



State of Nevada
Governor's Finance Office
Division of Internal Audits

Audit Report

Office of the Attorney General

Report No. 16-04
January 2016

EXECUTIVE SUMMARY
Office of the Attorney General (OAG)

Introduction.....page 1

Objective: Can the OAG Enhance the Timeliness and Effectiveness of the Complaint Process?

Centralize Management of CSU Staffpage 5

Centralizing management and assigning someone the responsibility for all Constituent Services Unit (CSU) functions will help ensure consistency within the two offices; and timely and effective responses to OAG constituent complaints. The Carson City and Las Vegas CSU offices are managed independently of each other and use different procedures for receiving complaint calls, referring complaints to other OAG bureaus and responding to complainants. Centralizing management will help ensure consistency within the two offices and allow for timely and effective responses to complaints.

Replace CSU Database.....page 7

Replacing the CSU database with the case management system used by other OAG staff will help ensure the complaint process is functioning in a consistent, timely, and effective manner by allowing centralized tracking and monitoring of complaints from inception to resolution. CSU staff enter and track complaints in an in-house developed database which cannot interface with the case management system used by other OAG staff. Consequently, it is not possible for management to view the status of a complaint from the time it was received to the time it was resolved by an OAG bureau. Replacing the CSU database with the case management system used by other OAG staff will allow management to monitor the complaint process from inception to resolution to ensure consistent, timely and effective responses.

Appendix A.....page 9

Office of the Attorney General Response and Implementation Plan

Appendix B.....page 11

Timetable for Implementing Audit Recommendations

INTRODUCTION

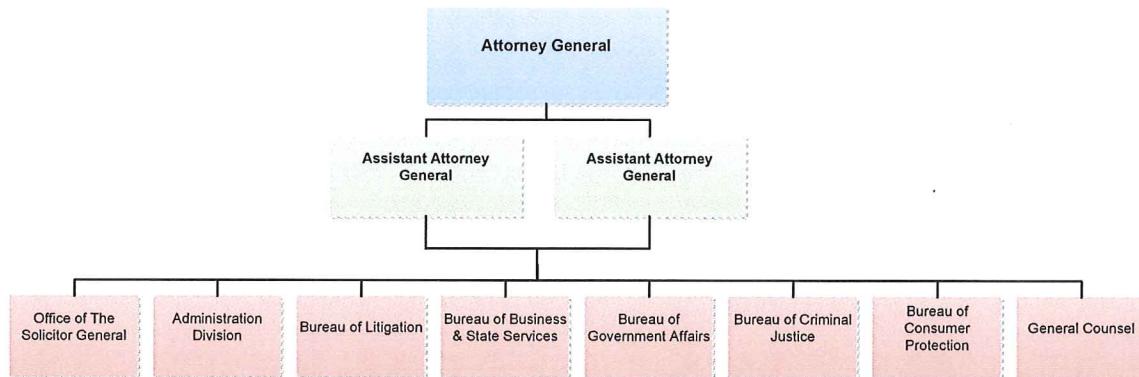
At the request of the Attorney General, we conducted an audit of the Office of the Attorney General (OAG). The Attorney General requested we focus on the OAG's constituent complaints process and offer recommendations to help ensure constituents' complaints are processed timely and effectively.

OAG's Role and Public Purpose

The OAG is responsible for ensuring the law is administered fairly and correctly. As the state's chief law enforcement officer, the Attorney General represents the people of Nevada before trial and appellate courts of Nevada and the United States in criminal and civil matters; serves as legal counsel to state officers, most boards, commissions and departments; and assists the seventeen district attorneys of the state. Exhibit I illustrates the OAG's organizational structure.

Exhibit I

Office of the Attorney General

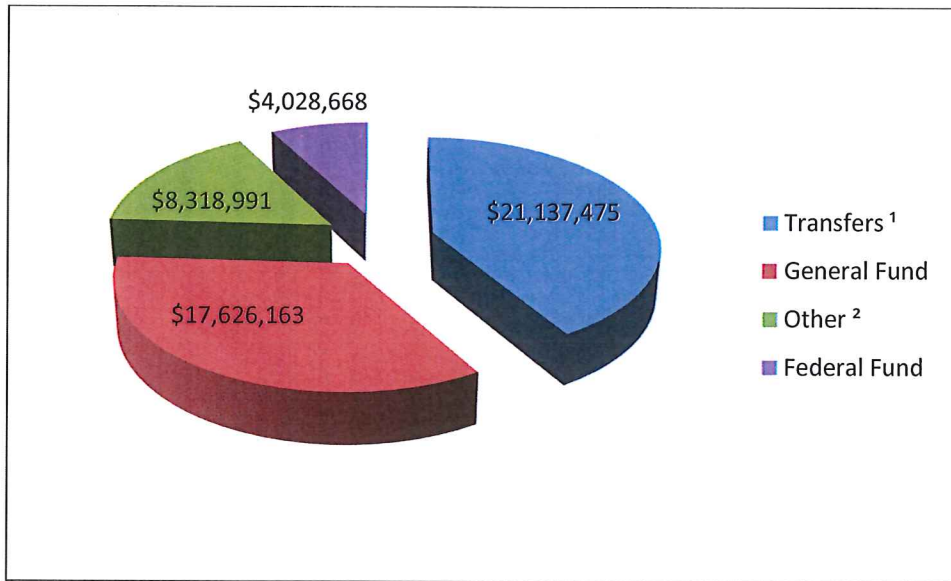


Source: OAG

The fiscal year 2016 budget was approximately \$51 million with 357 authorized full time equivalent positions. See Exhibit II for funding sources.

Exhibit II

OAG Funding Sources



Source: 2016 Legislatively Approved Budget

Table Notes:

¹ Transfers: OAG assessments from other state agencies

² Other: Court assessments, civil penalties, registration fees

Our audit focused on enhancing the timeliness and effectiveness of the constituent complaints process.

Constituent Complaints Process

Constituent complaints (complaints) are received by staff in both the Carson City and Las Vegas offices of the OAG. While there is no actual unit, the OAG refers to staff who receive complaints as the Constituent Service Unit (CSU). Complaints are received through a variety of ways including: walk-ins, phone calls, mail, email, or fax. The OAG receives approximately 25 complaints per day, half of which are received by each office.

CSU staff receive and log complaints and forward them to the appropriate OAG bureau or other entity if it is a non-OAG issue. In some cases CSU staff can resolve the complaint without forwarding it.

Objective and Scope

Our audit focused on the following objective:

- ✓ Can the OAG Enhance the Timeliness and Effectiveness of the Complaints Process?

We began audit work in June 2015. In the course of our audit, we interviewed management and staff of the OAG. We reviewed Nevada Revised Statutes (NRS), the Nevada Administrative Codes, and best business practices. We concluded field work and testing in November 2015.

We performed our audit in accordance with the *Standards for the Professional Practice of Internal Auditing*. The Division of Internal Audits expresses appreciation to the OAG's management and staff for their cooperation and assistance throughout the audit.

Contributor to this report included:

Vita Ozoude, CMA, CGMA, CPA, MBA
Executive Branch Audit Manager

Office of the Attorney General Response and Implementation Plan

We provided draft copies of this report to the OAG for review and comments. The OAG's comments have been considered in the preparation of this report and are included in Appendix A. In its response, the OAG accepted each of the recommendations we made. Appendix B includes a timetable to implement our recommendations.

NRS 353A.090 specifies within six months after the final report is issued to the Executive Branch Audit Committee, the Administrator of the Division of Internal Audits shall evaluate the steps the OAG has taken to implement the recommendations and shall determine whether the steps are achieving the desired results. The administrator shall report the six month follow-up results to the committee and OAG officials.

The following report contains our findings, conclusions, and recommendations.

Can the OAG Enhance the Timeliness and Effectiveness of the Complaints Process?

The Office of the Attorney General (OAG) can enhance the timeliness and effectiveness of its complaint process by centralizing management of Constituent Service Unit (CSU) staff and replacing the CSU database with the case management system used by other OAG staff involved in the complaint process. This will help ensure the complaint process is functioning in a consistent, timely, and effective manner.

Centralize Management of CSU Staff

The OAG should centralize management of CSU staff by assigning a position to oversee CSU functions in both the Carson City and Las Vegas offices. This would ensure consistent, timely, and effective processing of complaints.

Inconsistencies Exist Between Offices

Inconsistencies exist in the manner complaint calls are received in the Carson City and Las Vegas CSU offices. Additionally, inconsistencies exist in the method the offices refer and respond to complaints.

Receiving Complaint Calls – The Las Vegas office is staffed with two full time administrative assistants (AA) who are supervised by an office manager. All these individuals can receive complaint calls thereby providing adequate coverage which allow calls to be answered live as opposed to going to voice mail¹. In Carson City, there is only one AA available full time to receive complaint calls. When the AA is not available, calls are sent to voice mail. Complaints on the Carson City AA's voice mail are subsequently processed by either the AA or legal researchers which includes the AA's supervisor. The legal researchers' primary duty is to provide assistance to attorneys from various OAG bureaus. Consequently, there are times when voice mails are not immediately responded to, unlike the Las Vegas office where calls are answered live.

Referring Complaints – Procedures for referring complaints to other OAG bureaus differ between offices. In Carson City, CSU staff refer complaints to the appropriate bureau or other entity based on the nature of the complaint. In Las Vegas most complaints are referred to the Bureau of Criminal Justice's Fraud Unit (Fraud). The chief of the Fraud Unit stated that only complaints involving potential criminal activity should be referred to Fraud. The improper referring of

¹ Except on weekends and holidays when the office is closed.

complaints to Fraud results in staff sending the complaints back to the CSU and/or spending valuable resources determining where the complaints should be sent.

Responding to Complainants – If a complaint is received in writing, CSU's policy is to respond in writing within 10 days acknowledging receipt and instructing the complainant of any further action to be taken. The custom letters used by the two offices when responding to complaints are not standardized and contain different information.

Additionally, there is no consistent procedure addressing who sends the response letters to the complainants when the complaints are referred to other OAG bureaus. In Carson City, CSU staff will send the letters unless the bureau offers to respond. When the bureau offers to send the letters, there is no procedure to ensure the letters are sent within the 10 day response requirement. In Las Vegas, CSU staff send all letters to ensure timely response.

Centralizing Management May Involve Re-Assigning Staff

Staff in both offices need to report to the position responsible for all CSU functions to provide a centralized management for this Unit. Consequently, some staff performing non-CSU functions may need to be assigned permanently to the CSU.

The Carson City office has an AA dedicated full time to performing CSU functions. The AA reports to a supervising legal researcher who also oversees three legal researchers in Carson City. The supervising legal researcher and her staff perform CSU functions when the AA is on leave.

The Las Vegas office has two AA's who are primarily receptionists, but also perform CSU functions. The AA's report to the legal office manager. The legal office manager serves as the assistant to the Assistant Attorney General and the General Counsel located in the Las Vegas office.

OAG should centralize the management of the CSU by restructuring the reporting functions. As noted above, some of the staff are reporting to an office manager while another is reporting to a legal researcher. This bifurcated management and reporting structure leads to inconsistencies in the way constituent complaints are handled. Centralizing management and reporting functions and assigning someone the responsibility for all CSU functions will help ensure consistency within the two offices; and timely and effective responses to OAG constituent complaints.

Replace CSU Database

The OAG should replace the CSU database with the case management system used by other OAG staff involved in the complaint process. This will help ensure the complaint process is functioning in a consistent, timely, and effective manner by allowing centralized tracking and monitoring of complaints from inception to resolution.

No Centralized Tracking of Complaints

OAG has no centralized tracking of complaints from inception to resolution. CSU staff enter and track complaints in an in-house developed database. The database cannot interface with the case management system used by other OAG staff. Consequently, it is not possible to view the status of a complaint from the time it was received to the time it was resolved by an OAG bureau.

Additionally, when CSU receives a complaint, they have no knowledge of any activity being performed on the complaint subject² by any of the other bureaus. Knowing which, if any, bureau has ongoing activities with the subject will help the CSU determine where to refer the complaint.

Centralized Tracking Allows for High Level Monitoring of Entire Process

Using a case management system which tracks complaints from inception to resolution would allow senior OAG managers to monitor the timeliness and effectiveness of the entire complaint process. Status reports could be created with sufficient information to allow a senior manager to determine if complaints are being resolved timely.

OAG Bureaus Have a Case Management System Which CSU Can Use

OAG bureaus use the Elite ProLaw case management system which can also be used by CSU staff. This would provide centralized tracking of complaints from inception to resolution, and enable CSU staff to determine which, if any, bureau has ongoing activity with the complaint's subject. Additionally, the system can be used to create status reports for senior OAG management allowing them to monitor the entire complaint process.

Replacing the CSU database with the Elite ProLaw case management system will help ensure the complaint process is functioning in a consistent, timely, and effective manner by allowing for centralized tracking and monitoring of complaints from inception to resolution.

² Subject refers to the individual or entity the complaint is regarding.

Recommendations

1. Centralize management of CSU staff
2. Replace CSU database

Appendix A

Office of the Attorney General Response and Implementation Plan



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
555 E. Washington Ave. Suite 3900
Las Vegas, Nevada 89101

ADAM PAUL LAXALT
Attorney General

WESLEY K. DUNCAN
Assistant Attorney General

NICHOLAS A. TRUTANICH
Chief of Staff

December 3, 2015

Steve Weinberger, Administrator
State of Nevada
Governor's Financial Office
Division of Internal Audits
209 East Musser Street, Suite 302
Carson City, NV 89701

RE: Response to 2015 Audit of Constituent Complaint Process

Dear Mr. Weinberger:

Thank you for the thorough review of the Office of the Attorney General's constituent complaint process. We greatly appreciate your Division's professionalism and willingness to assist our office with this review.

As you are aware, Attorney General Laxalt proactively and voluntarily requested this audit by the Division of Internal Audits in December of 2014 prior to his taking office. Improving the organizational structure of the office and the overall responsiveness to clients and constituents has been and remains a top priority for General Laxalt.

With respect to the audit itself, the Office of the Attorney General (OAG) accepts the recommendations contained in the audit to 1) centralize management of the constituent services unit (CSU) staff and 2) to replace the existing CSU database.

The OAG will immediately begin the process of examining and planning how to implement the recommendation to centralize management of the constituent complaint process. However, because this recommendation potentially involves additional staff and/or reassigning existing staff, full implementation of this recommendation may require legislative approval that would not be available until July of 2017 at the earliest.

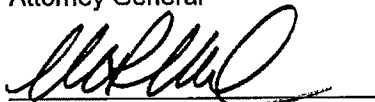
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With regard to the second recommendation in the audit, the OAG will immediately begin the process of training its designated CSU staff on entering and tracking constituent complaints utilizing the Elite Prolaw case management system and anticipate that this process will be fully implemented on or before April 30, 2016.

We concur with the conclusions of the audit that the use of the Elite Prolaw case management system will better allow our office to monitor complaints from inception to resolution and that centralized management of the constituent complaint process will better ensure that complaints are processed in a consistent, timely and effective manner.

Thank you again and please let us know if you require anything further from our office.

ADAM PAUL LAXALT
Attorney General

A handwritten signature in black ink, appearing to read "M. Mersch", written over a horizontal line.

Michael P. Mersch
General Counsel

cc: Adam Paul Laxalt, Attorney General
Nicholas A. Trutanich, Assistant Attorney General
Wesley K. Duncan, Assistant Attorney General

Appendix B

Timetable for Implementing Audit Recommendations

In consultation with the Office of the Attorney General (OAG), the Division of Internal Audits categorized the two recommendations contained within this report into two separate implementation time frames (i.e., *Category 1* – less than six months; *Category 2* – more than six months). The OAG should begin taking steps to implement all recommendations as soon as possible. The OAG's target completion dates are incorporated from Appendix A.

Category 1: Recommendation with an anticipated implementation period of less than six months.

<u>Recommendations</u>	<u>Time Frame</u>
2. Replace CSU database. (page 8)	Apr 2016

Category 2: Recommendation with an anticipated implementation period exceeding six months.

<u>Recommendation</u>	<u>Time Frame</u>
1. Centralize management of CSU staff. (page 8)	Jun 2017

The Division of Internal Audits shall evaluate the action taken by the OAG concerning report recommendations within six months from the issuance of this report. The Division of Internal Audits must report the results of its evaluation to the Executive Branch Audit Committee and the OAG.