions.**

**This initiative was fully achieved.** A formal guideline effective during Fiscal Year 2013 required attorneys presenting moot courts to invite the trial or agency counsel who worked on the case before it reached the appellate court. In addition, attorneys were encouraged to, and frequently did, reach out still further to other interested attorneys. This initiative was successful, as an attorney who has a broader selection of moot court judges is apt to get a variety of perspectives and present a better oral argument, thus increasing the percentage of appeals won.

## Personnel, Labor and Employment

**OBJECTIVE 1: Defend District agencies in personnel-related matters.**

**INITIATIVE 1.1: Provide agencies with legal advice on how to decrease employment litigation.**

**Fully achieved.** The Personnel, Labor Relations Division met this goal well before September 30, 2013, by both reviewing and providing advice on contemplated adverse action and providing legal advice on pending cases so that compliance issues can be resolved without repetition. The agencies with the highest volume of litigation, in all likelihood because of their size and subject matter were, the Metropolitan Police Department, the District Fire and Emergency Medical Services, the Department of Public Works and the Office of Risk Management.

**OBJECTIVE 2: Hire and retain a highly qualified workforce of attorneys and legal support staff.**

**INITIATIVE 2.1: Enhance the quality of the agency's applicant pool.**

**This initiative was successfully completed.** OAG increased its outreach to local colleges and universities which also increased the applicant pool for attorney vacancies. We attended recruitment fairs at the University of the District of Columbia, Howard University, Georgetown University, George Washington University and Catholic University. OAG also revised its recruitment brochure and its website so that they are more aesthetically pleasing and user friendly. In addition, OAG began to accept electronic applicants for attorney positions which not only reduces the amount of paper, but makes it more convenient for applicants both within and outside the metropolitan area.

**INITIATIVE 2.2: Enhance staff morale.**

**This initiative was successfully completed.** Our professional development program is a main reason for increased retention. Although there has been a freeze on training, the Attorney General and City Administrator is generous in seeking and granting waivers for OAG to bring professional development programs in-house, several of which were suggested by administrative and professional staff. In addition to professional development, OAG's Incentive Award Program promotes retention by recognizing deserving employees with inexpensive tangible awards.



## Public Interest Division

### **OBJECTIVE 1: Provide legal services and advice for complex and public interest litigation.**

#### **INITIATIVE 1.1: Increase collection efforts and civil and administrative prosecutions by educating district agencies about the Division's mission.**

**The initiative was fully achieved.** This fiscal year CES engaged several agencies that were not familiar with the scope and range of CES litigation. Among them were the: Board of Ethics and Government Accountability (BEGA), Criminal Justice Coordinating Council (CJCC), District Department of Transportation (DDOT), Department of Employment Services (DOES), Department of Health (DOH), Department of Housing and Community Development (DHCD), D.C. Lottery, Department of Mental Health (DMH), Office of the Chief Financial Officer (OCFO) and Office of Human Rights (OHR). With the exception of BEGA and CJCC, the section handled several cases for the listed agencies. The cases handled by the section included collection, false claims (overpayments), housing discrimination, and unemployment insurance compensation fraud. CES recouped (and continues to recoup) monies owed the District in all the referred cases except the housing discrimination case which was purely an enforcement matter. Furthermore, the DOES and Office of the Attorney General (OAG) entered into a Memorandum of Understanding in which OAG hired an attorney and paralegal to work exclusively on Unemployment Insurance Compensation Fraud cases. As a result of this partnership, DOES referred twenty-two (22) cases to OAG, and CES recovered \$66,682.16 owed to the District in FY 13. Finally, as part of a division wide effort, CES submitted a detailed outline of its services which was placed on OAG's website.

#### **INITIATIVE 1.2: Enhance the process for reviewing citizen complaints to identify potential investigations and enforcement actions.**

**The initiative was fully achieved.** At the start of FY 2013, the Section expanded its complaint intake process, which had previously been limited to complaints involving consumer protection or antitrust enforcement, to include complaints involving fraud against the government, fraud involving charities, and illegal tobacco sales. All five complaint areas are now described on the Section's webpage, and complaints in each of these areas are directed to the same consumer hotline and received by the Section's consumer protection specialist. As before, complaints in the area of consumer protection are assigned initially to the Section's consumer protection unit, which consists of one specialist and three investigators. Other types of complaints are logged in by the consumer protection specialist, but are assigned to an Assistant Attorney General specializing in the relevant enforcement area. The Section Chief's enforcement decisions are now informed by periodic meetings with the entire complaint response staff. Since implementing this initiative, the Section has selected matters for enforcement from a wider pool of potential fraud cases, and the Section's monetary recoveries have increased from \$2.7 million in FY 2012 to \$6.8 million in FY 2013.

#### **INITIATIVE 1.3: Increase the use of the document management database.**

**The initiative was fully achieved.** Equity has utilized Concordance in 100% of new cases where 5000 or more pages of discovery were expected. This initiative was accomplished by alerting attorneys that Concordance is available for all cases meeting the criteria, making Concordance training mandatory for all staff, and demonstrating through use that Concordance provides enormous benefits to defending cases in terms of efficiency and accuracy in responding to discovery obligations. This initiative has also been achieved by establishing a close and productive working relationship between staff in Equity and Helen Ashley and her team of professionals who manage the document management system at the Office of Attorney General.



## Public Safety Division

### **OBJECTIVE 1: Enforce District laws and regulations by taking appropriate legal action on behalf of the District government.**

#### **INITIATIVE 1.1: Successfully prosecute DUI cases utilizing the District's newly established Alcohol Breath Testing Program.**

**The initiative was fully achieved.** The District's new breath test program went into effect. Nearly 500 MPD DUI cases with breath results were referred to OAG during FY 13. The Criminal Section successfully obtained approximately 150 DUI convictions in FY 13 utilizing breath test results from the District's new breath testing program. The vast majority of cases involved defendants who pled guilty to the charged offense. However, the first successful trial conviction relying on MPD breath test results occurred in mid-January 2013.

#### **INITIATIVE 1.2: Refer individuals improperly renting a property in the District to the Department of Consumer and Regulatory Affairs.**

**The initiative was partially achieved.** In order to complete this initiative, the Neighborhood and Victim Services Section ("NVS") instituted a policy of screening each new drug or firearm-related nuisance case to determine if a Basic Business License ("BBL") had been issued for the property. This screening was conducted by NVS paralegals when they prepared the case files and involved accessing the Department of Consumer Affairs' ("DCRA") online Property Information Verification System ("PVIS"). In instances where the property owner was renting a property or unit without a BBL, NVS staff was to make a referral to DCRA. During FY 13, NVS referred 12 cases to DCRA. Although we were shy of the goal of 20 referrals, NVS does consider this initiative a success. NVS established the practice of verifying whether a BBL had been issued in every new drug or firearm related nuisance case. In many cases, including non-drug nuisance cases, when a NVS attorney determined that an owner was renting a property without a current BBL, the attorney notified the owner of the requirement to obtain a BBL and informed the owner that he or she needed to contact DCRA. This was done in instances where a direct referral from NVS to DCRA may not have been made and, in at least three (3) of such cases, the property owner has since obtained a BBL. Ongoing steps to accomplish this initiative will include greater emphasis on making direct referrals to DCRA and improved tracking of the referrals made by NVS.

#### **INITIATIVE 1.3: Expand eligible juvenile case referrals to the Family Court Juvenile Behavioral Diversion Court to include status offenses.**

**The initiative was fully achieved.** The Juvenile Section met its goal of expanding case referrals to the Family Court Juvenile Behavioral Diversion Program (JBDP) during FY 2013. JBDP has three (3) tracks by which juveniles are referred for treatment and services to assist in their rehabilitation. Tracks 1 and 2 focus on lower level offenses. Upon successful completion of JBDP, the respondent has the benefit of having his or her case dismissed. During FY 2013, the Section established a protocol to identify and expedite these case referrals. On the day of initial hearing, the Juvenile Section identifies which respondents are eligible for JBDP. During FY 2013, the Section expedited these referrals by sending eligibility information daily directly to the Suitability Committee so that JBDP stakeholders are apprised of a potential JBDP candidate. Also, the assigned attorney is now mandated to consider offering JBDP for track 1 and track 2 eligible cases as part of his or her case resolution strategy. Overall, the Section met its goal of expanding the total number of JBDP case referrals to 12%. In fact, it exceeded the goal all months except one month (10%), and reached a referral rate high in one month of 24%. The average referral rate was 16% for FY 2013. The number of status offense referrals also substantially increased from a total of five referrals in the previous fiscal year to an average of at least one referral per month



## Key Performance Indicators – Details

### Performance Assessment Key:

Fully achieved   
 Partially achieved   
 Not achieved   
 Data not reported

|  | KPI | Measure Name | FY 2012<br>YE<br>Actual  | FY 2013<br>YE<br>Target | FY 2013<br>YE<br>Revised<br>Target | FY 2013<br>YE<br>Actual | FY 2013<br>YE<br>Rating | Budget<br>Program |                                       |
|--|-----|--------------|--|-------------------------|------------------------------------|-------------------------|-------------------------|-------------------|---------------------------------------|
| <b>Agency Management</b>                   |     |              |  |                         |                                    |                         |                         |                   |                                       |
|  | ●   | 1.1          | Number of case/matter review meetings with senior staff            | 0                       | 8                                  |                         | 64                      | 800%              | AGENCY MANAGEMENT                     |
|  | ●   | 1.2          | Percentage of IQ responses sent within two business days           | 0                       | 90%                                |                         | 97.13%                  | 107.92%           | AGENCY MANAGEMENT                     |
|  | ●   | 1.3          | Number of summons served per FTE                                   | 0                       | 215                                |                         | 276.36                  | 128.54%           | AGENCY MANAGEMENT                     |
| <b>Personnel, Labor, Employee Division</b> |     |              |  |                         |                                    |                         |                         |                   |                                       |
|  | ●   | 1.1          | Number of in-house training hours taken per legal FTE              | 18.48                   | 25                                 |                         | 18.57                   | 74.30%            | PERSONNEL LABOR & EMPLOYMENT DIVISION |
|  | ●   | 2.1          | Number of attorneys who left the agency.                           | 37                      | 35                                 |                         | 31                      | 112.90%           | PERSONNEL LABOR & EMPLOYMENT DIVISION |
|  | ●   | 2.2          | Number of interns assisting attorneys and staff on an annual basis | 273                     | 250                                |                         | 262                     | 104.80%           | PERSONNEL LABOR & EMPLOYMENT DIVISION |
| <b>Public Safety Division</b>              |     |              |  |                         |                                    |                         |                         |                   |                                       |
|  | ●   | 1.1          | Number of nuisance property prosecutions                           | 13                      | 15                                 |                         | 10                      | 66.67%            | PUBLIC SAFETY DIVISION                |
|  | ●   | 1.2          | % of Juveniles presented who are referred for rehabilitation       | 85.07%                  | 90%                                |                         | 84.53%                  | 93.92%            | PUBLIC SAFETY DIVISION                |
|  | ●   | 1.3          | Successful criminal cases per FTE                                  | 60.84                   | 65                                 |                         | 155                     | 239.4%            | PUBLIC SAFETY DIVISION                |



|  | KPI   | Measure Name   | FY 2012<br>YE<br>Actual | FY 2013<br>YE<br>Target | FY 2013<br>YE<br>Revised<br>Target | FY 2013<br>YE<br>Actual | FY 2013<br>YE<br>Rating | Budget<br>Program               |
|--|-------|--|-------------------------|-------------------------|------------------------------------|-------------------------|-------------------------|---------------------------------|
| <b>Child Support Services Division</b> |       |  |                         |                         |                                    |                         |                         |                                 |
|  | ● 1.1 | Paternity establishment percentage   | 80.5%                   | 87.5%                   |                                    | 80.38%                  | 91.86%                  | CHILD SUPPORT SERVICES DIVISION |
|  | ● 1.2 | Number of non-custodial parents enrolled in employment services program  | 0                       | 260                     |                                    | 380                     | 146.15%                 | CHILD SUPPORT SERVICES DIVISION |
|  | ● 1.3 | Number of parents newly registered to access their online payment histories  | 712                     | 1,550                   |                                    | 1,570                   | 101.29%                 | CHILD SUPPORT SERVICES DIVISION |
|  | ● 1.4 | Number of child support orders established.  | 1,208                   | 2,350                   |                                    | 1,946                   | 82.81%                  | CHILD SUPPORT SERVICES DIVISION |
| <b>Commercial Division</b>             |       |  |                         |                         |                                    |                         |                         |                                 |
|  | ● 1.1 | Percent of Legal sufficiency reviews performed by Land Use and Public Works Section completed within 60 days.                      | 84.8%                   | 87.5%                   |                                    | 79.29%                  | 90.61%                  | COMMERCIAL DIVISION             |
|  | ● 1.2 | Percent of Real Estate Transactions Section transactional documents prepared and/or reviewed for legal sufficiency within 60 days. | 96.86%                  | 95%                     |                                    | 98.81%                  | 104.01%                 | COMMERCIAL DIVISION             |
|  | ● 1.3 | Number of litigation successes by the Tax and Finance Section per FTE  | 19.17                   | 4                       |                                    | 6.65                    | 166.24%                 | COMMERCIAL DIVISION             |
|  | ● 1.4 | Percent of litigation success by the Land Acquisition and Bankruptcy Section.  | 98.65%                  | 95%                     |                                    | 98.28%                  | 103.45%                 | COMMERCIAL DIVISION             |



|                                 | KPI   | Measure Name   | FY 2012<br>YE<br>Actual | FY 2013<br>YE<br>Target | FY 2013<br>YE<br>Revised<br>Target | FY 2013<br>YE<br>Actual | FY 2013<br>YE<br>Rating | Budget<br>Program              |
|---------------------------------|-------|--|-------------------------|-------------------------|------------------------------------|-------------------------|-------------------------|--------------------------------|
|                                 | ● 1.5 | Percent of Procurement Section non-emergency procurement reviews completed within 60 days.   | 97.12%                  | 95%                     |                                    | 97.37%                  | 102.49%                 | COMMER-<br>CIAL<br>DIVISION    |
| <b>Family Services Division</b> |       |  |                         |                         |                                    |                         |                         |                                |
|                                 | ● 1.1 | Percent of favorable resolution in all cases which reach adjudication in the division.   | 94.96%                  | 95%                     |                                    | 97.38%                  | 102.50%                 | FAMILY<br>SERVICES<br>DIVISION |
|                                 | ● 1.2 | Percent of children whose first permanency hearing is held within 12 months of the children's entry into foster care.                              | 95.56%                  | 92%                     |                                    | 94.96%                  | 103.22%                 | FAMILY<br>SERVICES<br>DIVISION |
|                                 | ● 1.3 | Percent of cases filed for termination of parental right by the Child Protection Sections within 45 days of the children's goal becoming adoption. | 91%                     | 91.5%                   |                                    | 86.67%                  | 94.72%                  | FAMILY<br>SERVICES<br>DIVISION |
|                                 | ● 1.4 | Successfully resolved criminal contempt motions handled by the Domestic Violence Section per FTE per quarter.                                      | 5.4                     | 4.75                    |                                    | 4.83                    | 101.75%                 | FAMILY<br>SERVICES<br>DIVISION |
| <b>Public Interest</b>          |       |  |                         |                         |                                    |                         |                         |                                |
|                                 | ● 1.1 | Dollar amount collected by the Civil Enforcement Section per Attorney FTE  | 123,843                 | 130,000                 |                                    | 133,578.26              | 102.75%                 | PUBLIC<br>INTEREST<br>DIVISION |



|                                   | KPI | Measure Name  | FY 2012<br>YE<br>Actual | FY 2013<br>YE<br>Target | FY 2013<br>YE<br>Revised<br>Target | FY 2013<br>YE<br>Actual | FY 2013<br>YE<br>Rating | Budget<br>Program          |
|-----------------------------------|-----|---|-------------------------|-------------------------|------------------------------------|-------------------------|-------------------------|----------------------------|
| ●                                 | 1.2 | Dollar amount collected by the Public Advocacy Section excluding Tobacco Settlement                           | 2,673,006               | 2,700,000               |                                    | \$7,153,974             | 264.96%                 | PUBLIC INTEREST DIVISION   |
| ●                                 | 1.3 | Number of Closed Cases in the Equity Section  | 84                      | 60                      |                                    | 52                      | 86.67%                  | PUBLIC INTEREST DIVISION   |
| <b>Legal Counsel Division</b>     |     |   |                         |                         |                                    |                         |                         |                            |
| ●                                 | 1.1 | Number of rulemaking projects completed for client agencies.  | 39                      | 40                      |                                    | 58                      | 145%                    | LEGAL COUNSEL DIVISION     |
| ●                                 | 1.2 | Percent of written assignments completed by deadline given by client agency, or 30 days if no deadline given. | 99.46                   | 99                      |                                    | 99.23%                  | 100.23%                 | LEGAL COUNSEL DIVISION     |
| ●                                 | 1.3 | Number of completed written assignment per FTE.   | 54.79                   | 53                      |                                    | 58.67                   | 110.71%                 | LEGAL COUNSEL DIVISION     |
| ●                                 | 1.4 | Number of high-profile lawsuits directly assisted   | 13                      | 15                      |                                    | 14                      | 93.33%                  | LEGAL COUNSEL DIVISION     |
| ●                                 | 1.5 | Number of written opinions issued to ANCs   | 13                      | 15                      |                                    | 12                      | 80%                     | LEGAL COUNSEL DIVISION     |
| <b>Office of the Solicitation</b> |     |   |                         |                         |                                    |                         |                         |                            |
| ●                                 | 1.1 | Percent of favorable resolution in defensive appeals cases.   | 93.15                   | 92                      |                                    | 94.78%                  | 103.02%                 | SOLICITOR GENERAL DIVISION |
| ●                                 | 1.2 | Percent of regular calendar arguments in which a moot court was held.   | 100                     | 100                     |                                    | 100%                    | 100%                    | SOLICITOR GENERAL DIVISION |



|                                  | KPI   | Measure Name  | FY 2012<br>YE<br>Actual | FY 2013<br>YE<br>Target | FY 2013<br>YE<br>Revised<br>Target | FY 2013<br>YE<br>Actual | FY 2013<br>YE<br>Rating | Budget<br>Program                |
|----------------------------------|-------|---|-------------------------|-------------------------|------------------------------------|-------------------------|-------------------------|----------------------------------|
|                                  | ● 1.3 | Motions for summary disposition filed per FTE   | 2.83                    | 2.2                     |                                    | 2.15                    | 97.90%                  | SOLICITOR<br>GENERAL<br>DIVISION |
| <b>Civil Litigation Division</b> |       |   |                         |                         |                                    |                         |                         |                                  |
|                                  | ● 1.1 | Number of civil litigation closed cases   | 419                     | 330                     |                                    | 656                     | 198.79 %                | Civil<br>Litigation              |
|                                  | ● 1.2 | Number of closed Public School System Special Education cases closed per attorney FTE | 13                      | 5                       |                                    | 6.53                    | 130.67%                 | Civil<br>Litigation              |