

STATE OF LOUISIANA LEGISLATIVE AUDITOR

Department of Justice
Analysis of Program Authority
and Performance Data

September 1998



Performance Audit Division

*Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor*

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**Department of Justice:
Analysis of Program Authority
and Performance Data**

September 1998



Performance Audit
Office of Legislative Auditor
State of Louisiana

Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor

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September 23, 1998

The Honorable Randy L. Ewing,
President of the Senate
The Honorable H. B. "Bud" Downs, Jr.,
Speaker of the House of Representatives

Dear Senator Ewing and Representative Downs:

This report gives the results of our performance audit of the Program Authority and Performance Data of the Department of Justice and its related boards and commissions. The audit was conducted under provisions of Title 24 of the Louisiana Revised Statutes of 1990, as amended. In addition, this audit is one step toward meeting requirements of the Louisiana Performance Audit Program (Louisiana Revised Statutes 24:523).

The report represents our findings, conclusions, and recommendations. We have also identified matters for legislative consideration. Appendix C contains the Department of Justice's response and Appendix D contains the Division of Administration - Office of Planning and Budget's response. I trust that this report will be of use to you in your legislative decision-making process.

Sincerely,

Daniel G. Kyle, CPA, CFE
Legislative Auditor

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Office of Legislative Auditor

September 13, 1998

Executive Summary

Performance Audit

Department of Justice

Analysis of Program Authority

and Performance Data

Article 4, Section 8 of the Louisiana Constitution of 1974 created the Department of Justice for the ascertainment and protection of the rights and interests of the state. The department is headed by the attorney general, who is the chief legal officer of the state. The legislature appropriated to the Department of Justice over \$20 million for fiscal year 1997 and authorized 403 positions. Our performance audit of the department's program authority and the 1997-98 executive budget performance data found that:

- All missions and goals reported in the 1997-98 executive budget are consistent with legal authority.
- The Department of Justice recently changed its organizational structure to facilitate planning and to reflect more closely a programmatic structure for budgetary purposes.
- We identified various training activities that have the potential for overlap. However, the department has addressed this potential problem. We did not identify any programs, functions, or activities that appear to be duplicative.
- Eleven statutorily created functions did not receive funding for fiscal year 1997-98 and may be unneeded. If these functions are unneeded, maintaining their statutory existence may cause confusion for the Department of Justice's officials and legislators making programmatic decisions.
- Over the past three years, there have been some improvements in the performance data reported in the executive budget for the department.
- The 1997-98 executive budget did not report a mission or goals for the overall department.
- Program missions meet our established criteria. Goals are consistent with the missions, but do not provide a sense of direction on how to address the mission and reflect the destination toward which the entity is striving. Most objectives are consistent with the goals and specify an end result. However, few objectives are measurable or timebound, and most are multi-faceted. The majority of performance indicators do not measure progress toward the objectives. However, most are consistent with the objectives and are easily understood.

Audit Initiation and Objectives

The Office of the Legislative Auditor conducted this performance audit in response to certain requirements of Louisiana Revised Statute (R.S.) 24:522. This report is one of a series of reports on all major executive branch departments addressing the following objectives:

- Determine if the department's missions and goals as reported in the fiscal year 1997-98 executive budget are consistent with legislative intent and legal authority
- Determine if the department's missions, goals, objectives, and performance indicators as reported in the fiscal year 1997-98 executive budget are consistent with established criteria
- Determine if the department's objectives and performance indicators as reported in the fiscal year 1997-98 executive budget collectively provide useful information for decision-making purposes
- Identify any programs, functions, and activities within the department that appear to be overlapping, duplicative, or outmoded

Department Background

Article 4, Section 8 of the Louisiana Constitution of 1974 created the Department of Justice (DOJ) for the assurance and protection of the rights and interests of the state. The department is headed by the attorney general, who is the chief legal officer of the state. He is responsible for the policies of the department and for the administration, control, and operation of the functions, programs, and affairs of the department.

For budgetary purposes, DOJ consists of one budget unit (04-141) and five executive budget programs that are comprised of seven statutorily created divisions and the executive office. Although the five executive budget programs are not reflected in statute, they are consistent with R.S. 24:301, which creates the seven divisions and the executive office.

According to the Supplemental Information to the Comprehensive Annual Financial Report (CAFR Supplement) for the fiscal year ended June 30, 1997, DOJ expenditures totaled over \$23 million. According to the 1997-98 executive budget,

recommended expenditures for fiscal year 1998 totaled over \$24 million. According to OPR's 1997-98 Campaign Document, legislative appropriations for fiscal year 1998 totaled over \$20 million, and there were 405 authorized positions for DCO. Exhibit 3-2 on page 26 of this report provides additional information related to DCO's expenditures, budget, funding, and staffing.

Organizational Structure Improvements

DCO recently changed its organizational structure to facilitate planning and to reflect more closely a programmatic structure for budgetary purposes. As a result of the recent organizational changes, users of the executive budget can more easily identify the functions and duties performed by each program, division, and section of the department. In addition, DCO has moved toward meeting the new operational and strategic planning requirements established by Acts 1483 and 1485 of 1997.

Recommendation

- 2.1 The department, OPR, and Appropriations staff should continue to work together toward meeting the operational and strategic planning requirements of Acts 1483 and 1485 of 1997.

Boards, Commissions, and Like Entities

We identified a total of 20 boards, commissions, and like entities on which the attorney general or his designee serves. One of these boards is under the authority of DCO. We also identified six other boards, commissions, and like entities that reimburse DCO for its legal services.

(See Chapter 2 of the report.)

Matter for Legislative Consideration

- 2.1 The legislature may wish to consider expending R.S. 30:2545 (Louisiana School Absentee Abatement Commission). According to a DEQ official, the commission is no longer active, and DEQ is currently performing this function.

**Many Training
Activities
Provided by DOJ**

We identified potential overlap in various training activities within the department. Although we did not conduct detailed audit work in this area to determine if overlap was occurring, we found several sections of the department that are responsible for training. However, the department has taken steps to address this potential problem. Training activities and materials will be coordinated through the Office of the Executive Counsel in order to avoid overlap. We did not identify any areas of potential duplication within DOJ.

(See Chapter 2 of the report.)

Recommendation

- 2.2 DOJ officials should continue to work together to coordinate and increase communication regarding the training activities of the department to prevent overlap.

**Some Statutorily
Created
Functions May
Be Outmoded**

We identified 11 statutorily created functions within DOJ that did not receive funding for fiscal year 1997-98. These unfunded activities may be outmoded. Outmoded functions are those that are outdated or no longer needed. Although the activities we identified did not receive funding, they still have legal authorization. If these functions are outmoded, maintaining their statutory structure may cause confusion for DOJ officials and legislators making programmatic decisions.

Only one program, Civil Law, reported unfunded activities on the Sunset Review Budget Request forms. If agency officials do not submit these forms, information related to potentially outmoded programs and functions may not be communicated to the legislature.

(See Chapter 2 of the report.)

Recommendation

- 2.3 As required by R.S. 49:191.1(A), and as part of the annual budget process, DOJ officials should report any statutorily authorized programs or functions for which

implementing funds were not appropriated. If there are no unfunded activities, the Sunset Review Budget Request forms should reflect this information.

Matters for Legislative Consideration

- 2.2 The legislature may wish to review whether the programs and functions discussed in this chapter are outdated. If it determines that any of the programs or functions are no longer needed, the legislature should consider the advantages and disadvantages of leaving their statutory structures in place. If there is no advantage to leaving the statutory structures in place, the legislature may wish to repeal the programs or functions.
- 2.3 The legislature may wish to repeal R.S. 17:5.3-7.4, the Collection of Tuition Refunds from Teachers. According to EOM officials, this is an outdated function that the department no longer performs.

Performance Data Improved Over Past Three Years

We noted improvements in the department's performance data that are reported in the executive budgets from 1996-97 through 1998-99. It should be noted, however, that some problems we noted in the 1996-97 executive budget are still found in the 1997-98 executive budget. However, more useful information has been provided in the 1998-99 edition.

(See Chapter 3 of the report.)

Executive Budget Lacks Performance Data for Overall Department

The 1997-98 executive budget does not contain an overall department mission or goals. Although the executive budget states that the mission and goals of the department are reflected in the missions and goals of these programs, this does not constitute a true mission or goals. As a result, some of the executive budget do not have a basis for identifying the overall purpose of the department or its principal clients. In addition, with no departmental mission to guide the individual programs, program missions could differ from the department's purpose. However,

the 1998-99 executive budget reports a mission and several goals for the overall department.

(See Chapter 1 of the report.)

Recommendation

- 3.1 **DGA, OPR, and Appropriations staff should continue to work together to maintain and update the executive budget mission and goals for the overall department.**

Performance Data May Not Be Useful for Budgetary Decisions

Performance data reported in the 1997-98 executive budget may not collectively provide information to communicate what the department's programs are seeking to accomplish. Although missions and goals generally meet the criteria, most goals do not provide a sense of direction on how to address the mission and reflect a destination toward which the program is striving. In addition, the majority of objectives are not measurable nor do they provide a target date for accomplishment. Also, most objectives are multi-faceted. Most performance indicators do not measure progress toward objectives. Finally, there is not a balanced mix of different types of performance indicators reported in the executive budget. As a result, the legislature may not be able to use the performance data to determine the effectiveness of the department's programs.

Missions. The program missions meet our established criteria. All identify the overall purpose of the program and its principal clients or customers, and all are organizationally acceptable.

Goals. All of the department's reported goals are consistent with the missions of the programs. Although all of the goals provide the destination to which the program is striving, only 25% (12 of 48) provide a sense of direction on how the program is to address the mission.

Objectives. All objectives are consistent with their corresponding goals and specify desired results. However, only one objective (4%) is measurable and timebound. As a result, legislators may not be able to determine exactly what the program intends to achieve within a stated time frame.

Furthermore, the majority of the objectives are multi-faceted. A multi-faceted objective consists of multiple objectives listed together as one objective or a single objective that addresses multiple topics. Multi-faceted objectives make it difficult to match corresponding performance indicators with the appropriate part of the objective. In addition, users of the executive budget may find the objectives burdensome because of their complexity.

Performance Indicators. Most performance indicators are consistent with the objectives and are easily understood. Although the majority of the indicators have a measurable component, they do not measure progress toward the objectives because the objectives themselves are not measurable. As a result, members of the executive budget do not know how well the program is performing. Also, the performance data may fail to provide useful information for legislators making budgetary decisions.

Finally, there is not a balanced mix of indicators reported in the 1997-98 executive budget. According to GAO's and Management's, there should be a variety or "desirable mix" of performance indicators: input, output, outcome, and efficiency. A balanced mix of indicators communicates more complete information on overall program performance.

(See Chapter 3 of the report.)

Recommendations

- 3.2 DOJ, OPI, and Appropriations staff should work on creating goals that provide a sense of direction on how the program will address the mission.
- 3.3 DOJ, OPI, and Appropriations staff should work on creating measurable and timebound objectives. In addition, they should work on creating objectives that are not multi-faceted.
- 3.4 DOJ, OPI, and Appropriations staff should work together to create performance indicators that measure progress toward the objective. They should also work together to create sets of performance indicators that contain a balanced mix of indicator types.

Chapter 1: Introduction

Audit Initiation and Objectives

The Office of the Legislative Auditor conducted this performance audit of the executive budget program information for the Department of Justice in response to certain requirements of Act 1166 of 1985. This act amended the state audit law by adding Louisiana Revised Statute (R.S.) 24:532, which created the Louisiana Performance Audit Program. Although the legislative auditor has been conducting performance audits since 1986, R.S. 24:532 formalizes an overall performance audit program for the state. In addition to finding solutions to present fiscal problems, the legislature created the Performance Audit Program to identify and plan for the state's long-term needs.

This report is one of a series of reports on all executive branch departments addressing the following objectives:

- Determine if the department's missions and goals as reported in the fiscal year 1997-98 executive budget are consistent with legislative intent and legal authority
- Determine if the department's missions, goals, objectives, and performance indicators as reported in the fiscal year 1997-98 executive budget are consistent with established criteria
- Determine if the department's objectives and performance indicators as reported in the fiscal year 1997-98 executive budget collectively provide useful information for decision-making purposes
- Identify any programs, functions, and activities within the department that appear to be overlapping, duplicative, or unneeded

Report Conclusions

Louisiana's Department of Justice (DOJ) provides legal services necessary to assert and protect the rights and interests of the state. The attorney general is the chief legal officer of the state and the executive head and chief administrative officer of DOJ.

For budgetary purposes, DOJ consists of one budget unit and five executive budget programs, which are comprised of seven divisions and an executive office. DOJ had 402 authorized positions for fiscal year 1998 and appropriations of over \$18 million were authorized.

DOJ recently changed its organizational structure to facilitate planning and to reflect more closely a programmatic structure for budgetary purposes. As a result of the recent organizational changes, users of the executive budget can more easily identify the functions and duties performed by the department's programs, divisions, and sections. In addition, DOJ has moved toward meeting the new operational and strategic planning requirements established by Acts 1485 and 1468 of 1997.

All program missions and goals reported for the department in the 1997-98 executive budget are consistent with legislative intent and legal authority. As a result, users of the executive budget can be assured that DOJ's programs are grounded in state law and that their operations as defined by those missions and goals are legally authorized.

To provide the legislature with additional information regarding entities associated with DOJ, we identified a total of 20 boards, commissions, and like entities on which a representative of the Attorney General serves. One of these boards is within the department. Finally, we identified 6 boards, commissions, and like entities that reimburse DOJ for legal services.

Although we did not identify any areas of potential duplication within DOJ, there is potential overlap in various training activities conducted by the department because several sections provide training. However, DOJ is in the process of addressing this potential overlap by coordinating all training activities through the Office of the Executive Council.

Eleven statutorily created programs and functions did not receive funding for fiscal year 1997-98 and may be outmoded. If these programs and functions are outmoded, maintaining their statutory structures may cause confusion for DOJ officials and legislators making programmatic decisions.

Only the Civil Law Program submitted Sunset Review Budget Request forms for 1997-98. If programs do not submit

these forms as required by statute, information related to potentially outsourced programs and functions may not be communicated to the legislature.

We noted improvements in the department's performance data that is reported in the executive budgets from 1996-97 through 1998-99. It should be noted, however, that some problems we noted in the 1996-97 executive budget are still prevalent in the 1998-99 executive budget. However, more useful information has been provided in the 1998-99 edition.

In our analysis of the performance data reported in the 1997-98 executive budget, we found that there was not an overall departmental mission or goals reported. As a result, users of the executive budget do not have a basis for identifying the overall purpose of the department or its principal clients. We note, however, that a departmental mission and goals are included in the 1998-99 executive budget.

Performance data reported in the 1997-98 executive budget may not collectively provide information to communicate what DOI's programs are seeking to accomplish. Although missions exist the criteria, most goals do not provide a sense of direction on how to address the mission and reflect a destination toward which the program is striving.

In addition, the majority of objectives are not measurable nor do they provide a target date for accomplishment. Also, most objectives are multi-tiered and the majority of performance indicators do not measure progress toward objectives. In addition, there is not a balanced mix of different types of performance indicators reported in the executive budget. As a result, the legislature may not be able to use the performance data to determine the effectiveness of the department's programs or to make funding decisions.

Accountability Initiatives

Article 14, Section 6 of the 1974 Louisiana Constitution reorganized the executive branch into 20 departments. State law says that the structure of the executive branch of state government is, in part, to promote economy and efficiency in the operation and management of state government. Since the reorganization, additional efforts have been undertaken to eliminate duplicative, overlapping, and outsourced programs and activities. Some of these

efforts require internal reviews of programs, policies, and services of state agencies while others provide for external reviews.

R.S. 24:522 requires the legislative auditor to annually make recommendations to the legislature relative, in part, to the effectiveness and efficiency of programs and services that the various state agencies provide. In particular, it directs the auditor to evaluate the basic assumptions underlying all state agencies, programs, and services to assist the legislature in identifying those that are vital to the best interests of the people of Louisiana and those that no longer meet that goal. The act also requires state agencies to produce certain information during the budgetary process.

In July 1996, the Office of the Legislative Auditor issued a report that examined the performance and progress of Louisiana state government. That report followed up on all recommendations made in performance audits and staff studies issued by the legislative auditor during the previous three years. In that report, we tracked the progress of agencies in implementing recommendations contained in the performance studies and identified related legislation. We also identified a number of problem areas in state government including inadequate oversight and inadequate planning.

As part of our continuing efforts to meet the requirements of R.S. 24:522, we have issued this report that examines the legal authority for the department's programs and services. This report also examines the program information contained in the fiscal year 1997-98 master budget and builds on the need for better planning. As previously mentioned, similar performance audit reports have been issued on some executive branch departments, with others yet to be issued.

State law (R.S. 49:158 *et seq.*) also requires agencies to provide the legislature with certain information to justify their existence in order to continue. This is referred to as the sunset review process. This process allows the legislature an opportunity and mechanism to evaluate the operations of state statutory entities.

Furthermore, state law requires an annual report by department undersecretaries on their department management and program analysis. These reports, required by the provisions of R.S. 35:8, are referred to as Act 160 reports, because Act 160 of 1982 originally enacted this law. This law requires agencies to conduct evaluations and analysis of programs, operations, and policies to

improve the efficiency, economy, and effectiveness of the departments.

Other performance legislation includes an accountability act for colleges and universities. Also, various agency performance related reports are required to be submitted with the agency budget request, including Sunset Review Budget Request forms.

**Program
Budgeting and
Strategic
Planning
Focus on
Outcomes**

Act 114 of the 1987 Regular Legislative Session, which amended and renumbered R.S. 39-61 and 43, required the state to adopt a program budgeting system beginning in fiscal year 1988-89. Currently, R.S. 39-36 requires the executive budget to be in a format that clearly presents and highlights the programs operated by state government. According to *Management*, a publication of the Division of Administration's Office of Planning and Budget (OPB), program budgeting is a budget system that focuses on program objectives, achievements, and cost-effectiveness. *Management* also states that program budgeting is concerned with outcomes or results rather than with individual items of expenditure.

Strategic planning is a process that sets goals and objectives for the future and strategies for achieving those goals and objectives, with an emphasis on how best to use resources. Act 1463 of the 1997 Regular Legislative Session created R.S. 39-21. This law requires each state department to engage in the strategic planning process, produce a strategic plan, and submit it to the commissioner of administration and the appropriate legislative oversight committee by July 1, 1998. Program budgeting involves the development of missions, goals, objectives, and performance indicators. These factors are components of the strategic planning process.

Exhibit 1-1 on page 6 shows how missions, goals, objectives, and performance indicators relate to each other. As can be seen in this exhibit, the mission is the base from which goals are derived. Objectives flow from the goals, and performance indicators flow from the objectives.

Exhibit 1-1**Major Components of the Strategic Planning Process**



Source: Prepared by legislative auditor's staff using a similar diagram in *Management*.

Management defines the above terms as follows:

- **Mission:** a broad, comprehensive statement of the organization's purpose. The mission identifies what the organization does and for whom it does it.
- **Goals:** the general end purposes toward which effort is directed. Goals show where the organization is going.
- **Objectives:** specific and measurable targets for accomplishment. Objectives include a degree or type of change and a timetable for accomplishment.
- **Performance indicators:** the tools used to measure the performance of policies, programs, and plans.

Furthermore, Management categorizes performance indicators into five types:

1. **Input indicators** measure resource allocation and demand for services. Examples of input indicators are budget allocations and number of full-time equivalent employees.
2. **Output indicators** measure the amount of products or services provided or the number of customers served. Examples of output indicators include the number of students enrolled in an adult education course, the number of vaccinations given to children, and the number of miles of roads resurfaced.
3. **Outcome indicators** measure results and assess program impact and effectiveness. Examples of outcome indicators are the number of persons able to read and write after completing an adult education course and the change in the highway death rate. Outcome indicators are the most important performance measures because they show whether or not expected results are being achieved.
4. **Efficiency indicators** measure productivity and cost-effectiveness. They reflect the cost of providing services or achieving results. Examples of efficiency indicators include the cost per student enrolled in an adult education course, the bed occupancy rate at a hospital, and the average processing time for environmental permit applications.
5. **Quality indicators** measure effectiveness in meeting the expectations of customers, stakeholders, and other groups. Examples of quality indicators include the number of defect-free reports compared to the number of reports produced, the accreditation of institutions or programs, and the number of customer complaints filed.

Managewave also points out the benefits of program budgeting. According to *Managewave*, program budgeting streamlines the budget process. *Managewave* also says that program budgeting supports quality management by allowing managers more budgetary flexibility while maintaining accountability for the outcomes of programs. Because appropriations are made at the program level, program managers can more easily shift funds from one expenditure category to another to cover unanticipated needs, according to *Managewave*.

The need for accountability in government operations is gaining recognition both domestically and internationally. According to a recent report issued by the United States General Accounting Office, the federal government is currently implementing the Government Performance and Results Act of 1993. This act requires agencies to set goals, measure performance, and report on their accomplishments. The report also cites several states including Florida, Oregon, Minnesota, Texas, and Virginia and foreign governments such as Australia, Canada, New Zealand, and the United Kingdom that are also pursuing management reform initiatives and becoming more results-oriented.

In Louisiana, the 1996 general appropriation bill and resulting act included program descriptions for the first time. The 1997 general appropriation bill also includes key performance indicators. For fiscal year 1997-98, this information is presented for informational purposes only. However, in the future, it will serve as a starting point for the full implementation of performance based budgeting.

According to Act 1465 of the 1997 Regular Legislative Session, which amended and recodified R.S. 35:87, key objectives and key performance indicators that are contained in the General Appropriation Act will be included in the agency's appropriation. In addition, each agency will be required to provide quarterly performance program reports. The agency's appropriations will be issued conditioned upon the agency preparing and submitting these reports.

Executive Budget Is Basis for General Appropriation Act

Article VII, Section 11(A) of the Louisiana Constitution requires the governor to submit a budget estimate to the legislature that sets forth the state expenditures for the next fiscal year. This budget estimate, the executive budget,¹ must include recommendations for appropriations from the state general fund, dedicated funds, and self-generated funds.

Act 1400 of the 1997 Regular Legislative Session amended and recodified R.S. 35:36 to require the executive budget to be configured in a format that clearly presents and highlights the programs operated by state government. This statute also requires the executive budget to include:

¹ The governor also submits a capital outlay budget. However, the scope of this audit includes only the executive budget.

- (1) an outline of the agency's programmatic structure, which should include an itemization of all programs with a clear description of the key objective or objectives of each program;
- (2) clearly defined indicators of the quantity and quality of performance of the key objective or objectives of each program and a listing of the key indicators of performance in achieving program objectives; and
- (3) a description of the major programmatic and financial changes by program or budget unit for the ensuing fiscal year.

OPD develops the executive budget based on voluminous material contained in various documents prepared by the departments as part of their budget requests. The budget request packages are made up of six separate components, which are listed below. These packages contain both financial and program information.

1. **Operational plans** describe the various programs within state agencies. Act 1483, which also amended and renumbered other portions of Title 35, requires each budget unit to submit operational plans as a part of its budget request. Operational plans also report program missions, goals, objectives, and performance indicators. Operational plans are derived from long-range strategic plans. Operational plans tell what portions of strategic plans will be addressed during a given operational period.
2. **Existing operating budgets** describe the initial operating budgets as adjusted for actions taken by the Joint Legislative Committee on the Budget, the Senate Emergency Board, the legislature, and/or the governor.
3. **Continuation budgets** describe the level of funding for each budget unit that reflects the resources necessary to carry on all existing programs and functions at the current level of service in the ensuing fiscal year. These budget components include any adjustments necessary due to the increased cost of services or materials as a result of inflation and increased workload requirements resulting from demographic or other changes. Continuation budgets contain program information.

4. **Technical/other adjustment packages** allow for the transfer of programs or functions from certain agencies or departments to other agencies or departments. However, total overall revenues and expenditures cannot be increased. The technical/other adjustment packages also contain program information.
5. **New or expanded service requests** are designed to provide information about the cost of new and/or expanded services that departments will provide. These service changes can come about as a result of regulation or procedural changes that are/were controlled by the agency or by the addition of services that were not previously provided. The new or expanded service requests also contain program information.
6. **Total request summaries** provide a cross-check of the total budget request document. These forms are designed to provide summaries of all the requested adjustments made to arrive at the total budget requests.

According to *Almingsveire*, the total budget request must be accompanied by the Sunset Review Budget Request forms. These forms list all activities that a budget unit has been directed to administer (through legislatively authorized programs and acts of the legislature) for which no implementing funds were appropriated in the existing operating budget. The Sunset Review Budget Request forms must be submitted to OPI, the Legislative Fiscal Office, and the Joint Legislative Committee on the Budget.

For the 1990-98 fiscal year, OPI prepared and published several volumes of the executive budget using the departments' budget request packages. In this executive budget, the financial information was presented along with the program information. The program information includes program descriptions, missions, goals, objectives, and performance indicators related to the services and products of each department resulting from spending state revenues.

Act 1483 also amended and reenacted R.S. 39:26 to require OPI to prepare a document known as the supporting document. The supporting document must conform to the executive budget. It must also contain other detailed financial and programmatic information about the programs, budget units, and departments.

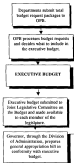
According to R.S. 10-37, the governor must submit the executive budget to the Joint Legislative Committee on the Budget. The governor must make a copy of the executive budget available to each member of the legislature. The constitution requires that the governor submit a general appropriation bill for proposed ordinary operating expenditures in conformity with the executive budget document that was submitted to the legislature.

The general appropriation bill moves through the legislature similar to any other bill. The Appropriations Committee in the House of Representatives initially hears the bill. It then moves to the full House, then to the Senate Finance Committee, and then to the full Senate. Both the House and Senate may amend the bill. The bill is voted upon in its final form by the full membership of both chambers. OPR maintains any amendments the legislature makes to the bill.

After the general appropriation bill passes the legislature, it is forwarded to the governor. Once the governor signs the bill, it becomes law in the form of the General Appropriation Act. After the governor signs the bill, OPR reports to the state departments any amendments made by the legislature. The state constitution allows the governor to veto any line item in the appropriation bill. A veto can be overridden by a two-thirds vote of the legislature. Exhibit 1-2 on the following page illustrates the executive budget and appropriation process.

Exhibit 1-3 Executive Budget and Appropriation Processes

Executive Budget Process



Appropriation Process



*The governor has five days to sign.

Source: Prepared by legislative auditor's staff using state law, *Management and Power Legislative Services - State and Local Government in Louisiana: An Overview* (December 1995).

Scope and Methodology

Overview. This performance audit of the Department of Justice's program information was conducted under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. All performance audits are conducted in accordance with generally accepted government auditing standards as promulgated by the Comptroller General of the United States.

This section provides a summary of the methodology used in this audit. Based on planning meetings held by legislative audit staff, we formulated audit objectives that would address issues specific to the program information contained in the executive budget. The audit focused on the 1997-98 executive budget program information.

References Used. To familiarize ourselves with performance measurement, program budgeting, and accountability concepts, we reviewed various publications including the following:

- *Magazines* published by the Office of Planning and Budget (1991 and 1996 editions)
- *Research Report - Service Efforts and Accomplishments Reporting: As Time Flies Come, An Overview* published by the Governmental Accounting Standards Board (GASB) (1990)
- *Executive Guide: Effectively Implementing the Government Performance and Results Act* published by the U.S. General Accounting Office (June 1995)
- Various reports by the Canadian Comprehensive Auditing Foundation
- Reports from various states related to program budgeting and strategic planning

These publications are listed in detail in Appendix A. We also conducted interviews with personnel of the Urban Institute, the federal Office of Management and Budget (OMB), and GASB. These individuals represent both the theoretical and practical sides of current performance measurement and accountability efforts.

To gain an understanding of the state's budget process, we reviewed state laws regarding program budgeting. In addition, we interviewed staff of OPR and DCJ regarding their budget processes.

Legal Basis for Missions and Goals. We searched state and federal laws to determine whether there was legal authority for missions and goals of the department and its programs. We also reviewed applicable laws to determine legislative intent related to the creation of the department and the functions that the department and its programs are intended to perform. In addition, we reviewed and organized data obtained from the department on its structure, functions, and programs. We also interviewed key department personnel about these issues. We included within the scope of our detailed audit work all related boards, commissions, and like entities for which funding was recommended through a specific line item in the executive budget. We also prepared exhibits, which are contained in Chapter 2, of all related boards, commissions, and like entities we identified.

Comparison of Performance Data to Criteria. We developed criteria against which to compare the department's missions, goals, objectives, and performance indicators as reported in the 1997-98 executive budget. To help develop these criteria, we gathered information from GASB, OMB, the Urban Institute, and Management. During our criteria development process, we obtained input from GASB. We also obtained commentary from GASB on our final established criteria. We then compared the missions, goals, objectives, and performance indicators to the established criteria.

In addition, we evaluated the objectives and performance indicators to determine if they collectively provide useful information to decision makers. When deficiencies or other problems were identified, we discussed them with appropriate personnel of the department and OPI. We did not assess the validity or reliability of the performance indicators.

Although other documents contain performance data on the department, we only compared the missions, goals, objectives, and performance indicators contained in the executive budget to the criteria. This decision was made because the executive budget is the culmination of OPI's review and refinement of the budget request components. It also represents the governor's official recommendation to the legislature for appropriations for the next fiscal year.

Potentially Overlapping, Duplicative, or Omitted Areas. Finally, we reviewed the program descriptions and legal authority for the department's programs and related boards,

commitments, and like criteria to identify areas that appeared to be overlapping, duplicative, or outdated. We defined these terms as follows:

- **Potentially Overlapping:** Programs, functions, or activities that appear to perform different activities or functions for the same or similar purposes
- **Potentially Duplicative:** Programs, functions, or activities that appear to conduct identical activities or functions for the same or similar purposes
- **Potentially Outdated:** Programs, functions, or activities that appear to be outdated or are no longer needed

We did not conduct detailed audit work on the areas we identified as potentially overlapping, duplicative, or outdated. We only identified them for further review at another time.

During this audit, we identified the following areas that require further study:

- As previously mentioned, assessing the validity and reliability of performance indicators was not within the scope of this audit. However, because the legislature intends to include performance indicators in future appropriation bills and acts, validity and reliability become increasingly important. Consequently, in the future, the legislature may wish to direct a study of the validity and reliability of performance indicators included in appropriation bills.
- The programs, functions, and activities that appear to be potentially overlapping or outdated should be assessed in more detail to determine whether they are truly overlapping or outdated. Once these assessments are completed, the legislature may decide whether any of these programs, functions, or activities should be altered, expanded, or discontinued.
- The availability of management information systems that can readily integrate data from a variety of sources is essential to a successful program budgeting system. Capturing accurate and meaningful

Areas for Further Study

performance data is important, in part, because of the increased emphasis the legislature is placing on program information. Therefore, the capabilities of the department's management information system as related to program data should be addressed.

Report Organization

The remainder of this report is divided into the following chapters and appendices:

- **Chapter 2** describes the Department of Justice. This chapter gives the legal authority for the department and its programs as well as other information that describes the department and related boards and commissions. This chapter also compares the missions and goals of the department as reported in the 1997-98 executive budget to its legal authority. In addition, this chapter discusses programs, functions, and activities within the department that appear to be potentially overlapping or unneeded, if any come to our attention.
- **Chapter 3** gives the results of our comparison of the department's missions, goals, objectives, and performance indicators as reported in the 1997-98 executive budget to established criteria. In addition, this chapter discusses whether the objectives and performance indicators collectively provide useful information for decision-making purposes.
- **Appendix A** is a list of references used for this audit.
- **Appendix B** is our analysis of performance data reported in the 1997-98 executive budget for the Department of Justice.
- **Appendix C** is the Department of Justice's response to this report.
- **Appendix D** is the Division of Administration - Office of Planning and Budget's response to this report.

Chapter 2: Department Overview

Chapter Conclusions

Louisiana's Department of Justice (DOJ) provides legal services necessary to assert and protect the rights and interests of the state. The attorney general is the chief legal officer of the state and the executive head and chief administrative officer of DOJ.

State law delineates the functions and responsibilities of DOJ, which are carried out by the department's seven statutorily created divisions and an executive office. However, for budgetary purposes, DOJ consists of one budget unit and five executive budget programs, which are comprised of the seven divisions and executive office. DOJ has 485 authorized positions for fiscal year 1998 and authorized appropriations of over \$26 million.

DOJ recently changed its organizational structure to facilitate planning and to reflect more clearly a programmatic structure for budgetary purposes. As a result of the recent organizational changes, users of the executive budget can more easily identify the functions and duties performed by the department's programs, divisions and sections. In addition, DOJ has moved toward meeting the new operational and strategic planning requirements established by Acts 1403 and 1405 of 1997.

All program missions and goals reported for the department in the 1997-98 executive budget are consistent with legal authority. As a result, users of the executive budget can be assured that DOJ's programs are grounded in state law and that their operations as defined by those missions and goals are legally authorized.

To provide the legislature with additional information regarding entities associated with DOJ, we identified boards, commissions, and like entities (hereafter referred to as "entities") in which the attorney general serves. We identified a total of 20 entities, one of which is located within the department. We also identified six other boards, commissions and like entities that reimburse DOJ for legal services. Finally, it should be noted that R.S. 50:704 authorizes the attorney general to provide legal representation to the state, its officers, agencies, and boards or commissions.

There is potential overlap in various training activities conducted by DOJ. Several sections within the Administrative and Criminal Law and Medicaid Fraud Programs provide training. However, DOJ is currently addressing this potential overlap by coordinating all training activities through the Office of the Executive Council.

Eleven statutorily created functions did not receive funding for fiscal year 1987-88 and may be extended. If these programs and functions are extended, maintaining their statutory structures may cause confusion for DOJ officials and legislators making programmatic decisions.

Finally, only the Civil Law Program submitted Sunset Review Budget Request forms for 1987-88. If programs do not submit these forms as required by statute, information related to potentially extended programs and functions may not be communicated to the legislature.

Background

Article 4, Section 8 of the Louisiana Constitution of 1974 created DOJ for the assertion and protection of the rights and interests of the state. The department is headed by the attorney general, who is the chief legal officer of the state. R.S. 36:701 establishes DOJ as a body corporate with the power to sue and to be sued.

The attorney general is the executive head and chief administrative officer of DOJ. Pursuant to R.S. 36:701(B), he is responsible for the policies of the department and for the administration, control, and operation of the functions, programs, and affairs of the department. In the attorney general's absence, the first assistant attorney general serves as acting attorney general. The first assistant attorney general is appointed according to Article 4, Section 15 of the Louisiana Constitution of 1974. The duties and functions of the first assistant attorney general are determined and assigned by the attorney general.

R.S. 36:701 also creates the following office and seven divisions to carry out various functions and responsibilities of the department.

- Executive Office of the Attorney General
- Administrative Services Divisions
- Civil Division
- Public Protection Division
- Criminal Division
- Investigation Division
- Litigation Division
- Gaming Division

In the 1998-99 executive budget, these divisions are grouped into five broad programs: Administrative, Civil Law, Criminal Law and Medicaid Fraud, Risk Litigation, and Gaming. With the exception of the Administrative Program, the programs are headed by a deputy attorney general (also referred to as a program manager) who oversees the operations of one or more divisions that are managed by division directors. Exhibit 2-2 on page 26 provides information on the funding and staffing of each program.

The Executive Office of the Attorney General, which is located in the Administrative Program, is responsible for carrying out the functions of the attorney general as the executive head and chief administrative officer of the department. The executive office may be comprised of all personnel and organizational units necessary to complete these duties, including legal services.

The Administrative Services Division, which is located in the Administrative Program, is responsible for accounting, budget control, procurement, program analysis, data processing, personnel and grants management, automated systems, and governmental relations for the department. However, each division within the department also has one to three individuals who perform administrative functions for their respective divisions, with guidance from the Administrative Services Division.

The division director is assisted by two deputy directors. One deputy director oversees legislative, management, and planning, including operational and strategic planning. The other deputy director is responsible for management, finance, and budgeting.

The Civil Division, which is located in the Civil Law Program, is responsible for providing the full range of civil legal services requested by the offices and agencies of the state. The functions of the division include the protection of any right or interest of the state and the legal representation of governmental officers, agencies, boards, or commissions. The division is also required to collect money owed to the state, litigate claims on public works, and provide legal protection of state lands, water bottoms, and natural resources of the state.

The Public Protection Division, which is located in the Civil Law Program, is responsible for consumer protection, environmental protection, anti-trust, securities, family violence prevention, and insurance protection. The functions of this division include the protection of Louisiana's environment and consumers through judicial and mediation actions. For example, the division enforces the Louisiana Unfair Trade Practices Act, the Louisiana Open Housing Act, and anti-trust and related laws. It also assists the attorney general in his duties as legal counsel to the Department of Environmental Quality, under the Environmental Quality Act.

The Criminal Division, which is located in the Criminal Law and Medicaid Fraud Program, serves as the prosecutorial arm of state government. The division also provides assistance to district attorneys in criminal cases. Other functions of the division include handling public corruption cases, institutional and insurance fraud cases, extradition, training for state law enforcement and the investigation and prosecution of Medicaid fraud cases.

The Investigation Division (referred to as the "Criminal Investigation Division" in the 1998-99 executive budget and hereafter in this report), which is located in the Criminal Law and Medicaid Fraud Program, is responsible for investigating alleged violations of the criminal laws of this state. In addition, it has the authority to conduct civil and special investigations which include investigations of public corruption, institutional and insurance fraud, and executive security. The division provides investigative support in civil and criminal matters to all divisions of DOJ.

The Litigation Division, which is located in the Risk Litigation Program, is responsible for providing legal representation for the state, its officers, agents, employees, boards, and commissions, in all claims covered by the State Self-Insurance

Fund. This division also provides legal representation in tort claims that are not covered by the State Self-Insurance Fund.

This division provides legal representation for the state in tort claims related to the state's liability in areas such as road hazards, public health care providers, legislative actions, regulatory activity, and legal acts of elected officials. Suits handled by this division range from relatively minor worker's compensation claims to complex multi-district federal litigation involving hundreds of millions of dollars. The division has five regional offices throughout the state (Alexandria, Lafayette, Lake Charles, New Orleans, and Shreveport).

The Gaming Division, which is located in the Gaming Program, is responsible for providing legal representation, services, and staffing to gaming regulatory entities and agencies of the state. The division also drafts and revises legislation and regulations for these entities.

For budgetary purposes, DOI consists of one budget unit (04-143) and five executive budget programs, which are comprised of the seven statutorily created divisions and executive office as well as 36 staff sections. Although the five executive budget programs are not reflected in statute, they are consistent with R.S. 38:701(D), which creates the seven divisions and the executive office.

We interviewed DOI officials and reviewed DOI's 1998-99 executive budget and operational plans to obtain an understanding of the department's executive budget structure. Exhibit 2-1 on the following page illustrates the executive budget structure for the department and lists the sections within each statutorily created division and the executive office.

1998-99 Executive Budget Structure

Exhibit 2-1
1998-99 Executive Budget Structure
Department of Justice (Budget Units: 04-043)

Executive Budget Program	Statutorily Created Office and Divisions	Section
Administrative Program	Executive Office of the Attorney General	<ul style="list-style-type: none"> • Attorney General • First Assistant Attorney General¹ • Special Assistant to the Attorney General • Special Counsel • Public Information Officer • Executive Council • Office of the General Counsel
	Administrative Services Division	<ul style="list-style-type: none"> • Finance Section • Human Resource/Payroll Section • Purchasing Section • Property Control and Telecommunications Section • Management Information Systems Section • Governmental Section • Drug Policy and Community Affairs
Civil Law Program	Civil Division	<ul style="list-style-type: none"> • Collections Section • Education/Interagency Transfer Section • Governmental Litigation Section • Lands and Natural Resources Section • Public Finance and Contracts Section
	Public Protection Division	<ul style="list-style-type: none"> • Consumer/Environmental Protection Section • Equal Opportunity Section • Securities and Insurance Section
Criminal Law and Mediation Final Program	Criminal Division	<ul style="list-style-type: none"> • Prosecution and Technical Assistance Section • Violent Crime/Drug Section • White Collar Crimes Section • Special Services Section • Mediation Fraud Control Unit
	Criminal Investigation Division²	<ul style="list-style-type: none"> • Trial Investigation Section • Special Investigation Section • Corrections Support and Criminal Investigation Support Section
Risk Litigation Programs	Litigation Division	<ul style="list-style-type: none"> • Civil Rights Section • General Liability Section • Medical Malpractice Section • Bond Bonds Section • Workers' Compensation Section
Gaming Program	Gaming Division	<ul style="list-style-type: none"> • Miscellaneous Budget sections

¹ In 1998-99 executive budget provides the First Assistant Attorney General as separate from the Executive Office of the Attorney General. However, according to staff's official, the First Assistant Attorney General is now part of the Executive Office of the Attorney General.

² Relocated to the Investigation Division in the 1998-99 operational plan.

Source: Prepared by legislative auditor's staff using information from the 1998-99 executive budget, DCJ's 1998-99 operational plan, and comments from DCJ officials.

Improvements to Organizational Structure

DOJ recently changed its organizational structure to facilitate planning and to reflect more closely a programmatic structure for budgetary purposes. Overall, the department reorganized the Administrative Services Division in order to include operational and strategic planning, created broad programs which are overseen by deputy attorney generals to manage the department's divisions, and reorganized sections. As a result, users of the executive budget can more easily identify the functions and duties performed by the department's programs, divisions, and sections. In addition, by making improvements to its organizational structure, DOJ is proactively moving toward meeting the new operational and strategic planning requirements established by Acts 1403 and 1465 of 1997.

On January 15, 1998, at the Sunset Review hearings before the House Judiciary and Senate Judiciary C Committees, DOJ officials presented their changes to the organizational structure. During the Sunset Review Hearing, agency officials cited various reasons for the organizational changes. For example, they stated that some changes were made in response to Act 1465 of 1997 and other changes were made as a result of questions we raised related to the budget process during this audit. Because no statutorily created offices or divisions were eliminated or merged and no new divisions were created, the department did not have to amend existing statutes.

Operational and Strategic Planning. The Administrative Services Division was reorganized to include operational and strategic planning as well as management and finance. Before the organizational change, one director and his deputy oversee all the functions of the division, which focused primarily on management and finance. Under the current structure however, the division director is assisted by two deputy directors. One deputy director is responsible for management, finance, and budgeting, while the other is responsible for legislative, management, and planning, including operational and strategic planning.

Department officials, including the First Assistant Attorney General, told us that overall planning has become easier as a result of the organizational changes. For example, the changes have facilitated department-wide problem-solving. One DOJ official also told us that the department has received positive feedback from its OMB planning analyst regarding the new structure.

Since the Sunset Review Hearing, the department has worked with OPI and Appropriations Committee staff to develop its strategic plan. The Deputy Director of Legislative, Management, and Planning has been conducting planning sessions for DOJ staff related to the development of performance data and the development of a strategic plan.

In June 1998, DOJ officials presented a draft strategic plan to the House Judiciary Committee. The committee provided the department with very positive feedback, and two members held it up as one of the better strategic plans that have been drafted. In accordance with the requirements of Act 1465 of 1997, DOJ officials submitted the final plan on July 1, 1998.

Broad Programs Created. The following four programs were created to facilitate coordination and communication among the statutorily created divisions: Civil Law, Criminal Law and Medicaid Fraud, Risk Litigation, and Clearing. Each program is headed by a program manager (also referred to as a deputy attorney general) who oversees one or more of the statutorily created divisions.

For example, the Civil Division and the Public Protection Division are under the manager of the Civil Law Program. Both divisions handle civil cases, but focus on different areas. The Public Protection Division focuses on cases related to consumer protection and environmental law as well as insurance receivability and fair housing laws. The Civil Division's focus is much broader and is responsible for providing full civil legal services for officers and agencies of the state.

Similarly, the Criminal Investigation and Criminal Divisions are under the manager of the Criminal Law and Medicaid Fraud Program. Although U.S. 38:204(F) gives the Criminal Investigation Division the authority to conduct civil and criminal investigations, most of its investigations are related to criminal cases. According to the Criminal Law and Medicaid Fraud Program Manager, all 286 investigations open within the Criminal Investigation Division at the time of our interview in April 1998 were criminal in nature. The Medicaid Fraud Control Unit within the Criminal Division conducts its own Medicaid fraud investigations per federal law.

The Director of the Criminal Investigation Division stated that the interaction between the Criminal Investigation and Criminal Divisions is extensive; prosecutors and investigators

work together in all criminal cases. According to the First Assistant Attorney General, placing the Criminal Investigation Division within the Criminal Law and Medicaid Fraud Program has been very effective and was well-received by the law enforcement community.

Also, there are other investigation functions that occur within the Civil Law Program. For example, mediators within the Consumer Protection/Environmental Section of the Public Protection Division investigate consumer complaints and then mediate between the consumer and the seller. However, when evidence of fraud is discovered, cases are referred to the Criminal Division. According to the First Assistant Attorney General, it would not be cost-effective to create a separate investigation division for the few investigations required by the Civil Law Program.

Section Level Changes. DOJ created, combined, separated, or re-named various sections or positions within the executive office and divisions. All functions of the department are still being carried out, but within a different framework. As a result, users of the executive budget can more easily identify the functions and duties performed by each section of the department.

Recommendation

- 2.1 The department, OPR, and Appropriations staff should continue to work together toward meeting the operational and strategic planning requirements of Acts 1463 and 1465 of 1995.

All program missions and goals reported for DOJ in the 1997-98 executive budget are consistent with legislative intent. That is, the missions and goals reflect the intent of the legislature as portrayed in law. Therefore, users of the executive budget can be assured that DOJ's programs as reported in the 1997-98 executive budget are grounded in state law.

We reviewed state and federal statutes, as well as the Louisiana Constitution of 1974, to identify laws that govern DOJ. The purpose of our review was to determine if the missions and

1997-98

**Executive Budget
Missions and
Goals Are
Consistent With
Law**

goals reported in the 1997-98 executive budget are consistent with state and federal law. We found that all reported missions and nearly all goals are authorized by R.S. 38:704. As a result, users of the executive budget can be assured that the operations of DOJ as defined by these missions and goals are legally authorized.

Funding, Staffing, and Climate

Expenditures, Appropriations, and Staffing. According to the Supplemental Information to the *Comprehensive Annual Financial Report* (CAFR Supplement) for the fiscal year ended June 30, 1997, DOJ expenditures totaled over \$23 million. According to the 1997-98 executive budget, recommended expenditures for fiscal year 1998 totaled over \$24 million. According to OPI's *Comparison of Budgeted Fiscal Year 1998-97 to Total Appropriated Fiscal Year 1997-98* (OPI's 1997-98 Compare Document), legislative appropriations for fiscal year 1998 totaled over \$20 million.

According to OPI's 1997-98 Compare Document, there are 455 authorized positions for DOJ. The following exhibit provides additional information related to DOJ's expenditures, budget, funding, and staffing.

Exhibit 2-2

Summary of Actual Expenditures for Fiscal Year 1997 and Recommended Amounts, Appropriated Amounts, and Staffing Data for Fiscal Year 1998 Department of Justice

Executive Budget Program	Actual Expenditures for FY 1997	Recommended Expenditures for FY 1998	Amount Appropriated for FY 1998	Authorized Positions for FY 1998
Administration	\$2,418,869	\$2,772,417	\$1,803,028	39
Civil Law	3,345,858	3,928,612	3,686,108	39
Criminal Law and Juvenile Justice	4,201,868	4,125,415	3,781,689	71
Bank Litigation	3,479,868	4,013,362	4,013,262	185
Granting	3,778,000	3,781,360	3,781,260	45
Total	\$23,982,663	\$24,681,167	\$19,081,354	495

Source: Prepared by legislative auditor's staff using data from the 1997 CAFR Supplement, 1997-98 executive budget, and OPI's 1997-98 Compare Document.

Clientele. DCO serves the citizens of Louisiana, the state and its departments, and various gaming regulatory entities. The following provides information regarding the clients served by each executive budget program.

- The Administrative Program, which includes the Executive Office of the Attorney General and the Administrative Services Division, provides administrative services to the DOJ and its employees.
- The Civil Law Program, which includes the Civil Division and the Public Protector Division, provides the citizens of Louisiana with legal services related to civil law.
- The Criminal Law and Medicaid Fraud Program, which includes the Criminal Division and the Criminal Investigations Division, provides the citizens of Louisiana with legal services related to criminal law.
- The Risk Litigation Program, which includes the Litigation Division, provides legal representation to the state and its departments, agencies, boards and commissions.
- The Gaming Program, which includes the Gaming Division, serves the Louisiana Gaming Control Board and other gaming regulatory entities. For additional information on these entities, see Exhibit 2-4 on page 30.

Boards, Commissions, and Like Entities

To provide the legislature with additional information regarding entities associated with DOJ, we identified boards, commissions, and like entities, (hereinafter referred to as "entities") on which the attorney general serves. We identified a total of 28 entities, one of which is located within the department. We also identified six other entities that reimburse DOJ for legal services. Finally, it should be noted that R.S. 36:704 authorizes the attorney general to provide legal representation to the state, its officers, agencies, and boards or commissions.

Entity Within the Department of Justice. We identified one board, the Law Enforcement Officers and Firemen's Survivor Benefit Review Board, that is within DOJ. This three-member board, which consists of the attorney general, the legislative auditor, and the state risk manager, hears and decides claims for survivor benefits. The review board is an active board within DOJ.

Entities Related to the Department of Justice. We identified 19 entities on which the attorney general or his designee serves, but that are overseen by offices other than DOJ. Specifically, we identified seven councils, five commissions, three boards, two committees, one institute and one panel. The boards, commissions, and like entities are listed on the following page.

Exhibit 2-3
Boards, Commissions, and Like Entities
on Which the Attorney General Serves

Overight Agency	Legal Authority
Office of the Governor	
Interagency Council on Oil Spill Prevention and Response	R.S. 39:2108
Advisory Council on Disability Affairs	EO 8817 86-05
Louisiana Commission on Law Enforcement and Administration of Criminal Justice	R.S. 15:1201
Louisiana Heritage Commission	R.S. 38:250
Louisiana Geographic Information Systems Council	R.S. 48:1503
Indian Gaming Commission ¹	Act 888 of 1998 and Act 817 of 1999
Drug Policy Board	R.S. 48:218.2
Board of Supervisors of Louisiana State University	
Louisiana State Law Institute	R.S. 24:301
Department of Environmental Quality	
Louisiana School Address Abatement Commission ²	R.S. 36:2543
Department of Health and Hospitals	
UMC Death Review Panel	R.S. 46:289(A)
Department of Labor	
Louisiana Private Employment Service Advisory Council	R.S. 23:183
Louisiana Commission on Law Enforcement and Administration of Criminal Justice	
Council on Peace Officer Standards and Training (POST)	R.S. 40:2408
Committee for the Coordination of Police Services of Elderly Persons	R.S. 15:1211
Crime Victims Reparations Board	R.S. 46:1805
Department of Social Services	
Louisiana Commission on Private Child Care	R.S. 46:1410
Department of State	
State Board of Election Supervisors	R.S. 18:23
First Step Shop Coordinating Council	R.S. 49:219.1
Department of Treasury	
State Bond Commission	R.S. 19:1408
Miscellaneous	
Interagency Council for the Prevention of Sex Offense	R.S. 28:913

¹This has appointments to this commission enacted in 1993.

²This commission was created by R.S. 36:2543 and according to agency officials is no longer active. D&G currently performs the functions of this commission.

Source: Prepared by legislative writer's staff using gubernatorial executive orders and state and federal statutes.

Entities That Are Clients of the Department of Justice

We also identified six boards, commissions, and like entities that are "client agencies" of DOJ. A "client agency" is any entity that reimburses the department for legal services. In addition, department staff identified several other state agencies that reimburse DOJ for legal services, which include the departments of Insurance, State, and Public Safety (Division of Charitable Gaming Control.) The six boards, commissions, and like entities are listed below.

Exhibit 3-4

Boards, Commissions, and Like Entities That Are Clients of the Department of Justice

Department of Economic Development

- Louisiana Racing Commission

Department of Public Safety and Corrections

- The Louisiana Gaming Control Board

Special Corporation

- The Louisiana Lottery Corporation⁴

Department of Labor

- Second Injury Board

Department of Health and Hospitals

- Board of Pharmacy
- Board of Veterinary Medicine Examiners

⁴Created as a "special corporation" to administer the state lottery.

Source: Prepared by legislative writer's staff using state law, the 1998-99 Executive Budget, and information furnished by the departments.

In addition, in our legal research, we found two entities that were previously under DOJ authority. However, Act 223 of the 1997 Regular Session removed both from the department:

- The Board of Commissioners for the Promotion of Uniformity of Legislation in the United States
- The Louisiana Commission on Legal Education and Clinical Services

Executive Order No. 76-9 of 1976 established the Board of Commissioners for the Promotion of Uniformity of Legislation in the United States. The Board of Commissioners for the Promotion of Uniformity of Legislation in the United States is currently active. This is a national commission consisting of 300 members.

The purpose of this commission is to serve state government and improve state law. The Louisiana Legislature has oversight over the commission's activities in Louisiana.

Executive Order No. 73-35 of 1973 established the Louisiana Commission on Legal Education and Clinical Services. We were unable to determine the location or status of the Louisiana Commission on Legal Education and Clinical Services. According to one DOJ official, this commission was probably abolished after being removed from DOJ by Act 223 of 1997.

Matter for Legislative Consideration

- 2.1 The legislature may wish to consider repealing R.S. 20:2545 (Louisiana School Activities Abatement Commission). According to a DOJ official, the commission is no longer active, and DOJ is currently performing this function.

Many Training Activities Provided by the Department of Justice

We identified one broad area that the department may wish to study related to the potential for overlap of various training activities. Although we did not conduct detailed audit work to determine if overlap was occurring, we found several sections of the department that are responsible for training. However, the department is addressing this issue. Training activities and materials will be coordinated through the Office of the Executive Counsel. According to department officials, this is intended to avoid any overlap of training activities in the future.

We reviewed the 1998-99 executive budget and legal authority for the department's programs and related boards and commissions to identify areas that may be overlapping or duplicative. We also reviewed the department's 1998-99 operational plan and conducted interviews with departmental officials and personnel. We defined these terms as follows:

- **Potentially Overlapping:** Programs, divisions, sections or entities that appear to perform different activities or functions for the same or similar purposes
- **Potentially Duplicative:** Programs, divisions, sections or entities that appear to conduct identical activities or functions for the same or similar purposes

We did not identify any areas of potential duplication within DOJ. As stated on page 20, the Criminal Investigation Division of the Criminal Law and Medicaid Fraud Program has the authority to conduct civil and criminal investigations, including Medicaid fraud investigations. The Consumer Protection and Environmental Section of the Civil Law Program also has investigative responsibilities. We did not consider these functions to be potentially duplicative because the Criminal Investigation Division rarely conducts civil investigations, according to agency officials.

However, we did identify one area related to training activities that may need more formal coordination. We identified this as an area for further review and consideration by the department to prevent overlap from occurring in the future.

Training Activities. Based on our review of the 1998-99 executive budget, and comments from DOJ officials, we found that the department has various training activities. These training activities may have the potential to overlap if more formal coordination does not occur. The Administrative Program and the Criminal Law and Medicaid Fraud Program conduct various training activities.

Administrative Services Division

- **Human Resources and Payroll Section:** According to the 1998-99 executive budget, this section is responsible for processing all new and existing employees which may include initial training or orientation.
- **Management Information Systems Section:** According to the 1998-99 executive budget, this section coordinates all information technology services. This includes training departmental employees in the use of computer equipment.
- **Governmental Section:** According to the 1998-99 executive budget, this section provides assistance to local officials; assists with courses, seminars, and special projects to educate law enforcement, justices of the peace and constables, and retailers; and facilitates effective communication between public entities and DOJ.

Executive Office of the Attorney General

- **Executive Council:** According to DOJ officials, the Executive Council provides various training. Its primary mission within DOJ relates to the training of existing and newly hired employees.

Criminal Law and Medialial Fraud Program's Criminal Division

- **Prosecution and Technical Assistance Section:** According to the 1998-99 executive budget, this section serves as a training agency for law enforcement.

According to DOJ officials, overlap among these training activities does not exist. Although they acknowledge that many types of training are provided, they stated that each training section serves a specific purpose. DOJ officials agreed, however, that communication among the sections that provide training should be increased. Therefore, the Office of the Executive Council will serve as the coordinator and depository for all training activities in the department in an effort to avoid any overlap.

Recommendation

- 2.2 DOJ officials should continue to work together to coordinate and increase communication regarding the training activities of the department to prevent overlap in the future.**

Some Statutorily Created Functions May Be Outmoded

We identified 11 statutorily created functions within DOJ that did not receive funding for fiscal year 1997-98. These unfunded activities may be outmoded. Outmoded functions are those that are outdated or no longer needed. Although the activities we identified did not receive funding, they still have legal authorization. If these activities are outmoded, maintaining their statutory structure may cause confusion for DOJ officials and legislators making programmatic decisions.

Only one program, the Civil Law Program, reported unfunded activities on the Sunset Review Budget Request Form. If agency officials do not submit these forms, information related

to potentially outmoded programs and functions may not be communicated to the legislature.

Eleven Potentially Outmoded Statutorily Created Functions Identified

We identified 11 potentially outmoded statutorily created activities within EO3 through a review of the 1997-98 Sunset Review Budget Request Forms which list all legislatively authorized activities for which funds were not appropriated. Because these activities were unfunded, they may be outmoded.

We found that the following 11 unfunded functions were reported on the 1997-98 Civil Law Program's Sunset Review Budget Request forms.

- 1. Prevention and Removal of Unauthorised Encroachments:** R.S. 41:1704 requires the attorney general to prevent unlawful encroachments on state property created without permit or lease, by reason of abandonment or other reasons.
- 2. Abatement of Public Nuisances:** R.S. 13-4712 gives the attorney general authority to abate public nuisances of all types, including gambling houses, prostitution and nuisances created by property owners and tenants.
- 3. Wildlife Violations and Penalties:** R.S. 56:48.4 authorizes the attorney general to initiate legal action in the name of the State to recover civil penalties for the value of fish, wild birds, wild quadruped and other wildlife and aquatic life unlawfully killed, caught, taken, possessed or injured.

According to a department official, the Risk Litigation Division has assumed the civil penalties provision of this section in the defense of the Department of Wildlife and Fisheries. Therefore, the department contends that this statute is not outmoded.

- 4. Underground Injection - Prosecution of Violations:** R.S. 30:4.3 states that the attorney general shall have charge of and prosecute all civil cases arising out of violations (e.g. underground injection control activities) under the jurisdiction of the Department of Conservation.

5. **Civil Actions - Illegal Oil and Gas:** R.S. 30-20 directs the commissioner of conservation, through the attorney general, to bring a civil action in the district court of the parish where illegal oil, illegal gas or illegal products are being sold.
6. **Surface Mining and Reclamation Act - Interference with State's Rights:** R.S. 30-905.4 authorizes the commissioner of conservation to request the attorney general to initiate legal action pertaining to adversely impacted State land or water resources caused by past coal mining practices, including water pollution, mine drainage and related activities.
7. **Defense of Civil and Criminal Actions - Members of the National Guard:** R.S. 39-24 directs that the attorney general shall be the legal adviser of the governor, the adjutant general and of the organized military forces of the State. This statute further directs the attorney general to assume the defense of the governor, adjutant general or other officer or member of the military forces of the State who is prosecuted by civil or criminal action for injury to personal property performed while in the active service of the State.

According to a department official, the Risk Litigation Division regularly defends cases against the Governor and Military Department and officers and members of the organized military. In addition, the department routinely represents the Military Department and members of the military in non-tort civil matters and occasionally in criminal defense matters. Therefore, the department believes that this statute is not amended.

8. **Collection of Tuition Refunds from Teachers:** R.S. 17:7.1-7.4 provide that certain degreed teachers can continue their education and be exempt from payment of tuition. These laws state that each participating teacher shall render a semester of service as a classroom teacher in any state approved elementary or secondary school for each semester or quarter successfully completed in the program for continuing education. Failure to comply obligates a teacher to reimburse the state superintendent of education for all of the tuition costs paid. The attorney general collects all such obligations that are not timely paid.

9. **Approve Contracts Between Loan Recipients and Louisiana Student Financial Assistance Commission (LSFAC) and Louisiana State University Medical Center (LSU-MC):**
- R.S. 17:3441.1 *et seq.* authorize loan guarantees for Louisiana citizens who enroll at an LSU medical or dental school and agree to engage in the general practice of medicine or dentistry in a rural community within the State. The form of the contract between the state and the applicant setting forth the terms and conditions of the loan guarantee is to be prepared and approved by the attorney general. The attorney general is to approve these contracts.
 - R.S. 17:3042 *et seq.* authorize the LSFAC to make loans to eligible applicants who will obtain degrees from higher education institutions, which will qualify them to become certified classroom teachers within the state. The form of the contract between the applicant and the LSFAC stating the terms and conditions of the loan is to be prepared and approved by the attorney general. The contracts providing for the administration of the loans must be approved by the attorney general.
 - R.S. 17:3042.21 *et seq.* authorize the LSFAC to make loans to eligible applicants who commit to attend a college or university in Louisiana to become qualified law enforcement officers within the state. The LSFAC and the colleges and universities may enter into contracts that shall be approved by the attorney general.
10. **Approve Contracts Between Loan Recipients and Charity Hospitals:**
- R.S. 46:770 provides that legal services for the Charity Hospital of Louisiana at New Orleans shall be provided by the legal section of the department and the attorney general's office.
 - R.S. 46:1001 *et seq.* authorize hospital service districts to administer a medical scholarship program in order to provide physicians to practice family medicine in those areas where a shortage of such

physicians exist. The contract between the district and the scholarship recipient shall be prepared and approved by the attorney general.

- R.S. 46:1151 et seq. authorizes hospital service districts to administer a nursing scholarship program in order to provide nurses in those areas where a shortage of nurses exist. The contract between the district and the scholarship recipient shall be prepared by the attorney general.

11. Collection of Delinquent Assessors Guaranteed Loans

- R.S. 47:1871 et seq. authorizes a loan guarantee program to be administered by the Louisiana Tax Commission. Under the program, if an assessor defaults on a loan guaranteed by the state and the state pays the loan, the attorney general will institute all necessary legal proceedings to insure repayment to the state, with all funds collected to be paid into the state general fund.

According to the Civil Law Program Manager and other DDO officials, 10 of the 11 functions we identified are not outmoded, and should therefore remain legislatively authorized in case future funding is given. However, the Civil Law Program Manager stated that one function, the "collection of tuition refunds for teachers," could be repealed. Even though DDO officials consider only one function to be no longer necessary, there is a potential that the remaining functions could be outmoded. Therefore, if outmoded, maintaining their statutory statuses may cause confusion for DDO officials and legislators making programmatic decisions.

Civil Law Program Provided Required Sunset Review Budget Request Information

Department officials acknowledged that only the Civil Law Program submitted Sunset Review Budget Request Forms to DPH for FY 1993-98. According to R.S. 49:151.1(A), each budget unit of the state shall compile a listing of all legislatively authorized programs and Acts of the legislature directing any activity to be administered by such budget unit for which implementing funds were not appropriated in the prior fiscal year.

Department officials stated forms were not submitted for all programs because not all programs had legislatively authorized and unfunded activities. However, according to OPI, even though a program may not have legislatively authorized unfunded activities, statutory and OPI reporting requirements still apply. When there are no unfunded programs and functions, each budget request form should simply state that there are no unfunded activities.

Recommendation

- 2.1 As required by R.S. 49:191.3(A), and as part of the annual budget process, DOJ officials should report any statutorily authorized programs or functions for which implementing funds were not appropriated. If there are no unfunded activities, the Sunset Review Budget Request forms should reflect this information.

Matters for Legislative Consideration

- 2.2 The legislature may wish to review whether the programs and functions discussed in this chapter are outmoded. If it determines that any of the programs or functions are no longer needed, the legislature should consider the advantages and disadvantages of leaving their statutory structures in place. If there is no advantage to leaving the statutory structures in place, the legislature may wish to repeal the programs or functions.
- 2.3 The legislature may wish to repeal R.S. 17:73-7.4, the Collection of Tuition Refunds from Teachers. According to DOJ officials, this is an outmoded function that the department no longer performs.

Chapter 3: Analysis of Performance Data

Chapter Conclusions

Over the past three years, there have been some improvements in the performance data reported in the executive budget for the Department of Justice. For example, in the 1996-97 executive budget, goals are not labeled and objectives are not measurable. In addition, the majority of indicators measure output and do not measure progress toward objectives. In the 1997-98 executive budget, improvements in the performance data include the reporting of labeled goals and more objectives that are consistent with their goals. Additional improvements were made in the 1998-99 executive budget. For example, fewer objectives address multiple topics (hereafter referred to as multi-tiered objectives), and many objectives appear to be measurable and timebound.

In our analysis of the performance data reported in the 1997-98 executive budget, we found that there was not an overall departmental mission or goals reported. We note, however, that a departmental mission and goals are included in the 1998-99 executive budget. The program missions reported in the 1997-98 executive budget meet our established criteria. All identify the overall purpose of the program and its principal clients or customers, and all are organizationally acceptable. That is, the missions are included in the department's operational plan.

All goals reported in the 1997-98 executive budget are consistent with program missions. Although all of the goals provide the destination toward which the program is striving, only 18% provide a sense of direction on how the program is going to address its mission as well as a destination.

Multi-tiered objectives are prevalent in the 1997-98 executive budget performance data. Multi-tiered objectives address multiple topics or consists several objectives presented as components of one sentence. Nearly 90% of the objectives are multi-tiered. This type of data is unclear because performance indicators cannot easily be associated with the corresponding objective. Therefore, objectives written in this fashion are not as useful to legislators in their decision-making as they could be. However, there is improvement in the

1998-99 performance data; we found that fewer objectives are multi-focused.

All of the objectives reported in the 1997-98 executive budget are consistent with corresponding goals and specify an end result. However, only 4% are measurable or provide a target date for accomplishment. Objectives that are not measurable or timebound do not provide adequate information for budgetary and decision-making purposes.

Although we found that the majority of performance indicators are consistent with the objectives and are easily understood, only 1% measure progress toward an objective. Although the majority of performance indicators have measurable components, they do not measure progress toward the objectives since the objectives are not measurable.

Few outcome indicators are reported in the 1997-98 executive budget. The majority of performance indicators we assessed measure output. Department officials have stated that they are working with OPIB and House Appropriations staff to develop outcome oriented performance indicators and more meaningful performance data for all programs.

Scope and Methodology of Analysis Conducted

For the purposes of this report, we primarily analyzed the department's performance data reported in the 1997-98 executive budget. Specifically, we assessed 6 missions, 48 goals, 36 objectives, and 310 performance indicators. We conducted our assessment to determine if the performance data provides information that would enable legislators to understand the department's programs and make related budgetary decisions. The results of our assessment are included in this report. In addition, Appendix B shows the 1997-98 executive budget performance data that we assessed, as well as the detailed results of our analysis.

We evaluated the missions, goals, objectives, and performance indicators for each of the five executive budget programs listed in the 1997-98 executive budget against an established set of criteria. We used OPIB's publication, *Management*, and consulted with various experts to develop the criteria. The criteria used are described in Exhibit 3-3 on page 41.

Exhibit 3-1
Criteria Used to Evaluate the Fiscal Year 1997-98 Executive Budget Performance Data

MISSION: A broad, comprehensive statement of purpose

- ✓ Identifies overall purpose for the existence of the organization, department, office, institution, or program as established by constitution, statute, or executive order
 - ✓ Identifies clients/beneficiaries of the organization or external and internal users of the organization's products or services
 - ✓ Organizationally acceptable
-

GOAL: The general end purpose toward which effort is directed

- ✓ Consistent with department, program, and office missions
 - ✓ Provides a sense of direction as to how to address the mission; reflects the destination toward which the entity is striving
-

OBJECTIVE: A specific and measurable target for accomplishment

- ✓ Consistent with goal
 - ✓ Measurable
 - ✓ Timebound
 - ✓ Specifies desired end result
-

PERFORMANCE INDICATOR: Tool used to measure performance of policies, plans, and programs

- ✓ Measures progress toward objective or contributes toward the overall measurement of progress toward objective
 - ✓ Consistent with objective
 - ✓ Clear, easily understood, and non-technical
-

Notes: The criteria were established based on input from Management, OAGS, the Internal Office of Management and Budget, and the Urban Institute.

Source: Prepared by legislative council's staff to derive established criteria used to evaluate the department's performance data.

We also reviewed DOJ's performance data as reported in the 1996-97 and the 1998-99 executive budgets. We performed a limited review of the performance data reported for these years to determine any trends, note areas of improvement, and note areas where future improvement is needed. We discuss the results of our review throughout this chapter of our report.

Performance Data Improved Over Past Three Years

We noted improvements in the department's performance data that are reported in the executive budgets from 1996-97 through 1998-99. It should be noted, however, that some problems we noted in the 1996-97 executive budget are still prevalent in the 1997-98 executive budget. However, more useful information has been provided in the 1998-99 edition.

DOJ staff is working to make continued improvements in the quality and reporting of its performance data. As a result of the department's commitment to working with OPIB and Appropriations staff to develop more meaningful performance data, the 1998-99 executive budget provides longer budgetary and programmatic information about the department.

Development of Performance Data. In our initial meetings, DOJ staff stated that the development of outcome related performance data for certain programs is difficult. For example, the Criminal Law and Medicaid Fraud Program staff was resistant to developing projectable outcome indicators, specifically for the number of indictments, convictions, and the length of sentences. However, as our audit progressed, we saw more interest and a desire from DOJ staff to continue working on developing meaningful outcome measures for that program.

DOJ officials also held meetings with staff from OPIB and the House Appropriations Committee, as well as the committee chairman, to discuss the challenges of creating meaningful performance data. There is a consensus that DOJ should continue to work to improve its performance data.

Improvements from 1996-97 to 1998-99. In the 1996-97 executive budget, there is no mission or goals for the overall department or for the Criminal Law and Medicaid Fraud Program. In addition, only two of the programs have labeled goals. The majority of the objectives are not measurable and 80% (21 of 26) are multi-tiered. Nearly 75% of the performance indicators (135 of 183) are output indicators; few measure outcome. Finally, the

majority of performance indicators do not measure progress toward objectives.

In the 1997-98 executive budget, however, there are some improvements. There is at least one labeled goal reported for each program. In addition, a higher percentage of the objectives are consistent with the goals. However, some problems are still prevalent in the 1997-98 executive budget. These problems include multi-tiered objectives, lack of measurability of objectives, and lack of the performance indicators measuring progress toward these objectives.

Based on further and more frequent interaction among department and OPW staff, improvements have been made in the 1998-99 executive budget. For example, a mission and goals are reported for the overall department, and objectives are shorter and more concise than in the previous two editions. There are fewer multi-tiered objectives. Though we did not do a full analysis of these data, many objectives appear reasonable and most appear to be time-based. In addition, the department is continuing to work on the development of performance indicators that measure outcome.

A discussion of the results of our detailed analysis of the 1997-98 executive budget performance data follows. The overall results for the department are presented first, followed by the results of the analysis of specific executive budget programs.

Executive Budget Lacks Performance Data for Overall Department

The 1997-98 executive budget does not contain an overall department mission or goals. Although the executive budget states that the mission and goals of the department are reflected in the program missions and goals, this does not constitute a true mission or goals. As a result, users of the executive budget do not have a basis for identifying the overall purpose of the department or its principal clients. In addition, with no departmental mission to guide the individual programs, program missions could differ from the department's purpose.

During our audit, we discussed this issue with department officials. One official stated that DCU did not include a departmental mission in the 1997-98 operational plan because Management does not require one. Although Management does not require an overall mission in the executive budget for departments, one is required for the strategic plan. In addition,

OPB generally encourages departments to include one in their operational plan. We believe an overall mission is a very important piece of information that should be reported in the operational plan and the executive budget.

The 1998-99 executive budget reports a mission and several goals for the overall department. We did not conduct a detailed analysis of the 1998-99 executive budget performance data; therefore, we did not assess the mission and goals against our criteria. However, the inclusion of a departmental mission and goals in the executive budget is a significant improvement and should provide legislators with beneficial information.

Recommendation

- 3.1 **DOJ, OPB, and Appropriations staff should continue to work together to maintain and update the executive budget mission and goals for the overall department.**

Performance data reported in the 1997-98 executive budget may not collectively provide information to communicate what the department's programs are seeking to accomplish. Although missions and goals are labeled and generally meet the criteria, most goals do not provide a sense of direction on how to address the mission and reflect a destination toward which the program is striving. In addition, the majority of objectives are not measurable nor do they provide a target date for accomplishment. Also, most objectives are multi-stated and the majority of performance indicators do not measure progress toward the objectives. There is not a balanced mix of different types of performance indicators reported in the executive budget. As a result, the legislature may not be able to determine the efficiency or effectiveness of the department's programs or use the performance data to make funding decisions.

The following is an analysis of the performance data for EOC's five programs. Exhibit 3-2 on page 45 contains a summary of the performance data reported in the executive budget for all of the department's executive budget programs.

Performance Data May Not Be Useful for Budgetary Decisions

Exhibit 3-1	
Summary Results of the Comparison of the Department of Justice's Programs' Performance Data to Established Criteria	
Missions	<ul style="list-style-type: none"> • 6 of 6 (100%) identify purpose • 6 of 6 (100%) identify clients • 6 of 6 (100%) are accepted by agency
Goals	<ul style="list-style-type: none"> • 48 of 48 (100%) are consistent with the mission • 12 of 48 (25%) provide a direction and reflect the destination
Objectives	<ul style="list-style-type: none"> • 24 of 26 (92%) are consistent with goals • 1 of 26 (4%) is measurable • 1 of 26 (4%) is timebound • 20 of 26 (77%) specify an end result • 23 of 26 (88%) are multi-tiered
Performance Indicators	<ul style="list-style-type: none"> • 4 of 133 (3%) measure progress toward the objective • 308 of 316 (97%) are consistent with the objective • 298 of 316 (94%) are clear and easily understood
<small>Source: Prepared by the legislative auditor's staff from results of comparing the 1997-98 executive budget performance data to the criteria in Exhibit 3-1.</small>	

Missions. We assessed six missions that are reported in the 1997-98 executive budget. All of the missions are labeled as such and meet the criteria. For example, the missions identify the overall purpose of the programs and the principal clients or customers. They are also organizationally acceptable. That is, they are included in the department's operational plan that was submitted to OPR. Therefore, the missions help legislators understand the purposes and clients of the programs.

The 1997-98 executive budget includes a statement for the Criminal Law and Medicaid Fraud Program that says "the mission and goals of the Criminal Law and Medicaid Fraud Program are reflected in the missions and goals of its two divisions." Although we do not necessarily agree that using divisional missions for the overall program is the best way to report program missions in the executive budget, for purposes of this report we analyzed the missions of the Criminal Division and Criminal Investigation Division as missions for the program. It should be noted, however, that in the 1998-99 executive budget, a separate mission and goals are reported for the program.

Goals. We assessed 48 goals that are reported in the executive budget. All 48 goals are labeled as such, and all are consistent with the missions of the programs. Although all of the goals provide the destinations toward which the program is striving, only 23% (12 of 48) provide a sense of direction on how the program is to address the mission.

An example of a goal that provides a destination toward which the program is striving but does not provide a sense of direction can be found in the Gaming Program. One goal of the program is "to provide representation and legal advice and counsel to the Louisiana Gaming Control Board." This states the broad goal of the program, but not what steps the program will take to achieve its mission. Incomplete goals may inadequately convey what the programs are trying to accomplish.

Objectives. We assessed 28 objectives that are reported in the executive budget. All objectives are consistent with corresponding goals and specify desired end results. However, only one objective (4%) is measurable and specifies a target date for accomplishment. As a result, legislators may not be able to determine exactly when the programs intend to achieve within a stated time frame. In addition, this lack of measurability keeps performance indicators from measuring progress toward the objective.

Furthermore, 89% (25 of 28) of the objectives are multi-faceted. That is, multiple objectives are listed together as one objective, or a single objective addresses multiple topics. Multi-faceted objectives make it difficult to match performance indicators with the appropriate part of the objective. In addition, users of the executive budget may dismiss the objectives because of their complexity.

Ninety-six percent of the multi-tiered objectives (22 of 23) are reported as single objectives in the department's 1997-98 operational plan. The objectives were grouped together by OPIB before the release of the 1997-98 executive budget. The number of components in the objectives we assessed ranges from 2 to 12. The following is one example of a multi-tiered objective reported in the 1997-98 executive budget that was reported as 12 separate objectives in the department's operational plan.

The Criminal Division of the Criminal Law and Medicinal Fund Program will: (1) achieve faster charging and prosecution of criminals, longer sentences for convicted criminals, and more aggressive handling of criminal appeals; (2) develop knowledge of case law and statutory law and [sharper trial than is superior to and] (sic) trial skills that are sharper than that of district attorneys, assistant district attorneys and defense attorneys, and make division attorneys dedicated and happy with their work and work environment; (3) seek a truly "computer literate" staff, make better and more effective use of the present computer system, and expand and upgrade the computer system; (4) ensure that all division prosecutors are well prepared at all times when in a courtroom or public environment and anticipate all of the legal issues that might arise during the trial of every case; and (5) prosecute environmental crimes and crimes involving assets.

According to OPIB and department officials, the process for putting information into the executive budget is improving. There is more communication between OPIB staff and DOJ officials responsible for creating the operational plan and organizing the data for submission into the executive budget. In addition, the procedure now allows the department to review the executive budget before its release. This process permits department and OPIB staff to discuss and edit data before the executive budget is finalized.

Although we did not conduct a detailed analysis of the 1998-99 executive budget, it should be noted that improvements seem to have been made to the objectives reported in the 1998-99 executive budget. Although there are still a number of multi-tiered objectives reported in the executive budget, most seem to be single objectives with a single strategy. In addition, it appears that many

objectives are measurable and timebound. These improvements should help the performance indicators measure progress toward achieving the objectives, thus providing information that is more useful to legislators.

Performance Indicators. Only 17% (4 of 310) of the performance indicators measure progress toward the objectives. Although 65% of the indicators have a measurable component (213 of 310), they do not measure progress toward the objectives. This is because the objectives themselves are not measurable, making it impossible for the performance indicators to measure progress toward corresponding objectives. As a result, readers of the executive budget do not know how well, or if, the program's objectives are being accomplished, and the performance data may fail to provide useful information for legislators making budgetary decisions.

Finally, there is not a balanced mix of performance indicators reported in the 1997-98 executive budget. According to *CLASS and Management*, there should be a variety or "desirable mix" of performance indicators: input, output, outcome, and efficiency. A mix of indicators communicates more complete information on overall program performance. Exhibit 2-3 on page 49 contains a breakdown of the types of indicators presented in the executive budget. As seen in this exhibit, there are 42 input indicators. We classified 27 of these as demand indicators. Demand indicators provide information on the demand for services provided by the department.

In addition to the 310 performance indicators that we analyzed, there are 28 pieces of additional information included in the executive budget, 15 of which are reported as performance indicators. Examples of this additional information include background information on court cases, rules and responsibilities of programs, and context for some of the department's performance indicators. According to the Operational Plan instructions provided to departments from OPR, this type of information can provide a more complete understanding of the performance indicators by establishing a context and providing background information. However, care should be taken not to report too much of this type of information in the executive budget, which could cause confusion for the reader.

Exhibit 3-3		
Performance Indicator Types Reported in the 1997-98 Executive Budget: Department of Justice		
Indicator Type	Number	Percent
Input	42	14%
Output	200	65%
Outcome	8	3%
Efficiency	8	3%
Explanatory/Quality	51	16%
TOTAL	318	100%*

*Total does not round to 100% due to total 322s.

Source: Prepared by legislative auditor's staff from information contained in the 1997-98 executive budget.

As Exhibit 3-3 shows, the majority of performance indicators reported in the 1997-98 executive budget measure output. Very few of the indicators measure outcomes. A more balanced mix of indicator types would provide more useful information to legislators.

As a result of the lack of important elements in DOJ's performance data reported in the 1997-98 executive budget, legislators may not be able to:

- (1) understand what the programs are trying to accomplish;
- (2) determine how efficiently and effectively the programs are operating; or
- (3) be able to use the performance data for budgetary decisions.

**Administrative
Program's
Performance
Data Need
Improvement**

The 1991-98 performance data for the Administrative Program may not provide legislators or other users of the executive budget with useful information about progress made by the program. Few of the goals provide a sense of direction on how to address the mission and reflect a destination toward which the program is striving. None of the objectives are measurable or benchmarked. Therefore, the performance indicators cannot measure progress toward the objectives.

In addition, the performance data as it is reported in the executive budget is incomplete because it provides limited information on the functions of the Executive Office of the Attorney General, which is a component of the Administrative Program. As a result, the data may not provide legislators with adequate information to make budgetary decisions.

It should be noted, however, that the department reported performance data in the 1998-99 operational plan for the Public Information Office and the Executive Council. These entities are located within the Executive Office of the Attorney General. In addition, department officials have stated that they are considering including data on the number of Attorney General Opinion requests and the number of completed Attorney General Opinions received by the Office of the General Counsel, which is also within the Executive Office.

The OIG's analyst for the department stated it is desirable to report data for elected offices such as the Attorney General. In addition, she stated that it is important for all departments to report performance data for the administrative, policy-making, and leadership functions of their respective offices. If such data are included in the executive budget, users of the executive budget will be able to determine the activities of functions within the executive office.

Exhibit 3-4 on page 51 summarizes the results of the analysis of the performance data for the Administrative Program. The results of our analysis of the program's performance are described after the exhibit.

Exhibit 3-4	
Results of Comparison of the Administrative Program's Performance Data to Established Criteria	
Mission	<ul style="list-style-type: none"> • Identifies purpose • Identifies clients • Accepted by agency
Goals	<ul style="list-style-type: none"> • 4 of 4 (100%) are consistent with the mission • 1 of 4 (25%) provides a direction and reflects the destination
Objectives	<ul style="list-style-type: none"> • 3 of 3 (100%) are consistent with goals • 0 of 3 (0%) is measurable • 0 of 3 (0%) is timebound • 3 of 3 (100%) specify an end result • 3 of 3 (100%) are multi-faceted
Performance Indicators	<ul style="list-style-type: none"> • 0 of 2 (0%) measure progress toward the objective • 2 of 2 (100%) are consistent with the objective • 2 of 2 (100%) are clear and easily understood
<p>Source: Prepared by the legislative auditor's staff from results of comparing the 1997-98 executive budget performance data to the criteria in Exhibit 3-1.</p>	

Mission. The Administrative Program's mission reported in the executive budget meets all of the criteria shown in Exhibit 3-1. It identifies the purpose, is organizationally acceptable, and identifies its clients. Therefore, legislators can be sure of the purpose and clients of this program.

Goals. All four goals reported in the 1997-98 executive budget are consistent with the program's mission. Although all of the goals provide the destination to which the program is striving, only one provides a sense of direction on how the program is to address the mission as well as the destination.

Goals without a sense of direction do not provide information to legislators on what steps the department will take to meet the mission. In addition, because of this lack of information about the direction of the Administrative Program, legislators may not be provided with adequate information to make budgetary decisions.

Objectives. We assessed three objectives reported for the Administrative Program in the 1997-98 executive budget. We found that all of the objectives are consistent with the goals and specify desired end results. However, none are measurable and none are timebound. In addition, all of the objectives are multi-faceted. As a result, legislators may not be able to determine exactly what the program intends to achieve within a stated time frame.

In addition, two of this program's three objectives (67%) have no performance indicators associated with them. Therefore, legislators have no way of determining what steps have been taken to meet the objectives or if the objectives have been met.

Performance Indicators. There are only two performance indicators reported in the 1997-98 executive budget for the Administrative Program. Both are output indicators. In addition, the performance indicators do not measure progress toward the objective. As a result, the indicators may not provide useful information to assess program progress or allow legislators to make informed budgetary decisions.

**Civil Law
Program's
Executive Budget
Data Lack
Certain Elements**

The 1997-98 performance data for the Civil Law Program may not provide legislators or other users of the executive budget with useful information about progress made by the program. Most goals do not provide a sense of direction on how the program plans to address the mission. In addition, none of the objectives are measurable or timebound, which makes it impossible for the performance indicators to measure progress toward the objectives. As a result, readers of the executive budget may not be able to determine how well this program is performing. A summary of the results of our analysis of the performance data for the Civil Law Program is presented in Exhibit 3-3. This exhibit and the results of our analysis of the program's performance follow on page 53.

Exhibit 3-6
Results of Comparison of the Civil Law Program's
Performance Data to Established Criteria

Mission	<ul style="list-style-type: none"> • Identifies purpose • Identifies clients • Accepted by agency
Goals	<ul style="list-style-type: none"> • 28 of 28 (100%) are consistent with the mission • 8 of 28 (29%) provide a direction and reflect the destination
Objectives	<ul style="list-style-type: none"> + 13 of 13 (100%) are consistent with goals + 0 of 13 (0%) is measurable + 0 of 13 (0%) is timebound + 13 of 13 (100%) specify an end result + 11 of 13 (85%) are multi-tiered
Performance Indicators	<ul style="list-style-type: none"> + 0 of 188 (0%) measures progress toward the objective + 188 of 198 (95%) are consistent with the objective + 198 of 198 (95%) are clear and easily understood
<p><i>Source:</i> Prepared by legislative auditor's staff from results of comparing the 1993-94 executive budget performance data to the criteria in Exhibit 3-6.</p>	

Mission. The mission for the Civil Law Program identifies its purpose and clients. It is also organizationally acceptable. This information will aid the legislature in determining what the appropriated funds will be used for and identifying the program recipients.

Goals. We assessed 28 goals for the Civil Law Program. All goals are included in the executive budget and all are consistent with the program's mission. Although all of the goals provide the destination to which the program is striving, five (29%) provide a sense of direction on how the program is going to address the

mission as well as the destination. As a result, the goals inform legislators what the program wants to accomplish, but not what program managers will do to accomplish this.

Objectives. We assessed 13 objectives for the Civil Law Program. Although all of the program's objectives are consistent with the goals reported in the 1993-94 executive budget and specify desired results, none are measurable or timebound. In addition, most (11 of 13) of the objectives are multi-tiered. An example of an objective that is not measurable or timebound and is multi-tiered is as follows:

The Civil Law Program, through the Consumer Protection Section, will enforce the Louisiana Unfair Trade Practices Act; regulate charitable organizations, multi-level marketing companies, and telephone sales; regulate issues involving purchases and financing of new and used automobiles; regulate consumer complaints in various areas of unfair and deceptive trade practices; and develop consumer education and information programs to assist in public awareness.

First, this objective does not have a measure to determine how well or to what extent these activities are carried out. Also, this objective contains no target dates for accomplishment of these tasks. In addition, the reporting of objectives in a multi-tiered fashion is less useful than presenting them as separate objectives. According to a GAOB official, objectives should cover only one area and be brief. Furthermore, grouping single objectives together into one objective makes it difficult to match the performance indicators with the appropriate part of the multi-tiered objective.

Performance Indicators. We assessed 198 performance indicators for the Civil Law Program. The majority of the indicators are consistent with their objectives and are clear and easy to understand. However, some of the indicators measure progress toward objectives.

In addition, there is not a sufficient mix of the different types of performance indicators. For example, output indicators account for 86% (151 of 198) of total performance indicators for the program. Less than 2% of the performance indicators are outcome indicators. Because of this lack of a mix of indicator types, the full impact of the Civil Law Program may not be

represented to legislators. Exhibit 3-6 is a breakdown of the types of indicators presented in the executive budget for this program.

Exhibit 3-6
Performance Indicator Types Reported in the 1997-98
Executive Budget: Civil Law Program

Indicator Type	Number	Percent
Input	25	15%
Output	131	66%
Outcome	7	4%
Efficiency	4	2%
Explanatory/Quality	31	16%
TOTAL	198	100%*

*Note: Due to rounding, percentages do not total 100%.

Sources: Prepared by legislative center's staff from information contained in the 1997-98 executive budget.

Criminal Law Program's Performance Data Need Improvement

The 1997-98 performance data for the Criminal Law Program may not provide legislators or other users of the executive budget with useful information about progress made by the program. Although all objectives are consistent with their goals and specify an end result, most are measurable or time-bound and all are multi-tiered. Lack of measurability and the multi-tiered objectives prevent the indicators from measuring progress toward their objectives. However, most performance indicators are consistent with the objectives and are clear and easily understood. As a result of these shortcomings, readers of the executive budget may have a difficult time determining how effectively the program is performing based on the reported performance data.

A summary of the results of our analysis of the performance data for the Criminal Law and Medicaid Fraud Program are presented in Exhibit 3-7 on page 24. The results of our analysis of the program's performance data are described after the exhibit.

Exhibit 3-7

Results of Comparison of the Criminal Law Program's Performance Data to Established Criteria

Missions	<ul style="list-style-type: none"> • Identify purpose • Identify clients • Accepted by agency
Goals	<ul style="list-style-type: none"> • 3 of 3 (100%) are consistent with the mission • 1 of 3 (33%) provides a direction and reflects the destination
Objectives	<ul style="list-style-type: none"> • 3 of 3 (100%) are consistent with goals • 0 of 3 (0%) is measurable • 0 of 3 (0%) is timetabled • 3 of 3 (100%) specify an end result • 3 of 3 (100%) are multi-timed
Performance Indicators	<ul style="list-style-type: none"> • 0 of 60 (0%) measures progress toward the objectives • 68 of 90 (76%) are consistent with the objectives • 56 of 90 (62%) are clear and easily understood

Source: Prepared by legislative justice's staff from results of comparing the 1993-94 executive budget performance data to the criteria in Exhibit 3-3.

Mission. The executive budget states that the missions and goals for the program are reflected in the missions and goals of its two divisions. As mentioned previously in this chapter, creating a specific mission for each program is preferable to relying on the missions of program divisions. However, for the purposes of our analysis, we analyzed the missions of the two divisions within the program, the Criminal Division and the Criminal Investigations Division, as the missions for the overall program. It is important to note, however, that the 1993-94 executive budget reports a mission for the Criminal Law and Medical Fraud Program.

Missions. We assessed the missions reported in the 1997-98 executive budget and found that both missions meet all of the criteria. They identify the overall purpose and clients of the program. In addition, the missions are organizationally accepted. As a result, readers of the executive budget will be able to identify the purposes of the Criminal and Criminal Investigation divisions within the Criminal and Medicaid Fraud program.

Goals. We assessed nine goals that are reported in the 1997-98 executive budget. They are all labeled and are consistent with their missions. Although all of the goals provide the destination toward which the program is striving, only 11% provide a sense of direction as to how the program is going to achieve the mission as well as a destination. Therefore, the goals inform legislators what the program wants to accomplish, but not how the program managers will meet their goals.

Objectives. We assessed three objectives in the 1997-98 executive budget and found that all are consistent with their goals and specify a desired end result. However, as with the other programs, none are measurable or timebound. This lack of measurability keeps performance indicators from measuring progress toward the objective.

In addition to not meeting two important criteria, all of the objectives for this program are multi-tiered. Multi-tiered objectives can make it difficult to determine which components of the objective performance indicators are addressing. This makes it more difficult for legislators to ascertain what program managers are doing to achieve their objectives. Thus, legislators may have difficulty using this information to make informed budgetary decisions.

Performance Indicators. We assessed 68 performance indicators reported in the 1997-98 executive budget. Because the objectives for the program are not measurable, none of the performance indicators can measure progress toward those objectives. However, all of the indicators are consistent with the objective, and most are clear and easily understood. However, an example of an indicator that is not easy to understand states the "Number of Prosecutions (Indictments, Bills and Arrests) Instituted," and lists only one number for 1996 (43). Based on this information, a legislator may not be able to determine if the program had 43 indictments, 43 bills, 43 arrests, or some combination of each in 1996. Including technical jargon in performance indicators makes them less useful.

Also, the Criminal Law and Medicaid Fraud Program lacks a desirable mix of performance indicators. Sixty percent (36 of 60) of the performance indicators measure output, but none measure outcomes. As a result of the lack of variety in the types of indicators reported, readers of the executive budget are not receiving a complete view of the impact, effectiveness or efficiency of the program.

Table 3-8 below shows the breakdown of the type of indicators presented in the executive budget for this program. As noted in this exhibit, this program has no outcome indicators. According to a department official, it is difficult to project outcome oriented performance data for this program because of certain American Bar Association (ABA) standards. According to this department official, the ABA standards are in conflict with the projection of certain statistical information such as the number of indictments, convictions, and the length of sentences.

Department officials met with the chairman of the House Appropriations Committee, legislative staff, and OMB staff about creating projectable outcome indicators specifically for this program. Consequently, the chairman said that he understands the difficulty of creating projectable outcome indicators for this program, but this was also something that they should continue working on. Department officials have stated that they will continue to work toward creating these types of indicators for this program, as well as for the other DOJ executive budget programs.

Exhibit 3-8

**Performance Indicator Types Reported in the 1997-98
Executive Budget:
Criminal Law and Medicaid Fraud Programs**

Indicator Type	Number	Percent
Input	2	3%
Output	34	60%
Outcome	0	0%
Efficiency	0	0%
Explanatory/Quality	17	28%
TOTAL	60	100%

Source: Prepared by legislative and/or staff from information contained in the 1997-98 executive budget.

**Risk Litigation
Program's
Performance
Data Need
Improvement**

In the 1997-98 executive budget, performance data reported for the Risk Litigation Program deal primarily with the percentage of cases handled in-house versus those handled by outside or contract attorneys. One of the department's objectives states "continue handling in-house 90 percent of new cases filed against the state during FY 1997-98." Although this is useful information to provide to legislators, additional information on how the program handles cases in-house may be more interesting to legislators and help them make funding decisions. As a result of the program's focus on providing information that deals only with the percentage of handling cases in-house, the data reported in the 1997-98 executive budget may not provide legislators with adequate information to determine the effectiveness of the overall program.

The Risk Litigation Program has regional offices in Alexandria, Lafayette, Lake Charles, New Orleans and Shreveport. Accordingly, as a minimum, the department could track the percentage of cases handled in-house by each of the regional offices. In addition, the program is divided into the following sections: administration, civil rights, general liability, medical malpractice, road hazards, and worker's compensation. The department could develop performance data about these sections. If the department is increasing the percentage of cases handled in-house, legislators or other readers of the executive budget may want to know how effectively the program's sections and regional offices are handling those cases. Without outcome-oriented performance data related to the effectiveness of handling cases, the legislature may be making funding decisions without complete information.

In our meetings with department officials regarding the development of performance data for the Risk Litigation Program, we stressed the importance of providing a variety of performance data related to the operations of the program's sections as well as the five regional offices. The Deputy Attorney General who oversees the Risk Litigation Programs stated that it is difficult to develop outcome-oriented performance data for programs such as Risk Litigation. However, he and other department officials also understood the importance of working to develop additional performance data to show the effectiveness or impact of the program.

A summary of the results of our analysis of the performance data for the Risk Litigation Program is presented in Exhibit 3-8 below. The results of our analysis of the program's performance follows.

Exhibit 3-8	
Results of Comparison of the Risk Litigation Program's Performance Data to Established Criteria	
Mission	<ul style="list-style-type: none"> + Identifies purpose + Identifies clients + Accepted by agency
Goals	<ul style="list-style-type: none"> • 2 of 2 (100%) are consistent with the mission • 2 of 2 (100%) provide a direction and reflect the destination
Objectives	<ul style="list-style-type: none"> • 2 of 2 (100%) are consistent with goals • 1 of 2 (50%) is measurable • 1 of 2 (50%) is timebound • 2 of 2 (100%) specify an end result • 2 of 2 (100%) are multi-tiered
Performance Indicators	<ul style="list-style-type: none"> • 4 of 28 (14%) measure progress toward the objective • 27 of 28 (96%) are consistent with the objective • 28 of 28 (100%) are clear and easily understood
<p><i>Source:</i> Prepared by legislative auditor's staff from results of comparing the 1993-96 executive budget performance data to the criteria in Exhibit 3-1.</p>	

Mission. We assessed the mission for the Risk Litigation Program and found that it meets the criteria. It identifies its purpose and clients and is also organizationally acceptable. Since this mission shows legislators the purpose and clients of the program, it enables legislators to understand the general direction of the program.

Goals. We assessed two goals for the Risk Litigation Program and found that they meet the criteria. They are consistent with the mission of the program, provide a sense of direction on how to address the mission, and reflect a destination toward which the program is striving. As a result, users of the executive budget will be able to determine what the program is striving to accomplish.

Objectives. We assessed two objectives for the Risk Litigation Program and found that both objectives are consistent with their goals and specify an end result. Only one objective is measurable and time-bound. However, it is also multi-tiered and could be broken out into two separate objectives for clearer reporting. The objective that met all of our core criteria (with the exception of being multi-tiered) states:

The Risk Litigation Program will (1) continue handling in-house 90% of new cases filed against the state during FY 1997-98; and (2) reduce the total percentage of cases handled by private contract attorneys to 10% by July 1, 1997.

Performance Indicators. We assessed 28 performance indicators for the Risk Litigation Program. We found that only 14% or 4 indicators measure progress toward one objective. The performance indicators reported for the objective were for different fiscal years than is specifically mentioned in the objective. If the reported performance indicators were for the same fiscal year as the objective, then they would measure progress toward the objective.

In addition, we also found that nearly all of the indicators (96%) are consistent with objectives, and all are easily understood. Although four of the indicators measure progress toward one objective, legislators or other readers of the executive budget would not be able to use the indicators collectively to determine how well the program is litigating cases. Exhibit 3-18 on the following page shows a breakdown of the type of indicators presented in the executive budget.

Exhibit 3-10
Performance Indicator Types Reported in the 1997-98
Executive Budget: Risk Litigation Program

Indicator Type	Number	Percent
Input	3	18%
Output	16	97%
Outcome	1	4%
Efficiency	4	14%
Explanatory/Quality	2	7%
TOTAL	28	100%

Source: Prepared by legislative writer's staff from information contained in the 1997-98 executive budget.

**Gaming
 Program's
 Performance
 Data Need
 Improvement**

The 1997-98 performance data for the Gaming Program may not provide legislators or other users of the executive budget with useful information about progress made by the program. Although the program's mission fully identifies its purpose and clients and is organizationally acceptable, its goals only meet half of the criteria. As with other programs, none of its objectives are measurable or time-bound, and the majority are multi-tiered. However, the objectives are consistent with the goals, and all specify a desired end result. Finally, all performance indicators are consistent with the objectives and are clear and easily understood, but do not measure progress toward objectives. A legislator may have difficulty making an informed budgetary decision related to the Gaming Program based on the performance data reported in the 1997-98 executive budget.

A summary of the results of our analysis of the performance data for the Gaming Program is presented in Exhibit 3-11 on page 64. The results of our analysis of the performance data of the program follows.

Mission. We assessed the mission of the Gaming Program and found that it meets the criteria. As a result, readers of the executive budget should be able to determine the general purpose for the program.

Goals. We assessed five goals that are reported in the 1997-98 executive budget. We found that all are labeled and consistent with the program's mission. However, none of the goals provide a sense of direction on how to address the mission, but all reflect a destination toward which the program is striving. As a result, readers of the executive budget may not be able to determine how department officials plan to accomplish the Gaming Program's mission.

Objectives. We assessed five objectives that are reported in the 1997-98 executive budget. Although all of the objectives are consistent with the goals and specify a desired end result, none are measurable or timebound. Therefore, none present a specific target date for accomplishment or provide benchmarks for monitoring progress. An example of an objective that is not measurable or timebound is as follows:

The Gaming Program will represent the Louisiana State Racing Commission in administrative enforcement actions and defend the commission in civil litigation.

Exhibit 3-11
Results of Comparison of the Gaming Program's
Performance Data to Established Criteria

Mission	<ul style="list-style-type: none"> • Identifies purpose • Identifies clients • Accepted by agency
Goals	<ul style="list-style-type: none"> • 5 of 5 (100%) are consistent with the mission • 0 of 5 (0%) provides a direction and reflects the destination
Objectives	<ul style="list-style-type: none"> • 5 of 5 (100%) are consistent with goals • 0 of 5 (0%) is measurable • 0 of 5 (0%) is timebound • 3 of 5 (100%) specify an end result • 4 of 5 (80%) are multi-tiered
Performance Indicators	<ul style="list-style-type: none"> • 0 of 22 (0%) measures progress toward the objective • 22 of 22 (100%) are consistent with the objective • 22 of 22 (100%) are clear and easily understood
<p><i>Source:</i> Prepared by legislative auditor's staff from results of comparing the 1997-98 executive budget performance data to the criteria in Exhibit 3-1.</p>	

This objective is consistent with the goals, since one of the goals is to "provide legal counsel, representation and advice to the Louisiana State Racing Commission." It also specifies an end result, which is to "represent the Louisiana State Racing Commission," in accord with legal actions. However, this objective is very broad and could be reported as a goal rather than as an objective. For example, there is no way to measure accurately the accomplishment of this objective. Also, the objective does not provide a time frame for accomplishment. As a result, legislators or users of the executive budget may not be able

to determine exactly what the program intends to achieve within a stated time frame.

Performance Indicators. We assessed 22 performance indicators for the Gaming Program. We found that none of the performance indicators reported for this program measure progress toward the objectives. However, all are consistent with the objectives and all are easily understood.

More than 90% (16 of 22) of the indicators measure output. Because most of the indicators are output indicators, many facets of this program's performance may not be measured. Specifically, the program has no outcome or quality indicators. Using only a few types of indicators may not provide useful information to evaluate program progress or allow legislators to make informed budgetary decisions. Exhibit 3-12 below shows a breakdown of the type of indicators presented in the executive budget.

During one interview with the Finance and Budget Officer of the Gaming Division, he stated that he has had difficulty creating meaningful performance data since the division works with outside entities, like the State Police. However, he also understands the importance of reporting different types of performance indicators, including outcome measures. He and other department officials stated that they will continue to meet with OPB and Appropriations staff to obtain assistance in developing more meaningful performance data.

Exhibit 3-12

**Performance Indicator Types Reported in the 1997-98
Executive Budget: Gaming Program**

Indicator Type	Number	Percent
Input	5	23%
Output	16	73%
Outcome	0	0%
Efficiency	0	0%
Explanatory/Quality	1	5%
TOTAL	22	100%^{**}

^{**}Note: Due to rounding, percentages do not total 100%.

Source: Prepared by legislative auditor's staff from information contained in the 1997-98 executive budget.

Recommendations

- 3.2 DDA, OPR, and Appropriations staff should work on creating goals that provide a sense of direction on how the program will address the mission as well as a destination.
- 3.3 DDA, OPR, and Appropriations staff should work on creating measurable and timebound objectives. In addition, they should work on creating objectives that are not multi-tiered.
- 3.4 DDA, OPR, and Appropriations staff should work together to create performance indicators that measure progress toward the objective. They should also work together to create sets of performance indicators that contain a balanced mix of indicator types.

Appendix A

List of References Used

Appendix A: List of References

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Appendix B

Analysis of Performance Data Reported in the 1997-98 Executive Budget for the Department of Justice

Appendix B: Analysis of Performance Data Reported in the 1997-98 Executive Budget for the Department of Justice

Department of Justice: Overall Department (9 missions, 0 goals, 8 objectives, 8 performance indicators)

Missions:

The mission and goals of the department are reflected in the mission and goals of these programs.²

Goals:

The mission and goals of the department are reflected in the mission and goals of these programs.²

Objectives and Performance Indicators:

There are no objectives or indicators at the department level reported in the executive budget.

² Although the executive budget states that the mission and goals of the department are reflected in the mission and goals of these programs, those do not constitute a true statement of goal statements.

Source: Prepared by legislative auditor's staff from comparison of the 1997-98 executive budget performance data with criteria listed in Exhibit 2-1.

Department of Justice: Administration Program
(1 mission, 4 goals, 3 objectives, 3 performance indicators)

Mission:

The mission of the Administration Program (which is organizationally reported to the Administration Services Branch) is to provide the implementation of department policies, to employees with applicable laws, rules and regulations and to provide management and business functions regarding budget and fiscal management to areas of contract and grants management, information processing services, program analysis and evaluation, personnel management, procurement, management information systems, governmental relations and administrative support services.

- **Mission:** meet 1 of 3 criteria (200%), 10-office program, administrative services, and is accepted by agency.

Goals:

- **Goal 01:** To provide professional, quality services to all personnel in a timely manner and per the national and financial indicators for sufficient meeting of all personnel.
- **Goal 02:** To provide guidance to the development and implementation of department policies.
- **Goal 03:** To develop the Management Information Systems (MIS) Section with an infrastructure that will provide the department with the computer services required to be an industry user department.

Goal 04: To develop for the department an HRD policies and Procedures Plan.

- **Goal:**
 - 4 of 4 (100%) are consistent with the mission.
 - 1 of 1 (100%) provides a direction and defines the department.

Objectives and Performance Indicators:

Objective 01: The Administration Program will per the existing opportunities to increase the percentage of Department of Justice employees with adequate computer skill levels for agency use, where applicable. To accomplish this, Administration Services will provide (3) computer training sessions for highly skilled employees and establish a MIS functional to increase training points.

- **Indicator 01:** Number of persons trained
- **Indicator 02:** Percentage (fiscal year/ fiscal year) to number of trained personnel

Objective 02: The Administration Program will complete its performance appraisal system, which is an annual evaluation of employees and need to determine promotions, salary increases, or other employee actions and will develop a recruitment program for new employees as well as an outreach plan for current employees. To accomplish this, Human Resources and Contract Services Section will discuss the current role of director-director in understanding a system that better meets the expectations of management.

- There are no indicators listed in the Executive Budget for this objective.

Objective 6): The Administration Program will provide the Department of Justice with the information system solutions to allow automation of work process, enhance and share information across Department divisions, and other units, local and federal agencies for the tracking and to the website and information in alternative systems and manage a Management Information System (MIS) System. To accomplish this, the Management Information Systems Section will be responsible for design, software and hardware applications, hardware and software systems, network, and staff with technically qualified individuals and facilities with appropriate responsibilities, diversity, staff development, technical training, computer usage, printing and peripherals, establish a computer training program, and other computer user responsibilities (data vs. problem reporting, computer usage, printing and security).

3. There are no indicators listed in the Executive Budget for this objective/indicator.

- **Education**

- 1 of 3 (33%) contracts awarded with goals
- 0 of 2 (0%) is measurable
- 0 of 2 (0%) is benchmark
- 3 of 3 (100%) specify an end result.
- 2 of 2 (100%) are multi-year

- **Performance Indicators**

- 1 of 1 (100%) measures progress toward the objective
- 1 of 1 (100%) are consistent with the objective
- 1 of 1 (100%) are clear and easily understood

Source: Prepared by Legislative Auditor's staff from compilation of the 1997-98 Executive Budget performance data with criteria listed in Exhibit B-4.

Department of Justice – Civil Law Program
(1 mission, 25 goals, 13 objectives, 189 performance indicators)

Mission:

The mission of the Civil Law Program is to provide quality legal services to the people of Louisiana to ground civil law, public finance and external law, property and natural law, and consumer law.

- **Mission meets 2 of 6 criteria (2006). Mission program identified within it accepted by agency**

Goal 0:	The goals of the Civil Law Program are achieved in the fields of its divisions and their component sections.
Goal #1:	To provide ground civil legal services to state and local governments.
Goal #2:	To provide comprehensive representation to the state of public finance and public contracts law for the state and local governmental entities.
Goal #3:	To take the necessary actions to meet or prevent any debt or claims of the state and its political subdivisions in the area of bonds, mortgages, state deposits, and energy production, etc. and controversies.
Goal #4:	To assist Louisiana's public colleges, universities, and state agencies with federal relations through the development and maintenance of recipient and successful proposals to maximize recovery of federal educational funds benefits.
Goal #5:	To increase the professional competence of all Civil Justice employees.
Goal #6:	To protect Louisiana's public by addressing the Louisiana Public Trade Practices Act and regulations promulgated pursuant thereto along with other state consumer law by institutions and judicial officials.
Goal #7:	To protect, maintain and expand wherever possible and consistent with the health, safety, and welfare of the people of Louisiana, the natural resources of the state including the wetlands and the landbirds, water, forests, and scientific quality of the environment.
Goal #8:	To continue to be self-sustaining by generating law-revolving component legal representation to the commencement of lawsuits.
Goal #9:	To promptly resolve and settle legal fees and expenses submitted by payees.
Goal #10:	To develop a legislative package to which the Department of Justice is proactive and to coordinate legislative efforts.
Goal #11:	To keep most current legislative initiatives.
Goal #12:	To continue bill review process, incorporating issues of engagement, and development with external lawyers and Department of Insurance rate management plan for such legislation.
Goal #13:	To improve the nation's/territory's legal package to achieve maximum payment of in-house attorney's and perhaps from legislative action.
Goal #14:	To create a quantitative head count of all legislators.
Goal #15:	To foster a working relationship with the National Association of Insurance Commissioners and the National Association of Insurance Special Interest Committee to give the nation greater depth of knowledge and expertise.
Goal #16:	To continue development of working relationships with the staff of the Department of Insurance.
Goal #17:	To keep latest research in ER and health care issues.

- Goal 414: To develop and promote additional political events in the area of policy formulation, formulation and revised year fixing, and mergers.
- Goal 415: To succeed in developing professional and corporate staff cooperation with the promotion of political events and other business-related programs.
- Goal 426: To increase public awareness of municipal issues that affect both the business and consumer communities.
- Goal 431: To increase public knowledge of the activities and related laws in Spanish towns.
- Goal 432: To develop leadership skills enhancement of political-related laws.
- Goal 433: To develop resources to meet the requirements of political and related laws.
- Goal 434: To prepare related legislation affecting enhancements on an annual basis.
- Goal 435: To further the goal of increased governmental agency cooperation.
- Goal 436: To administer and enforce the Legislative Open Meeting Act through investigations, compliance, and public enforcement.
- Goal 437: To cooperate with the federal government in the administration of the National Fair Housing Act.
- Goal 438: To assess and approve the Louisiana Commission on Human Rights in the enforcement of statutes prohibiting discrimination in public accommodations and its subchapter.

• **Goals:**

- 20 of 28 (71%) are consistent with the agenda.
- 8 of 28 (29%) provide a direction and reflect the agenda.

Objectives and Performance Indicators

- Objective 1: The Civil Law Program will perform to the level of services provided in FY 1992-93, improve opinion ratings by 20%, and improve jurisdiction by productivity by increasing 1,000 July-1st, awarded each year.
 - Indicator 1a: Success as measured by the Civil Law Division have included to work on behalf of the state in several major pieces of legislation. Legislative Impact Tracker.
 - Indicator 1b: Success as measured by the Civil Law Division have included to work on behalf of the state in several major pieces of legislation. Legislative Impact Tracker.
 - Indicator 1c: Success as measured by the Civil Law Division have included to work on behalf of the state in several major pieces of legislation. Higher education legislation. Higher.
 - Indicator 1d: Success as measured by the Civil Law Division have included to work on behalf of the state in several major pieces of legislation. Legislative Impact Tracker.
 - Indicator 1e: Success as measured by the Civil Law Division have included to work on behalf of the state in several major pieces of legislation. Legislative Impact Tracker.
 - Indicator 1f: Success as measured by the Civil Law Division have included to work on behalf of the state in several major pieces of legislation. Legislative Impact Tracker.
 - Indicator 1g: Success as measured by the Civil Law Division have included to work on behalf of the state in several major pieces of legislation. Legislative Impact Tracker.
 - Indicator 1h: The Civil Division of the Department of Justice receives and processes between 3,000 and 4,000 July-1st each month.

- Objective 40:** The Civil Law Program, through its Governmental Section, will continue to provide superior litigation services to state officials and agencies in constitutional challenges, petitions, and other requests, maintain a database team to help public litigants (including the higher education and Missouri Foundation Program) address access, improve courtwork, develop turnaround on document requests, and provide representation of "young litigants" to 121 state boards and commissions as well as provide hearing officers.
- ▶ **Initiative 40a:** The Governmental Section is composed of eight attorneys.
 - ▶ **Initiative 40b:** The Governmental Section immediately disbanded the constitutionalism of Louisiana's age 21 drinking law in 1996. In *Moore v. Aum*
 - ▶ **Initiative 40c:** The Section successfully defended the State Treasurer's office in a public records case, *Fricker v. Louisiana*.
 - ▶ **Initiative 40d:** The Section successfully defended the State Treasurer's Office in a bond for case, *City of Baton Rouge v. State Bond Commission*.
 - ▶ **Initiative 40e:** The Governmental Section was actively involved in hundreds of cases involving the constitutionality of state statutes and other civil litigation examples of notable are: *Address of the Civil Trial Training Law in Louisiana v. Aum* which is presently on appeal.
 - ▶ **Initiative 40f:** The Governmental Section was active in hundreds of cases involving the constitutionality of state statutes and other civil litigation, examples of which are: *interactions in a major 30000 Services/Commission proceeding in Investigation of State, CA*
 - ▶ **Initiative 40g:** The Governmental Section was active in hundreds of cases involving the constitutionality of state statutes and other civil litigation, examples of which are: *Inter-ment in the defense of the attorney general's power to sue in governmental matters and state contingent fee contracts in Abbeville v. Abbeville*
 - ▶ **Initiative 40h:** The Governmental Section was active in hundreds in hundreds of cases involving the constitutionality of state statutes and other civil litigation, examples of which are: *current defense of the Board of Trustees in contemporary time case, *Anderson v. Board**
 - ▶ **Initiative 40i:** The Governmental Section was active in hundreds in hundreds of cases involving the constitutionality of state statutes and other civil litigation, examples of notable are: *and that in a school other looking claims in beyond in, Paris*
 - ▶ **Initiative 40j:** The Governmental Section was active in hundreds of cases involving the constitutionality of state statutes and other civil litigation, examples of which are: *current defense of the Governor's Office of Bond Development in MOORE v. State Development*
 - ▶ **Initiative 40k:** The section also represented the interest of the state in *Plan v. Louisiana*, challenging the state's constitutional nonpayment plan.
 - ▶ **Initiative 40l:** The section also represented the interest of the state in *Hope Medical Group v. Plaster*, challenging the state's law regulating attorney liability in child abductions.
 - ▶ **Initiative 40m:** The section also represented the interest of the state in *Lewis v. Plaster*, challenging Louisiana's proprietary election system.
 - ▶ **Initiative 40n:** The section also represented the interest of the state in *LA-20 v. Aum*, challenging Louisiana's affirmative action laws.
 - ▶ **Initiative 40o:** The section also represented the interest of the state in *University Medical Association v. Aum*, challenging Louisiana's requirements of judicial review for certain medical procedures.
 - ▶ **Initiative 40p:** The section also represented the interest of the state in *Proppard v. Double*, challenging certain aspects of Louisiana's election law.
 - ▶ **Initiative 40q:** Average response time from capture requests is 4 days.
 - ▶ **Initiative 40r:** Percentage of work done in-house.
- Objective 41:** The Civil Law Program, through the Plaintiff and Consumer Section, will provide competent professional legal representation to the state and state agencies in underlying actions of state and local debt, taxes, and other financial matters, pursue the state and public law by ensuring compliance with public bid law, provide professional, responsive and prompt responses within 30 days of request, protect the public law and ensure proper representation of the state by reviewing contracts and resolutions regarding the employment of accountants, provide competent professional legal representation to the state and state agencies in bid's operations in purchasing/supplying of judicial officers, and protect the public law and ensure proper representation of the state by providing competent and superior representation to facilitate the banks' representation of public funds represented in the capital stock act.
- ▶ **Initiative 41a:** In the past fiscal year, the section represented the state of approximately 170000-200000 dollar local bonds.

- Indicator #87. This is not likely to be developed as a computerized case tracking system that has allowed the Department to become more aggressive.
 - Indicator #88. Increase the number of cases in litigation from 4,128 in 1993 to 14,023 in 1995.
 - Indicator #89. Increase the percentage of noncases in litigation over time to 40% in January 1995 to 60% in January 1996.
 - Indicator #90. New judgments received over time from 1993 to 1991 to 2,148 in 1995.
 - Indicator #91. New judgments that resulted from 83 in 1993 to 462 in 1995.
 - Indicator #92. Trends in student loan collections pending cases.
 - Indicator #93. Trends in student loan collections in litigation.
 - Indicator #94. Trends in student loan collections new judgments.
 - Indicator #95. Trends in student loan collections new judgments.
 - Indicator #96. Trends in student loan collections total collections.
- Objective 10.** The Civil Law Program, through the Division of Unemployment Transfer Services, will provide superior litigation services to state and local officials in coordination with judges and other users.
- Indicator #97. The Education Section has the primary responsibility for the administration of approximately \$1 million in Minimum Foundation Program funding targeted to 14 traditionally and nontraditionally funded. This unit is scheduled for next beginning May 11, 1997.
 - Indicator #98. It has formed 30 formal advisory panel opinions.
 - Indicator #99. It also provided a workshop for college administrators.
 - Indicator #100. The section supplements attorney general or administrative law judge (ALJ) is affidavits involving the State Department of Education and the Department of Agriculture and Forestry.
 - Indicator #101. In this capacity, the ALJ issues subpoenas, sets deadlines, takes oral discovery matters, and, at the hearing, rules on evidentiary matters.
 - Indicator #102. The ALJ issues written opinions for the State Department of Education that include findings of fact and recommendations of law.
 - Indicator #103. The Education Section, FY 1995-96, was involved in litigation against Louisiana University of the Holy Spirit Christian Church that sought to force it to negotiate with the Board of Regents.
 - Indicator #104. The approach used here is a new example because it adopted action in a church.
 - Indicator #105. The Education Section, however, worked with the Department of Justice's Criminal Division's Justice and the Federal Bureau of Investigation to complete information for further investigation and prosecution.
 - Indicator #106. The Education Section participated in the address of 26 acts.
 - Indicator #107. It defended the premises of the Board of Regents, the Board of Elementary and Secondary Education, the State Department of Education, the Department of Justice, the Department of Treasury, the Department of Corrections, the Department of Administration, the Division of Administration, the Board of Representatives, the State of Louisiana, and various national public officials and positions.
 - Indicator #108. It participated in 25 operations.
 - Indicator #109. The Education Section obtained in suits in FY 1995-96, necessarily defending those all.
 - Indicator #110. The state's newly defended the constitutionality of various two-hour sessions, rules, or regulations and passed the over \$100 million in savings.
 - Indicator #111. Average response time on opinion requests for appeal.
 - Indicator #112. The Unemployment Transfer (UTS) Section provided legal advice to the Department of Treasury, the Department of Labor, the Secretary of State, the State Inspector General, State Drug Benefits, and the Louisiana Housing Finance Authority.

- Indicator 425: The 147 attorneys represent their entities in a variety of capacities, including confidential mediators, general counsel, litigation defense officers, and drafting attorney general opinions.
- Indicator 426: 147 attorneys at the Department of Labor, whose name of the LPT positions are lawyers (516), perform a variety of functions, they attend several before-the-law meetings and hearings, attend status reports, personal telephone consultations, resolve legal questions, participate in status and negotiations, and review matters.
- Indicator 427: Three attorneys are currently drafting 194 rules.
- Indicator 428: In FY 1997-98, 31 rules were signed.
- Indicator 431: In FY 1997-98, 31 (and) more (rules).
- Indicator 432: Of the 31 (and) more, if was was and 11 was left.
- Indicator 433: The 147 attorneys at the office of the Attorney General provide legal advice and representation consistently, for example, the conduct of investigations, legal transfer-processing other operations, handling shipping and representation and review.
- Indicator 434: This attorney received 145 communications and audits.
- Indicator 435: This attorney advised in 21 requests in the program.
- Indicator 436: The attorney advised in 123 requests in the state auditor general.

Objective 2: The Civil Law Program will maintain the professional skills, facilities-making capabilities, and work product of multi-attorney entities that competitors and professional entities of the program will establish high-quality work performance for each employee and actively promote the mobility of a professional entity provider for each client. Specifically, the program will increase activity by junior level attorneys and increase activity for all lawyers, lawyers, engineers, health planning of companies and, complex non-working, and increase personnel.

- No performance indicators were provided.

Objective 3: The Civil Law Program, through its Public Protection Division, will continue to protect Louisiana's non-invested self-reliance investment through judicial administration, and legislative trials.

- Indicator 441: Some of the most important outcomes, environmental, and legislative cases handled by the Public Protection Division since 1994 include: *Al American Sucker* - in the: *Tracy Lee Brown, Indemnity Court, Middle District of Louisiana, No. 92-1062*, August 1995.
- Indicator 442: Some of the most important outcomes, environmental, and business cases handled by the Public Protection Division since 1994 include: *Case v. State of Louisiana*, et al - petition filed February 1999, amended petition filed April 1994, discovery process delayed extended investigation.
- Indicator 443: Some of the most important outcomes, environmental, and business cases handled by the Public Protection Division since 1994 include: *State v. Commonwealth/Indemnity Company, Inc. - Judicial Order, review of process* Term 8, 1994 (pending) (March, July 1998).
- Indicator 444: Some of the most important outcomes, environmental, and business cases handled by the Public Protection Division since 1994 include: *State v. Global Law Insurance, Inc. - petition filed, review of process* Term 8, 1996, preliminary judgment, July 1994.
- Indicator 445: Some of the most important outcomes, environmental, and business cases handled by the Public Protection Division since 1994 include: *State v. Food America - submission of voluntary compliance* Term 22, 1996 (draftable) (completion, August 1998).
- Indicator 446: Some of the most important outcomes, environmental, and business cases handled by the Public Protection Division since 1994 include: *State v. Geomatrix/Pyrometallurgical Corp. - petition filed* (Term 21, 1996) (application) (July 11, 1996) (12-0000) and (Term, closed file).
- Indicator 447: Some of the most important outcomes, environmental, and business cases handled by the Public Protection Division since 1994 include: *State v. Calumet Environmental Association - submission of voluntary compliance* February 1995, 12-0000 (Term 21) (closed file, closed file).
- Indicator 448: Some of the most important outcomes, environmental, and business cases handled by the Public Protection Division since 1994 include: *State v. COF Advertising - agreement of voluntary compliance* March 1994, review of process, referred to George Anthony General's Office, closed file.

- ▶ Indicator 46: State of the most important consumer, professional and business cases handled by the Public Protection Division since 1994 include:
 - ▶ a. General Contractor - maintenance of voluntary compliance; no review of process; closed file.
 - ▶ b. Builders 46B: State of the most important consumer, environmental, and insurance cases handled by the Public Protection Division since 1994 include:
 - ▶ Builders - ABC/Save - Supreme Court of Appeals, West Virginia, status filed, August 1995.
 - ▶ Builders 46B1: State of the most important consumer, environmental, and insurance cases handled by the Public Protection Division since 1994 include:
 - ▶ State v. County Homebased, Inc. - enforcement of voluntary compliance; \$1,500 civil fine returned, July 1995.
 - ▶ Builders 46B2: Number of optima requests received.
 - ▶ Builders 46B3: Number of optima requests litigated.
 - ▶ Builders 46B4: Number of firms staff participated as speakers, panel members, or award.
 - ▶ Builders 46B5: Number of meetings attended for monitoring public welfare programs.
 - ▶ Builders 46B6: Number of initiatives (monitoring voluntarily) attended.
 - ▶ Builders 46B7: Number of civil injunctions concluded.
 - ▶ Builders 46B8: Number of research projects completed.
 - ▶ Builders 46B9: Indicator was not reported prior to FY 1993-94.
 - ▶ Builders 46B9: OSHA 12 reports received. 8 have been returned; 4 are pending.

Objective #5: The Civil Law Program, through the Consumer Protection Section, will address the Louisiana Public Trust Statutes Act, which requires charitable organizations, not-for-profit marketing companies, and religious entities, register loans, investments and borrowing of loan and good materials; register consumer complaints in various areas of public and domestic trade practices; and develop consumer education and information programs to assist in public activities.

- ▶ Indicator 47: Submitted an exhibit filed in support of West Virginia Attorney General position in the case *Quinn v. McCarty, Jr. v. State Corporation* before the Supreme Court of Appeal of West Virginia.
- ▶ Indicator 48: This case challenges the constitutionality of West Virginia Public and Cellular Act, which allows, in part, the issuance of bonds of Louisiana and other states with similar status, August 1995.
- ▶ Indicator 49: Signed on to participate and present before the Federal Trade Commission in a public forum regarding redemptive and redemptive action in the area of small home vehicle businesses, July 1995.
- ▶ Indicator 50: Signed on to join in multi-state consumer in support of the Road and Drug Administration Bids on Indiana marketing to children, December 1995.
- ▶ Indicator 51: Signed on in support of the National Association of Insurance Councils' case *Boyer Truck Ferry* before October 1995.
- ▶ Indicator 52: Paid 28 employees on notice for public road projects, consisting mostly of the following activities:
 - ▶ Investigating businesses for being in violation of the Telephone Order Enforcement Act, which requires advertising businesses to be explained to the attorney general's office before advertising in Louisiana; conducted investigation on notice for not following the statute requirement under the Louisiana Consumer Agency Regulation act; physical threat facilities placed on notice for not maintaining a memo book of 200,000; reported under the Louisiana Physical Threats; Service the individual marketing business for failure to register, including the state's distribution and Chain Business Marketing regulations; business opportunity offers for selling a multi-level company based in the amount of \$25,000 for million and \$1.5 million for agents, including the Division Opportunity Sales and Agency cases, July 1995, June 1996.
- ▶ Indicator 53: Conducted an investigation of water damaged cars in coordination with West Virginia Attorney General's Office for possible filing problem, May 1995.
- ▶ Indicator 54: Conducted an investigation in coordination with the National Highway Traffic Safety Administration and the U.S. Attorney's Office in enforcement of fire car dealers on software based in Maryland, November 1994, present.

- ▶ **Indicator 46:** Product recycling activities in relation with the Louisiana Recycles Association's role within its promotion and direction of retail (199)
- ▶ **Indicator 47:** Documented in cooperation with the Better Business Bureau a campaign to encourage consumers "Protecting Your Pocketbooks," for elderly citizens in Shreveport, Lafayette, Monroe, and New Orleans, October 1993
- ▶ **Indicator 48:** Limited "Operation Mail Boxes" in cooperation with the senior citizens of Terre, Mississippi, Alabama, and Florida.
- ▶ **Indicator 49:** Site visits to in-store fitness-related consumer promotion activities and evaluations throughout the fiscal year, June 1996.
- ▶ **Indicator 50:** Established Auto Repair Job Force (in January 1995) in order to strengthen the relationship between the consumer and repair facility through an ongoing repair track rates, rights and responsibilities, January 1995.
- ▶ **Indicator 51:** Consumer complaints: Number of consumer complaints logged
- ▶ **Indicator 52:** Consumer complaints: Number of consumer complaints resolved
- ▶ **Indicator 53:** Consumer complaints: Number of consumer complaints referred
- ▶ **Indicator 54:** Consumer complaints: Number of consumer complaints pending
- ▶ **Indicator 55:** Charitable activities registration: Number received
- ▶ **Indicator 56:** Charitable activities registration: Number registered
- ▶ **Indicator 57:** Charitable activities registration: Number pending
- ▶ **Indicator 58:** Multi-level marketing registration: Number received
- ▶ **Indicator 59:** Multi-level marketing registration: Number registered
- ▶ **Indicator 60:** Multi-level marketing registration: Number approved/pending
- ▶ **Indicator 61:** Multi-level marketing registration: Number of promotional/traveling registrations
- ▶ **Indicator 62:** Telemarketing: Number of requests logged
- ▶ **Indicator 63:** Telemarketing: Number registered
- ▶ **Indicator 64:** Telemarketing: Number pending
- ▶ **Indicator 65:** Telemarketing: Number exempt
- ▶ **Indicator 66:** Telemarketing: Number nondiscoverable
- ▶ **Indicator 67:** Professional activities registration: Number registered
- ▶ **Indicator 68:** Professional activities registration: Number pending
- ▶ **Indicator 69:** Professional activities registration: Number denied
- ▶ **Indicator 70:** Number of licensed appointment books on file
- ▶ **Indicator 71:** Number of physical fitness books on file
- ▶ **Indicator 72:** Number of letters of media table services
- ▶ **Indicator 73:** Number of members of volunteer committee
- ▶ **Indicator 74:** Number of participants-of-business talks
- ▶ **Indicator 75:** Indicators was not reported prior to FY 1997-98.
- ▶ **Indicator 76:** Legislation for activity was passed in 1995

Objective 4B) The Civil Law Program, through the Environmental Section, will: 1) increase interaction with environmentally concerned citizens, citizens' groups, public officials, and political institutions; 2) increase awareness about degradation of specific environmental values as well as water resources and public officials representing resources and public health to be recognized as a valuable and viable portion of cultural and public values in protecting Louisiana's natural resources by December 31, 1997; 3) promote and/or increase its regulatory proceedings where issues critical for the protection of Louisiana's environmental resources are in issue in order to protect the State of Louisiana and its citizens in participation in environmental decision-making and to protect environmental interests of the administrative and judicial level; 4) participate in public meetings by the Office of the Attorney General by September 1997; and 5) establish the necessary program to help to set a public record of the state's resources of the past, including its wet areas and its historical, scenic, literary, and scientific quality of the environment.

- Indicator 4B.1 The Environmental Section consists of two attorneys and one environmental coordinator
- Indicator 4B.2 Number of environmental maintenance projects completed
- Indicator 4B.3 Number of environmental interventions to legislators, legislators, and administrative agencies
- Indicator 4B.4 Number of relationships, positions, meetings, and judgments
- Indicator 4B.5 Number of cases being monitored
- Indicator 4B.6 Expenses being obtained in pending actions
- Indicator 4B.7 Initiatives won and expensed prior to FY 1993-94
- Indicator 4B.8 Initiatives won expensed to be supported by law for environmental cleanup, project modifications in water standards, non-water-dependent, and/or additional personnel
- Indicator 4B.9 Since 1992, the Environmental Section submitted legislative bills in every major environmental area where rights of citizens were affected - providing the state with the standards for "superior citizens" rights to appeal environmental administrative decisions in the fieldwork case in the Matter of American River and Pollution Control Company, decided by the Louisiana Supreme Court (94-26 1154)
- Indicator 4B.10 Field heads in support of the citizens of Delta and Louisiana that are attempting to prevent other Programs
- Indicator 4B.11 Assisted the citizens of Florida Florida in such efforts to resolve wilderness of public use lands for the conservation of a world water habitat to be utilized for the disposal of waste from other problems and cases
- Indicator 4B.12 Field heads in opposition to the construction of a large facility to treat wastewater with fuel in an otherwise pristine section of the state's deep-sea beds (see 20, Delta)
- Indicator 4B.13 Field work is being done to stop the disposal of fuel-contaminated waste from a Superfund cleanup in Delta, Texas in a Coastal Field environmental lawsuit
- Indicator 4B.14 Deposed operations of fuel filling of hazardous waste in a major Louisiana waste disposal facility directly above Baton Rouge's existing water supply
- Indicator 4B.15 Successfully brought other citizens of high-level radioactive waste receiving radioactive materials (SORM) waste beyond the field of Louisiana environmental administration
- Indicator 4B.16 Promoted administrative enforcement actions against polluters and submitted the Louisiana Department of Environmental Quality in suits involving unpermitted landfills of waste
- Indicator 4B.17 Participated extensively in the Louisiana Law Institute's major review of the Louisiana environmental permitting and enforcement strategy provisions
- Indicator 4B.18 Assisted hundreds of Louisiana citizens burdened with environmental problems and concerns about issues in the parks, forests, wetlands, and historical qualities of their communities and environment

- ▶ Indicator 47B: The New Brunswick Justice Department (the State of Louisiana in the ongoing Peter Dinkovsich Malicious Prosecution litigation) being conducted in Calgary Court is being reviewed and under the Capital Asset Goodwill/Intangible Assets Committee is offering modular solutions through services from the NewBridge firm under a special pricing arrangement.

Objective 01: The Civil Law Program, through the Insurance and Securities Section, will (1) continue to develop an expertise in insurance matters (2) increase and expand availability of alternative and non-traditional, innovative methods, and when legal advice by June 30, 1994, 250 incidents (probability by 1993-94, 1994).

(1) increase representation by the attorney general in insurance matters with sufficient funds to provide compensation for legal services rendered by June 30, 1994, (2) improve the billing process by June 30, 1994, (3) increase billable hours for which the account can be compensated by June 30, 1994, (4) maintain and improve website link existing by June 30, 1994, and (5) increase to review and carry out court bills with overall working days of twenty.

- ▶ Indicator 48: The Insurance and Securities Section, courtesy of law attorneys, three of whom are experienced litigators, two barristers, two paralegals and two ethics calls.
 - ▶ Indicator 49: The Insurance and Securities Section currently is representing, in-house, the contributors of insurance in the following cases: *All cases are filed closed.*
 - ▶ Indicator 50: The Insurance and Securities Section is working to recruit for 11 cases and is actively involved in the efforts to bring said matters to a resolution that is beneficial to principals and relations of the state.
 - ▶ Indicator 51: The Insurance and Securities Section has administered and certified the bills of 11 firms providing legal services in 11-cases.
 - ▶ Indicator 52: During FY 1993-94, the Insurance and Securities Section achieved 11 post-offices of remaining self-offices.
 - ▶ Indicator 53: Number of insurance companies in liquidation re-insurance for which Insurance Section is a source of report.
 - ▶ Indicator 54: Number of companies for which routine provided some type of legal services.
 - ▶ Indicator 55: Number of billings of variety issued for liquidation reviewed.
 - ▶ Indicator 56: If amount of contract attorney fees and expenses reported.
 - ▶ Indicator 57B: Financial time to review and certification of submitted bills for working days.
 - ▶ Indicator 58: Number of companies placed in liquidation by attorney.
 - ▶ Indicator 59: Number of insurance companies closed and finished.
 - ▶ Indicator 60: Number of bills filed by staff.
 - ▶ Indicator 61: Amount billed by staff.
 - ▶ Indicator 62: Funds collected for legal services rendered.
 - ▶ Indicator 63B: Indemnity expense reported prior to FY 1993-94.
 - ▶ Indicator 64: This amount does not include fees awarded for British re-insurance (141,000 British pounds).
 - ▶ Indicator 65: This amount does not include fees awarded for British re-insurance (190,000 British pounds).
- Objective 02:** The Civil Law Program, through the Attorney General, will: (1) conduct Louisiana's national and national laws, including the necessary document forms, through available, improve, and increase representation; (2) develop financial and legal to increase the public perception of the national judicial authority (including the attorney general's efforts) in the Province of Louisiana; (3) increase the number of bills rendered by the Department of Justice as a result of contract administration; and (4) increase the attorney general's presence in the Province (Canada and US) in education and outreach to business and non-profit and other entities.
- ▶ Indicator 66: The Attorney General has notified several significant lawsuits in recent years.
 - ▶ Indicator 67: Justice national and international in Attorney General (near litigation), the State of Louisiana received approximately 1200,000 in documents, which the state began using on August 1, 1993.

- Indicator 41: In addition, the main reports issued in multilateral forums such as the Economic League and the one of 2007-2010, which emphasize the demand for more to be granted by the state to be sustained support organizations under government control for the purpose of marketing, organizing or providing public services.
 - Indicator 42: The sector has filed three significant arbitral lawsuits, which are ongoing at present.
 - Indicator 43: In total three lawsuits, the federal court recognized the state's right and duty to represent the interests of the state in connection with the enforcement of its economic laws.
 - Indicator 44: This is a significant ruling, which addresses the state's primary status as a representative of the citizens of Louisiana.
 - Indicator 45: The sector is also conducting several ongoing arbitral investigations in the areas of predatory pricing, bid rigging, and price discrimination.
 - Indicator 46: The sector is also actively engaged in litigation involving the health care industry and a lawsuit in several states pending a price fixing and illegal market allocation.
 - Indicator 47: The sector has maintained its participation continues throughout the year with comparable activities between throughout the National Association of Attorney General (NAAG).
 - Indicator 48: Current arbitral matters handled by the National Society include: 22 cases are filed.
 - Indicator 49: Number of cases litigated when in judgment or settled.
 - Indicator 50: Number of cases in alternative litigation or arbitrator negotiation.
 - Indicator 51: Number of cases brought in the Appellate or Supreme Court.
 - Indicator 52: 5 funds represented in total of Louisiana citizens' personal litigation.
 - Indicator 53: Number of litigations concluded.
 - Indicator 54: Indicators was not reported prior to FY 1995-96.
- Objectives:** The Civil Law Program, through the Legal Opportunity Section, will: 1) Continue the Louisiana Open Meeting Act through investigations, coordination and the judicial reformations; 2) conduct a judicial reform through the state so that citizens may be advised of their rights regarding the pending lobby; participating in hearings; and 3) represent the Louisiana Commission on Human Rights in the enforcement of anti-discrimination measures relative to public accommodations and the workplace.
- Indicator 55: The Legal Opportunity Section is composed of two compliance officers and one intake specialist.
 - Indicator 56: Number of discrimination complaints filed.
 - Indicator 57: Number of discrimination complaints processed and closed.
 - Indicator 58: Number of pending investigations.
 - Indicator 59: Indicator was not reported prior to FY 1995-96.
 - Indicator 60: Indicator complaints filed in current fiscal year and completed previously under investigations.

a. Objectives

- 11 of 13 (85%) are consistent with goals
- 6 of 13 (46%) is measurable
- 6 of 13 (46%) is financial
- 11 of 13 (85%) specify an end result
- 11 of 13 (85%) are results driven

b. Performance Indicators

- 6 of 11 (55%) measure progress toward the objective
- 10 of 11 (91%) are consistent with the objective
- 10 of 11 (91%) are clear and easily understood

Source: Prepared by legislative auditor's staff from a comparison of the 1997-98 executive budget performance goals with criteria listed in Exhibit B-1.

Department of Justice Criminal Law and Medicinal Fraud Program (4 missions, 9 goals, 9 objectives, 66 performance indicators)

Mission: The mission and goals of the Criminal Law and Medicinal Fraud Program are reflected in the mission and goals of its two divisions:

Mission of the Criminal Division: The mission of the Criminal Division is to continually prosecute the criminal activities of our city on behalf of the law abiding citizens of the town.

Mission of the Criminal Investigative Division: The mission of the Criminal Investigative Division is to help maintain integrity in government, to assist in protecting the town's growing industry from corruption through the uncovering of potential crime and other undesirable activities, to assist in establishing transparent fund, consumer, labor, and vendor's compensation funds, to assist all other investigative needs of the Department, and to protect and serve the public.

- Mission area 1-of-1-staffs (100%). Manages personnel, identifies, and is accepted for agency

Goals:

- Goal #1: Make positive the Attorney General's comments in the reviews of Councilman's making the Attorney General's Office the leader in the fight against crime through aggressive and comprehensive strategies.
- Goal #2: Develop a highly trained, thoroughly motivated staff of prosecuting attorneys that actively manages all criminal matters will respond and justify all their jurisdiction after they feel they need assistance or when they are contacted from the prosecution of a case.
- Goal #3: Create an efficient, effective, and sensitive Criminal Division with the Law Enforcement Department of Justice.
- Goal #4: Obtain the highest possible satisfaction rate on cases processed.
- Goal #5: In those areas of law where specialization is a must, create units within the Criminal Division which can compete with the Defense Team and Justice attorneys who do specialize.
- Goal #6: To provide a higher level of efficiency, effective for regulatory services.
- Goal #7: Increase liaison with the public, and other law enforcement agencies throughout the year.
- Goal #8: To enhance the operational capabilities of the division.
- Goal #9: To Assure that evidence filed in the Medicinal Program is properly developed, managed, case programs funded by TIC, PI and to keep the physical and financial files of Criminal in health care facilities.

• Goals:

- 9 of 9 (100%) are consistent with the mission.
- 1 of 8 (12.5%) operations subdivisions and reflects the distribution.

- ▶ **Initiative #16:** Trends in Multistep Fraud Control Unit activities. 1 total unitized full scenario.
- ▶ **Initiative #17:** Trends in Multistep Fraud Control Unit activities. Total judgments full scenario.
- ▶ **Initiative #18:** Trends in Multistep Fraud Control Unit activities. 11 scenario. Agency agreement scenario; per office (6) in both the new and old judicial jurisdictions.
- ▶ **Initiative #19:** Trends in Multistep Fraud Control Unit activities. 1 scenario of relevant.
- ▶ **Initiative #20:** Trends in Multistep Fraud Control Unit activities. 1 scenario of relevant.
- ▶ **Initiative #21:** Trends in Multistep Fraud Control Unit activities. 1 scenario of non-1 procedure.
- ▶ **Initiative #22:** Trends in Multistep Fraud Control Unit activities. 1 scenario of investigation/prosecution case.
- ▶ **Initiative #23:** Trends in Multistep Fraud Control Unit activities. 1 scenario of administrative activities.
- ▶ **Initiative #24:** Trends in Multistep Fraud Control Unit activities. non-judgments (17 scenarios).
- ▶ **Initiative #25:** As of October 1996, the unit is investigating active proceedings (7) cases throughout the state.
- ▶ **Initiative #26:** Of this unit, 10 levels of the physical show is targeted of working 100% resolved.
- ▶ **Initiative #27:** The remaining 10 cases involve allegations the individual perpetrator have defrauded the program by intentionally billing for services or non-existent case may not included or were fraudulent a lower degree than other.
- ▶ **Initiative #28:** These fraud cases include various banking banking loans, hospitals, clinics, physicians, dentists, pharmacists, mental health clinics, non-profits, companies, and other persons.
- ▶ **Initiative #29:** Louisiana Multistep Fraud Control Unit issued collection/procedure scenario paid to both state and federal governments).
- ▶ **Initiative #30:** Included 2407, 25 in actual collection and 16,170000 in proposed collection.
- ▶ **Initiative #31:** Louisiana Multistep Fraud Control Unit - trends (2) in fraud scenario about completion received.
- ▶ **Initiative #32:** Initiative 33 actual and 70 proposed completion.

Appendix B5: The Criminal Law and Multistep Fraud Programs, through the Investigation Division, with 171 activities in a minimum for impact. This table is a report for investigative activities. (1) agency control efficiency and productivity; (2) individual case working/processing with 1900 for enforcement agencies. (3) address financial public programs office activities. (4) issued national regulations by providing employees with state uniformed equipment. (5) address employees job knowledge and ability, and (7) improve administrative operations of the division.

- ▶ **Initiative #33:** As of October 1996, the division is conducting the priority investigations.
- ▶ **Initiative #34:** 171 of units working across 100 non-express activity.
- ▶ **Initiative #35:** During FY 1994-96, the division filed 84 felony cases.
- ▶ **Initiative #36:** During FY 1994-96, the division filed 161 felony complaints.
- ▶ **Initiative #37:** The division has two investigations assigned to the Louisiana Sheriff's Association Violent Crime and Narcotics Task Force.
- ▶ **Initiative #38:** The division has initiated a working for enforcement intelligence and liaison assignments after.
- ▶ **Initiative #39:** This region investigations is have regular contact with local and private law enforcement and governmental agencies.
- ▶ **Initiative #40:** The division continues to provide its personnel with specialized training.
- ▶ **Initiative #41:** During FY 1994-96, investigators were provided with 21,011 hours of training, for an average of 73 hours per investigator.
- ▶ **Initiative #42:** The division has equipped all units with mobile 800 area numbers, all investigators with portable 800 area numbers, and an office with a fax machine.

- ▶ Indicator #11: This system enables investigators and their supervisors to communicate with each other and with other law enforcement agencies whose resources.
- ▶ Indicator #12: It allows for division (efficiency and productivity) rates for the investigators themselves.
- ▶ Indicator #13: Total number of investigative cases opened.
- ▶ Indicator #14: Number of total cases resolved as either completion.
- ▶ Indicator #15: Total number of investigative cases closed.
- ▶ Indicator #16: Number of cases that are completed as either completion.
- ▶ Indicator #17: Number of joint investigations with local, state, and federal agencies.
- ▶ Indicator #18: Number of working hours for investigators self.
- ▶ Indicator #19: Average number of working hours per investigator.

- **Statistics**

- ▶ 3-073 (pending investigations with grants)
- ▶ 3-073 (pending investigations)
- ▶ 3-073 (pending investigations)
- ▶ 3-073 (pending investigations and results)
- ▶ 3-073 (pending investigations)
- ▶ **Indicators**
 - 3-073 (pending investigations opened adjointly)
 - 3-073 (pending investigations with the objective)
 - 3-073 (pending investigations)

*Although we do not necessarily agree that using all these indicators for the overall program is the best way to report program activities in the executive budget, for purposes of this report we analyzed the indicators of the Criminal Justice and Criminal Investigation Division as indicators for the program.

Source: Prepared by legislative auditors staff from information of the 1997-98 executive budget performance data with grants listed in Exhibit B-1.

Department of Justice Risk Litigation Program

(1 mission, 2 goals, 2 objectives, 28 performance indicators)

Mission:

The mission of the Risk Litigation Program (which is organizationally represented in the Corporate Division) has previously been represented in the terms of Legislation and by Department, Mission, Vision, and core competencies and values of officers, attorneys, employees, and agents in all matters covered by the Risk Litigation Program, and in all other matters relevant to or associated by the Risk Litigation Program.

- Strategic goals: 1 of 1-criteria (90%), Monthly program, identify officers, and to support by agency

Goals:

- Goal #1: To honor the clients available to the Office of Risk Management for legal expenses by increasing the percentage and number of cases handled by those
- Goal #2: To continue developing a working agreement that encourages companies (subjected to such cases) employees in the division.

Goal:

- 1 of 1 (2004) are consistent with the mission.
- 1 of 1 (2004) provide a direction and follow the destination.

Objectives and Performance Indicators:

Objective #1: The Risk Litigation Program will continue handling between 100% of new cases filed against the most FY (2002-06), and within the total percentage of cases handled by private contract attorneys in 100% by July 1, 2007.

- 2. Indicator #1a: Reduced to lower the addition of 100% of new cases in FY (2002-04, 05%) in FY (2004-05), and 90% (94%) in FY (2005-06).
- 3. Indicator #1b: Increased to lower the addition of 100% of new cases in FY (2002-04, 05%) in FY (2004-05), and 90% (94%) in FY (2005-06) (from 11,467 in July, 2003 January 2004 to 124,028 in July 2005-Jan 2006).
- 4. Indicator #1c: Reduced the number of cases handled by contract attorneys by 60% (74 cases 4,447) in FY (2004-05) (highest points to 1,427) in FY (2005-06).
- 5. Indicator #1d: Reduced contract attorney fees by 40-74% (from \$50 (1 million) in FY (2002-03) (highest points) to \$16.6 million in FY (2005-06).
- 6. Indicator #1e: Recovered and returned to the client's full total case \$200,000 for the Office of Risk Management in FY (2005-06), through subrogation and/or intervention claims and suit.
- 7. Indicator #1f: Number of in-house litigation levels.
- 8. Indicator #1g: Percentage change (Decrease) FY to number of in-house litigation hours.
- 9. Indicator #1h: Average cost per hour.
- 10. Indicator #1i: Total cases: number of cases.
- 11. Indicator #1j: Total cases: legal fees and expenses (in millions).
- 12. Indicator #1k: Total cases: average cost per case.
- 13. Indicator #1l: Control cases: number of cases.

- 1. Indicator #83: Control cases: percent total/cases.
 - 2. Indicator #84: Control cases: legal fees and expenses (in millions).
 - 3. Indicator #85: Control cases: percent of total fees.
 - 4. Indicator #86: Control cases: average cost per case.
 - 5. Indicator #87: Litigation Division cases: number of cases.
 - 6. Indicator #88: Litigation Division cases: percent of total cases (in millions).
 - 7. Indicator #89: Litigation Division cases: total expenditures (in millions).
 - 8. Indicator #90: Litigation Division cases: percent of total fees.
 - 9. Indicator #91: Litigation Division cases: average cost per case.
 - 10. Indicator #92: Litigation Division cases: number of total attorneys.
 - 11. Indicator #93: Litigation Division cases: average case load.
 - 12. Indicator #94: Represents FY 1993-94 through FY 1995-97 through 1997-98 are prohibited.
 - 13. Indicator #95: Includes self-led new cases.
- Objective #2:** The Civil Litigation Program will, continue development of alternative process, including case tracking, case management, time and billing, litigation support, and expense limited legal research and administration systems, emphasize the role of Litigation Administration Service Support Service located within the Litigation Bureau; maintain and expand continuing professional education and training for all in-house staff.
- 1. Indicator #1: In FY 1993-94, the Civil Litigation Program provided attorneys training in Litigation Division processes in regulation and other alternative dispute resolution (ADR) methodologies.
 - 2. Indicator #2: In FY 1994-95, the program provided intensive training in Litigation Division attorneys in personal technology.
 - 3. Indicator #3: In FY 1996-97, the program provided another continuing legal education seminar, related to the preparation and presentation of evidence by expert witnesses, to its attorneys.
- **Outcomes:**
 - 1 of 10 (10%) are consistent with goal.
 - 1 of 10 (10%) in compliance.
 - 1 of 10 (10%) in compliance.
 - 1 of 10 (10%) specify an end result.
 - 1 of 10 (10%) are multi-stated.
 - **Performance Indicators:**
 - 1 of 28 (36%) measures progress toward the objective.
 - 17 of 28 (61%) are consistent with the objective.
 - 11 of 28 (39%) are clear and easily understood.

Source: Prepared by legislative author(s) staff from comparison of the 1997-98 measures budget performance data with criteria listed in Exhibit 3.1.

Department of Justice: Gaming Program
(1 mission, 5 goals, 9 objectives, 22 performance indicators)

Mission:

The mission of the Gaming Program (previously expressed as the Gaming Division) is to ensure the Louisiana Gaming Control Board (LGCB) operates in a manner that ensures regulatory integrity, fair gaming and healthy public conditions and meet the gaming activities of controlled interests and are fair, transparent and complete in character to ensure the integrity of individual gaming entities by the application of person, practice, assistance, and activities to ensure the gaming industry is able to accept and support necessary compliance rule making and legislation.

- **Mission area 3 of 3 activities (100%):** Manage program, identify clients, and accept by agency.

Goals:

- Goal #1: To provide representation and legal advice and counsel to the Louisiana Gaming Control Board.
- Goal #2: To provide representation and legal advice and counsel to the Louisiana Lottery Corporation.
- Goal #3: To provide representation and legal advice and counsel to the charitable Gaming Division of the Department of Public Safety and Correctional Institutions Services, Louisiana State Police.
- Goal #4: To provide representation and legal advice and counsel to the Louisiana State Police relative to gaming by Indian tribes and provide representation to the Indian Gaming Commission and consultation with the Secretary's Executive Council.
- Goal #5: To provide legal counsel, representation, and advice to the Louisiana State Gaming Commission.

• Goals:

- Goal 1 (100%) are consistent with the mission.
- Goal 2 (95%) provides a direction and follows the direction.

Objectives and Performance Indicators

Objective #1: The Gaming Program will: (1) review or initiate the public-opening process; (2) coordinate and draft petitions to take and implement applicable to video poker, casino, and off-track gaming; (3) advise the Louisiana Gaming Control Board in legal aspects of licensing and regulatory administration; (4) represent the Board in any legal challenge to gaming legislation or actions of the Board; (5) coordinate and participate in implementing procedures for awarding administrative hearings affecting licenses and permits issued pursuant to the Louisiana Gaming Control Law; and (6) persons and the persons to the Louisiana Gaming Control Law and amendments of the Amendment No. 7, Video Poker Act, and Casino Act and draft legislation to amend.

- ▶ Indicator #1: Lead-board number: number of gaming opening cases.
- ▶ Indicator #2: Lead-board number: licensing of applicants.
- ▶ Indicator #3: Lead-board number: drafting of internal operating standards.
- ▶ Indicator #4: Lead-board number: number of administrative hearings.
- ▶ Indicator #5: Off-track gaming: number of off-track administrative hearings held.
- ▶ Indicator #6: Video poker gaming: number of administrative hearings of denial and violation.

- Indicator 47: Value added gaming – total of rules and regulations.
 - Indicator 48: PFD to 1996, Louisiana State Police (total training) – Administrative Hearings.
- Objective 02:** The Gaming Program will: (1) improve the Louisiana Lottery Commission's operations; (2) achieve board and officers of the Louisiana Lottery Commission; (3) improve and staff operations; and (4) (2004) design to rules and regulations.
- Indicator 49: Number of active litigation cases.
- Objective 03:** The Gaming Program will (1) serve as legal representatives for the charitable Gaming divisions at all judicial levels and all administrative hearings; (2) staff rules and regulations, and (3) promote solutions of rules and regulations.
- Indicator 41: Number of litigation cases.
 - Indicator 42: Number of administrative actions.
 - Indicator 43: Number of administrative hearings.
 - Indicator 44: Number of court appearances.
 - Indicator 45: During FY 1993-94, a total of 1,287 available gaming administrative actions were handled by the Department of Justice.
- Objective 04:** The Gaming Program will: (1) maintain expertise in rules making issues; (2) keep abreast of positions of individual judges, ethics, and (3) a year for legal advice and research, especially for gaming purposes to create expertise in the areas of taxation and lottery gaming.
- Indicator 41: During FY 1993-94, the division awarded 1,288 applications for licenses.
 - Indicator 42: During FY 1993-94, the division approved 1,282 licenses.
 - Indicator 43: During FY 1993-94, the division denied 543.
 - Indicator 44: During FY 1993-94, the division had 182 pending 6 year-old.
- Objective 05:** The Gaming Program will improve the Louisiana State Racing Commission's administrative enforcement actions and defend the commission's legal position.
- Indicator 41: Number of cases for litigation.
 - Indicator 42: Number of administrative proceedings initiated.
 - Indicator 43: Number of administrative hearings.
 - Indicator 44: Number of cases.

• **Statistics**

- 1 of 1 (100%) are consistent with goals
 - 8 of 2 (80%) is measurable
 - 8 of 3 (80%) is trackable
 - 5 of 5 (100%) are used rarely
 - 4 of 5 (80%) are not used often
- **Performance Indicators**
 - 8 of 10 (80%) indicators directly connect the objective
 - 10 of 10 (100%) are consistent with the objective
 - 2 of 2 (100%) are clear not easily understood

Source: Prepared by legislators' staff from a comparison of the 1993-04 executive budget performance data with criteria listed in Exhibit 3-1.

Appendix C

Department of Justice's Response



ROBERTO F. ROBERT
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
Baton Rouge
70804-5000

P.O. Box 94208
Baton Rouge, LA 70804-9420
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August 19, 1998

Dr. Daniel G. Kyle
Legislative Auditor
Post Office Box 94887
Baton Rouge, Louisiana 70804

Dear Dr. Kyle:

This letter is in response to your report *Analysis of Program Authority and Performance Data for the Department of Justice*.

The Analysis was based on our Operational Plan and information cited in the Executive Budget from FY 97-98. As your staff points out, our department has made much progress in improving its Operational Plan for FY 98-99. Since the passage of Act 1465 from the 1997 Regular Session, we have worked very hard to develop an Operational and Strategic Plan for the Department of Justice. My staff has worked very closely with the Office of Planning and Budget and the House Appropriations staff, and will continue to do so, to work together towards meeting the operational and strategic planning requirements in Act 1465 from 1997.

After reviewing your report, there are several areas which we would like to specifically address.

Recommendation 2.2. Department of Justice officials should continue to work together to coordinate and increase communication regarding the training activities of the department to prevent overlap.

As cited in Chapter 2 of the Analysis, there are several training activities provided by the Department of Justice. Within the Administrative Services Program, the Office of the Executive Council conducts an orientation training of all new employees and is responsible for training all existing employees. The Human Resources and Payroll Section provides an initial training, for a lack of a better term, on employee benefits, insurance options, etc. The Management Information Systems Section is responsible for all computer training. The Governmental Section coordinates trainings for local officials, organizations and retailers. The Prosecution and Technical Assistance Section, in the Criminal Law Program, provides training for law enforcement. It is critical to have training throughout these areas because it is necessary for the area with expertise to actually conduct or coordinate the training. The department recognized that one person, the Training Coordinator, who is in the Office of the Executive Council, should

serve as the depository for all training activities in the department in an effort to avoid any overlap.

Recommendation 2.1. As required by R.S. 48-187.1(d), and as part of the annual budget process, Department of Justice officials should report any statutorily authorized programs or functions for which implementing funds were not appropriated. If there are no unfunded activities, the Sunset Review Budget Request forms should reflect this information.

In the submission of the FY 97-98 Budget, the Civil Program included a listing of statutorily authorized programs or functions for which funds were not appropriated. However, at that time, the Litigation Program and Criminal Law Program were not aware that if they did not have any that they still had to acknowledge such. At the June 25, 1998 meeting with your staff we provided them with a letter from both deputy attorneys general of those programs acknowledging that they do not have statutorily authorized programs or functions for which funds were not appropriated.

Recommendation 3.1. Department of Justice, Office of Planning and Budget, and Appropriations Staff should continue to work together to maintain and update the executive budget mission and goals for the overall department.

Recommendation 3.2. Department of Justice, Office of Planning and Budget, and Appropriations Staff should work on creating goals that provide a sense of direction on how the program will address the mission.

Recommendation 3.3. Department of Justice, Office of Planning and Budget, and Appropriations Staff should work on creating measurable and time bound objectives. In addition, they should work on creating objectives that are not multi-staged.

Recommendation 3.4. Department of Justice, Office of Planning and Budget, and Appropriations Staff should work together to create performance indicators that measure progress toward the objective. They should also work together to create sets of performance indicators that contain a balanced mix of indicator types.

Dr. Daniel G. Kyle

August 15, 1998

Page Three

The department acknowledges that the FY 97-98 Executive Budget did not contain an overall department mission or goals. As discussed with your staff at the June 23, 1998 meeting, we did not realize that Management required a department mission in our Operational Plan. However, once our staff recognized that this was a requirement, we did submit in the FY 98-99 Operational Plan our Mission, Philosophy, and Goals for the entire department.

As cited in Chapter 3, page 4, of your Analysis, your staff acknowledges that improvements have been made to performance data from FY 96-97 through FY 98-99. Although, some problems that are noted in the FY 95-97 Executive Budget were still prevalent in the FY 98-99 Executive Budget, some useful information was provided in the FY 98-99 Executive Budget. Your staff further recognizes that we are working to make continued improvements in the quality and reporting of performance data.

As we prepare our FY 99-2000 Operational Plan we will continue to work with the Office of Planning and Budget and further review your recommendations.

Sincerely,



CONSTANCE A. KOURY
First Assistant Attorney General

CK:mcm

Appendix D

Division of Administration - Office of Planning and Budget's Response



BL. J. "BOB" FOSTER, JR.
GOVERNOR

State of Louisiana
DIVISION OF ADMINISTRATION
OFFICE OF PLANNING AND BUDGET
JUL 26 AM 8:43

MARK C. BREWER
COMMISSIONER OF ADMINISTRATION

July 16, 1998

Daniel G. Kyle, Ph.D., CPA, CFE
Legislative Auditor
Post Office Box 94397
Baton Rouge, LA 70804-9397

Re: Analysis of Program Authority and Performance Data for Department of Justice

Dear Dr. Kyle:

Thank you for including members of our staff in the process of your office's performance audit of the Department of Justice.

Our office generally agrees with audit recommendations regarding ways to enhance planning and performance accountability for the Department of Justice. As your audit noted, many improvements have already been included in the executive budget documents prepared for FY 1998-99. Further improvements are anticipated as a result of the department's recently completed five-year strategic plan.

We appreciate the role your office contributes to the success of the Louisiana Government Performance and Accountability Act. Among our recommendations to agencies is the suggestion that they consider the information presented in your performance audits during their strategic and operational planning efforts.

Sincerely,

Stephen R. Wisnes
State Director of Planning and Budget

SRW/csl