

December 2024
PE 24-07-680

AGENCY REVIEW

PROSECUTING ATTORNEYS INSTITUTE

AUDIT OVERVIEW

The Prosecuting Attorneys Institute Fulfills Its Mandate of Providing Training Opportunities to County Prosecuting Attorneys and Their Staffs

The Prosecuting Attorneys Institute Fulfills Its Mandate in Providing Technical and Professional Publications, Legal Research, and Technical Assistance for County Prosecuting Attorneys and Their Staffs

The Prosecuting Attorneys Institute Website Needs More Improvement Overall to Enhance User-Friendliness and Transparency



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WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314
State Capitol Complex
Charleston, West Virginia 25305
(304) 347-4890

John Sylvia
Director

Jill Mooney
Research Manager

Andrew Holt
Research Analyst

Lukas Griffith
Referencer

WEST VIRGINIA LEGISLATURE
Performance Evaluation and Research Division

1900 Kanawha Blvd. East
Building 1, Room W-314
Charleston, WV 25305-0610
(304) 347-4890



John Sylvia
Director

December 9, 2024

The Honorable Jack Woodrum
State Senate
Building 1, Room 214W
1900 Kanawha Boulevard, East
Charleston, WV 25305

The Honorable Chris Phillips
House of Delegates
Building 1, Room 213E
1900 Kanawha Boulevard, East
Charleston, WV 25305

Dear Chairs:

Pursuant to the West Virginia Performance Review Act, West Virginia Code §4-10-7, we are transmitting an Agency Review of the *Prosecuting Attorneys Institute*. The issues covered herein are:

1. The Prosecuting Attorneys Institute Fulfills Its Mandate of Providing Training Opportunities to County Prosecuting Attorneys and Their Staffs
2. The Prosecuting Attorneys Institute Fulfills Its Mandate in Providing Technical and Professional Publications, Legal Research, and Technical Assistance for County Prosecuting Attorneys and Their Staffs
3. The Prosecuting Attorneys Institute Website Needs More Improvement Overall to Enhance User-Friendliness and Transparency

We transmitted a draft copy of the report to the agency on November 14, 2024. The agency opted not to have an exit conference. We received the agency's written response on November 20, 2024. If you have any inquiries on this report, please let me know.

Sincerely,
John Sylvia
John Sylvia

Enclosure

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EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted a performance review of the Prosecuting Attorneys Institute (Institute) as part of the Agency Review of the Department of Administration pursuant to the Performance Review Act, Chapter 4, Article 10, of the West Virginia Code. Objectives of this audit were to determine whether the Institute provided general and specialized training programs for elected county prosecuting attorneys and their staffs, to determine whether the Institute provided materials for elected county prosecuting attorneys and their staff, including legal research, technical assistance, and technical and professional publications, and to evaluate the Institute's website for user-friendliness and transparency. The issues of this report are highlighted below.

Frequently Used Acronyms in this Report:

PERD- Performance Evaluation and Research Division

Report Highlights:

Issue 1: The Prosecuting Attorneys Institute Fulfills Its Mandate of Providing Training Opportunities to County Prosecuting Attorneys and Their Staffs

- PERD finds that the Institute adequately performs its statutory duty of providing general training sessions where it offers various courses and speakers dealing with prosecutorial matters.
- Additionally, the Institute offers specialized training sessions, generally in the spring and fall, on topics including child abuse and sexual assault for those who aid prosecuting attorneys, including law enforcement personnel, social workers, and victim advocates.

Issue 2: The Prosecuting Attorneys Institute Fulfills Its Mandate in Providing Technical and Professional Publications, Legal Research, and Technical Assistance for County Prosecuting Attorneys and Their Staffs

- PERD found that the Institute provides prosecuting attorneys and their staffs with legal publications and legal research.
- The Institute annually distributes materials on changes to criminal law and the criminal justice system resulting from legislative actions, and court rulings from both the U.S. Supreme Court and the West Virginia Supreme Court of Appeals.

Issue 3: The Prosecuting Attorneys Institute Website Needs More Improvement Overall to Enhance User-Friendliness and Transparency

- The Institute's website needs more improvement in user-friendliness features.
- The Institute's website could also benefit from additional transparency features such as budget data, website updates, and agency history.

PERD's Response to the Agency's Written Response

The Institute provided its written response to the report on November 20, 2024 (see Appendix C). The Institute reported that it agrees with the findings and recommendations in the report and is in the process of implementing the recommendation regarding its website. The agency also states that it agrees ideologically with tracking data and will give the recommendation serious thought. However, it is concerned that a tracking system may distract from its primary mission by occupying time that would otherwise be devoted to producing the deliverables that are being tracked.

Recommendations

1. *The Prosecuting Attorneys Institute should consider tracking data on the number of requests made, the types of assistance its staff provides, and the amount of time involved in responding to requests.*
2. *The Prosecuting Attorneys Institute should consider improving the user-friendliness and transparency of its website by incorporating more of the identified website elements.*

ISSUE 1

The Prosecuting Attorneys Institute Fulfills Its Mandate of Providing Training Opportunities to County Prosecuting Attorneys and Their Staffs

Issue Summary

The West Virginia Prosecuting Attorneys Institute (Institute) is a public body whose membership consists of the 55 elected county prosecuting attorneys in the state. The Institute has an executive director and 4 employees, and it is governed by a nine-member executive council comprised of 7 county prosecuting attorneys elected by the 55 members of the Institute, and 2 persons appointed by the West Virginia County Commissioner's Association. PERD finds that the Institute adequately performs its statutory duty of providing general training sessions where it offers various courses and speakers dealing with prosecutorial matters. Additionally, the Institute offers specialized training sessions, generally in the spring and fall, on topics including child abuse and sexual assault for those who aid prosecuting attorneys, including law-enforcement personnel, social workers, and victim advocates. The Institute works with the West Virginia Prosecuting Attorneys Association to create relevant training and further considers training session evaluation feedback from training session attendees for future training.

PERD finds that the Institute adequately performs its statutory duty of providing general training sessions where it offers various courses and speakers dealing with prosecutorial matters.

The Institute Provides General and Specific Training Programs for County Prosecuting Attorneys and Their Staffs Every Year

Under West Virginia Code §7-4-6(d)(2), a duty of the Institute includes:

The establishment and implementation of general and specialized training programs for prosecuting attorneys, their staffs and, where determined practical by the executive council and executive director, all statutorily authorized law-enforcement or investigative agencies of the state or its political subdivisions.

The Institute offers biannual general training sessions for West Virginia's elected county prosecuting attorneys and assistant prosecutors. These biannual training sessions are held in conjunction with the West Virginia Prosecuting Attorneys Association, which is a private non-profit organization comprising the state's county prosecuting attorneys and assistant prosecutors that co-sponsors the biannual general training programs. The Institute indicates it seeks input from the Association's education committee in designing the biannual training programs. During

these training sessions, current topics are considered, prosecutorial best practices are taught, legislative and legal updates are shared, and attendees are made aware of new tools and trends. Topics may include, for example, using artificial intelligence in service to the prosecution or new issues dealing with DNA. Additionally, the Institute reviews course evaluations to enhance future training sessions. PERD finds that the comments submitted after each training session suggest that the sessions are generally considered satisfactory, useful, and have quality subject matters and effective speakers.

According to the Institute, attendees pay a fee to cover the training costs. The registration fees vary depending on the training session's mode and attendees' status. For example, the Summer 2024 in-person training session cost was \$300, but \$220 for simulcast attendance. The Institute states that counties pay the fees for their prosecuting attorneys and assistant prosecuting attorneys.

The general training sessions are usually held at one of five locations around the state: Stonewall Resort State Park, Oglebay Park, Snowshoe Mountain Resort, Charleston, and the Greenbrier Resort. PERD examined the Institute's attendance records. The data are shown below in Table 1. Most of West Virginia's 55 counties are represented at each of the Institute's training sessions, and counties have on average 2 to 3 in attendance.

PERD finds that the comments submitted after each training session suggest that the sessions are generally considered satisfactory, useful, and have quality subject matters and effective speakers.

Table 1 Prosecuting Attorneys Institute Counties in Attendance at General Training Programs Summer 2022 through Summer 2024		
Training Date	Number of Counties Represented	Number of Prosecuting Attorneys and Assistant Prosecuting Attorneys in Attendance
Summer 2022	46	130
Winter 2022	43	135
Summer 2023	43	168
Winter 2023	44	113
Summer 2024	46	131
<i>Source: PERD analysis of Prosecuting Attorney information.</i>		

Aside from the biannual training programs, the Institute provides other training programs that are under the category of specialized training programs.

Aside from the biannual training programs, the Institute provides other training programs that are under the category of specialized training programs. Specialized training sessions are typically held at the West Virginia State Police Academy in Dunbar, South Charleston,

or Clarksburg. In calendar year 2023, for example, the Institute reports that nearly 500 prosecuting attorneys, key personnel, victim advocates, and law-enforcement personnel attended specialized training sessions. The Institute generally offers specialized training each year in the spring and fall. As shown in Table 2, from FY 2022 through FY 2024, the Institute’s specialized training included a Sexual Assault Trial School, two Prosecution Skills Courses, and six ChildFirst training sessions, which focus on training front-line child abuse professionals in forensic interviewing techniques. Law-enforcement personnel, child protective service workers, and social workers are the primary attendees of these trainings.

Table 2 Prosecuting Attorneys Institute Specialized Training Sessions FY 2022 through FY 2024	
Course Title	Training Date
ChildFirst	October 4-8, 2021 May 16-20, 2022 October 3-7, 2022 April 17-21, 2023 October 2-6, 2023 April 15-19, 2024
Prosecution Skills Course	September 19-23, 2022 September 18-22, 2023
Sexual Assault Trial School	March 20-24, 2023
Source: Prosecuting Attorneys Institute	

From FY 2022 through FY 2024, the Institute’s specialized training included a Sexual Assault Trial School, two Prosecution Skills Courses, and six ChildFirst training sessions, which focus on training front-line child abuse professionals in forensic interviewing techniques. Law-enforcement personnel, child protective service workers, and social workers are the primary attendees of these trainings.

Conclusion

An important duty of the Prosecuting Attorneys Institute, under W. Va. Code §7-4-6(d)(2), is to provide general and specialized training for prosecuting attorneys and other entities involved in the judicial system. The frequency of the training allows ample opportunities for people to attend, and the various subject matters are beneficial to a wide range of personnel including county prosecuting attorneys, their staff, social workers, victim advocates, and law-enforcement. The Institute’s course evaluations are also helpful in enhancing the training sessions and keeping them relevant.

ISSUE 2

The Prosecuting Attorneys Institute Fulfills Its Mandate in Providing Technical and Professional Publications, Legal Research, and Technical Assistance for County Prosecuting Attorneys and Their Staffs

Issue Summary

Another statutory purpose of the Institute is to provide the state's elected county prosecuting attorneys and their staffs with technical and professional publications and materials, legal research and technical assistance related to criminal prosecutorial matters. PERD found that the Institute provides prosecuting attorneys and their staffs with legal publications and legal research. An additional statutory purpose of the Institute is to compile and disseminate current developments and changes in the law and administration of criminal justice. PERD found that the Institute annually distributes materials on changes to the criminal law and criminal justice system resulting from legislative actions, and court rulings from both the U.S. Supreme Court and West Virginia Supreme Court of Appeals.

PERD found that the Institute provides prosecuting attorneys and their staffs with legal publications and legal research.

The Institute Assists County Prosecuting Attorneys and Assistant Prosecutors Through Legal and Technical Research as well as Technical and Professional Publications

West Virginia Code §7-4-6(d)(4) requires the Institute to provide prosecuting attorneys and their staffs with legal research, technical assistance, and professional publications. The Institute indicates it provides answers weekly to questions from prosecuting attorneys and assistant prosecutors upon request, and oftentimes answers to those questions require legal research. The Institute stated that it does not keep formalized timesheets or statistics relative to the amount of time or type of research it provides when called upon; therefore, it is unable to break down the type of assistance requested, or the estimated amount of time given to such requests. The Institute states that most of these contacts are via telephone, with an estimated average length of 10-15 minutes per call. However, according to the Institute, its staff has spent hours in some cases on research and consultations. Although the Institute acknowledges that gathering data on the type of assistance provided and the time involved could be beneficial, it determines that the value of gathering such data "would be outweighed by the burden of trying to create it." However, the Institute stated that tracking such information may be "something to consider" in the future.

The Institute stated that it does not keep formalized timesheets or statistics relative to the amount of time or type of research it provides when called upon.

Although the Institute acknowledges that gathering data on the type of assistance provided and the time involved could be beneficial, it determines that the value of gathering such data "would be outweighed by the burden of trying to create it."

The Institute also provides practice-related materials within the presentations offered during the winter and summer general training

sessions as well as the specialized trainings. Additionally, in 2022, the Institute provided a practice manual, published by the National District Attorneys Association, to prosecuting attorneys to illustrate best practices in prosecutorial procedures. The National District Attorneys Association provides training by prosecuting attorneys for such attorneys.

The Institute Informs Prosecuting Attorneys on Current Developments and Changes in the Law

West Virginia Code §7-4-6(d)(5) requires the Institute to provide prosecuting attorneys and their staffs with information on current developments, changes in the law, and changes in the administration of criminal justice. Each year at the summer general training session, the Institute provides “Legislative Updates” that list and provide details on all West Virginia Code changes related to prosecutorial matters or criminal law. During the summer general training session, “Supreme Courts Updates” are also provided. These provide an overview of relevant rulings from both the West Virginia Supreme Court of Appeals and the United States Supreme Court.

Each year the Institute provides “Legislative Updates” that list and provide details on all West Virginia Code changes related to prosecutorial matters or criminal law.

Conclusion

The Institute offers West Virginia’s elected county prosecuting attorneys and their staff materials and information on legal and prosecutorial matters. These materials are relevant to the prosecutorial community as well as other entities within the judicial system. The Institute also makes itself available to West Virginia’s prosecutors by telephone, offering both technical assistance and legal research. Furthermore, the Institute demonstrates a commitment to informing the prosecuting attorneys on changes to criminal law and developments in the administration of criminal justice.

“Supreme Courts Updates” are also provided. These provide an overview of relevant rulings from both the West Virginia Supreme Court of Appeals and the United States Supreme Court.

Recommendation

1. *The Prosecuting Attorneys Institute should consider tracking data on the number of requests made, the types of assistance its staff provides, and the amount of time involved in responding to requests.*

ISSUE 3

The Prosecuting Attorneys Institute Website Needs More Improvement Overall to Enhance User-Friendliness and Transparency

Issue Summary

In order to actively engage with a state agency online, citizens must first be able to access and comprehend the information on government websites. Every website should include some elements, such as a search tool and contact information including the physical and email address, telephone number, and the names of administrative officials. Other elements such as social media links, and graphics may not be necessary or practical for some state agencies. Table 3 shows the Institute integrates 42 percent of checklist items in its website. This measure indicates that the Institute needs to make more improvements overall in the user-friendliness and transparency of its website.

Table 3 Prosecuting Attorneys Institute Website Evaluation Score			
Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
	PAI 42%		
Source: PERD's review of the Prosecuting Attorneys Institute website as of July 2, 2024.			

The Institute integrates 42 percent of checklist items in its website. This measure indicates that the Institute needs to make more improvements overall in the user-friendliness and transparency of its website.

The Prosecuting Attorneys Institute's Website Scores Moderately in User-Friendliness and Transparency

It has become common and expected that governments convey to the public what they are doing through website technology. Therefore, government websites should be designed to be user-friendly. A user-friendly website is understandable and easy to navigate from page to page. Government websites should also provide transparency of an agency's operation to promote accountability and trust. A number of organizations have developed assessment criteria to evaluate federal and state government websites for transparency and user-friendliness. The Office of the Legislative Auditor conducted a literature review on assessments of governmental websites and developed an assessment checklist to evaluate West Virginia's state agency websites (Appendix I). The assessment checklist lists several website elements including a search

tool, public records, budget data, mission statement, an organizational chart, Freedom of Information request, agency history, and website update status. An agency can score a total of 50 points on the checklist, 18 in user-friendliness and 32 in transparency. As illustrated in Table 4, the Institute’s website scored a total of 21 points. This total comprises 9 points, or 50 percent, for user-friendliness and 12 points, or 38 percent, of the possible points for transparency. This means the website needs more enhancements overall with respect to user-friendliness and transparency. **The Institute should consider improving the user-friendliness and transparency of its website by incorporating more of the website elements identified.**

Table 4 Prosecuting Attorneys Institute Website Evaluation Score			
Category	Possible Points	Agency Points	Percentage
User-Friendly	18	9	50%
Transparency	32	12	38%
Total	50	21	42%
<i>Source: PERD’s review of the Prosecuting Attorneys Institute website as of July 2, 2024.</i>			

The Institute’s website scored a total of 21 points. This total comprises 9 points, or 50 percent, for user-friendliness and 12 points, or 38 percent, of the possible points for transparency.

The Prosecuting Attorneys Institute’s Website Is Navigable, But Additional User-Friendly Features Should Be Considered

The Institute’s website is easy to navigate. The website displays a search box on every page, has site functionality allowing users to adjust font size, and agency contact information. Furthermore, it has a sitemap, and every page is linked to the agency’s homepage. However, there are other checklist items the Institute should consider incorporating, such as a FAQ section and mobile functionality. Additionally, according to the Flesch-Kincaid Reading Test, the average readability of the website’s text is higher than the recommended 7th grade level for readability. The pages range from an 8th grade level to a 12th grade level for readability.

There are other checklist items the Institute should consider incorporating, such as a FAQ section and mobile functionality.

User-Friendly Considerations

Although some items may not be practical for the Institute, the following are attributes that should be considered to improve user-friendliness:

- **FAQ Section** – A help link that allows users to access the agency’s

most frequently asked questions and responses.

- **Foreign language accessibility**- A link to translate all webpages into languages other than English.
- **Mobile Functionality** - The agency's website is available in a mobile version and/or the agency has created mobile applications (apps).
- **Online Survey/Poll**- A short survey that pops up and requests users to evaluate the website.
- **RSS Feeds**- This allows subscribers to receive regularly updated work (i.e. blog posts, announcements, news stories, audio/video, etc.) in a standardized format.

The Website Has Several Transparency Features but Improvements Can Be Made

A website that is transparent should promote accountability and provide information for citizens about how well the Institute is performing, as well as encouraging public participation. The Institute's website contains important transparency features such as email contact information, its telephone number and address, contact information for employees, an ability to send a direct message, some W. Va. Code information, and some forms and publications. However, the Institute should consider implementing several checklist items listed below.

The Institute's website contains important transparency features such as email contact information, its telephone number and address, contact information for employees, an ability to send a direct message, some W. Va. Code information, and some forms and publications.

- **Administrator's Biography** - A biography explaining the administrator(s) professional qualifications and experience.
- **Budget** – Budget data at the checkbook level, ideally in a searchable database.
- **FOIA Information** – Information on how to submit a FOIA request, ideally with an online submission form.
- **Agency History** – A page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.
- **Website Updates** – A website update status on screen and ideally for every page.

Conclusion

PERD finds that more overall improvements are needed to the Prosecuting Attorneys Institute website. The website can benefit from incorporating various common features. The Institute has pertinent public information on its website, including its contact information, employee information, its mission statement, and an ability to send a

message. However, providing website users with additional elements and capabilities, as suggested in the report, would increase user-friendliness and transparency.

Recommendation

2. *The Prosecuting Attorneys Institute should consider improving the user-friendliness and transparency of its website by incorporating more of the identified website elements.*

Appendix A

Transmittal Letter

WEST VIRGINIA LEGISLATURE

Performance Evaluation and Research Division

1900 Kanawha Blvd. East
Building 1, Room W-314
Charleston, WV 25305-0610
(304) 347-4890



John Sylvia
Director

November 14, 2024

Philip W. Morrison, II, Executive Director
Prosecuting Attorneys Institute
1124 Smith Street, Suite 4500
Charleston, WV 25301

Dear Mr. Morrison:

This is to transmit a draft copy of the Agency Review of the Prosecuting Attorneys Institute. This report is tentatively scheduled to be presented during the December 8-10, 2024, interim meeting of the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to answer any questions committee members may have during or after the meeting.

If you would like to schedule an exit conference to discuss any concerns you may have with the draft report, please notify us by Monday, November 18, 2024. In addition, we will need your written response by noon on Tuesday, November 26, 2024, for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 304-340-3192 by Thursday, December 5, 2024, to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. However, we advise that you inform any non-state government entity of the content of this report if that entity is unfavorably described, and request that it not disclose the content of the report to anyone unaffiliated with its organization. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

C: John K. McHugh, Acting Cabinet Secretary
Department of Administration

Appendix B

Objectives, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this performance review of the Prosecuting Attorneys Institute (Institute) as part of the agency review of the Department of Administration, as required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the West Virginia Code, as amended. The purpose of the Institute, as established in West Virginia Code §7-4-6, includes training West Virginia’s elected county prosecuting attorneys and their staffs, and providing the same with training materials and assistance.

Objectives

An objective of this review was to determine whether the Institute provides general and specialized training programs for elected county prosecuting attorneys and their staff as required by W. Va. Code §7-4-6(d)(2). An additional objective was to determine whether the Institute provides materials for elected county prosecuting attorneys and their staff, including legal research, technical assistance, and technical and professional publications as required by W. Va. Code §7-4-6(d)(4) and (5). A third objective was to assess the Institute’s website for user-friendliness and transparency.

Scope

This review focused on the Institute’s general and specialized training to elected county prosecuting attorneys and their staff from fiscal year 2022 through 2024. The review also evaluated the number of attendees in training sessions, the number of counties represented in training sessions, the topics of discussion, any feedback received, the legal research and technical assistance provided, the manner (in person, telephone, mail, email) in which materials and publications were distributed, and to whom the materials and research were provided. PERD also reviewed key features of the Institute’s website as they relate to user-friendliness and transparency.

Methodology

PERD gathered and analyzed several sources of information and conducted audit procedures to assess the sufficiency and appropriateness of the information used as audit evidence. The information gathered and audit procedures are described below. Testimonial evidence was gathered for this review through interviews with Institute staff or other agencies to gain an understanding of agencies’ policies and procedures, or internal controls. Testimonial evidence was confirmed by written statements and in some cases by corroborating evidence to determine the sufficiency and appropriateness of the evidence used in the report.

PERD obtained and analyzed the Institute’s registration lists and course evaluations. PERD also obtained copies of Institute emails showing recipients and message content to confirm the extent to which the Institute notifies counties of available course announcements. Publications and legal research compiled and disseminated by the Institute were evaluated to determine if the agency provided updates on current developments, changes in the law, and the administration of criminal justice.

In order to evaluate state agency websites, PERD conducted a literature review of government website studies, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites to establish a master list of essential website elements. The Brookings Institute’s “2008 State and

Federal E-Government in the United States” and the Rutgers University’s 2008 “U.S. States E-Governance Survey (2008): An Assessment of State Websites” helped identify the top ranked states regarding e-government. PERD identified three states (Indiana, Maine, and Massachusetts) that were ranked in the top 10 in both studies and reviewed their main portals for trends and common elements in transparency and open government. PERD also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because some of the technology may not be practical or useful for some state agencies. Therefore, PERD compared the Institute website to the established criteria for user-friendliness and transparency so that the Institute can determine if it is progressing in step with the e-government movement and if improvements to its website should be made.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix C

Agency Response

GOVERNOR
JIM C. JUSTICE

CABINET SECRETARY
JOHN K. McHUGH

EXECUTIVE DIRECTOR
PHILIP W. MORRISON, II

DEPUTY DIRECTOR
SHERRY S. ELING



1124 Smith Street, Suite 4500
Charleston, West Virginia 25301
Telephone: (304) 558-3348
Facsimile: (304) 558-6008
www.pai.wv.gov

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November 20, 2024

John Silva, Director
Performance Evaluation and Research Division
Joint Committee on Government and Finance
1900 Kanawha Blvd. E.
Bldg. 1 Rm. W-314
Charleston, WV 25305-0610

Dear Sir,

Thank you for the opportunity to review and comment on the draft copy of your team's recent Agency Review of the West Virginia Prosecuting Attorneys Institute. First, I'd like to mention that we found the members of your team that we interacted with during this process, Ms. Mooney and Mr. Holt, to be very professional, polite and efficient. They fostered a positive, collegial atmosphere which resulted in an insightful product.

As to Issue One: We are very pleased to see that your team recognized the work the Institute staff puts into training opportunities for the State's prosecutors. Prosecution is a profession of constant reinvention, and we strive to perpetually bring current topics and best practices to the table for our clientele so that they can evolve as needed.

As to Issue Two: Again, we are very pleased that your team found that the staff at the Institute fulfills its mandate in providing technical and professional publications, legal research, and assistance to the State's prosecutors. As I understand it, your team did recommend that we track our interaction with our clientele regarding parts three and four of this issue (parts one and two being satisfactorily delivered at the training conferences which were the subject of *Issue One*).

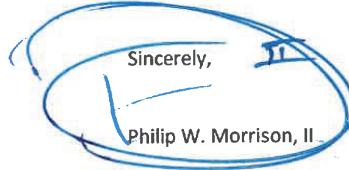
As was pointed out by your team in the body of the issue summary, we ideologically agree with your team's recommendation that we consider tracking data on the number of requests made for assistance or legal research. Such data would have a number of beneficial uses for our agency and future performance reviews.

We will certainly give this recommendation serious thought though I should caution that we have to do so with due consideration to the limited personnel resources we operate with to meet our statutorily mandated tasks. Our most poignant concern in this regard is that the time spent developing a tool and subsequently engaging in such data tracking through its use may well interfere with the agency's primary mission by occupying time that should be spent in producing the deliverables that are being tracked.

As to Issue Three: The Institute welcomes your team's feedback regarding improving our website. We agree with the proposition that citizens should be able to access and comprehend the information on our website. We have digested the recommendations of your team, and we are already working toward changing the website in accord with some of them.

Our intention is to first pick off some of the low hanging fruit and then work our way toward items that are more difficult to implement. Some of the items we are already working on include the addition of a link to our lone procedural rule, adding the agency's history and an organizational chart, adding a link to the personnel division for job postings and including website update status on each page. Perhaps then we can move on to an FAQ section and a help link, and so on.

Again, thank you for the opportunity and, until we speak again, I remain

Sincerely,

Philip W. Morrison, II

Appendix I

Website Criteria Checklist and Points System

Prosecuting Attorneys Institute Website Criteria Checklist and Points System			
User-Friendly	Description	Total Points Possible	Total Agency Points
Criteria	The ease of navigation from page to page along with the usefulness of the website.	18	9
		Individual Points Possible	Individual Agency Points
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2 points
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?")	2 points	1 Point
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0 Points
Content Readability	The website should be written on a 6 th -7 th grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	8 th -12 th grade
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	2 points
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department's entire site should be located on the bottom of every page.	1 point	1 point
Mobile Functionality	The agency's website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	0 points
Navigation	Every page should be linked to the agency's homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points

Prosecuting Attorneys Institute Website Criteria Checklist and Points System			
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	0 points
Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	1 point
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0 points
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.	1 point	0 points
Transparency	Description	Total Points Possible	Total Agency Points
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	32	12
		Individual Points Possible	Individual Agency Points
Email	General website contact.	1 point	1 point
Physical Address	General address of state agency.	1 point	1 point
Telephone Number	Correct telephone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	0 points
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2 points
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	0 points

Prosecuting Attorneys Institute Website Criteria Checklist and Points System			
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	1 point
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	0 points
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0 points
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	1 point
Mission statement	The agency's mission statement should be located on the homepage.	1 point	1 point
Agency history	The agency's website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.	1 point	0 points
Public Records	<p>The website should contain all applicable public records relating to the agency's function. If the website contains more than one of the following criteria the agency will receive two points:</p> <ul style="list-style-type: none"> • Statutes • Rules and/or regulations • Contracts • Permits/licensees • Audits • Violations/disciplinary actions • Meeting Minutes • Grants 	2 points	1 point
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	1 point

Prosecuting Attorneys Institute Website Criteria Checklist and Points System			
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	0 points
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	1 point
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	0 points
Performance measures/outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	0 points
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	0 points
Job Postings/links to Personnel Division website	The agency should have a section on homepage for open job postings (1) and a link to the application page Personnel Division (1).	2 points	1 point



WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

PERFORMANCE EVALUATION & RESEARCH DIVISION

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | www.wvlegislature.gov/Joint/perd.cfm | fax: 1- 304-347-4939