

Policy Directives Progress Report

June 13, 2024

James M. Lindsay, Chief of Enforcement



Specific Directives and Reports

- Commission has issued two directives to Enforcement Chief pertaining to case volume
 - Take all appropriate actions within Chief discretion to reduce by 75% the number of open cases existing prior to 1/1/23 as quickly as possible and no later than 12/31/24 (Sec I.A.)
 - Identify and implement such policies and procedures as are necessary to ensure that, for the foreseeable future, the annual number of carryover cases does not exceed 625 (Sec I. B.)
- Enforcement Chief to provide quarterly reports to Commission on achieving goals stated in Section I (Sec I. C.)



Specific Directives
and Stated Goals

Main Goals

- Reduce pre-2023 cases by 75% by end of 2024
- Reduce carryover cases to no more than 625 annually
- Two-Year Case Lifecycle



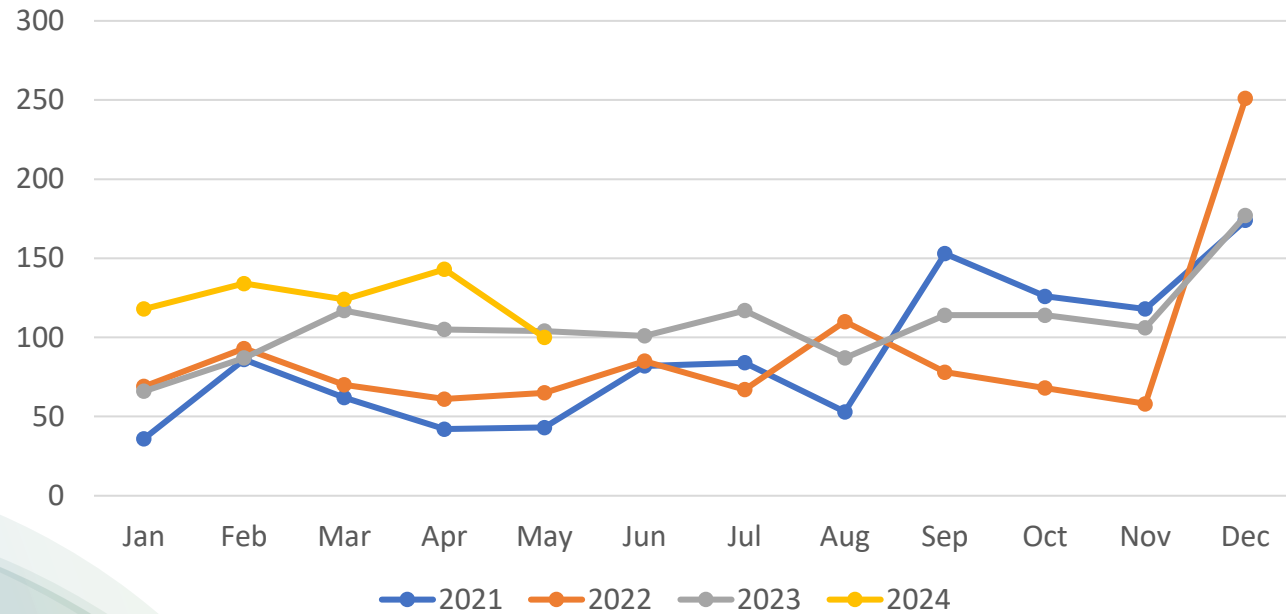
Specific Directives
and Stated Goals

Result?

- Reduced pre-2023 cases by 68% so far
- Reduced carryover cases by 65% so far
- Lowest open case total since 2016
- 66% of cases opened in 2023 closed in 2023

Case Closures Comparison Data

Cases Closed by Month, 2021-2024



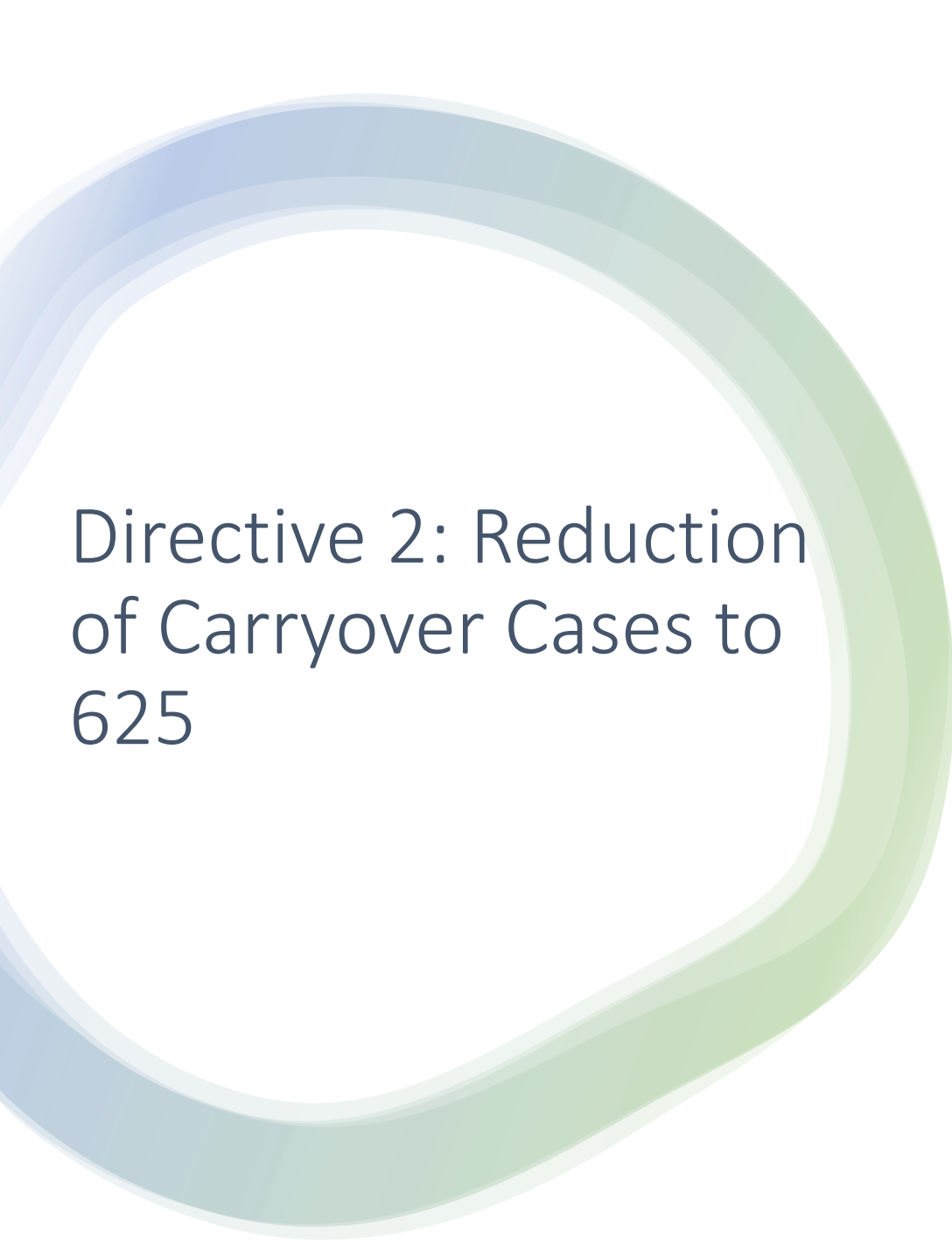
■ Case Closure Data Graph
Comparing case closures over similar period from 2021-2024

- 2024: 642 Closures
- 2023: 1,229 Closures
- 2022: 1,006 Closures
- 2021: 1,023 Closures

Directive 1: 75% Reduction of Pre-2023 Cases

- Closed through May 31, 2024: 975 Pre-2023 cases for 68% reduction
 - Focus on 2016-2020 cases where roughly 80% reduction achieved
- Closures needed to achieve 75% reduction: 85

Year	# of Cases as of January 1, 2023	# of Cases as of May 31, 2024	Difference in Caseload for 2016-2022 Cases
2016	3	0	-3
2017	5	0	-5
2018	89	8	-81
2019	195	22	-173
2020	301	100	-201
2021	382	122	-260
2022	440	188	-252
Total	1,415	440	-975



Directive 2: Reduction of Carryover Cases to 625

- Baseline: 1,415 carryover cases on December 31, 2022
- May 31, 2024: 917 cases – Reduction of 498 open cases
 - Roughly 65% of directive achieved
 - Lowest open case total since 2016 (885-946)
- The road to 625
 - Short-term goal: Maintain gains through 2024 General Election
 - Long-term goal: 850 active cases by June 2025
 - Impediments to long-term goal are election year increased activity and greater incremental difficulty in resolving open cases
 - ❖ Significant upward trend in PC proceedings, accusations
 - ❖ Upward trend in case resolutions with penalties

Section II Goals: 2-Year Case Lifecycle

- Goal of Enforcement Division shall be to resolve complaints and referrals within two years of receipt
- Establish and maintain system for efficient allocation and completion of workload consistent with policy to resolve cases within two years
- Data insufficient to thoroughly assess progress currently because many cases less than one-year old but important data points include:
 - Roughly 66% of cases opened in 2023 were resolved within 2023 (more than 10% higher than in previous recent years)
 - Unresolved complaints and referrals have been reduced
 - As the Policy Directives acknowledge, it is not possible to resolve every case within two years of receipt, but the trend is that a very high percentage of 2023 cases will be resolved by December 31, 2024
- Continued success on case reduction directives will naturally support the two-year lifecycle going forward

Directive 3 – Data Comparison

Year	Complaints Received	Referrals Received	Cases Opened	Cases Closed
2020	1,390	1,518	1,155	1,526
2021	606	1,751	1,185	1,058
2022	1,379	1,724	990	1,075
2023	653	1,971	831	1,295
2024	415	642	601	642

- Increase in complaints during election years, 2020 and 2022
 - Complaints increased during 2024 Primary Election
 - Expect to see significant increase during 2024 General Election
- Increase in referrals in recent years but decreased in the first half of 2024
- Case openings increased in first half of 2024 due to increased efficiency in processing complaints and referrals by the Intake Team

Intake Unit Restructuring, Expansion and Performance

- Restructure of Intake in February 2023 to include attorneys for more complex complaint analyses
- Addition of SSA positions to more timely and efficiently handle the increased filing officer referrals
- Focus on policies and procedures to efficiently and effectively process complaints, reduce open cases and put those cases in position to be quickly picked up by investigations and prosecutions staff
- Focus on movement of older intake cases to Prosecutions Unit
- Restructuring and Expansion of Intake has led to a changed composition of cases and quicker resolution of cases

- Highly successful reduction of existing caseload seen in both units
- Investigations policy and procedure
 - Increased multi-level team case review
 - Faster identification of cases where investigation has not revealed violation of the Act
 - Commencement of investigations in consultation with unit supervisors, where appropriate, in instances where there has been limited or no attorney involvement
 - Increased closure rate
- Prosecutions policy and procedure
 - Increased multi-level team case review
 - Prioritized review of investigation materials
 - In consultation with Assistant Chiefs, Identification and review of cases that appear ready for closure
 - Streamline evaluations
 - Sharp increased use of advanced prosecution tools

Investigations and Prosecutions

Looking Forward

- Keep doing what we've been doing so well!
 - Continued focus on resolving or moving older cases forward
 - Continued efficiency in complaint and referral handling
 - Continued quicker movement to probable cause proceedings
- Election Activities
 - Proactive Pre-election Outreach
 - Prioritizing the processing of General Election related complaints
- Fully Staffed in June by Adding:
 - Special Investigator
 - AGPA (Prosecution support)
 - Attorney (Intake)