

**Office of the
Attorney General**





Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

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September 13, 2021

David Schumacher, Director
Office of Financial Management
P.O. Box 43113
Olympia, WA 98504-3113

Dear David:

Enclosed please find the 2022 Supplemental Budget Request from the Attorney General's Office (AGO) addressing critical agency and litigation needs. We are mindful of the ongoing limitations on state resources and continue to provide the best possible legal services for our clients and the people of Washington working within these constraints.

My top priorities this year have three main themes: Public Safety, At Risk Communities, and Infrastructure to Provide the State with High Quality Legal Services.

Public Safety

The prosecution of *State v. Burbank, Collins, and Rankine* is the prosecution of three police officers accused of criminally causing the death of Manuel Ellis. Mr. Ellis died in the custody of Tacoma Police officers on March 3, 2020. In June 2020, Governor Inslee asked the AGO to review the investigation for criminal charges and prosecute any charges that were warranted. Criminal charges were filed against Burbank, Collins, and Rankine in May 2021.

We request state funding to support the prosecution of Sexually Violent Predators (SVP) for the AGO and the King County Prosecuting Attorney – the two agencies in the state that perform this unique work. SVPs are violent sex offenders who, because of a mental abnormality and/or personality disorder, are proven likely to engage in predatory acts of sexual violence if released. Currently, the funding allocated for this work falls far short of historical costs.

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My office continues to clear the backlog of untested kits in the Federal Sexual Assault Kit Initiative (SAKI), collect DNA owed by felons, and to further unresolved sexual assault related investigations. Our request is for additional authority to spend the federal grants and complete this important work.

At Risk Communities

The Legislature appropriated \$500,000 to the AGO to “coordinate a statewide response to the urgent problem of missing and murdered indigenous women” by leading the Missing and Murdered Indigenous Women and People Task Force. Due to a drafting error, Governor Inslee vetoed this section. The Governor and the Legislature asked the AGO to begin this work with no funding, with the promise that funding would be provided in the supplemental. The AGO is currently doing this important work and funding is needed to complete it.

We also request an increase to the critical legal support necessary to realize the state’s commitment to the best interests of Indian children. Two recent Supreme Court rulings significantly expanded the number of children covered by the Indian Child Welfare Act (ICWA) and heightened the standards and additional legal elements the Department of Children, Youth and Families must prove in cases where ICWA applies.

Legal Infrastructure

As the largest public law firm in the state, the AGO represents the interests of client agencies and defends all cases and claims brought against state agencies, boards, commissions, state officials, and employees. To maximize the limited resources of both client agencies and the AGO, use of a modern enterprise legal matter management system and eDiscovery is needed to properly manage case information and documents, client advice, and investigations across the agency. Our current systems require an upgrade or replacement as the demands on the systems continue to increase.

Additional priorities in the 2022 Supplemental Budget Request are limited to those needs that arise directly from new emergent issues including legislative mandates, significant litigation, caseload-related and other workload increases, and one technical correction. The funding requested for these items will allow us to mitigate risk, protect tax dollars, and serve the legal needs of the state and its residents. These include:

- Funding to defend the state and recover resources (e.g., *D.S. v. DCYF*, *Malone v. DSHS*, *Sylvia Liang v. DSHS*, College System Benefits Litigation, and Charter School Commission Legal Services);

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- Funding to support increased workload (Juvenile Rehabilitation Legal Services and Western Washington University Legal Services); and
- Two technical corrections requests:
 - Relating to the Washington Commitment Act, Senate Bill 5126; and
 - Relating to Legal Services for the Office of Independent Investigations.

I look forward to working with you and your office, and stand ready to provide information to assist you as you prepare the Governor's budget proposal.

If you have questions about this budget request, please contact Mark Melroy, Chief Financial Officer, at (206) 402-7224.

Thank you for your continued assistance.

Sincerely,



BOB FERGUSON
Attorney General

RWF/jlg

Encl.



OFFICE OF THE ATTORNEY GENERAL

2022 Supplemental Budget Request

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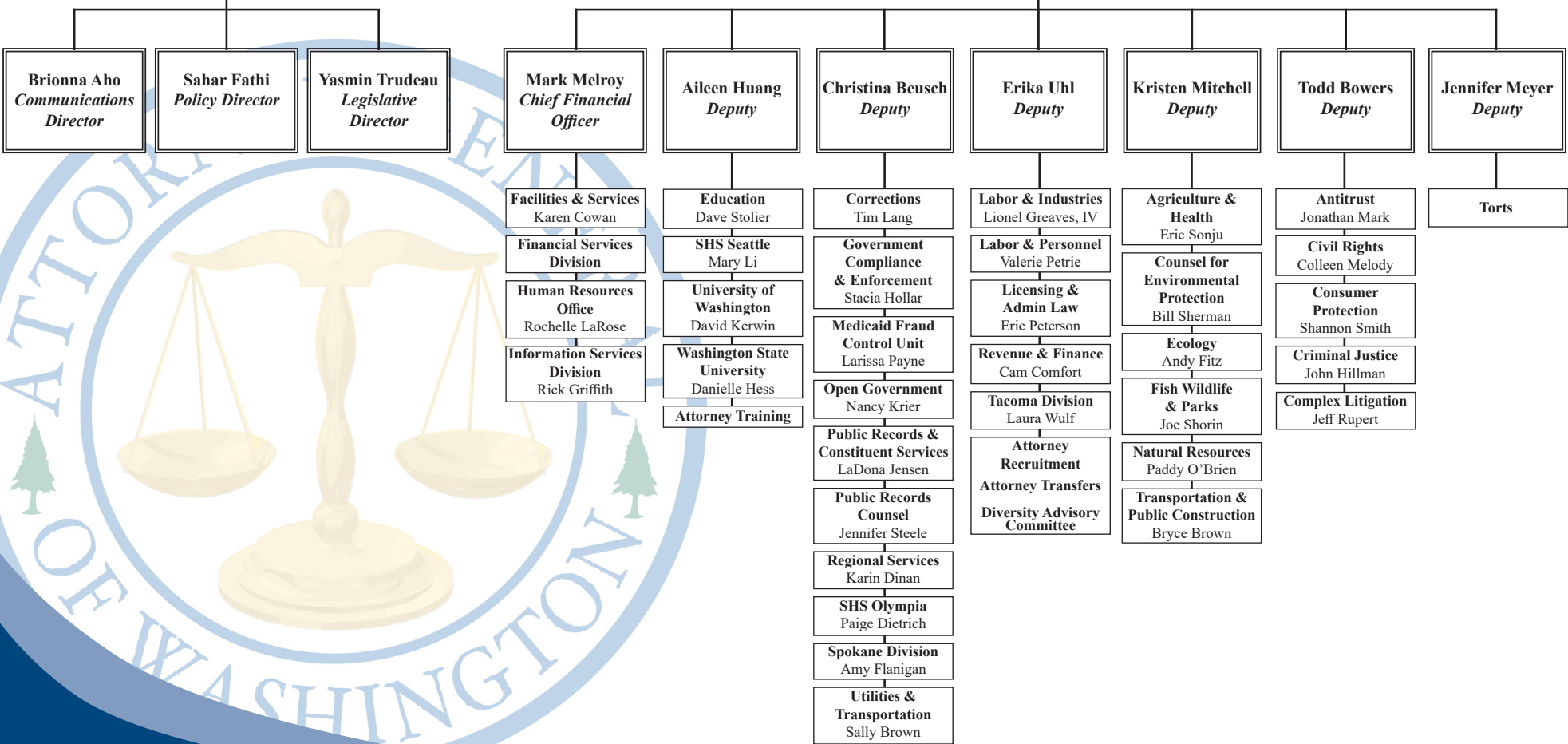
OFFICE OF THE ATTORNEY GENERAL

Bob Ferguson
Attorney General

Mike Webb
Chief of Staff

Noah Purcell
Solicitor General

Shane Esquibel
Chief Deputy





OFFICE OF THE ATTORNEY GENERAL STRATEGIC PLAN

FY 2019 – 2021

Attorney General Bob Ferguson

Our Guiding Principles

All of the work that we do is guided by our shared mission, our vision for what we strive to become, and the collective values we practice every day. The priorities, goals, and objectives established in this Strategic Plan describe how we plan to further our mission, vision, and values in the current biennium.

MISSION

The Office of the Attorney General will provide excellent, independent, and ethical legal services to the State of Washington and protect the rights of its people.

VISION

The Office of the Attorney General will be the best public law office in the United States.

VALUES

All staff in the Office of the Attorney General are guided by the following core values:

1. We will deliver high quality legal services and remember that we serve the people of Washington.
2. We will conduct ourselves with integrity, professionalism, civility, and transparency.
3. We will promote a collegial, diverse, and inclusive workplace that values, respects, and supports our employees.

OVERVIEW: STRATEGIC PRIORITIES AND GOALS

A Culture of Service

The Attorney General's Office has three strategic priorities in the advancement of our mission to provide excellent, independent, and ethical legal services to the State of Washington and protect the rights of its people.

SERVE THE STATE

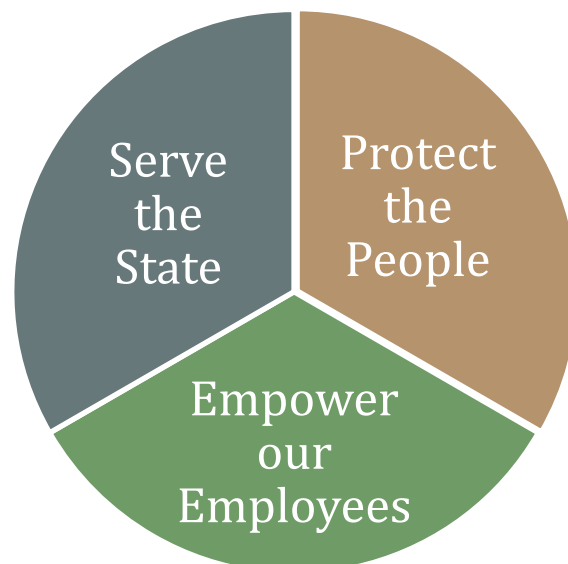
Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

PROTECT THE PEOPLE

Protect the legal rights of the people of the State of Washington.

EMPOWER OUR EMPLOYEES

Create a positive work environment that recognizes employees as our most valuable resource and fosters integrity, professionalism, civility, and transparency.



OVERVIEW: STRATEGIC PRIORITIES AND GOALS

FY 2019-21 Goals

To meet our three strategic priorities, we established the following goals for the FY 2019-21 biennium. Within each of these goals, we adopted strategic objectives – the specific actions that we will undertake at the agency level to help us meet our goals. These objectives are laid out in detail in the following sections. Cascading down from this agency-wide plan will be individual measures developed by each AGO division. For those objectives that fall within the scope of their operations and work, the divisions will identify deliverables, indicators and the title or name of the person responsible for ensuring the execution of the objective.

SERVE THE STATE

Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

FY 2019-21 Goals:

1. Deliver high quality, timely, and efficient legal services.
2. Improve internal efficiency and effectiveness through the use of technology solutions and data.
3. Proactively engage in risk management efforts to reduce the state's liability and improve outcomes for the public.
4. Protect and enhance the financial health and resources of the Office of the Attorney General including optimizing fund utilization and management.

PROTECT THE PEOPLE

Protect the legal rights of the people of the State of Washington.

FY 2019-21 Goals:

1. Defend civil rights and stand up for vulnerable Washingtonians.
2. Protect Washington's environment and public health.
3. Promote good government.
4. Protect all Washington consumers.

OVERVIEW: STRATEGIC PRIORITIES AND GOALS

EMPOWER OUR EMPLOYEES

Create a positive work environment that recognizes employees as its most valuable resource and fosters integrity, professionalism, civility, and transparency.

FY 2019-21 Goals:

1. Enhance our commitment to being an employer of choice by recognizing, celebrating, and empowering AGO employees.
2. Promote diversity, inclusiveness, and equity throughout the organization to recruit and retain a high quality, highly skilled, and highly effective workforce.
3. Ensure employees have the skills and knowledge they need to be successful.
4. Ensure employees have the tools and work space they need to be efficient and effective.
5. Promote the health, safety, and well-being of all employees in the workplace.

FY 2019-21 Strategic Objectives

SERVE THE STATE

Provide excellent, independent, and ethical legal advice and representation to our client, the State of Washington.

GOAL 1: DELIVER HIGH QUALITY, TIMELY, AND EFFICIENT LEGAL SERVICES.

1-1-1 Develop and implement a plan to improve client service based on client feedback.

The Administration Division will conduct a client satisfaction survey. The results of this survey will be compared with prior survey results to identify trends and areas of improvement. Divisions will determine if there are supplemental means to gather additional client feedback. Based on the results of the survey and other feedback, divisions will develop and implement a plan to improve client services. Each division will share their survey results with division personnel, so that staff understands the feedback received and can provide input on improvements.

1-1-2 Maintain a current list of AGO subject matter experts.

Ensure that subject matter experts are identified, by area of expertise, in the Client Assignment Directory on Inside AGO to facilitate the ability of AGO users to identify AGO experts. Update no less than twice each year.

1-1-3 Promote cross-divisional consistency and collaboration.

Take steps to identify and elevate issues that are emerging in multiple divisions across the AGO, and to make formal and informal connections to ensure that the work benefits from cross-division collaboration and conversation.

1-1-4 Coordinate tribal law issues and promote tribal law training.

Consolidate tribal law resources across the AGO and ensure their broad accessibility across the office. Continue to promote tribal law trainings, including those sponsored internally, by the Governor's Office of Indian Affairs and other entities.

SERVE THE STATE

GOAL 2: IMPROVE INTERNAL EFFICIENCY AND EFFECTIVENESS

1-2-1 Use data in assessment and decision-making.

Review, and where appropriate improve, current data collection and use data to effectively assess how well we are meeting our strategic priorities, identify trends, and support decision-making.

1-2-2 Adjust existing software and processes to improve effectiveness and efficiency.

Implement collaborative, cloud-based litigation software platforms such as EverLaw to support and scale to clients' expanding discovery needs. Explore options to upgrade and improve systems such as the current matter management system, CCTNs, scheduling requests, and Office 365.

1-2-3 Share resources across the agency.

To improve our legal services, ensure the AGO remains flexible to shift personnel in response to emergent events and evolving AGO priorities, as well as sharing key resources, such as division policies and COOPs.

GOAL 3: PROACTIVELY ENGAGE IN RISK MANAGEMENT EFFORTS

1-3-1 Continue compliance with public records and open public meetings laws.

Work in collaboration with Public Records Counsel to ensure the provision of uniform advice and compliance with legal requirements and best practices with respect to Public Records. Work in collaboration with the Agency Law Forum leaders with respect to best practices on open meetings.

1-3-2 Develop and implement a plan to strengthen protection of confidential data.

Utilize the survey tool/checklist created by the Administration Division to ensure uniform protection of confidential data across the AGO and implementation of best practices.

1-3-3 Play a statewide leadership role in risk management.

Work with state agency clients and coordinate across divisions to identify and assess sources of potential risk and develop solutions to reduce and manage risk across state government.

1-3-4 Protect data security.

To safeguard sensitive data stored on AGO electronic systems, provide regular IT security training and awareness tools, implement multi-factor authentication in applications with sensitive data, and implement seamless Single Sign-on technologies where possible.

SERVE THE STATE

GOAL 4: PROTECT THE FINANCIAL RESOURCES OF THE AGO.

1-4-1 Enhance and maintain a high level of financial integrity and quality.

Provide timely and accurate financial information that meets the needs of the AGO and the State while fulfilling or exceeding accepted standards. Improve processes including further developing and documenting internal financial controls, benchmarks, tools and policies. Be transparent with and provide outreach to vendors, stakeholders, customers and clients.

1-4-2 Proactively manage AGO and division budgets.

Fully and responsibly utilize AGO and division resources. Increase the focus on strategic budgeting to better project expenditure levels, agency resource needs, and anticipate the impacts of future events on current and proposed programs and budgets.

1-4-3 Support high quality fiscal decision making.

Gather financial and other data and make it available and accessible. Analyze, interpret and present the information to enable informed and well-reasoned decisions at the division and agency level. Automate and create visual tools so that all divisions can easily track and understand relevant data and respond to changing resources and needs.

1-4-4 Continue to focus on contract and procurement compliance.

Centralize agency grant, contract, and procurement activities to maximize financial and operational performance and minimize risk, in order to ensure compliance with policies and regulations. Improve processes including further developing and documenting procedures and policies for use of Special Assistant Attorneys General and all other agency grants and contracts with an emphasis on ensuring compliance.

1-4-5 Maintain and enhance positive relationships with client agencies, the Governor, OFM, and the legislature.

Coordinate with client agencies and other stakeholders on the potential impacts of proposed initiatives and legislation. Provide timely and accurate fiscal information to the Governor, OFM, legislators, client agencies, and other stakeholders as appropriate.

PROTECT THE PEOPLE

FY 2019-21 Strategic Objectives

PROTECT THE PEOPLE

Protect the legal rights of the people of the State of Washington.

GOAL 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS

2-1-1 Strengthen the protection of civil rights through enforcement and outreach.

Use AGO resources and authority to protect the constitutional and statutory rights of Washingtonians, including the civil rights granted by federal and state law.

2-1-2 Protect abused and neglected children in Washington State.

Use AGO resources and authority to protect abused and neglected children, including facilitating timely permanency and collaborating with external stakeholders and internally among divisions. Continue to seek a permanent funding solution to ensure the AGO maintains adequate resources to keep up with case filings.

2-1-3 Protect vulnerable adults and combat elder abuse.

Use AGO resources and authority to protect vulnerable adults and combat elder abuse by continuing to support the multi-divisional AGO Vulnerable Adults Task Force. Work with external stakeholders to raise awareness of and to prevent elder abuse. Support legislation to ensure protection of vulnerable adults. Increase the enforcement of existing laws against those who victimize elderly patients, including increasing AGO resources dedicated to investigating and prosecuting crimes against vulnerable adults and providing support to local law enforcement and prosecuting attorneys with cases involving vulnerable adults. Work with client agencies to develop strategies for improving investigations of and responses to complaints of elder abuse. Continue to support and improve tracking mechanisms for Adult Protective Services advice and litigation (including adult family home licensing).

2-1-4 Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

Continue to lead the Commercially Sexually Exploited Children Statewide Coordinating Committee. Explore opportunities to reduce demand for sexually vulnerable children in Washington State including the use of Washington State criminal law. Administer the Child Rescue Fund as set forth by law. Ensure the most dangerous and violent sexual predators are civilly detained, evaluated and treated.

PROTECT THE PEOPLE

2-1-5 Protect Washington Workers

Use AGO resources and authority to protect Washingtonians' rights in the workplace. Increase outreach to workers so they know their rights and where to go for help. Enhance collaboration with other AGs offices on cross-jurisdictional issues and national advocacy. Improve cooperation and communication with state agencies tasked with investigation and enforcement of workplace violations and with external stakeholders. Continue to improve internal coordination and information sharing through the AGO Worker Protection Workgroup. Work with policymakers and stakeholders to improve Washington's law to better protect workers and respond to changes in the marketplace.

2-1-6 Assist and partner with client agencies to further their mission

Provide the full range of legal services to assist our clients in achieving their mission. When appropriate, partner with our clients to provide legal support to achieve their policy objectives, such as offering trainings for clients, helping clients to develop or improve processes, and improving coordination of actions across multiple divisions of the AGO, client agencies and external stakeholders.

GOAL 2: PROTECT WASHINGTON'S ENVIRONMENT AND PUBLIC HEALTH.

2-2-1 Protect the environment and public health.

Ensure the AGO continues to be a national leader in enforcing the civil and criminal laws designed to protect our environment and the health of Washingtonians. Coordinate internal legislative and policy efforts that support the office's environmental work and goals.

2-2-2 Combat the opioid epidemic.

Pursue a coordinated approach to combat the opioid epidemic through the continued use of an internal workgroup, drawing from affected divisions and units. Promote legislation, outreach, and enforcement of existing laws.

GOAL 3: PROMOTE GOOD GOVERNMENT

2-3-1 Enforce the State's campaign finance disclosure and electoral integrity laws

To maintain and build public trust in the electoral system, continue to combat the influence of undisclosed or otherwise illegal political contributions and the misuse of campaign funds. Develop, inform and advocate for stronger enforcement of campaign finance laws at the state level in Washington.

PROTECT THE PEOPLE

2-3-2: Implement the 2018 Public Records Act legislation.

Assist local government agencies with respect to the Public Records Act as required by ESHB 1667 (2018), which made permanent the AGO Local Government Public Records Consultation Program, through activities such as providing consultations and outreach and preparing written materials. By January 1, 2020, create model policies with respect to the Public Records Act's limitations on disclosure of certain records to persons who have stalked or harassed agency employees, as required by ESHB 1692 (2018).

2-3-3: Provide current open government resources to the public and agencies.

Continue to periodically update the open government resource materials including those on the AGO Open Government Training Webpage. Reconfigure the AGO Open Government Training Webpage so it is more user-friendly.

2-3-4 Effectively and efficiently advise and defend the state against claims.

Provide state agency clients with high quality representation to help reduce exposure to claims. Provide effective representation of state agencies and employees who are sued to ensure equitable resolution of those claims in a financially responsible manner.

2-3-5 Assist with collecting state revenue, protecting state programs, and ensuring the proper administration of benefits.

Provide a full range of legal services to state agencies, boards, and commissions, including assisting clients in collecting money owed to the State, and with protecting and lawfully administering trust and endowed funds.

2-3-6 Support Washington's Infrastructure.

Provide a full range of legal services to the state's transportation and utility agencies, boards, and commissions.

GOAL 4: PROTECT WASHINGTON CONSUMERS.

2-4-1 Enforce the laws that protect consumers and improve consumer awareness.

Continue to focus on investigation and enforcement efforts to protect Washington consumers and businesses. Prioritize actions that could have a lasting, deterrent effect on illegal behavior in the marketplace, support those who face unequal access to justice, establish beneficial case law, and maximize the potential for restitution and recovery.

PROTECT THE PEOPLE

2-4-2 Combat health care fraud.

Use AGO resources and authority to combat health care fraud. Recover monies lost to fraud in the Medicaid system. Protect patients residing in Medicaid nursing and residential facilities from abuse and neglect. Share information and referrals among divisions involved in health care delivery issues.

2-4-3 Protect Washington ratepayers.

Vigorously represent the public interest in the full range of proceedings before the Utilities and Transportation Commission (UTC). Advocate for additional resources from the legislature to ensure that the public interest is appropriately represented in these proceedings. Represent customers of Washington's investor-owned utilities in proceedings to reduce carbon emissions through an orderly transition away from coal-fired electricity generation. Work to ensure customers have the benefit of environmental protections and reliable, affordable utility service.

2-4-4 Support Washington service members and their families

Use AGO authority including the Service members Civil Relief Act and consumer protection laws, to investigate and respond to violations against service members. Engage and educate veterans and service members, businesses, and client agencies about the legal protections and benefits available to veterans and service members. Continue to grow the AGO Office of Military & Veteran Legal Assistance. Support veteran hiring in the AGO and the Veterans' Affinity Group.

2-4-5 Serve and protect Washington students and educational institutions.

Support the state's universities and community and technical colleges, as well as its education agencies, boards, and commissions by providing a focused range of legal services.

EMPOWER OUR EMPLOYEES

FY 2019-21 Strategic Objectives

EMPOWER OUR EMPLOYEES

Create a positive work environment that recognizes employees as its most valuable resource and fosters integrity, professionalism, civility, and transparency.

GOAL 1: RECOGNIZE AND EMPOWER AGO EMPLOYEES

3-1-1 Address the compensation gap.

Continue to work with Washington State HR and the legislature to obtain fair and equitable attorney and professional staff compensation. Seek additional funding from the legislature to address critical recruitment and retention challenges. Engage in transparent communications with AGO staff about the status of our efforts.

3-1-2 Refine the performance management system.

Enhance employee job satisfaction, professional growth, productivity, and accountability by continuing to update the performance management system to foster more meaningful feedback and improve employee recognition. Continue to implement a streamlined system focused more on communication and less on paperwork. Ensure managers and staff are trained on updated procedures.

3-1-3 Increase opportunities for employee recognition.

Develop a culture of recognition by improving and expanding formal and informal recognition for all employees, at all levels. Support and promote ideas that improve recognition, and provide new tools for AGO employees to celebrate each other and our work.

3-1-4 Improve employee engagement.

Develop strategies to seek input on decisions that affect employees, and encourage employees to come up with better ways of doing things. Increase opportunities for employees to interact with and provide feedback to senior management, including members of the Core Leadership Team.

3-1-5 Expand the spirit of cooperation and teamwork in the office.

Continue efforts to build understanding and connections across the AGO. Find new ways to promote teamwork, build camaraderie, and enhance the development of collegiality. Focus on ways to continue to develop a spirit of teamwork between attorneys and professional staff.

EMPOWER OUR EMPLOYEES

3-1-6 Improve Support for Pro Bono Work by AGO staff.

Improve AGO support for and recognition of staff participation in appropriate Pro Bono activities that provide legal service and advocacy to persons who lack the resources to protect their legal rights or access the justice system. Determine the availability of external financial resources to cover costs incurred in direct Pro Bono representation by ago staff. Review the AGO Pro Bono policy to ensure it reflects maximum flexibility and support.

GOAL 2: PROMOTE DIVERSITY, INCLUSIVENESS, AND EQUITY THROUGHOUT THE AGO

3-2-1 Recruit and retain a diverse workforce.

Enhance efforts to recruit a diverse workforce through internal and external outreach. Explore new mediums and marketing strategies, so candidates can learn about the work of our office. Consider new ideas for removing implicit bias from the application process, such as blind resume reviews. The Diversity Advisory Committee (DAC) will work with the training unit to provide a training or module for existing training that focuses on diversity and inclusion in hiring. Collaborate with the training unit, if needed, to finalize on-line interviewer training modules to refresh interview panels and hiring managers on best practices. Review and revise, if needed, AGO Guidelines and Checklist for New Attorneys, as well as division onboarding process and training.

3-2-2 Continue to support the affinity group program.

Continue to promote and implement the AGO affinity policy, allowing groups to form and operate, to improve inclusion and enhance connections in the agency. Annually review the activities of each affinity group to measure program success.

3-2-3 Offer agency-wide trainings on issues related to equity, diversity, and inclusion.

Create a sustainable plan for offering training that meets agency goals in equity, diversity and inclusion; provides for various levels of educational training for staff; and reinforces a culture of inclusion in alignment with AGO values. DAC will work with the AGO training unit to increase the number of recorded DAC presentations, videos, or resources (toolkits) available for agency wide use. Actively support and encourage staff to attend and/or plan a training that supports equity, diversity, and inclusion. Divisions may consider sponsoring a diversity presentation.

EMPOWER OUR EMPLOYEES

GOAL 3: ENSURE EMPLOYEES HAVE THE SKILLS AND KNOWLEDGE THEY NEED TO BE SUCCESSFUL.

3-3-1 Increase training and professional development opportunities for staff throughout the agency.

Continue to increase training opportunities for professional staff and attorneys at their locations and via WebEx. Encourage and facilitate attendance. Prioritize expansion of training to staff and locations that require it. Plan for resource needs, including trainers' and learners' time and travel costs. Deploy training to meet the priorities.

3-3-2 Prepare for the future with succession planning.

Deploy tools to identify key positions at risk of vacancy; the knowledge, skills and competencies required to be successful in those positions; and developmental activities needed to prepare staff to fill those positions.

3-3-3 Expand cross-training opportunities.

Identify employees who are interested in cross training in different or specialty areas within their division or in other divisions. Facilitate placement in assignments that meet their growth and development needs. Improve communications about cross-training opportunities and ease administrative impediments.

3-3-4 Expand professional staff and manager mentoring programs.

Further develop the mentoring program and provide tools to guide mentors and mentees. Solicit and encourage experienced staff to serve as mentors.

3-3-5 Continue to expand and improve new employee orientation.

Ensure new employees throughout the state receive complete and consistent orientation including an introduction to the culture and key resources of the AGO.

GOAL 4: ENSURE EMPLOYEES HAVE THE TOOLS AND WORK SPACE THEY NEED TO BE EFFICIENT AND EFFECTIVE.

3-4-1 Expand mobility to improve productivity.

Continue to identify and deploy hardware and software solutions that allow employees to work effectively outside the office. Increase the availability of mobile devices and access to AGO

EMPOWER OUR EMPLOYEES

technology and applications. Ensure employees have and know how to access support for mobile access.

3-4-2 Implement technology solutions to improve effectiveness.

Assess AGO business needs and, where possible, implement technical solutions that make it easier for employees to perform their work. Leverage Microsoft Office365 technologies to improve the reliability of digital services. Increase resources and training on how to use available technology, including equipment, devices, and software.

3-4-3 Creatively approach how to use space

Maximize efficiency and minimize costs by using a multifaceted approach to the workspace. Encourage the implementation or expansion of telework and flex schedules agency wide. Explore office-sharing options to reduce the AGO's physical footprint.

GOAL 5: PROMOTE THE HEALTH, SAFETY, AND WELL-BEING OF ALL EMPLOYEES IN THE WORKPLACE.

3-5-1 Be prepared for natural disasters and emergency situations.

Annually review and update AGO, Building, and Division Safety and Security and Continuity of Operations Plans. Regularly train and drill AGO employees to be prepared for natural disasters or emergency situations, including at least one major preparedness exercise per biennium to test resources, communications, and structures for AGO continuity of operations in an emergency.

3-5-2 Foster a culture of wellness.

Encourage staff to participate in healthy workplace activities, leveraging the AGO's designation as a Washington Wellness Worksite. Promote a healthy workspace. Promote workplace programs that make it easier for employees to identify and pursue their own wellness goals, including those for mental health.

3-5-3 Create a sustainable workplace.

Continue promoting sustainable office practices to include expanding the use of carpool calendars, the reuse center, recycling programs, and other sustainable practices. Use carbon emission reduction strategies to further reduce agency office space, business travel, and energy consumption.

Tab A

OVERVIEW





Dollars in Thousands

**ACT001 - Agency Activity Inventory
100 - Office of Attorney General
2022 First Supplemental Budget Session
2022 - 2022 Supplemental**

*

Appropriation Period: 2021-23 Sort By: Activity

A001 Administration

Administrative functions of the AGO includes the Attorney General’s Core Leadership Team, the Solicitor General, executive support, financial services, human resources, IT services, and facilities staff. An administrative function of the AGO is the Solicitor General’s issuance of Attorney General Opinions, which answer questions from members of the state Legislature, state elected officials, appointed heads of state agencies, boards and commissions, and county prosecuting attorneys. AGO opinions clarify the interpretation of statutes and regulations when the meaning is in doubt.

Account	FY 2022	FY 2023	Biennial Total
FTE	76.4	89.8	83.1
19P Child Rescue Fund			
19P-1 State	\$40	\$40	\$80
17L Foreclosure Fairness Account			
17L-6 Non-Appropriated	\$7	\$7	\$14
001 General Fund			
001-1 State	\$5,894	\$9,402	\$15,296
001-2 Federal	\$596	\$1,058	\$1,654
001 Account Total	\$6,490	\$10,460	\$16,950
405 Legal Services Revolving Account			
405-1 State	\$7,280	\$10,813	\$18,093
441 Local Government Archives Account			
441-1 State	\$515	\$515	\$1,030
12F Man/Mobile Home Dispute Resolution			
12F-6 Non-Appropriated	\$20	\$19	\$39
154 New Motor Vehicle Arbitration Acct			
154-1 State	\$28	\$29	\$57
828 Tobacco Prevention/Control Account			
828-1 State	\$9	\$7	\$16

Statewide Result Area: Efficient, Effective and Accountable Government
Statewide Strategy: Provide data, information, and analysis to support decision-making

ACT001 - Agency Activity Inventory
100 - Office of Attorney General
2022 - 2022 Supplemental

Dollars in Thousands

*

Appropriation Period: 2021-23 Sort By: Activity

Expected Results

Administration provides the issuance of Attorney General opinions which answer questions from members of the state Legislature, state elected officials, appointed heads of state agencies, boards and commissions, and county prosecuting attorneys. These questions seek clarification relating to the interpretation of statutes and regulations when the meaning is in doubt.

ACT001 - Agency Activity Inventory
100 - Office of Attorney General
2022 - 2022 Supplemental

Dollars in Thousands

*

Appropriation Period: 2021-23 Sort By: Activity

A002 Civil Commitment of Sexually Violent Predators

The Sexually Violent Predator Unit (SVPU) protects the public by ensuring that the most dangerous and violent sexual predators in the state are detained, evaluated, and treated until they no longer meet Sexually Violent Predator (SVP) criteria. When a sexual offender is about to be released from confinement and appears to meet SVP criteria, the SVPU acts as the prosecuting agency to classify them as a SVP resulting in Civil commitment. Once committed, the SVPU oversees the extensive post-commitment responsibilities to ensure that SVPs are not being released before being rehabilitated. These responsibilities include appeals, annual reviews, less restrictive alternative placements, and re-commitment hearings and trials.

Account	FY 2022	FY 2023	Biennial Total
FTE	25.7	25.7	25.7
001 General Fund			
001-1 State	\$8,176	\$8,419	\$16,595

Statewide Result Area: Healthy and Safe Communities
Statewide Strategy: Confine and rehabilitate offenders

Expected Results

The most dangerous and violent sexual predators in the state are detained, evaluated, and treated until they no longer constitute a threat. Consequently, fewer people are victimized, and the public is protected from those sex offenders who are most likely to reoffend.

002535				
As a result of the efforts to civilly detain, evaluate and treat sex offenders who are most likely to reoffend, fewer people are victimized and the public is protected from those individuals.				
Biennium	Period	Actual	Target	Target
			Min	Max
2019-21	A3	0	85	85
	A2	33	85	95
2017-19	A3	63	85	95
	A2	33	85	95
Performance Measure Status: Approved				

ACT001 - Agency Activity Inventory
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

Number

002535 - Total Successful Commitments



ACT001 - Agency Activity Inventory
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A003 Criminal Investigation and Prosecution

The Criminal Litigation Unit (CLU) investigates and prosecutes all levels of criminal cases when requested by the Governor or county prosecuting attorneys. The types of cases commonly handled by the CLU include homicide, sexual assault, multi-jurisdictional crime, white-collar crime, governmental corruption cases, environmental crimes, tax fraud cases on behalf of the Department of Revenue, licensing fraud on behalf of the Department of Licensing, insurance fraud on behalf of the Office of the Insurance Commissioner, and fraudulent workers' compensation claims and wage and hour violations on behalf of the Department of Labor and Industries. The CLU assists local prosecutors when they have a conflict of interest or need additional resources for major prosecutions. The CLU occasionally assumes responsibility for the appellate review of a criminal case that were originally brought by a county prosecutor if the case involves fundamental issues affecting the public interest and the administration of justice.

Account	FY 2022	FY 2023	Biennial Total
FTE	10.2	10.2	10.2
001 General Fund			
001-1 State	\$2,172	\$1,521	\$3,693
001-2 Federal	\$1,376	\$1,567	\$2,943
001 Account Total	\$3,548	\$3,088	\$6,636

Statewide Result Area: Healthy and Safe Communities

Statewide Strategy: Enforce the law

Expected Results

When a county prosecutor has a conflict of interest or needs assistance for other reasons, there are competent, highly-skilled AGO prosecutors available to represent the county resulting in greater public protection. The AGO's Criminal Litigation Unit (CLU) reviews important appeals and provides additional legal assistance upon request. The CLU also reviews and approves (or defends against) claims filed by persons claiming to have been wrongfully convicted and imprisoned. Crimes of fraud involving state agencies are properly investigated and prosecuted so that state agencies and other victims can recover their losses, and similar criminal activity against state agencies can be curtailed and deterred.

ACT001 - Agency Activity Inventory
100 - Office of Attorney General
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

002536				
<p>When a county prosecutor has a conflict of interest or needs assistance for other reasons, there are competent, highly-skilled AGO prosecutors available to represent the county resulting in greater public protection. The AGO's Criminal Litigation Unit (CRI) reviews important appeals and provides additional legal assistance upon request. CRI also reviews and approves (or defends against) claims filed by persons claiming to have been wrongfully convicted and imprisoned. Crimes of fraud involving state agencies are properly investigated and prosecuted so that state agencies and other victims can recover their losses, and similar criminal activity against state agencies can be curtailed and deterred.</p>				
Biennium	Period	Actual	Target	
2019-21	Q8	4	18	
	Q7	2	18	
	Q6	4	18	
	Q5	13	18	
	Q4	11	18	
	Q3	11	18	
	Q2	11	18	
	Q1	10	18	
2017-19	Q8	13	18	
	Q7	28	18	
	Q6	14	18	
	Q5	8	18	
	Q4	8	18	
	Q3	13	18	
	Q2	25	18	
	Q1	9	18	
Performance Measure Status: Approved				

ACT001 - Agency Activity Inventory
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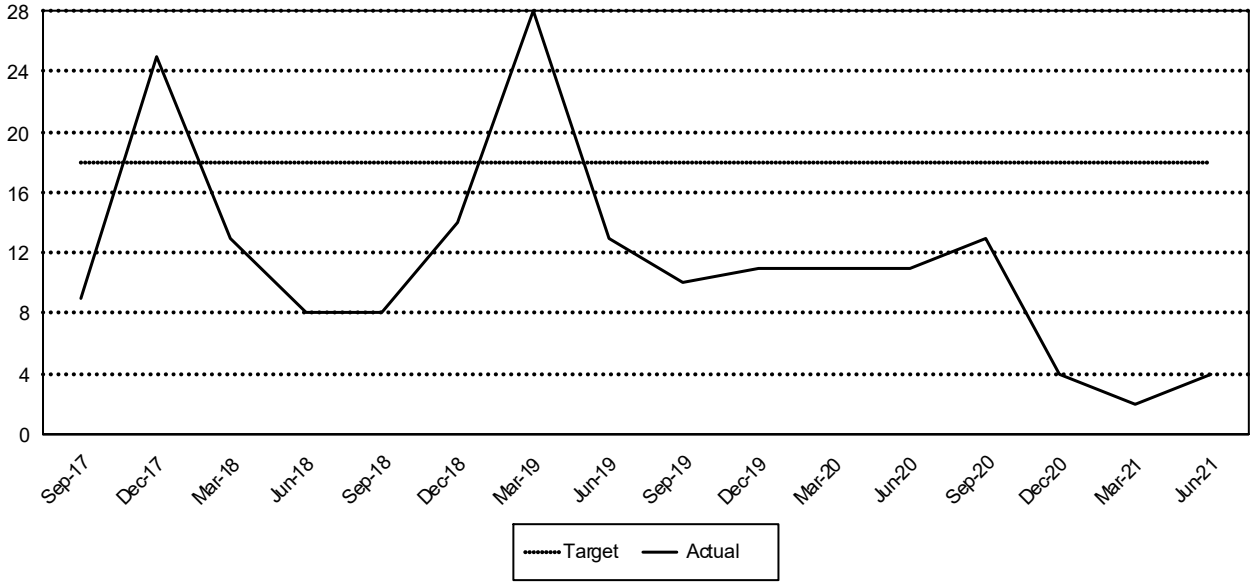
Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

Number

002536 - Criminal Cases Closed



ACT001 - Agency Activity Inventory
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A004 Enforcement of Anti-Trust Laws

The AGO’s Antitrust Division (ANT) division protects the residents of Washington State from price-fixing, illegal mergers, monopolization, and other illegal, anticompetitive activities. ANT holds entities accountable when they break the law and engage in unfair competition, and ensures that consumers benefit from a competitive marketplace. By enforcing antitrust laws, ANT ensures that businesses compete fairly with each other. ANT files enforcement actions, responds to consumer complaints, provides advice to state agencies, and provides consumer education and outreach. Through these efforts, ANT ensures that consumers’ problems are addressed, money overpaid due to illegal activity is recovered, illegal activity is prevented, and businesses are educated about their responsibilities under the antitrust laws.

Account	FY 2022	FY 2023	Biennial Total
FTE	25.3	25.3	25.3
424 Anti-Trust Revolving Account			
424-1 State	\$8	\$55	\$63
424-6 Non-Appropriated	\$5,781	\$5,761	\$11,542
424 Account Total	\$5,789	\$5,816	\$11,605

Statewide Result Area: Prosperous Economy

Statewide Strategy: Regulate the economy to ensure fairness, security and efficiency

Expected Results

The AGO’s Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. ANT enforcement actions prevent monopolies, price-fixing, and illegal mergers, and recover money for injured consumers and state agencies. Through outreach efforts, ANT educates businesses in order to prevent antitrust violations and protects Washington consumers

ACT001 - Agency Activity Inventory
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Dollars in Thousands

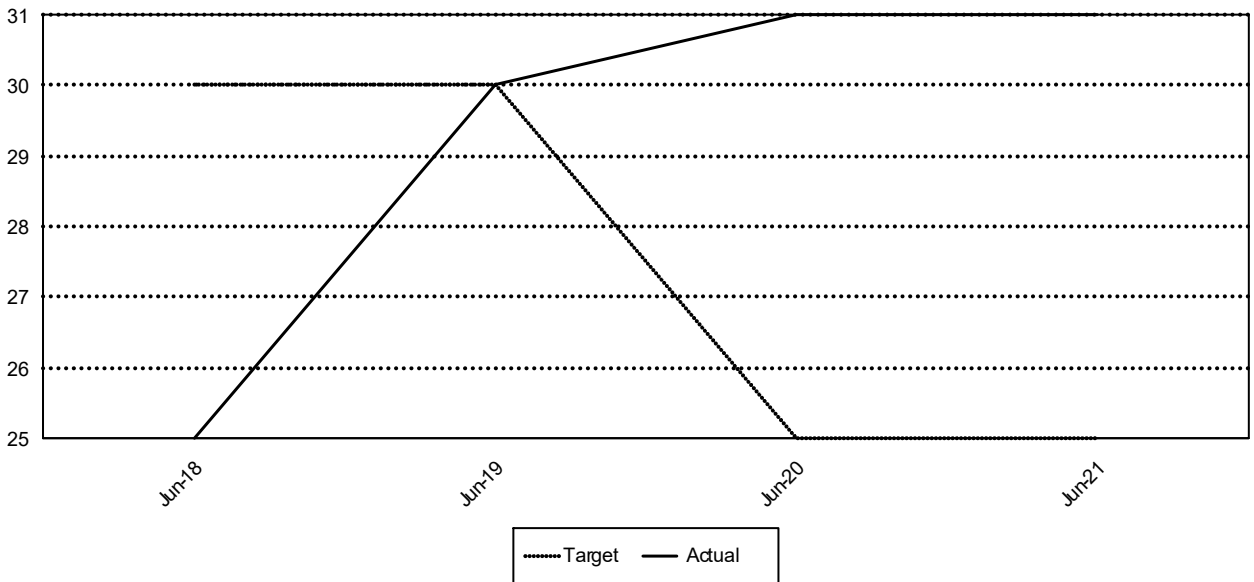
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Appropriation Period: 2021-23 Sort By: Activity

<p>002877 The AGO's Antitrust Division (ANT) enforces antitrust laws, protects consumers from illegal and harmful practices, and ensures a fair, efficient, and competitive marketplace for businesses. Active investigations can result in enforcement actions/litigation that prevent monopolies, price-fixing, and illegal mergers, and recover money for injured consumers and state agencies. Through outreach efforts, ANT educates businesses in order to prevent antitrust violations and protects Washington consumers.</p>				
Biennium	Period	Actual	Target	
2019-21	A3	31	25	
	A2	31	25	
2017-19	A3	30	30	
	A2	25	30	
Performance Measure Status: Approved				

Number

002877 - Antitrust Restitution to the Citizens of the State



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100 - Office of Attorney General
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A005 Enforcement of Consumer Protection Laws

The AGO’s Consumer Protection Division (CPR) protects Washington consumers from deception, scams, and abusive practices. CPR provides a fair marketplace through vigorous civil law enforcement of the Consumer Protection Act (CPA) including education and outreach to consumers. CPR’s Consumer Resource Center fields calls and complaints from consumers around the state, informally resolving complaints and recovering millions of dollars for consumers. CPR attorneys promote compliance with the CPA by obtaining injunctions and monetary judgments against violators including direct consumer restitution. CPR’s Foreclosure Compliance Program enforces the Foreclosure Fairness Act to help homeowners. CPR also houses the Lemon Law program which promotes timely and effective new motor vehicle warranty service through mandatory arbitration. CPR’s Manufactured House Dispute Resolution Unit fosters compliance with the Manufactured Housing Landlord Tenant Act.

Account	FY 2022	FY 2023	Biennial Total
FTE	107.3	107.3	107.3
17L Foreclosure Fairness Account			
17L-6 Non-Appropriated	\$122	\$122	\$244
001 General Fund			
001-1 State	\$3,617	\$3,978	\$7,595
12F Man/Mobile Home Dispute Resolution			
12F-6 Non-Appropriated	\$602	\$571	\$1,173
154 New Motor Vehicle Arbitration Acct			
154-1 State	\$845	\$853	\$1,698
25V WA St ATG Charitable Asset Prtn Acc			
25V-6 Non-Appropriated	\$672	\$672	\$1,344

Statewide Result Area: Prosperous Economy

Statewide Strategy: Provide consumer protection

Expected Results

ACT001 - Agency Activity Inventory
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Dollars in Thousands

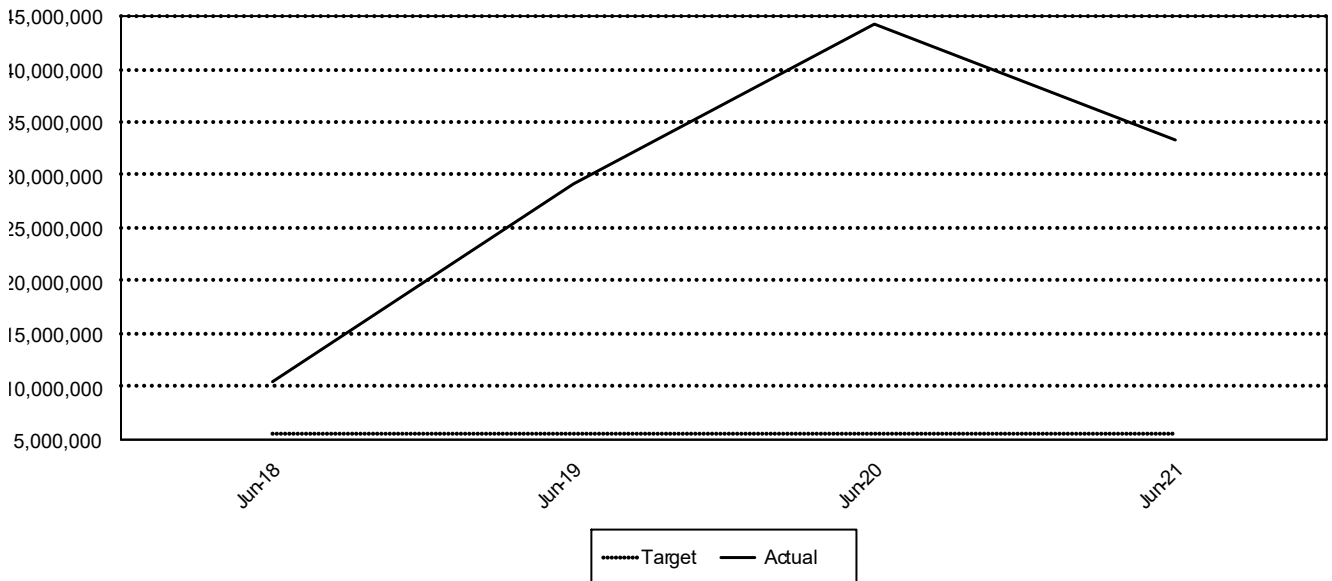
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Appropriation Period: 2021-23 Sort By: Activity

The AGO’s Consumer Protection Division’s (CPR) activities are expected to foster a fair, competitive and non-deceptive marketplace, prevent consumer harm, promote voluntary compliance with economic regulation by businesses, and resolve disputes between buyers and sellers in the marketplace. CPR is expected to recover a portion of operational costs through its litigation activity. CPR is expected to promote timely and effective new motor vehicle warranty service through mandatory arbitration, and foster compliance with the Manufactured Housing Landlord Tenant Act.

002534				
<p>The AGO's Consumer Protection Division's (CPR) activities are expected to foster a fair, competitive and non-deceptive marketplace, prevent consumer harm, promote voluntary compliance with economic regulation by businesses, and resolve disputes between buyers and sellers in the marketplace. CPR is expected to recover a portion of operational costs through its litigation activity. CPR is expected to promote timely and effective new motor vehicle warranty service through mandatory arbitration, and foster compliance with the Manufactured Housing Landlord Tenant Act.</p>				
Biennium	Period	Actual	Target	
2019-21	A3	\$33,320,263	\$5,500,000	
	A2	\$44,302,499	\$5,500,000	
2017-19	A3	\$29,075,298	\$5,500,000	
	A2	\$10,517,092	\$5,500,000	
Performance Measure Status: Approved				

Dollars 002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolutior



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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A006 Executive Ethics Board

The Executive Ethics Board (EEB) is an independent board with five members appointed by the Governor. The EEB promotes integrity, confidence, and public trust in state government through education, interpretation, and enforcement of the Ethics in compliance with the Public Service Act (Act). The AGO provides staff and administrative support for the EEB. EEB members meet on a regular basis to interpret the Act for all state agencies, provide advice to agencies regarding ethical issues, promulgate rules to implement the Act, and take enforcement action against state employees who violate the Act. EEB staff investigate complaints filed by public employees and citizens, provide ethics training to state agencies, and provide advice regarding ethics in the workplace. Ethics training enables state officers and employees to perform their public responsibilities and conduct the business of the state appropriately.

Account	FY 2022	FY 2023	Biennial Total
FTE	3.1	3.1	3.1
405 Legal Services Revolving Account			
405-1 State	\$556	\$564	\$1,120

Statewide Result Area: Efficient, Effective and Accountable Government

Statewide Strategy: Support democratic processes and government accountability

Expected Results

The Executive Ethics Board investigates complaints filed by public employees and citizens regarding ethical violations established in the Public Service Act, and prosecutes cases to completion. By completing investigations and resolving cases in a timely manner, state agencies, state employees, and the public are better served, and public trust and confidence in state government increases.

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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

000018				
<p>The Executive Ethics Board investigates complaints filed by public employees and citizens regarding ethical violations established in the Public Service Act, and prosecutes cases to completion. By completing investigations and resolving cases in a timely manner, state agencies, state employees, and the public are better served, and public trust and confidence in state government increases.</p>				
Biennium	Period	Actual	Target	
2019-21	Q8	112	180	
	Q7	133	180	
	Q6	154	180	
	Q5	137	180	
	Q4	48	180	
	Q3	57	180	
	Q2	93	180	
	Q1	105	180	
2017-19	Q8	113	180	
	Q7	152	180	
	Q6	166	180	
	Q5	151	180	
	Q4	135	180	
	Q3	137	180	
	Q2	147	180	
	Q1	115	180	
Performance Measure Status: Approved				

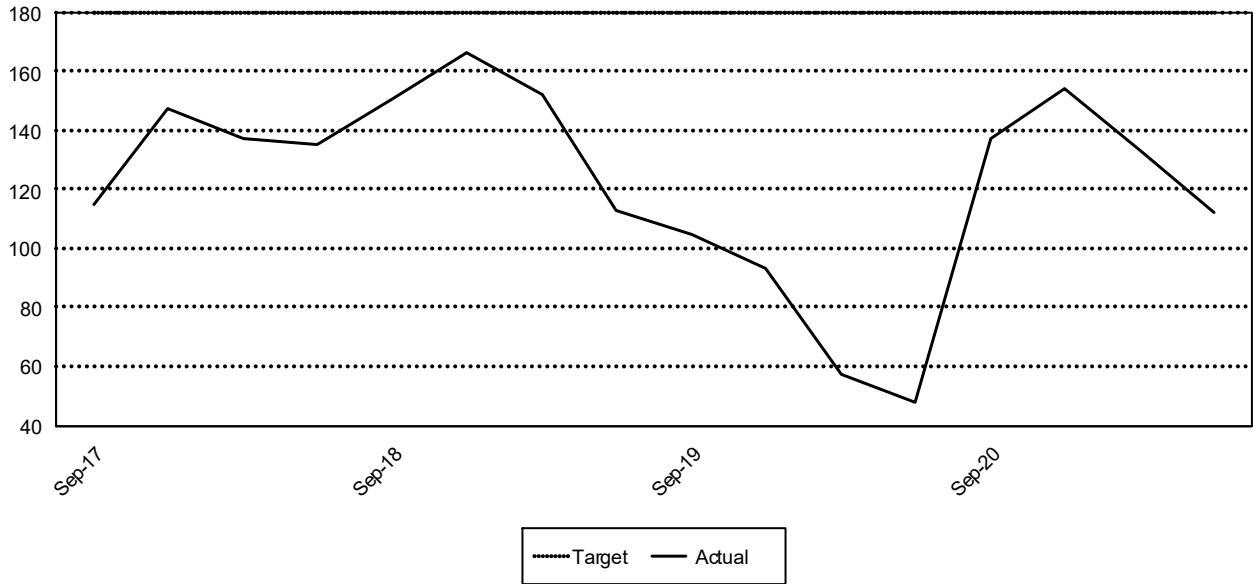
ACT001 - Agency Activity Inventory
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

Number 000018 - Average Number of Days to Complete an Ethics Investigation



**ACT001 - Agency Activity Inventory
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A007 Homicide Investigation Tracking System

The Homicide Investigation Tracking System (HITS) system provides assistance to law enforcement by providing them with greater access to information, advice, and assistance resulting in enhanced and speedier investigation of violent crimes. As a result, suspects are pursued more quickly leading to better public protections.

Account	FY 2022	FY 2023	Biennial Total
FTE	7.5	7.5	7.5
001 General Fund			
001-1 State	\$890	\$1,590	\$2,480

Statewide Result Area: Healthy and Safe Communities

Statewide Strategy: Enforce the law

Expected Results

Homicide Investigation Tracking System (HITS) investigators and its data warehouse provide resources to local, state, and federal law enforcement agencies by giving them access to violent crime data and analyses across jurisdictions. The HITS unit provides law enforcement analysis of crime data related to murder, rape, and other serious offenses. The usefulness of the HITS system is directly affected by the quality and quantity of crime data entered into the system, and HITS investigators work closely with law enforcement to ensure all information is correctly captured. HITS provides direct investigative assistance, including case reviews and search results, to law enforcement agencies upon their request. As a result, violent offenders are identified and apprehended improving public safety and preventing crime.

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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

000021 Homicide Investigation Tracking System (HITS) investigators and its data warehouse provide resources to local, state, and federal law enforcement agencies by giving them access to violent crime data and analyses across jurisdictions. The HITS unit provides law enforcement analysis of crime data related to murder, rape, and other serious offenses. The usefulness of the HITS system is directly affected by the quality and quantity of crime data entered into the system. HITS investigators work closely with law enforcement to ensure all information is correctly captured. HITS provides direct investigative assistance that includes case reviews and search results to law enforcement agencies upon their request. As a result, violent offenders are identified and apprehended improving public safety and preventing crime.

Biennium	Period	Actual	Target
2019-21	Q8	216	253
	Q7	179	253
	Q6	168	253
	Q5	245	253
	Q4	252	253
	Q3	274	253
	Q2	215	253
	Q1	212	253
2017-19	Q8	207	253
	Q7	193	253
	Q6	225	253
	Q5	199	253
	Q4	219	253
	Q3	235	253
	Q2	215	253
	Q1	164	253

Performance Measure Status: Approved

**ACT001 - Agency Activity Inventory
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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A008 Investigation and Defense of Tort Lawsuits

The AGO’s Torts Division protects taxpayers by providing high quality and effective legal defense to the state in tort claims and lawsuits. Torts improves government efficiency by measuring the speed with which lawsuits resolve, and measuring success in resolving cases through early resolution. Torts also tracks “zero-payout cases” and appellate outcomes. Torts maintains a high rate of case appeal litigation success.

Account	FY 2022	FY 2023	Biennial Total
405 Legal Services Revolving Account			
405-1 State	\$10	\$74	\$84

Statewide Result Area: Efficient, Effective and Accountable Government
Statewide Strategy: Provide data, information, and analysis to support decision-making

Expected Results

The AGO’s Torts Division protects taxpayers by vigorously defending tort claims and lawsuits against the state, state agencies, boards, commissions, and officers and employees acting within the scope of their employment. Torts consists of experienced litigators and trained legal professionals who provide high quality and efficient legal services to the state. Torts promotes government efficiency by employing concerted efforts to resolve claims and lawsuits at the earliest possible stages through the early resolution program, motions practice, direct negotiation and mediated settlement. Torts maintains a high rate of litigation success with many lawsuits dismissed with zero payout. Torts also maintains a high rate of case appeal litigation success.

ACT001 - Agency Activity Inventory
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2022 - 2022 Supplemental

Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse

The Medicaid Fraud Control Unit (MFCU) is federally mandated and 75% federally funded for this investigative and prosecutorial unit staffed by Attorneys, Auditors, Investigators, Paralegals and support personnel. MFCU’s mission is to protect patients and taxpayers through civil (including qui tam action) and criminal law enforcement. MFCU investigates and prosecutes fraud by health care providers that illegally divert Medicaid funds. These enforcement efforts curtail and deter similar criminal activity and lead to recoveries for the state and federal government. MFCU also prosecutes the abuse and neglect of residents in Medicaid-funded facilities. MFCU provides valuable assistance to local law enforcement in investigating and prosecuting crimes committed against vulnerable adults. MFCU helps coordinate the efforts of local vulnerable adult task forces, enforces the law, holds criminals accountable, increases public safety, deters fraud, and recovers money for the state. The addition of the Medicaid False Claims Act (FCA) in 2012 allows whistleblower qui tam actions. This increases MFCU’s capacity to aggressively combat fraud through civil and criminal means, benefits our state by expanding the AGO’s capacity to address fraud, neglect and abuse. This is essential as more Washingtonians become eligible for Medicaid under the Affordable Care Act, and as more people are entering the long-term care system.

Account	FY 2022	FY 2023	Biennial Total
FTE	60.0	60.0	60.0
001 General Fund			
001-2 Federal	\$7,672	\$9,416	\$17,088
19A Medicaid Fraud Penalty Account			
19A-1 State	\$2,997	\$3,031	\$6,028

Statewide Result Area: Healthy and Safe Communities

Statewide Strategy: Provide access to health care

Expected Results

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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

Medicaid funds are returned to the State through appropriation to combat fraud, provide Medicaid services, and monitor prescription drug abuse. The 2012 legislature created the False Claims Act (FCA) and the Medicaid Penalty Account (MPA) which is the state funding source for the AGO's Medicaid Fraud Control Unit (MFCU), and for the Medicaid program integrity responsibilities managed by the Washington State Health Care Authority. Through MFCU's civil efforts, recovered money that was illegally obtained in violation of either the federal or state FCA is returned to the State and placed into the MPA. This includes restitution, interest and penalties. The 2013 legislature authorized the Prescription Drug Monitoring Program, also funded from the MPA. Through MFCU's criminal and non-false claims act civil efforts, additional money is returned to the State. These cases generally contain a restitution portion, and have generated interest. In these cases, the restitution recoveries are returned directly to the Medicaid program and not to the MPA. Any interest earned and recovered goes to the State General Fund.

002538				
<p>State share of Medicaid recoveries is utilized to combat fraud, provide Medicaid services, and monitor prescription drug abuse. The 2012 legislature created the FCA and the MPA. These acts create the state funding source for the AGO's MFCU, and for the Medicaid program integrity responsibilities managed by the HCA. MFCU's civil efforts recovered money that was illegally obtained in violation of either the federal or state FCA is returned to the State and placed into the MPA. Recovered money includes restitution, interest and penalties. The 2013 legislature authorized the Prescription Drug Monitoring Program that is also funded from the MPA. Through MFCU's criminal and non-false claims act civil efforts, additional money is returned to the State. These cases generally contain a restitution portion and an interest portion. Recoveries are returned directly to the Medicaid program and not to the MPA. The associated interest goes to GF-S.</p>				
Biennium	Period	Actual	Target	
2019-21	A3	\$6,723,135	\$4,000,000	
	A2	\$11,199,418	\$4,000,000	
2017-19	A3	\$6,848,253	\$4,000,000	
	A2	\$13,469,568	\$10,500,000	
Performance Measure Status: Approved				

ACT001 - Agency Activity Inventory
100 - Office of Attorney General
2022 - 2022 Supplemental

Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A010 Legal Services to State Agencies

By providing high quality legal assistance and representation to Washington’s state agencies, boards, and commissions, the AGO improves government services, increases government efficiency, and prevents costly lawsuits. The legal services provided by the AGO saves taxpayer dollars, promotes the public interest, and ensures agencies are able to fulfill their essential missions. The AGO offers excellent, option-based legal advice to help the state promote the public good. In the litigation context, the AGO initiates, defends, and resolves cases effectively and efficiently for the benefit of the state, its agencies, and its citizens.

Account	FY 2022	FY 2023	Biennial Total
FTE	1,071.8	1,057.0	1,064.4
001 General Fund			
001-1 State	\$832	\$876	\$1,708
405 Legal Services Revolving Account			
405-1 State	\$157,037	\$156,895	\$313,932
828 Tobacco Prevention/Control Account			
828-1 State	\$129	\$130	\$259

Statewide Result Area: Efficient, Effective and Accountable Government
Statewide Strategy: Provide data, information, and analysis to support decision-making

Expected Results

The AGO provides legal advice and representation to nearly 200 state agencies, boards, and commissions and sustains about 25,000 open cases at all times. As legal counsel for the state, the AGO represents the state in litigation, and provides legal advice on personnel, contracts, public records, specialized program advice, and risk management. Program responsibilities supported by the AGO include state and federal benefit programs administered by state agencies, licensing and regulatory programs, agency custodial programs, higher education institutions, natural resources programs, capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities. The AGO protects taxpayer dollars by providing sound legal advice and risk management services to clients thus avoiding costly lawsuits. The AGO assists agencies with civil enforcement efforts – for example, working with the Department of Ecology to hold polluters accountable, the Department of Labor and Industries to promote fair labor practices, and Department of Social Health and Services to protect children and other vulnerable populations from abuse and neglect.

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Dollars in Thousands

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Appropriation Period: 2021-23 Sort By: Activity

A011 Representing Ratepayers

The AGO’s Public Counsel Unit (PCU) represents residential and small business customers (ratepayers) of electric, natural gas, and telecommunications utilities regulated by the Washington Utilities & Transportation Commission (UTC). PCU advocates on behalf of customers in UTC cases involving utility rates, mergers, energy efficiency programs, service quality, and other policy matters. PCU investigates company requests and retains experts to analyze areas such as accounting, economics, finance, engineering, rate spread /rate design, and service quality. In a rate case or merger evidentiary hearings, PCU will cross-examine other parties’ expert witnesses, present its own witnesses, and file legal briefs. In addition to participating as a statutory party in major rate and merger cases, PCU may also present policy recommendations in UTC rulemakings or at bi-weekly UTC business meetings. PCU participates in technical policy and advisory groups, and may provide information to the Legislature and other policymakers.

Account	FY 2022	FY 2023	Biennial Total
FTE	10.0	10.0	10.0
111 Public Service Revolving Account			
111-1 State	\$2,125	\$2,146	\$4,271

Statewide Result Area: Prosperous Economy

Statewide Strategy: Provide consumer protection

Expected Results

The AGO’s Public Counsel Unit (PCU) protects consumers and businesses by advocating fair, just, reasonable, and sufficient utility rates, and by ensuring that customers pay only for reasonable and cost-effective programs. PCU’s efforts have helped save consumers nearly \$100 million over the past four years and will continue to save Washingtonians money on utility rates.



**ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 First Supplemental Budget Session
2022 - 2022 Supplemental**

Dollars in Thousands

Activity:

CB	T0PL	No measures linked to activity
CB	T0PL	No measures linked to decision package
ML	MC	No measures linked to activity
ML	MD	No measures linked to activity
ML	MF	No measures linked to activity
ML	MH	No measures linked to activity
ML	MP	No measures linked to activity
ML	MQ	No measures linked to activity
ML	MR	No measures linked to activity
ML	MS	No measures linked to activity
PL	ME	No measures linked to activity
PL	MG	No measures linked to activity
PL	MI	No measures linked to activity
PL	MJ	No measures linked to activity

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
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ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental

Dollars in Thousands

ML	MD	Missing/Murdered Indigenous Women/P	0	0	0	0
PL	MI	Legal Case Management Infrastructur	0	0	0	0
PL	MJ	eDiscovery Capacity and Management	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services .

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	MC	ICWA Legal Compliance	0	0	0	0
ML	MF	Juvenile Rehabilitation Legal Servi	0	0	0	0
ML	MH	Office of Independent Investigation	0	0	0	0
ML	MP	College System Benefits Litigation	0	0	0	0
ML	MQ	Charter School Commission Litigatio	0	0	0	0
ML	MS	Washington Climate Commitment Act	0	0	0	0
PL	ME	Juvenile Litigation Representation	0	0	0	0
PL	MG	Western WA Univ Legal Services	0	0	0	0

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th
protect consumers and improve consumer awareness .

Output Measures 002536 Criminal Cases Closed

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	MR	Federal Funds Adjustment - SAKI	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
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Dollars in Thousands

Activity: A001 Administration

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality , timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	MD	Missing/Murdered Indigenous Women/P	0	0	0	0
PL	MI	Legal Case Management Infrastructur	0	0	0	0
PL	MJ	eDiscovery Capacity and Management	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

ABS033 Performance Measure Incremental Estimates
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Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th
protect consumers and improve consumer awareness .

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for
the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
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Activity: A002 Civil Commitment of Sexually Violent Predators

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
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ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
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Dollars in Thousands

PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th protect consumers and improve consumer awareness.

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

Activity: A003 Criminal Investigation and Prosecution

ML 9Z

No measures linked to decision package

Output Measures 002536 Criminal Cases Closed

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	MR	Federal Funds Adjustment - SAKI	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

Activity: A004 Enforcement of Anti-Trust Laws

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

PL	MI	Legal Case Management Infrastructur	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality , timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

PL	MI	Legal Case Management Infrastructur	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

PL	MI	Legal Case Management Infrastructur	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

PL	MI	Legal Case Management Infrastructur	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>				

ABS033 Performance Measure Incremental Estimates
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PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness .

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th protect consumers and improve consumer awareness .

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
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Dollars in Thousands

Activity: A005 Enforcement of Consumer Protection Laws

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality , timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
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ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
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Dollars in Thousands

PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th protect consumers and improve consumer awareness .

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
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Activity: A006 Executive Ethics Board

ML 9Z

No measures linked to decision package

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
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Dollars in Thousands

Activity: A007 Homicide Investigation Tracking System

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality , timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
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ABS033 Performance Measure Incremental Estimates
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Dollars in Thousands

PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th protect consumers and improve consumer awareness.

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
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Activity: A008 Investigation and Defense of Tort Lawsuits

Outcome Measures 000021 HITS Requests from Law Enforcement

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality, timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality, timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur		0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur		0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur		0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th protect consumers and improve consumer awareness.

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur		0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

Activity: A009 Investigation and Prosecution of Medicaid Fraud and Resident Abuse

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality , timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		
PL	MI	Legal Case Management Infrastructur		0	0	0	0		

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>		

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th: protect consumers and improve consumer awareness .

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

Activity: A010 Legal Services to State Agencies

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality , timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
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ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
ML	MC	ICWA Legal Compliance	0	0	0	0
ML	MF	Juvenile Rehabilitation Legal Servi	0	0	0	0
ML	MH	Office of Independent Investigation	0	0	0	0
ML	MP	College System Benefits Litigation	0	0	0	0
ML	MQ	Charter School Commission Litigatio	0	0	0	0
ML	MS	Washington Climate Commitment Act	0	0	0	0
PL	ME	Juvenile Litigation Representation	0	0	0	0
PL	MG	Western WA Univ Legal Services	0	0	0	0
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th
protect consumers and improve consumer awareness .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

Output Measures			002537	Percentage of Tort Claims that Result in Zero Payout			
				<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur		0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

Activity: A011 Representing Ratepayers

ML 9Z

No measures linked to decision package

Outcome Measures 000021 HITS Requests from Law Enforcement

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Goal 1: Serve the state – Deliver high quality , timely, and efficient legal services. Goal 2: Serve the State – Improve internal efficiency and effectiveness through the use of technology solutions and data .

Outcome Measures 002531 Consumer Utility Rate Savings

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People, Goal 4: protect WASHINGTON CONSUMERS. 2-4-3: Protect Washington Ratepayers.

Outcome Measures 002533 Total AG Formal and Informal Opinions Issued

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Outcome Measures 002535 Total Successful Commitments

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 1: DEFEND CIVIL RIGHTS AND STAND UP FOR VULNERABLE WASHINGTONIANS . 2-1-4: sexually exploited youth and pursue civil commitment of sexually violent predators .

Outcome Measures 002538 Recoveries to the Medicaid System

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
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ABS033 Performance Measure Incremental Estimates
100 Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

PL	MI	Legal Case Management Infrastructur	0	0	0	0
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AGO Strategic Plan: Protect the People – Goal 4: Protect All Washington Consumers . 2-4-2: Combat health care fraud.

Outcome Measures 002539 Cases Open at End of Fiscal Year

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Serve the State – Goal 1: Deliver high quality , timely and efficient legal services.

Output Measures 000011 Antitrust Restitution to the Citizens of the State

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: Protect the People – Goal 4: PROTECT WASHINGTON CONSUMERS . 2-4-1: Enforce the laws that protect consumers and improve consumer awareness.

Output Measures 002534 Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0	0	0	0

AGO Strategic Plan: AGO Strategic Plan: Protect the People – Goal 4: PROTECT ALL WASHINGTON CONSUMERS . 2-4-1: Enforce the laws th: protect consumers and improve consumer awareness .

Output Measures 002537 Percentage of Tort Claims that Result in Zero Payout

			<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>
PL	MI	Legal Case Management Infrastructur	0%	0%	0%	0%

AGO Strategic Plan: Serve the State – Goal 3 Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public. 1-3-3 Play a statewide leadership role in risk management .

**2022 Supplemental
Activity Inventory Indirect Cost Allocation Approach**

Agency: 100 - Office of Attorney General

Date: Sept 9, 2021

Allocation Method Description: Total indirect costs were allocated to activities based of the number of FTE's in each activity

	% Allocation Received	Dollars Allocated FY 1	Dollars Allocated FY 2	Total Allocated
A001 - Administration	8.4%	13,368	20,232	33,600
A002 - Civil Commitment of Sexually Violent Predators	3.5%	6,995	7,194	14,189
A003 - Criminal Investigation and Prosecution	0.7%	1,472	1,521	2,993
A004 - Enforcement of Anti-Trust Laws	2.9%	5,781	5,761	11,542
A005 - Enforcement of Consumer Protection Laws	3.0%	5,831	6,016	11,847
A006 - Executive Ethics Board	0.3%	556	564	1,120
A007 - Homicide Investigation Tracking System	0.6%	889	1,580	2,469
A008 - Investigation and Defense of Tort Lawsuits	1.1%	2,160	2,160	4,320
A009 - Investigation and Prosection of Medicaid Fraud and Resident Abuse	5.7%	10,654	12,330	22,984
A010 - Legal Services to State Agencies	72.7%	146,260	144,382	290,642
A011 - Representing Ratepayers	1.1%	2,122	2,126	4,248
A012 - Victims Advocacy	0.0%	0	0	0
TOTALS	100.0%	196,088	203,866	399,954

Tab B

RECOMMENDATION
SUMMARY





Dollars in Thousands

ABS024 Recommendation Summary
Office of Attorney General
2022 First Supplemental Budget Session
2022 - 2022 Supplemental

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	1,317.5	43,544	356,410	399,954
2021-23 Current Biennium Total	1,317.5	43,544	356,410	399,954
Total Carry Forward Level	1,317.5	43,544	356,410	399,954
Percent Change from Current Biennium	.0%	.0%	.0%	.0%
Maintenance – Other Changes				
MLMA State v. Burbank, Collins, & Rankin	0.0	700	0	700
MLMB King County SVP Legal Services	0.0	2,395	0	2,395
MLMD Missing/Murdered Indigenous Women/P	1.0	500	0	500
MLMR Federal Funds Adjustment - SAKI	1.5	0	2,943	2,943
Maintenance – Other Total	2.5	3,595	2,943	6,538
Maintenance – Central Svcs Changes				
MLMC ICWA Legal Compliance	38.2	0	9,119	9,119
MLMF Juvenile Rehabilitation Legal Servi	1.8	0	478	478
MLMH Office of Independent Investigation	0.3	0	88	88
MLMK D.S. v. DCYF	0.0	0	120	120
MLML Malone v. DSHS	0.0	0	150	150
MLMN Sylvia Liang, et al. v. DSHS	0.0	0	76	76
MLMP College System Benefits Litigation	12.6	0	5,497	5,497
MLMQ Charter School Commission Litigatio	0.9	0	238	238
MLMS Washington Climate Commitment Act	0.7	0	114	114
Maintenance – Central Svcs Total	54.5	0	15,880	15,880
Total Maintenance Level	1,374.5	47,139	375,233	422,372
Percent Change from Current Biennium	4.3%	8.3%	5.3%	5.6%
Policy – Other Changes				
PL MI Legal Case Management Infrastructur	5.5	228	1,908	2,136
Policy – Other Total	5.5	228	1,908	2,136
Policy – Central Svcs Changes				
PL ME Juvenile Litigation Representation	12.3	0	3,088	3,088
PL MG Western WA Univ Legal Services	1.8	0	478	478
PL MJ eDiscovery Capacity and Management	2.6	0	2,065	2,065
Policy – Central Svcs Total	16.7	0	5,631	5,631
Subtotal - Policy Level Changes	22.2	228	7,539	7,767
2021-23 Total Policy Level	1,396.6	47,367	382,772	430,139
Percent Change from Current Biennium	6.0%	8.8%	7.4%	7.5%

ABS024 Recommendation Summary
Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

ML MA State v. Burbank, Collins, & Rankin

The Attorney General's Office (AGO) seeks funding to cover the cost of prosecution of three police officers accused of criminally causing the death of Manuel Ellis. Mr. Ellis died in the custody of Tacoma Police officers on March 3, 2020. In June 2020, Governor Inslee asked the AGO to review the investigation for criminal charges and prosecute any charges that were warranted. Criminal charges were filed against Burbank, Collins, and Rankine in May 2021. Trial is expected in 2022. This case is an unexpected expenditure for the AGO that was not contemplated in either the 2019-21 or 2021-23 biennial budgets.

ML MB King County SVP Legal Services

State funding for civil prosecution of persons identified as sexually violent predators (SVPs) is insufficient. Funding has remained flat since FY 2015, when the Legislature moved funding for SVP civil prosecution work to the Attorney General's Office (AGO) from the Department of Social and Health Services (DSHS). Counties can choose to civilly prosecute their own SVP cases, in which case the AGO provides state funds to the county through an interagency agreement. The King County Prosecutor's Office (KCPO) is the only county currently prosecuting its own SVP cases, but current state funding is insufficient to cover costs.

ML MD Missing/Murdered Indigenous Women/P

In the 2021-23 biennial budget, the Legislature appropriated \$500,000 for the Attorney General's Office (AGO) to establish the Task Force for Missing and Murdered Indigenous Women and People (MMIW/P). Governor Inslee vetoed the budget proviso due to a drafting error, with the understanding that the AGO would proceed and seek reimbursement in the supplemental budget. This Task Force, comprising of representatives from American Indian and Alaska Native communities and governments, will provide recommendations to the Legislature on previously unaddressed challenges in data collection and reporting practices, prosecutorial trends, prevention and response services, and systemic causes of violence against American Indians.

ML MR Federal Funds Adjustment - SAKI

The Attorney General's Office (AGO) requests an increase to its federal authority to allow the AGO to continue to clear the backlog of untested kits in the Federal Sexual Assault Kit Initiative (SAKI), collect DNA owed by felons, and to further unresolved sexual assault related investigations. There is no impact to State funds.

ML MC ICWA Legal Compliance

The Attorney General's Office (AGO) requests an increase in legal resources for Department of Children, Youth, and Families (DCYF) to satisfy the heightened standards and additional legal elements in cases where the state and federal Indian Child Welfare Acts (ICWA) apply. Based on two Supreme Court rulings, the number of children to whom the Acts apply has significantly expanded, and the Acts' legal elements that DCYF must prove are more demanding.

ML MF Juvenile Rehabilitation Legal Servi

The Attorney General's Office (AGO) requests funding to support legal services for the Department of Children, Youth and Families (DCYF) Juvenile Rehabilitation (JR). Statutorily changes since JR transitioned from the Department of Social and Health Services (DSHS) to DCYF have increased the size and complexity, and have resulted in a sustained increase in legal service needs, both for advice and for litigation.

ML MH Office of Independent Investigation

The Office of Independent Investigation (OII) is a new office within the Governor's Office effective July 2021. Beginning July 2022, the OII director is authorized to investigate deadly force incidents involving law enforcement. Beginning July 2023, the director is authorized to review and may investigate prior investigations of deadly force, if new evidence is brought forward. The Attorney General's Office (AGO) was not funded for providing legal services to OII.

ABS024 Recommendation Summary
Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

ML MK D.S. v. DCYF

The Attorney General's Office (AGO) seeks funding for litigation expenses for D.S. v. the Department of Children, Youth and Families' (DCYF), a federal case related to DCYF's practice of placing children in congregate care, in out-of-state group care facilities, and holding foster children in hotels and offices. This case alleges DCYF's actions violate the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fourteenth Amendment of the United States Constitution (privacy and substantive due process), and the Adoptions Assistance and Welfare Act.

ML ML Malone v. DSHS

This lawsuit involves the resident population of the Special Commitment Center (SCC) and the alleged violations of their civil rights, including claims of unsafe drinking water and inadequate conditions of confinement.

ML MN Sylvia Liang, et al. v. DSHS

The Service Employees International Union 775 sued the Department of Social & Health Services (DSHS) alleging that DSHS has underpaid Individual Providers (IP) since March 2014 on various theories including the contractual duty of good faith and fair dealing and the minimum wage act. The case is complex in that it may involve over one-hundred thousand individual client-provider pairs. Trial is scheduled to begin February 6, 2023 and discovery is ongoing.

ML MP College System Benefits Litigation

This request is to fund defense of employee benefit class action lawsuits against the State Board for Community and Technical Colleges (SBCTC) and the State of Washington. The same law firm on behalf of classes of similarly situated part-time college employees filed three lawsuits. Two lawsuits, Wolf v. State Board and Rush v. State, allege denial of retirement benefits administered under the SBCTC Retirement Benefit Plan. The third suit, Rush v. State, alleges denial of sick leave benefits as specified under RCW 28B.50.4893. This request provides staff and funding to defend Washington State in this complex litigation.

ML MQ Charter School Commission Litigation

This request is to support the Charter School Commission's (Commission) request for additional legal services allocation in anticipation of litigation challenging the Commission's authority to regulate charter schools. The Commission's legal services allocation is insufficient to meet its day-to-day legal services needs and does not take into account litigation costs. The Commission overspent the 2019-21 allocation by more than 20 percent and was given a reduced legal services allocation for 2021-23 Biennium. A robust defense is paramount to ensure that the regulatory framework that was enacted through the Initiative process and by the legislature maintains its integrity.

ML MS Washington Climate Commitment Act

The Attorney General's Office (AGO) received \$170,000 in billing authority for the enacted legislation Second Substitute Bill (SSB) 5126. The AGO's fiscal note identified that it would take a total of \$284,000 to implement the legislation and Department of Ecology (ECY) and Department of Natural Resources (DNR) will be billed for these legal services. The AGO remains confident in its initial assumptions. Successful implementation of complex, critical legislation will require sufficient funding for legal resources. AGO is requesting the additional \$114,000 in billing authority.

PL MI Legal Case Management Infrastructure

ABS024 Recommendation Summary
Office of Attorney General
2022 - 2022 Supplemental
Dollars in Thousands

The Attorney General’s Office (AGO) is the largest public law firm in the state . The AGO represents the interests of client agencies and defends all cases and claims brought against state agencies , boards, commissions, state officials, and employees. To maximize the limited resources of both client agencies and the AGO , use of a modern enterprise legal matter management system is needed to properly manage case information and documents , and track cases, client advice, and investigations across the agency. The current system requires an upgrade or replacement as the demands on the system continue to increase .

PL ME Juvenile Litigation Representation

This request is to provide funding to the Attorney General’s Office (AGO) for representation in Grays Harbor, Asotin, and Walla Walla Counties for new child welfare caseloads as requested by the Department of Children , Youth, and Families (DCYF). Representation was previously provided by the counties’ prosecutor offices . This transition will facilitate a more consistent statewide approach and help DCYF achieve significant system reforms adopted by the Legislature , and comply with its federal reporting requirements.

PL MG Western WA Univ Legal Services

Western Washington University (WWU) is submitting a supplemental decision package requesting funding for additional legal resources and the Attorney General’s Office (AGO) supports the request as the need for legal services has increased over time in both the number of requests for legal services and in the complexity of the legal services needed . An additional Assistant Attorney General (AAG) position is requested to meet the expanding workload demands arising from campus growth and development, as well as an increase in complex legal issues requiring more attorney time and resources .

PL MJ eDiscovery Capacity and Management

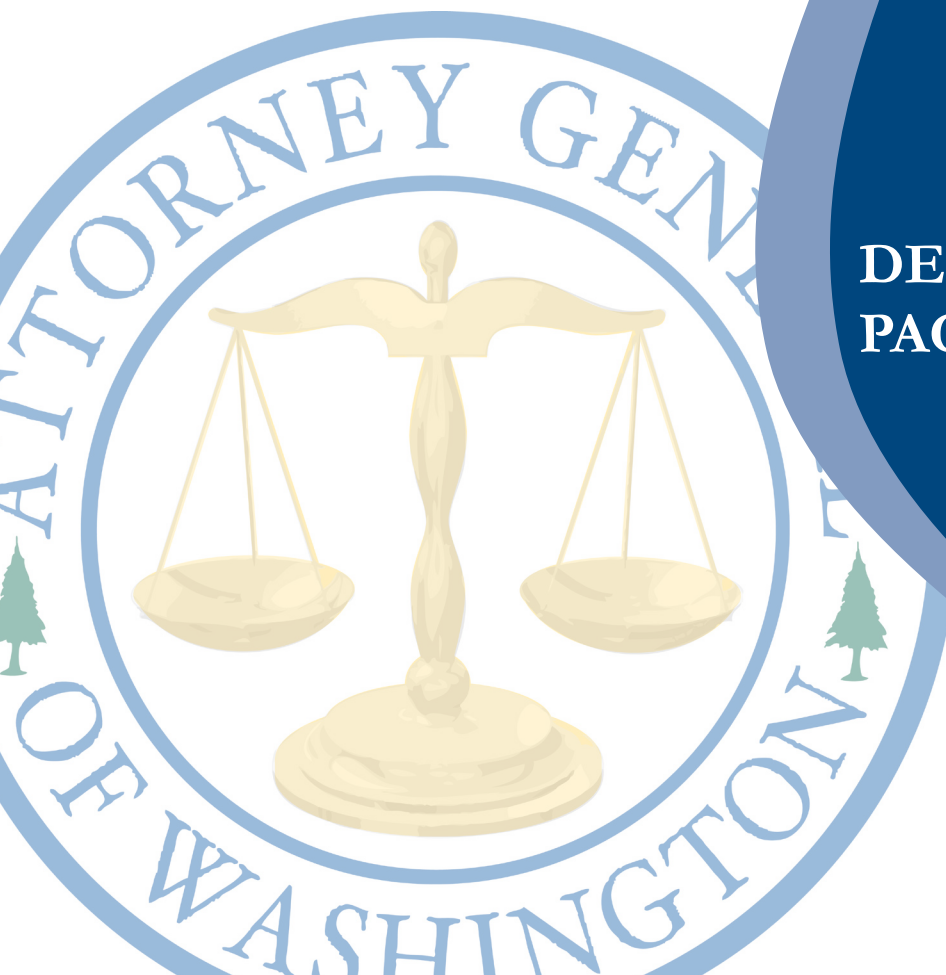
Discovery is a critical stage of all successful litigation . A pilot program within the Attorney General’s Office (AGO) has been using the electronic discovery software tool, Everlaw, with abundant success. In order to continue providing excellent legal services, the AGO needs to expand the use of the software for all legal divisions . Using a cloud-based, SAAS discovery solution will maximize efficiency and increase cost-effectiveness . Additionally, an FTE devoted to eDiscovery training and management will work with divisions and client agencies to provide training on best practices , risk mitigation and overall discovery support to ensure success of the discovery process.

Report Number: ABS024

Input Parameters	Entered as
Session	2022 Supplemental
Agency	100
Version Source	A
Version	2022
Version Option	(None)
Program	Agency Level
Roll Up	N
Include Budget Level Detail	CL,ML,PL
Include Text	Y
For Word	N
Display Parameter Page	Y

Tab C

**DECISION
PACKAGES**



2022 Supplemental BUDGET REQUEST
Office of the Attorney General

Decision Package Summary

ML Priority			
Type	Rec Sum	DP Title	Priority
ML	MA	State v. Burbank, Collins, & Rankin	1
ML	MB	King County SVP Legal Services	2
ML	MC	ICWA Legal Compliance	3
ML	MD	Missing/Murdered Indigenous Women/People	4
ML	MF	Juvenile Rehabilitation Legal Services	6
ML	MH	Office of Independent Investigation	8
ML	MK	D.S. v. DCYF	11
ML	ML	Malone v. DSHS	12
ML	MN	Sylvia Liang, et al. v. DSHS	13
ML	MP	College System Benefits Litigation	14
ML	MQ	Charter School Commission Litigation	15
ML	MR	Federal Funds Adjustment - SAKI	16
ML	MS	Washington Climate Commitment Act	17

PL Priority			
Type	Rec Sum	DP Title	Priority
PL	ME	Juvenile Litigation Representation	5
PL	MG	Western WA Univ Legal Services	7
PL	MI	Legal Case Management Infrastructure	9
PL	MJ	eDiscovery Capacity and Management	10



Office of Attorney General
 2021-23 First Supplemental Budget Session
 Maintenance Level - MA - State v. Burbank, Collins, & Rankin

Agency Recommendation Summary

The Attorney General’s Office (AGO) seeks funding to cover the cost of prosecution of three police officers accused of criminally causing the death of Manuel Ellis. Mr. Ellis died in the custody of Tacoma Police officers on March 3, 2020. In June 2020, Governor Inslee asked the AGO to review the investigation for criminal charges and prosecute any charges that were warranted. Criminal charges were filed against Burbank, Collins, and Rankine in May 2021. Trial is expected in 2022. This case is an unexpected expenditure for the AGO that was not contemplated in either the 2019-21 or 2021-23 biennial budgets.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Operating Expenditures						
Fund 001 - 1	\$700	\$0	\$700	\$0	\$0	\$0
Total Expenditures	\$700	\$0	\$700	\$0	\$0	\$0

Decision Package Description

The AGO maintains a small Criminal Litigation Unit (CLU) within its Criminal Justice Division. The CLU has eight assistant attorney generals (AAG) who serve primarily as criminal prosecutors, although they also review claims for compensation under the Wrongly Convicted Persons Act (Chapter 4.100 RCW). These prosecutors handle criminal prosecutions at the request of the Governor or a county prosecutor when there is a conflict of interest, a county needs assistance due to limited resources, or the AGO has expertise and available resources for particular cases.

The CLU has limited availability and resources to prosecute cases at the request of the Governor and county prosecutors. Of the eight available prosecutors, two FTE are dedicated to prosecution of financial fraud cases against state agencies. One is dedicated to human trafficking issues. One FTE is dedicated primarily to reviewing and litigating wrongful conviction claims, although he also handles a criminal caseload. Another FTE is to supervise the unit to include administrative and supervisory duties in addition to casework. One of the FTE has already been assigned to co-chair *State v. Burbank, Collins, and Rankine* with the SAAG. Other attorneys accordingly absorbed some of his caseload.

At the time that the Governor asked the AGO to review the Death Investigation of Manuel Ellis in June 2020, the CLU was already litigating several complex and resource-consuming prosecutions. This includes a murder case in Grant County, a rape case in Asotin County, and an attempted murder case in Clallam County. All three of those cases consume a considerable amount of the limited resources of the CLU. When the Governor asked the AGO to review the death of Manuel Ellis in June 2020, the global pandemic and limited court operations had stalled, and continue to stall, resolution of criminal cases, including the existing major and resource-consuming prosecutions in the CLU caseload.

Due to the limited resources of the CLU, but wanting to fulfill the need for an independent review of the death of Mr. Ellis as requested by the Governor, the AGO hired a Special Assistant Attorney General (SAAG) to assist in reviewing the case and to prosecute the case if criminal charges were filed. Charges were filed against Tacoma Police officers Christopher Burbank, Matthew Collins, and Timothy Rankine in late May 2021, about a month prior to the expiration of the 2019-2021 biennial budget term. The AGO paid the SAAG \$328,000 for work performed during the 2019-2021 biennial budget period.

The AGO has entered a contract to pay the SAAG up to \$350,000 during the 2021-2023 biennium, but expects the actual costs to exceed \$350,000, particularly as the SAAG readies for trial and tries the three cases this biennium. The \$328,000 already paid to the SAAG from the last biennial budget funds was for work performed over only five months (February-June 2021). Those funds were available only due to fiscal savings from pandemic-caused lack of jury trials and travel during the 2019-2021 biennium. The AGO's current biennial budget for criminal prosecutions does not accommodate the anticipated cost of prosecution of *State v. Burbank, Collins, and Rankine*.

The nature of this particular case (the death of a man while in the custody of Tacoma Police) also causes significant costs in the form of necessary expert witnesses. The State's burden at trial is to prove the case beyond a reasonable doubt and obtain a unanimous jury verdict. Careful review of the case required the AGO to hire numerous expert witnesses—and may require hiring others—in order to provide the jury with the necessary information to make an informed decision on guilt or innocence. The AGO is presently contracted with numerous medical doctors, an audio file expert, a video file expert, a crime scene re-constructionist, and a police practices/use of force expert. The maximum to be paid on these contracts is presently \$150,000, which costs were not forecasted for the 2021-2023 biennial budget for AGO criminal prosecutions. The AGO's budget presently lacks the necessary funds to cover the expenses of the SAAG and expert witnesses.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This is a case-specific request for funds to cover costs for *State v. Burbank, Collins, and Rankine*.

Detailed Assumptions and Calculations:

The AGO's criminal prosecutions are funded exclusively by General Fund State dollars (GF-State). The AGO's current funding will not cover anticipated costs for prosecution of these three cases.

The AGO requests \$700,000 to cover the cost of a SAAG, expert witnesses, and litigation costs for the criminal cases *State v. Christopher Burbank, State v. Matthew Collins, and State v. Timothy Rankine*, all filed in Pierce County Superior Court and pending jury trial. Trial is anticipated to occur in October 2022.

These costs are based upon the following assumptions:

\$500,000 for Special Assistant Attorney General. Presently, the AGO has a contract with the SAAG to pay her firm \$350,000 for work on these three cases during the present biennium. To assist in reviewing the case from February 2021 through May 2021, and one month of prosecuting the three defendants in June 2021, the AGO paid the SAAG approximately \$328,000 for five months of work. The SAAG's work was essential to review and charging of the case between February-June 2021. Now that the case is charged and each of the three defendants has an attorney, extensive litigation is anticipated, culminating in a lengthy jury trial (or possibly three jury trials) anticipated to occur before the conclusion of the 2021-2023 biennium. Experience and logic lead to the conclusion that the current \$350,000 contract for the SAAG will not cover necessary expenses through trial. The AGO estimates payments of \$500,000 or more for the SAAG during the present biennium.

As noted, the AGO has contracted with necessary experts to consult with and call as witnesses at trial. The max sum of those contracts is \$150,000, some of these contracts may need to be amended for additional costs should the case go to trial as expected. The AGO also anticipates consulting with and hiring additional experts who have expertise in certain medical disciplines. The State has max contractual obligations of \$120,000 this biennium for contracted experts, but anticipates a minimum of \$200,000 in payments to experts this biennium due to necessary expert consultation and testimony for these three cases this biennium.

The anticipated expenditures are contractual: the SAAG and consulting/testifying expert witnesses. The AGO is presently committed to \$470,000 in contractual costs to the SAAG and experts. The contract with the SAAG is for \$500/hour. In only five months from February-June 2021, SAAG costs were \$328,000. As stated, the AGO expects the SAAG to bill \$500,000 or more this biennium for work necessary to the successful prosecution of these cases. Additionally, the AGO expects expert witnesses to bill \$200,000 for work necessary to meet the State's burden of proof in this case.

Workforce Assumptions:

N/A

How is your proposal impacting equity in the state?

This proposal will impact the defense civil rights and stand up for vulnerable Washingtonians. The proposal will further equity in our state by ensuring that resources are not a bar to the prosecution of police officers accused of using unnecessary force.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington Outcome Measures:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan: This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

Goal 1 – Defend the civil rights and stand up for vulnerable Washingtonians.

Goal 2 – Protect Washington’s environment and public health.

Goal 3 – Promote Good Government

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A.0003 Criminal Investigations and Prosecutions	001-1	700			
TOTAL		700	-	-	-

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2536 Criminal Cases Closed	001-1	700			
TOTAL		700		-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002536 - Criminal Cases Closed	0	0	0	0

Performance Outcomes:

Performance Measure 2536: Criminal Cases Closed

Target: 18 criminal cases closed or declined per biennium, reported quarterly.

Key Divisions: Criminal Justice Division

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

N/A

Legal or Administrative Mandates:

State v. Christopher Burbank, State v. Matthew Collins, and State v. Timothy Rankine

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. C	\$500	\$0	\$500	\$0	\$0	\$0
Obj. E	\$200	\$0	\$200	\$0	\$0	\$0

Agency Contact Information

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Office of Attorney General
 2021-23 First Supplemental Budget Session
 Maintenance Level - MB - King County SVP Legal Services

Agency Recommendation Summary

State funding for civil prosecution of persons identified as sexually violent predators (SVPs) is insufficient. Funding has remained flat since FY 2015, when the Legislature moved funding for SVP civil prosecution work to the Attorney General’s Office (AGO) from the Department of Social and Health Services (DSHS). Counties can choose to civilly prosecute their own SVP cases, in which case the AGO provides state funds to the county through an interagency agreement. The King County Prosecutor's Office (KCPO) is the only county currently prosecuting its own SVP cases, but current state funding is insufficient to cover costs.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Operating Expenditures						
Fund 001 - 1	\$1,180	\$1,215	\$2,395	\$1,251	\$1,289	\$2,540
Total Expenditures	\$1,180	\$1,215	\$2,395	\$1,251	\$1,289	\$2,540

Decision Package Description

This request is for additional funding to support the prosecution of sexually violent predators (SVP) for the Attorney General's Office and the King County Prosecuting Attorney – the two agencies in the state that perform this unique work. Sexually Violent Predators are violent sex offenders who, because of a mental abnormality and/or personality disorder, are proven likely to engage in predatory acts of sexual violence if released. Currently, the funding allocated for this work falls far short of historical costs. For decades, funding for both prosecution and defense of SVP cases was allocated to the Department of Social and Health Services (DSHS), which then used the funds to reimburse the various offices and attorneys for their work. In 2011, the Legislature became concerned by the amount of defense spending and asked the Office of Public Defense (OPD) through a budget proviso to develop a proposal to “assume the effective and efficient administration of indigent defense services” of SVP civil commitment cases from DSHS. The proposal had to identify, among other things, procedures to control costs and require accountability and possible savings to the state and counties from the proposal. Senate Bill 6493 was subsequently introduced and passed in 2012, and all appropriations made to DSHS for carrying out indigent defense functions and duties were transferred to OPD.

Correspondingly, in the supplemental budget, \$11.8 million was subtracted from DSHS, and \$6.1 million was provided to OPD to implement Senate Bill 6493. Additionally, \$5.7 million was provided to the Attorney General's Office (AGO) for the “legal costs associated with the evaluation, filing, prosecution, response to petitions for release, and appeal of SVP civil commitment cases.” The AGO was authorized to enter into interagency agreements with county prosecutors to perform SVP-related civil prosecution services. The AGO funding has increased slightly over the years due to multiple compensation adjustments since FY 2015.

As part of the Community Protection Act of 1990, the Legislature enacted Chapter 71.09 RCW providing for the civil commitment of sexually violent predators. The SVP laws provide that if evidence proves beyond a reasonable doubt that a person who has been convicted of a sexually violent offense is being released from prison, or has committed a recent overt act of sexual violence in the community, and has a mental abnormality that makes them likely to commit predatory acts of sexual violence if not confined in a secure facility, the State may confine them in a secure treatment facility until deemed safe for release.

Historically, the Legislature provided funding for the prosecution and defense of civil commitment cases to DSHS. In 2015, this model changed dramatically. State funding for civil commitment of SVP's went to the AGO for prosecution, and OPD for defense of individuals the State sought to commit as sexually violent predators.

Since 2015, the AGO has received state funding for the civil prosecution of SVP civil commitment cases throughout Washington. The counties can choose to have the AGO handle these cases, or receive a portion of the AGO's funding through an interagency agreement. The AGO handles these cases in 38 of the 39 counties. King County prosecutes its own SVP cases. Since 2015, cases in King County have increased, however funding for their prosecution has remained the same.

The contract for the 2019-2021 biennium between KCPO and the AGO provided \$2.78 million for SVP civil prosecution in King County. Recently, KCPO reported that this amount only covers 54 percent of their costs, with the county covering the remaining 46 percent of the costs. KCPO cannot continue covering these costs, which Washington State is mandated to cover. If not, KCPO may have to return its SVP cases to the AGO. KCPO has approximately 30 percent of the state's SVP cases. The AGO cannot absorb these additional cases without additional funding of approximately \$2.4 million.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

N/A

Detailed Assumptions and Calculations:

According to the most recent data, KCPO has 68/223 (30.5 percent) of the individuals in DSHS custody. Absorbing these cases would equate to a 44 percent increase in the AGO caseload. However, that figure does not include cases that are awaiting more information before a decision to file the SVP case is made. Currently, AGO has approximately 30 of such cases, and it is likely KCPO has a proportionate amount. The above figure also does not include the pending appeals and other collateral work will also that come with some of those cases as well.

The KCPO presently allocates up to seven deputy prosecuting attorneys, plus professional staff, to prosecute its share of the state's SVP cases. These cases are known to have voluminous discovery, complex legal and evidentiary issues, and a litigious defense bar. A typical SVP jury trial lasts three to five weeks. Many cases involve travel for investigation, record gathering, and discovery in other states.

This request would fully fund the prosecution of SVP cases.

Workforce Assumptions:

N/A

How is your proposal impacting equity in the state?

This proposal will provide funding to the King County prosecution of SVP cases. Without this funding King County would be underfunded for the prosecution of SVP cases as compared the rest of the state.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services.

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

2. Priority – Protect the People

Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A 002 - Civil Commitment of Sexually Violent Predators	001-1	1,180	1,215	1,251	1,289
TOTAL		1,180	1,215	1,251	1,289

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2535 - Total Successful Commitments	001-1	1,180	1,215	1,251	1,289
TOTAL		1,180	1,215	1,251	1,289

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002535 - Total Successful Commitments	0	0	0	0

Performance Outcomes:

Performance Measure 2535: Total Successful Commitment and Recommitment Trials

Target: 85% successful SCC commitment or recommitments per biennium, reported annually.

Key Divisions: Sexually Violent Predator Unit

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

There is no client for this work. The AGO prosecutes these cases on behalf of the State of Washington and the County Prosecutors. A small minority of sexually violent predators identify as indigenous persons.

No opposition is expected, however if the AGO requests and is granted additional funding for this work, OPD and its stakeholders may request additional funding. OPD presently contracts with licensed Washington attorneys to defend persons accused of being sexually violent predators.

Legal or Administrative Mandates:

This request is not in response to a legal or administrative mandate. Rather, it seeks funding to continue an existing legislative mandate.

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

No changes in existing statutes, rules, or contracts is necessary for this supplemental funding request.

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. C	\$1,180	\$1,215	\$2,395	\$1,251	\$1,289	\$2,540

Agency Contact Information

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Agency Recommendation Summary

The Attorney General’s Office (AGO) requests an increase in legal resources for Department of Children, Youth, and Families (DCYF) to satisfy the heightened standards and additional legal elements in cases where the state and federal Indian Child Welfare Acts (ICWA) apply. Based on two Supreme Court rulings, the number of children to whom the Acts apply has significantly expanded, and the Acts’ legal elements that DCYF must prove are more demanding.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	38.2	38.2	38.2	38.2	38.2	38.2
Operating Expenditures						
Fund 405 - 1	\$4,525	\$4,594	\$9,119	\$4,594	\$4,594	\$9,188
Total Expenditures	\$4,525	\$4,594	\$9,119	\$4,594	\$4,594	\$9,188
Revenue						
405 - 0420	\$4,525	\$4,594	\$9,119	\$4,594	\$4,594	\$9,188
Total Revenue	\$4,525	\$4,594	\$9,119	\$4,594	\$4,594	\$9,188

Decision Package Description

Costs are based on the need for 11.3 Assistant Attorneys General (AAG), 2.3 Paralegal (PL), 13.7 Legal Assistant (LA), and 8.0 Legal Office Assistant (LOA) and 2.8 Management Analyst 5 (MA5 – for overhead costs) to address the increased workload for the Attorney General’s Office (AGO) to satisfy the heightened standards and additional legal elements that Department of Children, Youth, and Families (DCYF) must prove in cases where the state and federal Indian Child Welfare Acts (ICWA) apply. These standards are necessary because Congress found that “an alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by nontribal public and private agencies and an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions” and that States “have often failed to recognize the essential tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families.” 25 U.S.C. § 1901(4), (5). In Washington, the Legislature has declared that it “is committed to protecting the essential tribal relations and best interests of Indian children that is consistent with the rights of the parents, the health, safety, or welfare of the children, or the interests of their tribe.” RCW 13.38.030. Due to the increased number of cases in which the Acts apply, additional legal resources are essential to realize the Legislature’s commitment.

In September 2020, the Washington State Supreme Court issued an opinion in *Matter of Dependency of Z.J.G. and M.E.J.G.*, 196 Wn.2d 152, 471 P.3d 853 (2020), holding that when a child has tribal heritage there is a reason to know a child is or may be an Indian child under the state and federal ICWA, and the Acts heightened requirements apply to the proceeding. This opinion required the DCYF to modify its current practice and expand the number of children to whom the Acts requirements apply. Following the Court’s decision, the Acts apply in 23 percent more cases. The associated legal workload has also increased. In child welfare cases involving Indian children and families, DCYF, represented by the AGO, must satisfy heightened standards and additional legal elements imposed by the state and federal ICWA:

- Voluntary placement agreements must be executed in writing and recorded before the court, instead of outside of court.
- Timely and complete written legal notice to the parent(s), Indian custodian(s), tribe(s), and the Bureau of Indian Affairs must occur by certified mail and on the mandatory form before dispositional hearings, Title 13 guardianship fact-finding hearings, and termination of parental rights fact-finding hearings can proceed.
- ICWA placement preferences (or the Indian child’s tribe’s placement preferences) must be applied unless the court finds good cause to the contrary.
- The court must find that active efforts were made “to provide remedial services and rehabilitative programs designed to prevent the breakup up the Indian family and that these efforts have proved unsuccessful.” These efforts must be thorough, timely, consistent, and culturally appropriate, as well as documented in detail in the record.

- The court must hear testimony from one or more qualified Indian expert witnesses at certain stages of the proceedings.
- The court must find that “continued custody of the child’s parent or Indian custodian is likely to result in serious emotional or physical damage to the child” for out-of-home placement at disposition, establishment of a Title 13 guardianship, or termination of parental rights.
- Before placing a child out-of-home at disposition, establishing a Title 13 guardianship, or terminating parental rights, the court must find that “continued custody of the child’s parent or Indian custodian is likely to result in serious emotional or physical damage to the child.” The evidence “must show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage to the particular child.”

These cases require additional time and associated costs.

One of the legal requirements in cases where the state and federal ICWA apply is that DCYF or its legal counsel send written legal notice to the parent(s), Indian custodian(s), the tribe(s) with which the child may be affiliated, and the Bureau of Indian Affairs by certified mail. This notice includes detailed case-specific information about the child and their family, such as all known names, birthdates, and tribal affiliations. After the notice is sent by certified mail, the return receipts must be tracked along with any tribal responses. Following *Z.J.G.*, notices are sent based on the child’s reported tribal heritage. Approximately 28.5 percent of children in DCYF’s care have reported tribal heritage. The number of notices that must be sent varies based on the child’s reported tribal heritage, ranging from 2 notices to over 220 notices per child. The United States Postal Service charges \$3.35 for each certified mailing. DCYF has asked the AGO to send the written legal notice and those costs are assumed in this request.

On June 24, 2021, the Supreme Court issued an opinion in *In re Dependency of G.J.A., A.R.A., S.S.A., and V.A.*, __ Wn.2d __, 489 P.3d 631 (2021), clarifying another of the legal requirements in cases where the state and federal ICWA apply: active efforts to prevent the break-up of the Indian family. This requirement applies at hearings throughout the life of the case. Pursuant to the Court’s opinion, proving this element involves introducing evidence to the court that DCYF helped parents overcome all barriers to reunification, ensuring detailed documentation is in the court record, and drafting detailed findings beyond the preprinted checkbox on the mandatory pattern form order. The AGO, as legal counsel for DCYF, advises DCYF about the legal sufficiency of its efforts, introduces evidence of those efforts to the juvenile court, memorializes the court’s findings in written orders, and defends the orders on appeal. These heightened standards and elements apply to nearly a third of DCYF cases, greatly increasing legal workload

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

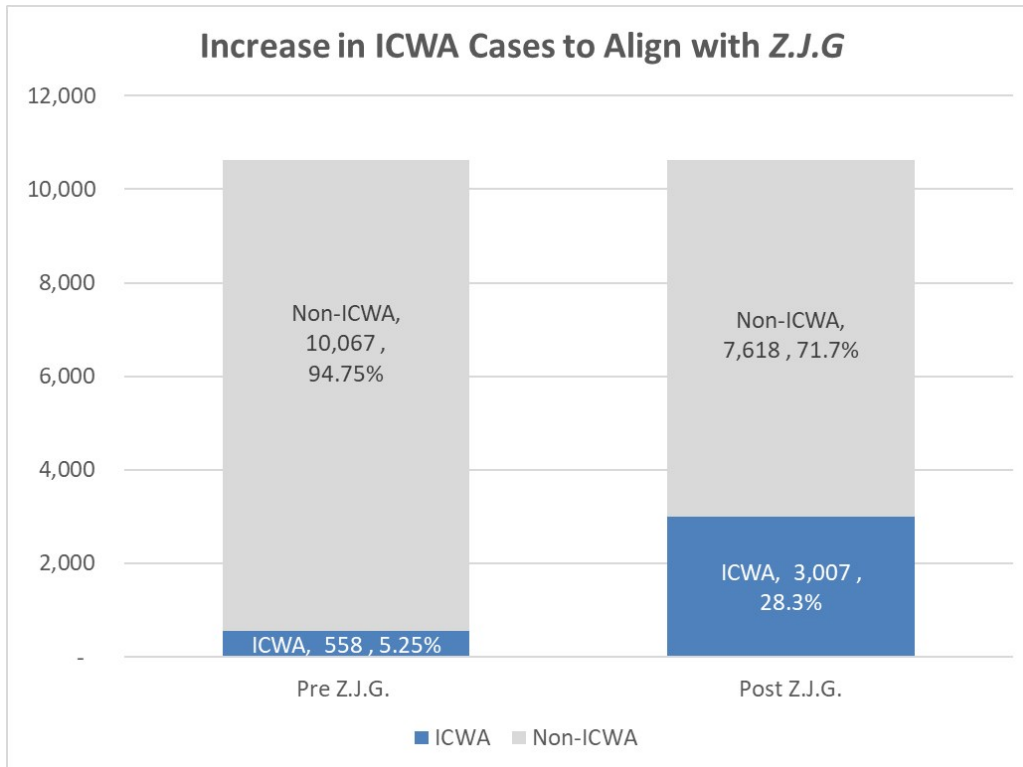
N/A

Detailed Assumptions and Calculations:

Assumptions: Workload Associated with Hearings/Trials

The following assumptions are based on FY 2019 because due to COVID-19, the data from FY 2020 and FY 2021 is not representative of DCYF’s case numbers:

- 4,196 children were the subject of new dependency cases, and that in:
 - 90 percent of these children’s cases there is a shelter care hearing; and
 - 95 percent of these children’s cases there is a fact-finding and dispositional order.
- 1,859 children were the subject of new termination of parental rights petitions.
- 278 children were the subject of new Title 13 guardianships.
- 10,625 children’s dependency cases were in review status (i.e., open dependencies with hearings a minimum of twice a year).
- DCYF estimates that ICWA was being applied in 5.25 percent of its cases prior to *Z.J.G.*
- After adjusting its practice to align with *Z.J.G.*, DCYF estimates that ICWA applies in 28.3 percent of matters, a 23 percent increase (28.3 percent – 5.25 percent = 23.05 percent).



- Based on their experience, AGO divisions representing DCYF in child welfare cases report an increased workload, on average, in one child’s case where ICWA applies as compared to a case where ICWA does not, as follows:
 - Shelter care: 1.3 AAG hours.
 - Dependency fact-finding and disposition: 4.7 AAG hours and 1.3 PL hours.
 - Review and permanency planning hearings: 0.67 AAG hours.
 - Termination of parental rights and Title 13 guardianships: 7.25 AAG hours and 3.65 PL hours.

Calculations: Workload Associated with Hearings/Trials

Shelter care hearings:

4,196 children’s cases, 23 percent increase in cases where ICWA applies, and 90 percent of cases have a shelter care hearing

- $4,196 \times 0.23 \times 0.90 = 869$ more shelter care hearings where ICWA applies

AAGs spend an additional 1.3 hours per shelter care hearing when ICWA applies

- $1.3 \text{ hours} \times 869 \text{ hearings} = 1,130$ more AAG hours annually to address ICWA’s requirements at shelter care hearings

Dependency fact-finding and dispositional orders:

4,196 children’s cases, 23 percent increase in cases where ICWA applies, and 95 percent of cases have fact-finding and dispositional hearings

- $4,196 \times 0.23 \times 0.95 = 917$ more fact finding and dispositional hearings where ICWA applies

AAGs spend an additional 4.7 hours per fact-finding/dispositional hearing when ICWA applies

- $4.7 \text{ hours} \times 917 \text{ hearings} = 4,310$ more AAG hours annually to address ICWA’s requirements

Paralegals spend an additional 1.3 hours per fact-finding/dispositional hearing when ICWA applies

- $1.3 \text{ hours} \times 917 \text{ hearings} = 1,192$ more PL hours annually to address ICWA’s requirements

Review and permanency planning hearings:

10,625 children’s dependency cases in review status, 23 percent increase in cases where ICWA applies, and cases are reviewed at least twice a year

- $10,625 \times 0.23 \times 2 = 4,888$ more review/permanency planning hearings per year where ICWA applies

AAGs spend an additional 0.67 hours per review/permanency planning hearing when ICWA applies

- 4,888 hearings x 0.67 hours = 3,275 more AAG hours annually to address ICWA's requirements

Permanency (termination of parental rights and Title 13 guardianships)

2,137 children who are the subject of a permanency case (1,859 children who are the subject of termination of parental rights petitions + 278 children who are the subject of Title 13 guardianships) and a 23 percent increase in cases where ICWA applies = 492 more permanency cases where ICWA applies

AAGs spend an additional 7.25 hours per permanency cases where ICWA applies

- 492 cases x 7.25 hours increase = 3,567 more AAG hours annually to address ICWA's requirements

Paralegals spend an additional 3.65 hours per permanency case where ICWA applies

- 492 cases x 3.65 hours increase = 1,796 more PL hours annually to address ICWA's requirements

Workload increase associated with the Supreme Court's recent decision concerning ICWA's active efforts element

The AGO estimates that the active efforts requirement as clarified recently in the Supreme Court decision in *In re Dependency of G.J.A., A.R.A., S.S.A., and V.A.*, ___ Wn.2d ___, 489 P.3d 631 (2021) will increase workload associated with cases where ICWA applies by 30 percent. This estimate is consistent with DCYF's estimate that in light of recent Supreme Court cases, a case in which ICWA applies entails a 30 percent workload increase.

For the 23 percent more children's cases where ICWA applies (post-*Z.J.G.*):

- 12,282 AAG hours (total of categories from above) x 30 percent workload increase = 15,966 more AAG hours annually to address ICWA's requirements
- 2,988 PL hours (total of categories from above) x 30 percent workload increase = 3,884 more PL hours annually to address ICWA's requirements

For the 5.25 percent of children's cases where ICWA already applied (pre-*Z.J.G.*):

AAG hours

- **Shelter care:** 4,196 children's cases x 90 percent of cases with a hearing x 5.25 percent of cases where ICWA already applied x 1.55 AAG hours x 30 percent increased workload for active efforts requirement = 92 additional AAG hours
- **Dependency fact finding and disposition:** 4,196 children's cases x 95 percent of cases with a hearing x 5.25 percent of cases where ICWA already applied x 4.7 AAG hours x 30 percent workload increase for active efforts requirement = 295 additional AAG hours
- **Review/permanency planning:** 10,625 children's dependency cases in review status x 2 hearings a year x 5.25 percent of cases where ICWA already applied x 0.67 AAG hours x 30 percent increased workload for active efforts requirement = 224 additional AAG hours
- **Permanency:** 2,137 children with permanency cases x 5.25 percent of cases where ICWA already applied x 7.25 AAG hours x 30 percent increased workload for active efforts requirement = 244 additional AAG hours
- **TOTAL increased AAG hours for children's cases where ICWA already applied = 855 more AAG hours to address ICWA's requirements**

PL hours

- **Dependency fact finding and disposition:** 4,196 children's cases x 95 percent of cases with a hearing x 5.25 percent of cases where ICWA already applied x 1.3 PL hours x 30 percent increased workload for active efforts requirement = 82 additional PL hours
- **Permanency:** 2,137 children's cases with permanency cases x 5.25 percent of cases where ICWA already applied x 3.65 PL hours x 30 percent increased workload for active efforts requirement = 123 additional PL hours
- **TOTAL increased PL hours for children's cases where ICWA already applied = 205 more PL hours to address ICWA's requirements**

Total increased workload for hearings/trial to address ICWA's requirements

15,966 AAG hours increase on cases where ICWA now applies + 855 AAG hours increase on cases where ICWA already applied = 16,821 AAG hours

3,884 PL hours increase on cases where ICWA now applies + 205 PL hours increase on cases where ICWA already applied = 4,089 PL hours

Assumptions and Calculations: Representation of DCYF + Statewide AGO Coordination

The demand for legal services to support DCYF and the AGO regarding ICWA’s requirements has increased, requiring an additional 2.0 AAG FTE. This workload increase is due to evolving case law interpreting ICWA’s requirements. This includes *Z.J.G.*, which expanded the number of children’s cases in which ICWA applies from DCYF’s former practice, and *G.J.A.*, which clarified the state and federal ICWA’s active efforts elements. These cases have increased the number and complexity of legal questions related to ICWA’s requirements, including with regard to qualified Indian expert witnesses, legal notice, and active efforts. In addition, the demand for statewide coordination among AAGs representing DCYF in individual child welfare cases has significantly increased due to both the increased frequency of cases in which ICWA applies and the increased complexity of ICWA’s requirements. Entry of legally sufficient orders that both comply with ICWA’s requirements and can be upheld on appeal promotes the fulfillment of ICWA’s requirements statewide. Given the ongoing focus of the appellate courts, tribes, and advocates on DCYF’s ICWA cases, and the importance of satisfying the Act’s requirements, we do not anticipate that this increased legal service need will abate.

Additional legal services will also be necessary to support DCYF’s negotiation and entry of tribal-state agreements. DCYF estimates a 70 percent increase in the number of agreements. Increased legal services are necessary to advise DCYF through its initial negotiation, execution, and implementation of these agreements, as well as biannual renegotiation.

Assumptions and Calculations: Legal Notice

In order to draft, copy, deliver by certified mail, track the certified mailings and return receipts, and file the documents with the court for dependency, Title 13 guardianship and termination of parental rights cases, the AGO estimates that it needs eight additional LA3 positions and eight additional LOA positions. Currently, practice varies statewide regarding whether DCYF or the AGO prepares, mails, and tracks ICWA legal notice. DCYF has asked the AGO to assume this responsibility going forward. The increased postage costs are approximately \$152,000 per FY and \$304,000 per biennium.

Based on the experience of one AGO location that was already performing this work, 1 LA3 and 1 LOA are needed to adequately perform the legal notice work for that office’s dependency, Title 13 guardianship, and termination of parental rights petitions. According to the average of new case filings in FY 2018 through FY 2021, this office accounts for approximately 15 percent of statewide dependency, Title 13 guardianship, and termination of parental rights petitions. Therefore, in the counties in which the AGO is undertaking legal notice, approximately 6.67 LA3 FTE and 6.67 LOA FTE are needed to adequately complete legal notice to account for the increases in the number of cases where ICWA applies. An additional 1.33 LA3 FTE and 1.33 LOA FTE are needed for the AGO to undertake legal notice in the counties where it is not currently doing so.

Total increased FTE needed to complete legal notice

8.0 LA3 FTE
8.0 LOA FTE

Total FTE Impact for this Request:

AAG total: / 1800 annual available hours = $16,821/1800 = 9.3 + 2.0$ HQ FTE
Round to the nearest tenth of an FTE = 11.3 AAG FTE

PL total: / 1800 annual available hours = $4,087/1800 = 2.3$
Round to the nearest tenth of an FTE = 2.3 PL FTE

LA total: / 1800 annual available hours = $14,400/1,800 = 8.0$ FTE
Round to the nearest tenth of an FTE = 8.0 LA3 FTE

LOA total: / 1800 annual available hours = $14,400/1,800 = 8.0$ FTE
Round to the nearest tenth of an FTE = 8.0 LOA FTE

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	11.3	11.3	11.3	11.3	Y
Object A & B	1,598	1,620	1,620	1,620	
PL FTE	2.3	2.3	2.3	2.3	Y
Object A & B	218	223	223	223	
LA FTE	13.7	13.7	13.7	13.7	Y
Object A & B	1,070	1,095	1,095	1,095	
LOA FTE	8.0	8.0	8.0	8.0	Y
Object A & B	499	514	514	514	
MA5 FTE	2.8	2.8	2.8	2.8	Y
Object A & B	329	334	334	334	
TOTAL FTE	38.2	38.2	38.2	38.2	
TOTAL A & B	3,714	3,786	3,786	3,786	

How is your proposal impacting equity in the state?

This proposal will support the Legislature’s commitment to protect the essential tribal relations and best interests of Indian children that is consistent with the rights of the parents, the health, safety, and welfare of the children, and the interests of their tribe in Washington State.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

- 1. Priority – Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services.

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

- 2. Priority – Protect the People

Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 Legal Services to State Agencies	405	4,525	4,594	4,594	4,594
TOTAL		4,525	4,594	4,594	4,594

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539: Cases Open at End of Fiscal Year	405	4,525	4,594	4,594	4,594
TOTAL		4,525	4,594	4,594	4,594

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year
Target: 25,000 open cases at the end of each FY, reported annually.
Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
DCYF	405	4,525	4,594	4,594	4,594
TOTAL		4,525	4,594	4,594	4,594

Legal or Administrative Mandates:

Matter of Dependency of *Z.J.G. and M.E.J.G.*, 196 Wn.2d 152, 471 P.3d 853 (2020).
Matter of Dependency of *G.J.A., A.R.A., S.S.A., J.J.A., and V.A.*, __ Wn.2d __, 489 P.3d 631 (2021).
Washington State Indian Child Welfare Act, ch. 13.38 RCW.
ICWA, 25 U.S.C. §§ 1901-63.

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$2,773	\$2,773	\$5,546	\$2,773	\$2,773	\$5,546
Obj. B	\$941	\$1,012	\$1,953	\$1,012	\$1,012	\$2,024
Obj. E	\$724	\$751	\$1,475	\$751	\$751	\$1,502
Obj. G	\$29	\$29	\$58	\$29	\$29	\$58
Obj. J	\$58	\$29	\$87	\$29	\$29	\$58

Agency Contact Information

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 edward.giger@atg.wa.gov



Agency Recommendation Summary

In the 2021-23 biennial budget, the Legislature appropriated \$500,000 for the Attorney General’s Office (AGO) to establish the Task Force for Missing and Murdered Indigenous Women and People (MMIW/P). Governor Inslee vetoed the budget proviso due to a drafting error, with the understanding that the AGO would proceed and seek reimbursement in the supplemental budget. This Task Force, comprising of representatives from American Indian and Alaska Native communities and governments, will provide recommendations to the Legislature on previously unaddressed challenges in data collection and reporting practices, prosecutorial trends, prevention and response services, and systemic causes of violence against American Indians.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	1.0	1.0	1.0	1.0	1.0	1.0
Operating Expenditures						
Fund 001 - 1	\$225	\$275	\$500	\$275	\$275	\$550
Total Expenditures	\$225	\$275	\$500	\$275	\$275	\$550

Decision Package Description

In the 2021-23 Operating Budget, the Legislature appropriated \$500,000 to the AGO to “coordinate a statewide response to the urgent problem of missing and murdered women.”

The Legislature, however, recognized it made a drafting error in the biennial budget. On May 5, 2021, the Four Corners wrote the Attorney General a letter explaining the error. “The draft proviso for the Task Force was inadvertently not updated during the conference process with the final language agreed upon by stakeholders,” they wrote. (See attached May 5, 2021 letter signed by Senate Majority Leader Andy Billig, Senate Minority Leader John Braun, House Speaker Laurie Jinkins, and House Minority Leader J.T. Wilcox.)

The Four Corners requested that the Attorney General “honor the [agreed-upon language] when establishing the Task Force, rather than the language approved in the 2021-23 Operating Budget.” They provided the agreed-upon language in their letter.

Confronted with the drafting error, Governor Inslee subsequently vetoed the proviso, but not before encouraging the Attorney General to proceed, and providing assurances that the supplemental budget would reimburse the AGO. The Governor wrote in his veto message the following:

“Section 127(18) provides funding for the Attorney General’s Office to support the Washington State Missing and Murdered Indigenous Women and People Task Force established in Section 955 of this act. Because the wrong version of the section was included in the enacted budget, I have vetoed Section 955. Since Section 955 is vetoed, the funding in this proviso is no longer needed. Therefore, I have vetoed Section 127(18). **However, the work of this task force is extremely important, and the Attorney General’s Office has agreed to convene the task force and begin the work set forth in this section. I will request the funding necessary for this task force in my next supplemental budget request.**”

Attorney General Ferguson wrote a letter to House Speaker Jinkins and Lieutenant Governor Heck informing them of the plans to move forward with this “extremely important work,” with the expectation that the AGO would be reimbursed in the supplemental budget. The Attorney General copied Senate Majority Leader Billig, Senate Minority Leader Braun, and House Minority Leader Wilcox. The Attorney General wrote the following in the letter: “We are moving forward in good faith to honor the Legislature’s direction with the trust that funding for this important work will be provided in the 2022 Supplemental Budget. The Governor’s Office has assured us they will fund this work in the Governor’s supplemental budget. Please let us know right away if the Legislature does not support this approach.” (See attached letter.)

No legislator expressed concerns. The Legislature made appointments to the Task Force so that the AGO could get started on this urgent problem.

In July, among a field of qualified applicants, the AGO hired a talented, experienced Policy Analyst to spearhead the important work of

convening the Task Force. Prior to joining the AGO, the Analyst served as the Program Director for the Washington State Native American Coalition of Domestic Violence and Sexual Assault (Women Spirit Coalition/WSC). An enrolled member of the Suquamish Tribe, she is completing her Master's degree with the Seattle University Criminal Justice Department, where her research focuses on systemic issues facing indigenous people in both urban and tribal reservation contexts. She is uniquely suited to spearhead this work.

In Governor Inslee's proclamation establishing May 5 as Washington State Missing and Murdered Indigenous Women Day, he noted the following:

- Indigenous women go missing and are murdered at rates higher than any other ethnic group in the United States;
- Indigenous women are 2.5 more likely to experience sexual assault;
- Nearly half of all Indigenous women have been raped, beaten, or stalked by an intimate partner;
- The National Center for Disease Control notes that homicide is a leading cause of death for Indigenous women and girls;
- An accurate count of how many Indigenous women are affected is difficult, making the scope of the problem uncertain.

The Task Force for MMIW/P is comprised of:

1. One member from each of the four legislative caucuses;
2. Five appointees from federally recognized tribes appointed by the Governor's Office of Indian Affairs;
3. One member representing the Seattle Indian Health Board;
4. One member representing the NATIVE Project;
5. One member representing Northwest Portland Area Indian Health Board;
6. One member representing the American Indian health commission;
7. Two indigenous women or family members of indigenous women that have experienced gender-based violence;
8. One member representing the governor's office of Indian affairs;
9. The chief of the Washington State Patrol or his or her representative;
10. One member representing the Office of the Washington state office of the attorney general;
11. One member representing the Washington association of sheriffs and police chiefs;
12. One member representing the Washington state association of counties;
13. One member representing the association of Washington cities;
14. One member representing the Washington association of prosecuting attorneys; and
15. One representative of the Washington association of criminal defense lawyers.

The Task Force builds on previous state efforts and will review and analyze laws and policies to provide recommendations to the Legislature on previously unaddressed challenges in data collection and reporting practices, prosecutorial trends and practices, prevention and response services, and systemic causes of violence against American Indian and Alaska Native people.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

There is no funding in the AGO’s base budget for costs included in this request. The agreed-upon budget proviso, which is included in the letter from the Four Corners, appropriates \$225,000 in General Fund-State to the AGO in FY22 and \$275,000 in FY23. The additional \$50,000 in FY23 is for costs associated with an annual summit regarding MMIW/P.

Detailed Assumptions and Calculations:

The AGO is requesting \$225,000 in FY22 and \$275,000 in FY23 – the exact amount included in the agreed-upon language the Legislature intended to include in the biennial budget.

The bulk of this funding will pay for 1.0 FTE Policy Analyst to spearhead the Task Force’s work.

Additional costs will include, but are not limited to:

- Contracts to federally recognized tribes to help facilitate meetings and do other outreach/data analysis as needed;
- Stipends so individuals with lived experience can fully participate, improving equity and the Task Force’s work product;
- Costs associated with organizing an annual MMIW/P Summit

Consistent with the Legislature’s intent, this Task Force’s work is ongoing, and, consequently, will carry forward into future biennia.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
Other (Exempt-Policy) FTE	1.0	1.0	1.0	1.0	Y
Object A & B	107	107	107	107	
TOTAL FTE	1.0	1.0	1.0	1.0	
TOTAL A & B	107	107	107	107	

How is your proposal impacting equity in the state?

This funding will allow the AGO to build upon previous state efforts in order to prevent violence against American Indian and Alaskan Native women and people. Indigenous women go missing and are murdered at rates higher than any other ethnic group in the United States. The inequities involve physical violence against women and people in the Indigenous communities.

Enforcement of physical violence is statewide and affects all Indigenous communities. This proposal will help ensure underserved communities receive the same services as other communities. Most of those cases involve the murder and sexual assault of vulnerable Indigenous women and people.

Strategic and Performance Outcomes

Strategic Framework:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

This request supports Goals 1, 2, and 3 of the AGO’s Priority to “Protect the People”:

- Goal 1 – Defend the civil rights and stand up for vulnerable Washingtonians.
- Goal 2 – Protect Washington’s environment and public health.
- Goal 3 – Promote Good Government

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
ADM	001	225	275	275	275
TOTAL		225	275	275	275

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
	001	225	275	275	275
TOTAL		225	275	275	275

The following performance metrics are expected from this funding change:

1. Increased communications, outreach and engagement with tribes on the topic of MMIW/P:
 - a. At least 4 taskforce meetings a year
 - b. Monthly or bimonthly communications out to tribes and relevant stakeholders
2. Two reports: A progress report and final report detailing the recommendations requested by the legislature.
3. One Summit intended to bring tribes and law enforcement agencies together to discuss the ongoing work related to MMIW/P.
4. Increased understanding as an agency, particularly in Policy and the Criminal Justice Division (CRJ), about the challenges in prosecuting MMIW/P cases, as well as possible solutions to support the survivors and their families.

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

Performance Outcomes:

Performance Measure 2533: Total AG Formal and Informal Opinions Issued

Target: 45 AG opinions (formal or informal) per biennium, reported quarterly.

Key Divisions: Administration

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
N/A	001	225	275	275	275
TOTAL		225	275	275	275

Legal or Administrative Mandates:

N/A

Stakeholder Response:

A broad group of stakeholders, especially Washington tribes and urban Indian organizations, support this budget request. Failure to fund this budget request, which will result in the elimination of the Task Force, will face broad opposition. The Washington State Patrol supports the Task Force. We are not aware of any opposition.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

Reference Documents

[Attachment_MMIW 4 Corners Letter \(003\).pdf](#)

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$80	\$80	\$160	\$80	\$80	\$160
Obj. B	\$27	\$27	\$54	\$27	\$27	\$54
Obj. E	\$116	\$168	\$284	\$168	\$168	\$336
Obj. J	\$2	\$0	\$2	\$0	\$0	\$0

Agency Contact Information

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Washington State Legislature

May 5, 2021

The Honorable Bob Ferguson
Attorney General
PO Box 40100
Olympia, WA 98504

Dear Attorney General Ferguson:

We are writing in reference to the new appropriations in the 2021-2023 State Operating Budget for the Washington State Office of the Attorney General to establish the Task Force for Missing and Murdered Indigenous Women and People (MMIWP). The draft proviso for the Task Force was inadvertently not updated during the conference process with the final language agreed upon by stakeholders. All parties settled on the final language as the most respectful to our Tribal nations and their involvement in this work. We feel it is critical that the Task Force reflect that agreed language. Our request to update this proviso does not affect the previously established fiscal note for the Task Force, which is \$500,000 from the general fund over the biennium.

This Task Force, comprising representatives from American Indian and Alaska Native communities and governments, as well as community partners with subject matter expertise in gender-based violence, will coordinate a statewide response to the urgent problem of missing and murdered women. The Task Force builds on previous state efforts and will review and analyze laws and policies to provide recommendations to the Legislature on previously unaddressed challenges in data collection and reporting practices, prosecutorial trends and practices, prevention and response services, and systemic causes of violence against American Indian and Alaska Native people.

Below is the agreed-upon language. We ask that your office honor the language below when establishing the Task Force, rather than the language approved in the 2021-23 Operating Budget.

REQUEST FOR FUNDING: New Appropriation for Washington State Office of the Attorney General

NEW SECTION. \$225,000 of the general fund-state appropriation for fiscal year 2022 and \$275,000 of the general fund-state appropriation for fiscal year 2023 are provided solely for the Washington state office of the attorney general to support the Washington state missing and murdered indigenous women and people task force.

NEW SECTION. The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

- (a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.
- (b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.
- (c) The Governor's Office of Indian Affairs shall appoint five representatives from federally recognized Indian tribes in Washington State.
- (d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:
 - (i) One member representing the Seattle Indian Health Board;
 - (ii) One member representing the NATIVE Project;
 - (iii) One member representing Northwest Portland Area Indian Health Board;
 - (iv) One member representing the American Indian health commission;
 - (v) Two indigenous women or family members of indigenous women that have experienced gender-based violence;
 - (vi) One member representing the governor's office of Indian affairs;
 - (vii) The chief of the Washington State Patrol or his or her representative;
 - (viii) One member representing the Office of the Washington state office of the attorney general;
 - (ix) One member representing the Washington association of sheriffs and police chiefs;
 - (x) One member representing the Washington state association of counties;
 - (xi) One member representing the association of Washington cities;
 - (xii) One member representing the Washington association of prosecuting attorneys;
 - (xiii) One representative of the Washington association of criminal defense lawyers; and
- (e) Where feasible, the task force may invite and consult with:
 - (i) An agent representing the federal bureau of investigation;
 - (ii) An agent representing the office of the United States attorneys;
 - (iii) federally recognized tribes located in a state adjacent to Washington state;
and
 - (iv) Any experts or professionals involved and having expertise in the topic of missing and murdered indigenous women and people.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2021 and thereafter convene:

(a) a minimum of two subsequent meetings annually. The membership shall select the task force's co-chairs, which must include one legislator and one non-legislative member; and

(b) one summit annually with the state agencies involved with the taskforce under (1) of this section, federally recognized Indian tribes in Washington State, and federally recognized tribes located in a state adjacent to Washington state, and urban Indian Organizations.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind gender-based violence including patterns and underlying historical, social, and economic, institutional, and cultural factors which may contribute to disproportionately high levels of gender-based violence that occur against American Indian and Alaska native people and ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a state border with Washington state;

(b) Assessing data tracking and reporting practices relating to gender-based violence against American Indian and Alaska native people in Washington state;

(c) Making recommendations and best practices for improving: (i) the collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of gender-based violence facing American Indian and Alaska native people; and (ii) jurisdictional and data sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska native people;

(d) Reviewing prosecutorial trends and practices relating to crimes of gender-based violence against American Indian and Alaska native people in Washington state;

(e) Identifying barriers to providing more state resources in tracking gender-based violence against American Indian and Alaska native people and reducing the incidences of gender-based violence; and

(f) Assessing and identifying state resources to support programs and services for survivors, families of survivors, and tribal and urban Indian service providers working with American Indian and Alaska native people that have experienced gender-based violence; and

(g) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska native communities for tribal, local, and state law enforcement personnel in Washington state.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit a status report including any initial findings, recommendations and progress updates to the governor and the appropriate committees of the legislature by August 1, 2022 and a final report by June 1, 2023.

(5)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit and it oversees the development of the two task force reports. The office of the attorney general may contract for the summit.

(b) The Washington state office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The Washington state office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian Organizations, , and other national groups working on missing and murdered indigenous women and people issues.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Non-legislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other non-legislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members whose participation in the task force may be hampered by financial hardship may apply for a stipend in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the task force or performs statutorily prescribed duties approved by the Attorney General's Office. A person shall not receive compensation for a day of service under this section if the person:

(a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and

(b) receives any compensation from such government for working that day. The Attorney General's Office, by staffing the task force, is authorized to assess eligibility for the stipend as limited by available financial resources.

We thank you in advance for your consideration of this request.

Sincerely,



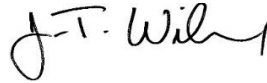
Senator Andy Billig, 3rd LD
Majority Leader – Washington State Senate



Senator John Braun, 20th LD
Minority Leader – Washington State Senate



Representative Laurie Jenkins, 27th LD
Speaker – Washington State House



Representative J.T. Wilcox, 2nd LD
Minority Leader – Washington State House



Office of Attorney General
 2021-23 First Supplemental Budget Session
 Maintenance Level - MF - Juvenile Rehabilitation Legal Servi

Agency Recommendation Summary

The Attorney General's Office (AGO) requests funding to support legal services for the Department of Children, Youth and Families (DCYF) Juvenile Rehabilitation (JR). Statutorily changes since JR transitioned from the Department of Social and Health Services (DSHS) to DCYF have increased the size and complexity, and have resulted in a sustained increase in legal service needs, both for advice and for litigation.

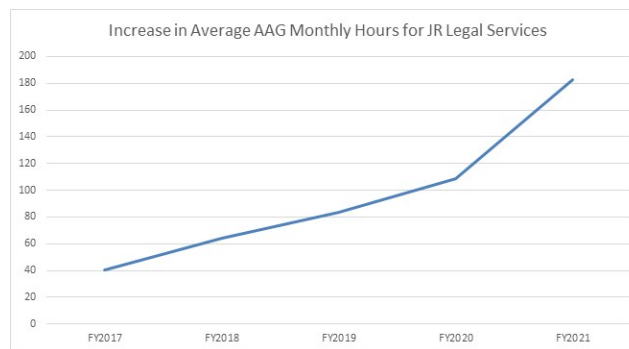
Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	1.8	1.8	1.8	1.8	1.8	1.8
Operating Expenditures						
Fund 405 - 1	\$237	\$241	\$478	\$241	\$241	\$482
Total Expenditures	\$237	\$241	\$478	\$241	\$241	\$482
Revenue						
405 - 0420	\$237	\$241	\$478	\$241	\$241	\$482
Total Revenue	\$237	\$241	\$478	\$241	\$241	\$482

Decision Package Description

The Attorney General’s Office (AGO) is requesting 1.0 Assistant Attorney General (AAG) and 0.5 Legal Assistant (LA) to provide legal services to Department of Children, Youth and Families (DCYF) Juvenile Rehabilitation (JR).

When JR transitioned to DCYF in July 2019, no additional legal service funds were transferred to support this work, which historically averaged about .25 of an AAG FTE. AGO timekeeping records demonstrate that the monthly average of AAG hours worked for JR sustained a consistent increase in legal services. The JR Legal service workload have increased more than four times since 2017.



In 2018, the legislature extended JR’s authority to have custody of juveniles adjudicated of certain offenses up to age 25.

In 2019, it again expanded JR’s population by providing that every individual convicted of an offense committed prior to age 18 will be in JR custody and eligible to remain there until age 25.

The older population JR now serves is more sophisticated, presents new and different security and programming concerns, and appears more accustomed to asserting legal rights through litigation.

During the 2021 session, the Legislature created a new “community transition services” program through which individuals in JR custody will be eligible to serve a portion of their term of confinement in the community on electronic home monitoring. Additionally, the Legislature passed two bills that require system review and recommendations to the Legislature related to expanding juvenile court jurisdiction (Engrossed Substitute Senate Bill 5118) and education in juvenile facilities (Engrossed Second Substitute House Bill 1295).

Criminal justice reforms such as changes to the law governing police use of force or qualified immunity often have tangential and sometimes direct effects on JR.

JR’s profile among advocacy organizations have also elevated. Over the past year, DCYF has received more contacts from advocates regarding JR programs, including the administration of the JR-to-25 program, conditions of confinement, education of youth in JR custody, and reentry planning services.

In addition, JR is involved in more complex litigation, including *Rogers v. DCYF*, a federal class action lawsuit related to alleged use of restraints and solitary confinement, and *Naselle Grays River Valley School District v. DCYF*, a contract dispute regarding education funding.

The demand for legal services to support JR has increased significantly, resulting from increased emphasis on JR’s work in the Legislature and by legal advocates. Legal services include, but are not limited to increased advice questions related to centralized legal services for JR, such as public records requests, confidentiality, and contract management; and increased litigation.

Given the ongoing focus of policy-makers and advocates on JR’s work, the AGO does not anticipate that this increase in legal service will abate.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This proposal is to fund litigation costs beyond those provided in the AGO’s Central Service Model for fund 405 (Legal Services Revolving Account), or in the DCYF’s legal services allocation.

Detailed Assumptions and Calculations:

The AGO requests 1.0 FTE AAG and 0.5 FTE LA to support the increased legal services necessary for DCYF JR for the sustained increase in legal service needs, both for advice and for litigation due to recent Legislative changes.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	1.00	1.00	1.00	1.00	Yes
Object A & B	138	140	140	140	
LA FTE	0.50	0.50	0.50	0.50	Yes
Object A & B	38	39	39	39	
MA5 FTE	0.25	0.25	0.25	0.25	Yes
Object A & B	29	30	30	30	
TOTAL FTE	1.75	1.75	1.75	1.75	
TOTAL A & B	205	209	209	209	

How is your proposal impacting equity in the state?

This proposal will have a statewide impact. The outcome of this legal matter is to accommodate a sustained increase in legal service needs, both for advice and for litigation for DSHS JR. The JR Legal service workload have increased more than four times since 2017.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services.

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

1. Priority – Protect the People

Goal 3—Promote Good Government

This will be an important case to clarify legal and regulatory standards, thereby promoting good government. Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 -Legal Services to State Agencies	405	237	241	241	241
TOTAL		237	241	241	241

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539: Cases Open at End of Fiscal Year	405	237	241	241	241
TOTAL		237	241	241	241

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year
Target: 25,000 open cases at the end of each FY, reported annually.
Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
DCYF	405	237	241	241	241
TOTAL		237	241	241	241

Legal or Administrative Mandates:

N/A

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$156	\$156	\$312	\$156	\$156	\$312
Obj. B	\$48	\$52	\$100	\$52	\$52	\$104
Obj. E	\$28	\$29	\$57	\$29	\$29	\$58
Obj. G	\$2	\$2	\$4	\$2	\$2	\$4
Obj. J	\$3	\$2	\$5	\$2	\$2	\$4

Agency Contact Information

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Agency Recommendation Summary

The Office of Independent Investigation (OII) is a new office within the Governor’s Office effective July 2021. Beginning July 2022, the OII director is authorized to investigate deadly force incidents involving law enforcement. Beginning July 2023, the director is authorized to review and may investigate prior investigations of deadly force, if new evidence is brought forward. The Attorney General’s Office (AGO) was not funded for providing legal services to OII.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	0.4	0.2	0.3	0.2	0.2	0.2
Operating Expenditures						
Fund 405 - 1	\$53	\$35	\$88	\$35	\$35	\$70
Total Expenditures	\$53	\$35	\$88	\$35	\$35	\$70
Revenue						
405 - 0420	\$53	\$35	\$88	\$35	\$35	\$70
Total Revenue	\$53	\$35	\$88	\$35	\$35	\$70

Decision Package Description

The AGO will provide legal services to the newly created Office of Investigations (OII) created by ESHB 1267, and will bill OII for these services. The OII is a newly created office within the Office of the Governor. The law went into effect July 25, 2021. Among other duties, the director will:

1. Hire or contract with investigators and other personnel;
2. Enter into contracts and memoranda of understanding to implement the OII’s responsibilities;
3. Plan and provide trainings;
4. Develop a nondisclosure agreement to which the advisory board members will be subject;
5. Develop a plan to implement investigation teams;
6. Develop protocols for the investigatory process;
7. Promulgate rules.

Beginning July 1, 2022, the director is authorized to investigate deadly force incidents involving law enforcement.

Beginning July 1, 2023, the director is authorized to review and may investigate prior investigations of deadly force if new evidence is brought forward.

The director has discretion to undertake or decline any deadly force investigation. Although there is no way to accurately predict how many investigations will be undertaken on an annual basis, the AGO assumes that the number of active investigations will increase each year during the first three years of operation, while the office is relatively new, and then plateau thereafter.

The AGO assumes to be asked to provide legal advice relating to contracts and memoranda of understanding, the applicability of the Open Public Meetings Act (OPMA) to the OII advisory board, the Public Records Act, development of a nondisclosure agreement, development of protocols, rulemaking and general formation issues. As detailed below, and based on our past experience with legal services to newly created offices and commissions, the AGO assumes that these advice requests will result in up to 420 Assistant Attorney General (AAG) hours of new work in FY 2022.

1. The director is authorized to hire or contract with investigators or other personnel, such as forensic services, crime scene techs, experts, mental health experts, and translators, and to enter into contracts and Memoranda of Understanding (MOUs) as necessary to implement the responsibilities of the office. Because OII is a small agency, the AGO assumes they will utilize the Office of Financial Management for administrative services, including contract administration. However, the AGO assumed OII will seek legal advice relating to solicitations, contract provisions and MOUs, and in entering into numerous contracts and MOUs in the startup year utilizing 120 AAG hours for this work.
2. Although the OII board is advisory, some of the board's duties, such as participation in employment interviews authorized by Section 501(2)(c), could generate requests for advice relating to the applicability of the OPMA. The majority, if not all, of the advice requests will occur in FY 2022 and that they will generate approximately 40 hours of new AAG work.
3. Legal advice relating to the development of a nondisclosure agreement, which is required by Sections 304(1)(h) and 501, will be a one-time event and will utilize 10 AAG hours.
4. The director is authorized to develop protocols relating to the investigative process and engagement with the involved agency, and to adopt rules as necessary. We assume that the director will seek legal advice regarding protocols and rule-making, and will seek the assistance of counsel in the drafting of rules. The development of protocols and rule-making will be completed during FY 2022, and the legal services for this this new work will utilize up to 120 AAG hours.
5. We assume that the director will seek legal advice relating to the Public Records Act and development of internal processes during the first year of operation. The director may seek the assistance of the Governor's Office in processing any early requests that are received. This new work will utilize 80 AAG hours.
6. Finally, the director will seek legal advice relating to general formation issues that are not addressed above, including review of reports generated by the OII, and that this new work will utilize 50 AAG hours.

After the OII's first year of operation, the AGO assumes to see a reduction in the amount of legal services utilized on OPMA, contracting and rule-making issues. However, there will continue to be some utilization of legal services on these issues, as well as review of reports, and that this continuing work will generate up to 70 AAG hours of work each year beginning FY 2023.

When deadly force investigations begin July 2022, the OII will receive a substantial number of public records requests given the significance of and public interest in the investigations at issue. Although the number of public records requests may depend to some degree on the number of active investigations (which is currently unknown), the AGO assumes a single high profile investigation to generate a significant number of requests. Based on recent experience with public records related legal advice generated by the Office of the Corrections Ombuds, the AGO assumes that OII public records advice will generate up to 200 AAG hours of new work beginning in FY 2023 and continuing each year thereafter.

General advice relating to investigations, as well as advice relating to warrants and subpoenas generated during investigations, will be sought from the prosecutor's office in the county of jurisdiction, rather than from the OII's advice counsel, so this will not result in any new work.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

Legal services identified in this request are new and ongoing into future biennia.

Detailed Assumptions and Calculations:

AGO activities included in this request will be funded with Account 405 (Legal Services Revolving Account).
 Workload costs are ongoing and will carry forward into future biennia.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	0.2	0.2	0.2	0.2	Yes
Object A & B	32	21	21	21	
LA FTE	0.1	0.1	0.1	0.1	Yes
Object A & B	9	6	6	6	
MA5 FTE	0.1	0.1	0.1	0.1	
Object A & B	5	4	4	4	
TOTAL FTE	0.4	0.3	0.3	0.3	
TOTAL A & B	46	31	31	31	

How is your proposal impacting equity in the state?

The OII will be able to complete investigations of deadly force statewide. The legal services in this request will allow the OII to operate as an ongoing entity and to serve its intended statewide mission.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

Goal 5: Effective, Efficient and Accountable Government.

Sub-Topic: Customer Satisfaction and Confidence

Outcome Measures:

- 1.1 Increase/maintain customer service satisfaction with accuracy, timeliness, and respectfulness.
- 1.3 Increase/maintain timely delivery for state services.

This request would fund timely, high quality legal services necessary to assist with the establishment of this new office. The services must be available as the office is being established in order to be effective and efficient. These services are necessary to effectuate the legislative directive to provide fair, thorough, transparent and competent investigations of law enforcement use of force in order to protect the public.

AGO Strategic Plan:

1. Priority – Serve the State

Goal 1 – Deliver high quality, timely, and efficient legal services.

2. Priority – Protect the People

Goal 1 – Defend the civil rights and stand up for vulnerable Washingtonians.

This request falls within AGO Activity 0010-Legal Services to State Agencies.

As noted above, this funding is necessary to support the staffing to provide legal services to this newly established state office. The specific types of legal services are described in the Assumption section. This work requires staff above current AGO levels as the OII has statutory timelines that it will need to meet and the related legal services cannot be differed to a later time. Providing timely and efficient legal services from the beginning of the establishment of this office is crucial to its on-going success. The duties of the OII, and the legal services in support of them, were designed to protect vulnerable members of the public by assuring accountability for peace officer use of force.

Costs are provided, Dollars in Thousands:

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539 - Cases Open at End of Fiscal Year	405	53	35	25	35
TOTAL		53	35	25	35

Activity	Fund	FY2022	FY2023	FY2024	FY2025
0010 - Legal Services to State Agencies	405	53	35	25	35
TOTAL		53	35	25	35

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year

Target: 25,000 open cases at the end of each FY, reported annually.

Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
OII		53	35	35	35
TOTAL		53	35	35	35

Legal or Administrative Mandates:

N/A

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$35	\$23	\$58	\$23	\$23	\$46
Obj. B	\$11	\$8	\$19	\$8	\$8	\$16
Obj. E	\$6	\$4	\$10	\$4	\$4	\$8
Obj. J	\$1	\$0	\$1	\$0	\$0	\$0

Agency Contact Information

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Agency Recommendation Summary

The Attorney General’s Office (AGO) seeks funding for litigation expenses for D.S. v. the Department of Children, Youth and Families’ (DCYF), a federal case related to DCYF’s practice of placing children in congregate care, in out-of-state group care facilities, and holding foster children in hotels and offices. This case alleges DCYF’s actions violate the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fourteenth Amendment of the United States Constitution (privacy and substantive due process), and the Adoptions Assistance and Welfare Act.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Operating Expenditures						
Fund 405 - 1	\$120	\$0	\$120	\$0	\$0	\$0
Total Expenditures	\$120	\$0	\$120	\$0	\$0	\$0
Revenue						
405 - 0420	\$120	\$0	\$120	\$0	\$0	\$0
Total Revenue	\$120	\$0	\$120	\$0	\$0	\$0

Decision Package Description

The AGO seeks funding for litigation expenses for D.S. v. DCYF, a federal case related to DCYF’s practice of placing children in congregate care, in out-of-state group care facilities, and holding foster children in hotels and offices. This case alleges DCYF’s actions violate the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fourteenth Amendment of the U.S. Constitution (privacy and substantive due process), and the Adoptions Assistance and Welfare Act.

The trial will begin on June 2, 2022, and take three weeks to complete.

Costs for FTE are not included in this request. FTE costs will be provided with existing resources.

The AGO is requesting litigation costs for expert services, mediation and trial costs totaling \$120,000.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

There is no funding in the AGO’s base budget for costs included in this request.

Detailed Assumptions and Calculations:

The AGO anticipates \$120,000 in direct costs in FY 2022:

\$85,000 for expert services relating to the finalization of reports, depositions of both Defendants’ and Plaintiffs’ experts, and trial testimony.

\$10,000 in costs related to mediation. The mediator cost is \$500 per hour and it is anticipated to require 20 hours (which are already underway).

\$25,000 in trial expenses between April and June 2022.

Workforce Assumptions:

N/A

How is your proposal impacting equity in the state?

N/A

Strategic and Performance Outcomes

Strategic Framework:

Results Washington: Efficient, effective & accountable government.

AGO Strategic Plan:

1. Priority – Serve the State

Goal 1 – Deliver high quality, timely, and efficient legal services.

This request supports the AGO Strategic Plan by allocating resources to a complex case so that the office can provide high quality, timely, and efficient legal services.

Costs are provided, Dollars in Thousands:

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2529 - Cases Open at End of Fiscal Year	405	120			
TOTAL		120	-	-	-

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A0010 - Legal Services to State Agencies	405	120			
TOTAL		120	-	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year

Target: 25,000 open cases at the end of each FY, reported annually.

Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
DCYF	405	120			
TOTAL		120	-	-	-

Legal or Administrative Mandates:

D.S. v. DCYF - This request is made directly to support litigation efforts related to this case.

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. C	\$95	\$0	\$95	\$0	\$0	\$0
Obj. E	\$25	\$0	\$25	\$0	\$0	\$0

Agency Contact Information

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Agency Recommendation Summary

This lawsuit involves the resident population of the Special Commitment Center (SCC) and the alleged violations of their civil rights, including claims of unsafe drinking water and inadequate conditions of confinement.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Operating Expenditures						
Fund 405 - 1	\$150	\$0	\$150	\$0	\$0	\$0
Total Expenditures	\$150	\$0	\$150	\$0	\$0	\$0
Revenue						
405 - 0420	\$150	\$0	\$150	\$0	\$0	\$0
Total Revenue	\$150	\$0	\$150	\$0	\$0	\$0

Decision Package Description

We are anticipating \$150,000 in additional direct costs related to this case over the next fiscal year. We project costs related to finalizing expert reports, depositions of our experts, depositions of Plaintiffs experts and trial. Trial is scheduled to start April 18, 2022.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

For continued defense of ongoing litigation.

Detailed Assumptions and Calculations:

The Attorney General’s Office (AGO) assumes trial will begin April 18, 2022. The length of trial has not yet been determined. Expert disclosures are due November 30, 2021. We anticipate an additional \$100,000 for our various expert services between July and November 2021 relating to finalization of their reports. We have retained a firm specializing in water quality issues as well as a medical expert. AGO anticipates additional costs of \$20,000 will be incurred from December 2021 to February 2022 taking the deposition of Plaintiffs’ experts as well as the deposition of our retained experts. At this time, AGO does not know the number of experts Plaintiff intends to call at trial. AGO assumes \$30,000 in trial expenses will be incurred during March and April of 2022 for trial testimony and related costs. In total the AGO estimates that \$150,000 in expenses will be incurred over the course of the fiscal year to defend this lawsuit.

Workforce Assumptions:

N/A

How is your proposal impacting equity in the state?

N/A

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

1. Priority – Serve the State

Goal 1 – Deliver high quality, timely, and efficient legal services.

This request supports the AGO Strategic Plan by allocating resources to a complex case so that the office can provide high quality, timely, and efficient legal services.

1. Priority – Protect the People

Goal 3 —Promote Good Government

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

Costs are provided, Dollars in Thousands:

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2529 - Cases Open at End of Fiscal Year	405	150			
TOTAL		150	-	-	-

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A.0010 - Legal Services to State Agencies	405	150			
TOTAL		150	-	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year

Target: 25,000 open cases at the end of each FY, reported annually.

Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
DSHS		150	-		
TOTAL		150	-	-	-

Legal or Administrative Mandates:

Malone, et al. v. Department of Social and Health Services. This request is made directly to support our litigation efforts related to this case.

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. C	\$150	\$0	\$150	\$0	\$0	\$0

Agency Contact Information

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Agency Recommendation Summary

The Service Employees International Union 775 sued the Department of Social & Health Services (DSHS) alleging that DSHS has underpaid Individual Providers (IP) since March 2014 on various theories including the contractual duty of good faith and fair dealing and the minimum wage act. The case is complex in that it may involve over one-hundred thousand individual client-provider pairs. Trial is scheduled to begin February 6, 2023 and discovery is ongoing.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Operating Expenditures						
Fund 405 - 1	\$0	\$76	\$76	\$0	\$0	\$0
Total Expenditures	\$0	\$76	\$76	\$0	\$0	\$0
Revenue						
405 - 0420	\$0	\$76	\$76	\$0	\$0	\$0
Total Revenue	\$0	\$76	\$76	\$0	\$0	\$0

Decision Package Description

This lawsuit is about alleged underpayments made to Individual Providers (IP) since 2014. The IP population is very large, at about 45,000 contracted individuals at any time and is highly fluid. That is, many IPs enter and exit the workforce constantly. The suit alleges that it can prove damages on a common basis with statistical and sociological techniques. The Plaintiffs have already retained two experts to assist in its proof.

We are anticipating \$76,000 in direct costs related to this case over the next fiscal year, \$50,000 for an economics expert, and \$26,000 for a trial presentation vendor. Trial vendor cost will be incurred around the time of trial. Trial is scheduled to begin February 6, 2023.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

For continued defense of ongoing litigation.

Detailed Assumptions and Calculations:

The Attorney General’s Office (AGO) assumes trial will begin on February 6, 2023 and last three weeks. At trial, the AGO will need a streamlined mechanism of displaying complex statistical information to the jury and anticipates contracting with a trial presentation vendor for these services. We estimate a minimum of \$26,000 for this service. The AGO assumes the trial presentation vendor’s time includes all days of trial and some pre-trial set-up time.

The AGO will retain one expert, and depose each of Liang’s experts. We estimate this work will cost \$50,000.

Workforce Assumptions:

N/A

How is your proposal impacting equity in the state?

N/A

Strategic and Performance Outcomes

Strategic Framework:

Results Washington: This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

1. Priority – Serve the State

Goal 1 – Deliver high quality, timely, and efficient legal services.

This request supports the AGO Strategic Plan by allocating resources to a complex case so that the office can provide high quality, timely, and efficient legal services

1. Priority – Protect the People

Goal 3 —Promote Good Government

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 Legal Services to State Agencies	405		76		
TOTAL		-	76	-	-

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539 - Cases Open at End of Fiscal Year	405		76		
TOTAL		-	76	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year

Target: 25,000 open cases at the end of each FY, reported annually.

Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
DSHS			76		
TOTAL		-	76	-	-

Legal or Administrative Mandates:

Sylvia Liang, et al. v. DSHS

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. C	\$0	\$76	\$76	\$0	\$0	\$0

Agency Contact Information

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Agency Recommendation Summary

This request is to fund defense of employee benefit class action lawsuits against the State Board for Community and Technical Colleges (SBCTC) and the State of Washington. The same law firm on behalf of classes of similarly situated part-time college employees filed three lawsuits. Two lawsuits, *Wolf v. State Board* and *Rush v. State*, allege denial of retirement benefits administered under the SBCTC Retirement Benefit Plan. The third suit, *Rush v. State*, alleges denial of sick leave benefits as specified under RCW 28B.50.4893. This request provides staff and funding to defend Washington State in this complex litigation.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	12.6	12.6	12.6	0.0	0.0	0.0
Operating Expenditures						
Fund 405 - 1	\$2,362	\$3,135	\$5,497	\$0	\$0	\$0
Total Expenditures	\$2,362	\$3,135	\$5,497	\$0	\$0	\$0
Revenue						
405 - 0420	\$2,362	\$3,135	\$5,497	\$0	\$0	\$0
Total Revenue	\$2,362	\$3,135	\$5,497	\$0	\$0	\$0

Decision Package Description

This request is for 5.5 Assistant Attorney General (AAG), 3.0 Paralegal (PL), 2.5 Legal Assistant (LA) and \$2.15 million in expert and data management costs in the 2021-23 Biennium. This will provide defense funding including a litigation team, expert witnesses and consultants, and a data support vendor required to mount a full defense of all three cases. One of the cases, *Wolf v. State Board*, was the subject of a Decision Package last biennium and, due to the pandemic and a settlement overture, the case was delayed with most of the funding unspent. The same issues that drove the last funding request remain present.

This is being presented as a joint request defending the three cases as the plaintiffs, *Rush* and *Wolf*, engaged the same law firm of Bendich, Stobaugh, and Strong, which is a firm that specializes in benefits-related class action lawsuits and has successfully litigated benefits-related cases against the State in the past. The firm is coordinating the three cases, and discovery from one case will likely be attempted to be used in the other cases. Failure to mount a robust defense is assumed to lead to significant state financial liability in all three cases. In addition, failure to mount a robust defense in the two retirement cases will also lead to additional litigation against any other public higher education institutions that have retirement plans with similar characteristics. A successful defense will eliminate those impacts.

Each of the public four-year universities sponsors its own retirement plan, separate and apart from the state employee plans administered by the Department of Retirement Services (DRS). The State Board for Community and Technical Colleges (SBCTC) sponsors a plan for faculty and exempt staff at the 34 community and technical colleges. Until 2011, all of the college and university retirement plans had an attendant supplemental plan that provided a safety net for retirees whose investments in the regular retirement plan did not perform up to a determined threshold level. The supplemental plans were closed by the legislature in 2011, but employees who entered service before 2011 are still entitled to seek a supplemental benefit. The issue raised in two of the lawsuits is whether this supplemental plan requires 10 years of continuous full-time equivalent employment or whether plan requires 10 years of full-time equivalent employment in total. Said another way, if there is a break in employment, does the counting for the 10-year full-time employment requirement start anew or continue when the employee resumes his or her employment.

The *Wolf* case was filed in February 2019. *Wolf* was employed by Community Colleges of Spokane as a part-time instructor from 1993 to 2002 and from 2006 to 2017 and alleges that he had 15.2 years of full-time equivalent employment in total. He claims the Colleges improperly applied eligibility criteria for his supplemental retirement benefits after he took four years off and that the State, through the SBCTC, illegally changed the retirement benefit plan in violation of the impairment of contract principles set forth in *Bakenhus v. Seattle*, 48 Wn.2d 695 (1958) by requiring 10 years of continuous full-time employment. The State responded to initial discovery and was successful in a motion on the pleadings, leading the plaintiff to re-file and seek his remedy in another manner in late 2019. In early 2020, the parties filed additional motions but agreed to stay the proceedings pending discussions on whether there was any room for settlement. The Attorney General's Office (AGO) worked on valuing the case and exchanged settlement correspondence with the plaintiff's counsel. For reasons unknown, plaintiff failed to respond until recently when counsel indicated they wished to get the case back on track. The AGO anticipates that trial will be scheduled in

calendar year 2022 unless settlement occurs. The AGO expects several phases of judicial review and motion practice to settle on the appropriate statute of limitations. The AGO expects to receive and respond to motions concerning class certification and other motions.

Rush v. State (retirement) was filed June 30, 2021. Rush was employed by Green River College as a part-time instructor from 1991 to the end of 2017 Fall quarter and from 2018 Spring quarter to 2020. Rush claims that his employer, Green River College, improperly applied eligibility criteria for his retirement benefits after he took Winter quarter off in 2018 and that the State, through the SBCTC, illegally changed the retirement benefit plan in violation of the impairment of contract principles set forth in *Bakenhus v. Seattle*, 48 Wn.2d 695 (1958) by requiring 10 years of continuous full-time employment. Rush seeks class certification, retirement compensation, damages for willful withholding of wages, attorney's fees, lost investment returns, and interest. This case seems to be similar in many respects to the Wolf case and the putative classes in Rush (retirement) and Wolf appear to be similar. There are several distinctions. Rush appears to allege that he did not receive employer contributions to the defined contribution plan for some or all of the time after he resumed employment in 2018. He claims that the College required him to "requalify" for employer contributions to the defined contribution plan and seeks class status on this issue as well. Rush also claims he was denied a supplemental retirement benefit, though Rush resumed employment after the supplemental plan was closed in 2011. However, as there has been no motion practice on Rush (retirement) and the complaint is sparsely pled, it is unclear of the exact parameters of his claim.

Rush v. State (sick leave) was filed in February 2020. Unlike the other two cases, this case involves sick leave and how it is calculated for part-time academic employees. Rush claims that the statutes require that sick leave for part-time academic employees must be proportional to that received by full-time employees. The colleges disagree, and argue that the statutes allow colleges and unions to bargain over sick leave accrual rates. Colleges and unions have bargained for years on this topic and part-time faculty accrue sick leave at rates proportional to their teaching commitment in the many union contracts for each college as required by statute. The accrual rate for sick leave for part-time faculty in these union contracts has generally been bargained to be at rates that are not proportional to that for full-time faculty as there is no statutory requirement that they be proportional. In June 2020, the court certified a class consisting of "[a]ll part-time academic employees who did not accrue sick leave in proportion to their full-time equivalency, whether their accrual was not proportionate because of rate of accrual, or accumulation limitations, or in another fashion. The class is limited in time to employees who worked at a college district, a state agency, an education service district, a school district or an institute of higher education within the applicable statute of limitations." In December 2020, the court granted partial summary judgment in favor of the plaintiffs. Specifically, the Superior Court ruled that class members' sick leave accrual had to be directly proportionate to that of full-time faculty, even though the statute only requires sick leave accrual "in proportion to the individual's teaching commitment." The colleges attempted to appeal that ruling arguing that it was contrary to RCW 28B.50.489(1) and the Legislature's explanation that colleges and unions can bargain over sick leave accrual rates, but discretionary review was denied. The AGO is; now actively involved in the production of documents to Plaintiffs and anticipate a great deal of partial dispositive motions practice in the near future with a trial date of December 13, 2021 although there are questions about whether this trial date will hold.

For these three related cases, the AGO projects \$1.5 million for data management costs and \$650,000 for experts costs in total for the biennium. All three cases will require actuarial and other experts, as well as data consultants, which we have partially completed in Rush (sick leave) and Wolf but have not yet begun in Rush (retirement). As the class and putative classes cover a lengthy period of time and 34 community and technical colleges, the management of current and legacy computers systems as well as potential paper files lead to significant projected data management costs.

SBCTC receives a legal services allocation for routine day-to-day needs for the 34 community and technical colleges. This allocation does not include the costs of complex litigation of the magnitude that these cases require. SBCTC is a small agency and the costs of defending this action will be extensive. Without additional resources, defense of the case will severely impact the SBCTC's operating revenues and will severely hamper the college system's ability to pay for legal services for the biennium.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This proposal is to fund extraordinary litigation costs related to employee benefits.

Detailed Assumptions and Calculations:

This request seeks funding for FTE and \$1.5 million in expert and data management costs in the 2021-23 Biennium. For these three related cases, the workload is projected to involve significant discovery and motion practice. The discovery and potentially relevant data for the class and putative classes covers is very large as it covers many years and the 34 community and technical colleges have their own current and legacy data management systems as well as potential paper files. The discovery will involve AAG, PL, LA, and the data vendor gathering, reviewing, and analyzing the relevant data followed by depositions and motion practice.

Data management costs in this biennium will involve ingesting data, reviewing for relevancy and privilege, and analyzing the results. This cost includes \$650,000 for actuarial and other expert costs in this biennium.

As the same law firm is involved in all three cases and the same lead plaintiff filing two of the cases, the AGO anticipates significant overlap in discovery, which is why this request has combined all three cases. Discovery done for one case will likely be produced in whole or in part in the other two cases, which makes discrete budgeting for each case challenging. However, the cases are not currently combined for trial or motion practice, and the AGO will evaluate this issue as the cases move forward. If one or all of these cases proceed to trial, it is unclear how the court will manage the trial(s) and the many issues and sub-issues involved with the class and putative classes such as how the separate Collective Bargaining Agreements at the 34 community and technical colleges affect the cases.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	5.5	5.5			
Object A & B	764	774			No
LA FTE	2.8	2.8			
Object A & B	215	220			No
PL FTE	3.0	3.0			
Object A & B	286	292			No
MA5 FTE	1.4	1.4			
Object A & B	159	161			No
TOTAL FTE	12.6	12.6	0.0	0.0	
TOTAL A & B	1,424	1,447	0	0	

How is your proposal impacting equity in the state?

N/A

Strategic and Performance Outcomes

Strategic Framework:

Results Washington Outcome Measures:

World-class Education - These cases challenge employee benefits in the higher education system, seeking a broader interpretation of retirement plan eligibility and sick leave eligibility. The plaintiffs are seeking to apply these new interpretations to a broad class of employees going back over many years. A victory by the plaintiffs would increase the costs of operating the state higher education system.

Efficient, effective & accountable government. A successful result by the plaintiff in any of these cases will divert resources from the priorities established by the legislature in its operating budget.

AGO Strategic Plan: This request supports the following portions of the AGO Strategic Plan.

1. Priority – Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services.

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

1. Priority – Protect the People

Goal 3—Promote Good Government

The SBCTC and each of the four-year universities are empowered by statute to provide retirement plans under such rules as they may prescribe. The plaintiff's challenge in two of these cases seeks to curtail that authority and discretion. Similarly, in the sick leave case, the plaintiffs challenge the way colleges calculate their employee workload. Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 Legal Services to State Agencies	405	2,362	3,135		
TOTAL		2,362	3,135	-	-

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539 - Cases Open at End of Fiscal Year	405	2,362	3,135		
TOTAL		2,362	3,135	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year
Target: 25,000 open cases at the end of each FY, reported annually.
Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

These cases concern benefits, so some impacts on the status quo will occur if the State fails to successfully defend these cases.

Intergovernmental:

These lawsuits impact all 34 community and technical colleges. If the plaintiffs are successful, the colleges likely will have to modify their practices, may have to seek legislative assistance, and certainly will need to seek additional funds. Negative outcomes in the retirement plan cases may also impact other higher education institutions that have similar plans. On behalf of the community and technical college system, the SBCTC agrees with the need for the legal services and fully supports this AGO request.

Client costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
SBCTC		2,362	3,135		
TOTAL		2,362	3,135	-	-

Legal or Administrative Mandates:

1. Wolf v. State
2. Rush v. State (retirement)
3. Rush v. State (sick leave)

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$1,082	\$1,082	\$2,164	\$0	\$0	\$0
Obj. B	\$342	\$365	\$707	\$0	\$0	\$0
Obj. C	\$500	\$1,000	\$1,500	\$0	\$0	\$0
Obj. E	\$405	\$660	\$1,065	\$0	\$0	\$0
Obj. G	\$14	\$14	\$28	\$0	\$0	\$0
Obj. J	\$19	\$14	\$33	\$0	\$0	\$0

Agency Contact Information

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Office of Attorney General
 2021-23 First Supplemental Budget Session
 Maintenance Level - MQ - Charter School Commission Litigation

Agency Recommendation Summary

This request is to support the Charter School Commission’s (Commission) request for additional legal services allocation in anticipation of litigation challenging the Commission’s authority to regulate charter schools. The Commission’s legal services allocation is insufficient to meet its day-to-day legal services needs and does not take into account litigation costs. The Commission overspent the 2019-21 allocation by more than 20 percent and was given a reduced legal services allocation for 2021-23 Biennium. A robust defense is paramount to ensure that the regulatory framework that was enacted through the Initiative process and by the legislature maintains its integrity.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	0.9	0.9	0.9	0.9	0.4	0.65
Operating Expenditures						
Fund 405 - 1	\$118	\$120	\$238	\$120	\$47	\$167
Total Expenditures	\$118	\$120	\$238	\$120	\$47	\$167
Revenue						
405 - 0420	\$118	\$120	\$238	\$120	\$47	\$167
Total Revenue	\$118	\$120	\$238	\$120	\$47	\$167

Decision Package Description

The Impact Charter School enrolled a significant number of four-year-olds into kindergarten in violation of the charter contract and the Charter Schools Act, without authorization from the Charters Schools Commission (Commission). Impact enrolled these four-year-olds after the Commission expressly denied the School’s request to operate “transitional kindergarten (which is a program for four year old children. The Commission initiated a corrective action plan.

The school filed two petitions for judicial review at different stages of the corrective action process to stop the Commission from proceeding. Impact Charter School takes the position that it does not need the Commission’s permission to operate such a program and the Commission lacks regulatory authority. If the Commission’s regulatory authority is upheld, it could trigger an obligation by Impact Charter School to repay state basic education funds, if so determined by the State Auditor.

Impact Charter School has every incentive to litigate to the end. Washington Charter Schools Association, a non-profit professional association that has a broader interest on behalf of its constituents in limiting charter school oversight and regulation in Washington State, is supporting it.

The AGO assumes a need for 0.5 Assistant Attorney General dedicated to defending this challenge through the appellate process in FY 2022 through FY 2024. Without this funding, defense of this litigation will negatively affect the Commission’s ability to pay legal services to assist with its regulatory function throughout the biennium.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This proposal is to fund litigation costs beyond those provided in the AGO’s Central Service Model for fund 405 (Legal Services Revolving Account), or in the Commission’s legal services allocation.

Detailed Assumptions and Calculations:

This request seeks FTE and funding for 0.5 Assistant Attorney General (AAG) and 0.3 Legal Assistant (LA3) dedicated to defending the Impact Public Schools v. The Washington State Charter School Commission case through the appellate court level.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	0.5	0.5	0.5	0.2	Y
Object A & B	66	71	71	28	
LA FTE	0.3	0.3	0.3	0.1	Y
Object A & B	19	19	19	8	
MA5 FTE	0.1	0.1	0.1	0.1	Y
Object A & B	14	14	14	5	
TOTAL A & B	99	104	104	41	

How is your proposal impacting equity in the state?

N/A

Strategic and Performance Outcomes

Strategic Framework:

Results Washington Outcome Measures:

World-class education. This case challenges the regulatory authority of the State Charter Schools Commission over the public charter schools. Clarity of the relative legal authority of the Commission and the schools is essential to attaining a world-class education system.

Efficient, effective & accountable government. This case concerns the attempt to hold public charter schools accountable to the charter schools law and to the age requirements (and exceptions) in the Basic Education Act applicable to charter public schools.

AGO Strategic Plan: This request supports the following portions of the AGO Strategic Plan.

Priority – Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services.

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

Priority – Protect the People

Goal 3—Promote Good Government

The charter schools legislation is still relatively new, with the regulatory framework largely untested. This will be an important case to clarify legal and regulatory standards, thereby promoting good government. Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 - Legal Services to State Agencies	405	118	120	120	47
TOTAL		118	120	120	47

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539 - Cases Open at End of Fiscal Year	405	118	120	120	47
TOTAL		118	120	120	47

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year
Target: 25,000 open cases at the end of each FY, reported annually.
Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
Commission		118	120	120	47
TOTAL		118	120	120	47

Legal or Administrative Mandates:

This proposal is in response to the case of *Impact Public Schools v. The Washington State Charter School Commission* filed in Thurston County Superior Court.

Stakeholder Response:

This lawsuit is supported by the Washington Charter Schools Association, a non-profit professional association which has a broader interest on behalf of its constituents in limiting charter school oversight and regulation in Washington State.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$78	\$78	\$156	\$78	\$31	\$109
Obj. B	\$24	\$26	\$50	\$26	\$10	\$36
Obj. E	\$14	\$14	\$28	\$14	\$6	\$20
Obj. G	\$1	\$1	\$2	\$1	\$0	\$1
Obj. J	\$1	\$1	\$2	\$1	\$0	\$1

Agency Contact Information

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Agency Recommendation Summary

The Attorney General’s Office (AGO) requests an increase to its federal authority to allow the AGO to continue to clear the backlog of untested kits in the Federal Sexual Assault Kit Initiative (SAKI), collect DNA owed by felons, and to further unresolved sexual assault related investigations. There is no impact to State funds.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	1.5	1.5	1.5	0.0	0.0	0.0
Operating Expenditures						
Fund 001 - 2	\$1,376	\$1,567	\$2,943	\$0	\$0	\$0
Total Expenditures	\$1,376	\$1,567	\$2,943	\$0	\$0	\$0
Revenue						
001 - 0316	\$1,376	\$1,567	\$2,943	\$0	\$0	\$0
Total Revenue	\$1,376	\$1,567	\$2,943	\$0	\$0	\$0

Decision Package Description

The Attorney General’s Office (AGO) requests an increase to its federal authority in the 2021-23 biennium of \$2.94 million. Washington State (the State) continues the process of testing its large backlog of previously untested sexual assault kits (SAKs) and other DNA collected at crime scenes. This funding will allow the AGO to continue to clear the backlog of untested SAKs in the Federal Sexual Assault Kit Initiative (SAKI) and to further unresolved sexual assault related investigations. As of August 10, the State has fully tested 5,615 of the backlog of 10,800 kits (52 percent). Without this increase in federal authority, the State’s ability to eliminate the backlog is at risk.

Eliminating the SAK backlog and bringing justice to survivors is a state priority. On April 23, 2019, King 5 quoted Governor Inslee thusly: “Thousands of survivors have provided evidence to law enforcement that has never been tested, even decades after the alleged crime. Survivors clearly deserve better than that from the criminal justice system.”

Continuing the AGO’s SAKI, funded by a federal grant, is critical to fixing this injustice.

\$2 million of the total request is a no-cost continuance of SAKI that begun in the 2017-19 Biennium. \$902,000 is for a new grant that will benefit survivors and contribute to a comprehensive approach to sexual assault reform. The Purpose Area 3 grant will help the AGO continue to reach out to offenders for lawfully owed DNA samples and collect those samples which could lead to the eventually arresting of individuals who match the DNA from the tested SAK. There is no impact to State funds.

In September 2017, the US Department of Justice (DOJ) notified the AGO that its application for the Federal SAKI grant had been approved. The purpose of the Federal SAKI grant is to provide financial resources to clear the statewide backlog of un-submitted and partially submitted SAKs and to further sexual assault investigations. In total, the AGO has been awarded \$7.9 million for this important work.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This request provides \$2.943 million expenditure authority for the current grant awarded as well as \$902,000 for the new grant to continue AGO efforts.

Detailed Assumptions and Calculations:

This will allow the SAKI program to expend the entire grant within the grant periods awarded.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
SR Investigator FTE	0.8	1.0			No
Object A & B	89	121			
Investigator 2 FTE	0.8	1.0			No
Object A & B	63	84			
TOTAL FTE	1.5	2.0	0.0	0.0	
TOTAL A & B	152	205	0	0	

How is your proposal impacting equity in the state?

This funding will allow the AGO to continue to clear the backlog of untested Sexual Assault Kits, and to further unresolved sexual assault related investigations. Most of those cases involve the sexual assault of women and children.

Enforcement of sexual assault is statewide and affects all demographic communities. This proposal will help ensure underserved communities receive the same services as other communities. Most of those cases involve the sexual assault of vulnerable women and sexually exploited youth.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

Goal 4: Healthy & safe communities

Goal 5: Efficient, effective & accountable government

Agency Strategic plan:

Priority 2 – Protect the People

Priority 2-1-4 – Protect sexually exploited youth and pursue civil commitment of sexually violent predators.

This request advances the Governor’s Results Washington Goal 4: Healthy and Safe Communities and the AGO Strategic Plan Priority 2 – Protect the People by utilizing all available funding to inventory and test un-submitted or partially submitted SAKs, and entering those results into HITS. This will assist local law enforcement in the commitment or recommitment of sexually violent predators, while developing cross discipline training that focuses on the victims of sexual assault.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A 0003 Criminal Investigations and Prosecutions	001-2	1,376	1,567		
TOTAL		1,376	1,567	-	-

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
Criminal Cases Closed	001-2	1,376	1,567		
TOTAL		1,376	1,567	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002536 - Criminal Cases Closed	0	0	0	0

Performance Outcomes:

Performance Measure 2536: Criminal Cases Closed
Target: 18 criminal cases closed or declined per biennium, reported quarterly.
Key Divisions: Criminal Justice Division

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

N/A

Legal or Administrative Mandates:

N/A

Stakeholder Response:

N/A

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$114	\$152	\$266	\$0	\$0	\$0
Obj. B	\$38	\$53	\$91	\$0	\$0	\$0
Obj. E	\$1,144	\$1,274	\$2,418	\$0	\$0	\$0
Obj. G	\$21	\$27	\$48	\$0	\$0	\$0
Obj. J	\$2	\$1	\$3	\$0	\$0	\$0
Obj. K	\$57	\$60	\$117	\$0	\$0	\$0

Agency Contact Information

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Office of Attorney General
 2021-23 First Supplemental Budget Session
 Maintenance Level - MS - Washington Climate Commitment Act

Agency Recommendation Summary

The Attorney General's Office (AGO) received \$170,000 in billing authority for the enacted legislation Second Substitute Bill (SSB) 5126. The AGO's fiscal note identified that it would take a total of \$284,000 to implement the legislation and Department of Ecology (ECY) and Department of Natural Resources (DNR) will be billed for these legal services. The AGO remains confident in its initial assumptions. Successful implementation of complex, critical legislation will require sufficient funding for legal resources. AGO is requesting the additional \$114,000 in billing authority.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	0.6	0.7	0.65	0.0	0.0	0.0
Operating Expenditures						
Fund 405 - 1	\$46	\$68	\$114	\$0	\$0	\$0
Total Expenditures	\$46	\$68	\$114	\$0	\$0	\$0
Revenue						
405 - 0420	\$46	\$68	\$114	\$0	\$0	\$0
Total Revenue	\$46	\$68	\$114	\$0	\$0	\$0

Decision Package Description

Below are the assumptions for the AGO Ecology Division's (AGO-ECY) Legal Services for the Department of Ecology (ECY) provided in the fiscal note submitted during the 2021 Legislative Session:

1. The AGO will bill ECY for legal services based on the enactment of this bill.
2. This bill requires ECY to engage in several complex rulemakings from FY 2022 through FY 2025 to implement the cap and trade program, as well as robust stakeholder engagement, reporting to the legislature, and drafting proposed legislation. AGO-ECY assumes 0.5 Assistant Attorney General (AAG) beginning in FY 2022 to provide legal research and advice on the complex issues raised by these activities, rulemakings, and by the implementation and enforcement of the cap and trade program.
3. Beginning in FY 2026, the AGO assumes a need for 0.35 AAG for advice on implementation and enforcement of the cap and trade program and related requirements including the possible issuance of enforceable orders under Section 3 and 35. The AGO estimates 1 appeal every 1.5 years of ECY enforcement actions taken as a result of this bill. The legal costs of defending ECY against these appeals are included in the 0.35 AAG beginning in FY 2026.
4. This fiscal note assumes that ECY will adopt a rule under Section 10 (9) to determine how to evaluate net cumulative emissions reductions during the July 1, 2023-2025 period.
5. This fiscal note assumes that compliance obligations under the act are not delayed or suspended due to the lack of the passage of a separate additive transportation funding law per Section 22 of the bill.
6. Total workload impact:
FY 2022 through FY 2025: 0.5 AAG and 0.25 Legal Assistant (LA) at a cost of \$119,000 per FY.
FY 2026 and in each FY thereafter: 0.35 AAG and 0.18 LA at a cost of \$84,000 per FY.

Assumptions for the AGO Public Lands & Conservation Division's (PLC) Legal Services for the Department of Natural Resources (DNR):

1. The AGO will bill DNR for legal services based on the enactment of this bill.
2. DNR anticipates the need for new legal services to implement this bill for review of contracts for the Small Forest Land Owner Work Group and for carbon sequestration on private lands.
3. Beginning in FY 2024, any legal services will be provided with existing resources.
4. Total workload impact:
FY 2022: 0.05 AAG at a cost of \$12,000.

FY 2023: 0.15 AAG and 0.08 Legal Assistant (LA) at a cost of \$34,000.

ECY will be billed:
FY 2022 through FY 2025: \$119,000 per FY.
FY 2026 and in each FY thereafter: \$84,000 per FY.

DNR will be billed:
FY 2022: \$12,000.
FY 2023: \$34,000.

AGO received \$170,000 billing authority for the enacted legislation SSB 5126. AGO's fiscal note identified that it would take \$284,000 to implement this bill and ECY and DNR will be billed for these legal services. AGO is requesting the additional \$114,000 in billing authority.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

AGO was provided \$170,000 and .4 FTE to implement 5126 SSB and \$258,000 and 1 FTE are needed per the fiscal note submitted.

Detailed Assumptions and Calculations:

AGO was provided \$170,000 and .4 FTE to implement SSB 5126 and \$258,000 and 1 FTE are needed per the fiscal note submitted. This request is to provide additional billing authority for the variance in the AAG salaries and benefits.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	0.6	0.7			Y
Object A & B	46	68			
TOTAL FTE	0.6	0.7	0.0	0.0	
TOTAL A & B	46	68	0	0	

How is your proposal impacting equity in the state?

This proposal affects all residents and visitors to Washington State. All state demographic and geographic communities are affected by impacts of the Washington Climate Commitment Act.

The outcome of this request is to provide legal assistance to ECY and DNR for successful implementation of the complex and critical Washington Climate Commitment Act.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

Sustainable Energy and Clean Environment
 Efficient, Effective, and Accountable Government

AGO Strategic Plan:

2-2-1 Protect the environment and public health

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 Legal Services to State Agencies	405	46	68		
TOTAL		46	68	-	-

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539 - Cases Open at End of Fiscal Year	405	46	68		
TOTAL		46	68	-	-

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year
Target: 25,000 open cases at the end of each FY, reported annually.
Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

AGO will bill ECY and DNR for legal services. Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
ECY	405	34	34		
DNR	405	12	34		
TOTAL		46	68	-	-

Legal or Administrative Mandates:

Enactment of SSB 5126

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$34	\$51	\$85	\$0	\$0	\$0
Obj. B	\$12	\$17	\$29	\$0	\$0	\$0

Agency Contact Information

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Agency Recommendation Summary

This request is to provide funding to the Attorney General’s Office (AGO) for representation in Grays Harbor, Asotin, and Walla Walla Counties for new child welfare caseloads as requested by the Department of Children, Youth, and Families (DCYF). Representation was previously provided by the counties’ prosecutor offices. This transition will facilitate a more consistent statewide approach and help DCYF achieve significant system reforms adopted by the Legislature, and comply with its federal reporting requirements.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	12.3	12.3	12.3	12.3	12.3	12.3
Operating Expenditures						
Fund 405 - 1	\$1,533	\$1,555	\$3,088	\$1,555	\$1,555	\$3,110
Total Expenditures	\$1,533	\$1,555	\$3,088	\$1,555	\$1,555	\$3,110
Revenue						
405 - 0420	\$1,533	\$1,555	\$3,088	\$1,555	\$1,555	\$3,110
Total Revenue	\$1,533	\$1,555	\$3,088	\$1,555	\$1,555	\$3,110

Decision Package Description

DCYF requested that the AGO take over representation and handle dependency and termination of parental rights cases in Grays Harbor, Asotin, and Walla Walla Counties to improve statewide consistency in practice and alignment with DCYF policy objectives, achieve federal performance improvement goals, improve communication of legal updates and legal compliance such as changes in court forms and ensure uniform data collection and maintenance. Under contracts with the AGO, these counties were historically represented by the local prosecuting attorneys’ offices. DCYF’s request for the AGO take over representation in Grays Harbor County was expedited due to the unexpected retirement of a very senior deputy prosecutor, in an effort to ensure adequate legal resources to cover all of the cases and achieve these other policy objectives. Transition to AGO representation ensures DCYF staff in these counties receive the full array of legal support offered by the office, including an emphasis on entering court orders that can also be upheld on appeal, and will increase DCYF access to additional data maintained by the AGO, which is used in DCYF’s reporting on its compliance with federal performance improvement measures.

DCYF believes a more consistent statewide approach is needed to help it achieve significant system reforms resulting from the enactment of the House Bill (HB) 1194, which changed legal requirements related to parent-child visits in dependency cases, and HB 1227, which will change the standards of removal and for placement with relatives, as well as recent Washington State Supreme Court decisions that clarify and enhance legal requirements in dependency and termination of parental rights cases.

Additionally, DCYF uses data from the AGO’s data system to report on its compliance with its federal performance improvement plan, and wishes to have access to this data in more counties. Costs are based on the caseloads and general staffing models to support this work, as well as travel from the closest office to these counties. The AGO requests 5.0 Assistant Attorneys General (AAG), 2.0 Paralegal (PL), 3.0 non-billable Legal Assistants (LA) and 1.0 non-billable Legal Office Assistant (LOA).

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

There is no funding in the AGO’s base budget for costs included in this request. This proposal is to fund litigation costs beyond those provided in the AGO’s Central Service Model for fund 405 (Legal Services Revolving Account), or in the DCYF’s legal services allocation to improve alignment in practice and DCYF policy objectives, improve communication and monitoring of legal compliance, and ensure uniform data collection and maintenance.

Detailed Assumptions and Calculations:

The AGO requests 5.0 AAG, 2.0 PL, 3.0 LA, and 1.0 LOA to improve alignment in practice and DCYF policy objectives, improve communication and monitoring of legal compliance, and ensure uniform data collection and maintenance.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	5.0	5.0	5.0	5.0	Y
Object A & B	688	698	698	698	
PL FTE	2.0	2.0	2.0	2.0	Y
Object A & B	187	190	190	190	
LA FTE	3.0	3.0	3.0	3.0	Y
Object A & B	227	232	232	232	
LOA FTE	1.0	1.0	1.0	1.0	Y
Object A & B	62	64	64	64	
MA5 FTE	1.3	1.3	1.3	1.3	Y
Object A & B	145	147	147	147	
TOTAL FTE	12.3	12.3	12.3	12.3	
TOTAL A & B	1,309	1,331	1,331	1,331	

How is your proposal impacting equity in the state?

This proposal will have a statewide impact. The outcome of this legal matter is to improve statewide consistency in practice and alignment with DCYF policy objectives, achieve federal performance improvement goals, improve communication of legal updates and legal compliance such as changes in court forms and ensure uniform data collection and maintenance.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

This budget request will support the Governor’s Results Washington priorities of “Healthy and Safety Communities” and “Efficient, Effective, and Accountable Government.”

AGO Strategic Plan:

This request supports the following portions of the AGO Strategic Plan.

Priority – Serve the State

Goal 1—Deliver high quality, timely, and efficient legal services.

Effectively defending litigation initiated against the State is a product of delivering quality, timely and efficient legal services.

Priority – Protect the People

Goal 3—Promote Good Government

Good government requires clear understanding of the roles and authorities of the executive branch agencies as well as protection of taxpayer resources.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
010 Legal Services to State Agencies	405	1,533	1,555	1,555	1,555
TOTAL		1,533	1,555	1,555	1,555

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539: Cases Open at End of Fiscal Year	405	1,533	1,555	1,555	1,555
TOTAL		1,533	1,555	1,555	1,555

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Indeterminate incremental changes.

Performance Measure 2539: Cases Open at End of Fiscal Year

Target: 25,000 open cases at the end of each FY, reported annually.

Key Divisions: Legal Services Divisions

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
DCYF	405	1,533	1,555	1,555	1,555
TOTAL		1,533	1,555	1,555	1,555

Legal or Administrative Mandates:

N/A

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$988	\$988	\$1,976	\$988	\$988	\$1,976
Obj. B	\$321	\$343	\$664	\$343	\$343	\$686
Obj. E	\$194	\$200	\$394	\$200	\$200	\$400
Obj. G	\$12	\$12	\$24	\$12	\$12	\$24
Obj. J	\$18	\$12	\$30	\$12	\$12	\$24

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Agency Recommendation Summary

Western Washington University (WWU) is submitting a supplemental decision package requesting funding for additional legal resources and the Attorney General’s Office (AGO) supports the request as the need for legal services has increased over time in both the number of requests for legal services and in the complexity of the legal services needed. An additional Assistant Attorney General (AAG) position is requested to meet the expanding workload demands arising from campus growth and development, as well as an increase in complex legal issues requiring more attorney time and resources.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	1.8	1.8	1.8	1.8	1.8	1.8
Operating Expenditures						
Fund 405 - 1	\$237	\$241	\$478	\$241	\$241	\$482
Total Expenditures	\$237	\$241	\$478	\$241	\$241	\$482
Revenue						
405 - 0420	\$237	\$241	\$478	\$241	\$241	\$482
Total Revenue	\$237	\$241	\$478	\$241	\$241	\$482

Decision Package Description

Western Washington University (WWU) has an urgent need for additional legal services. An additional Assistant Attorney General (AAG) position is requested to meet the expanding workload demands arising from campus growth and development, as well as an increase in complex legal issues requiring more attorney time and resources. By its nature, higher education law has become increasingly complicated. The legal risks for not complying with federal laws and regulations concerning areas such as campus sexual assault issues (Title IX), privacy issues relating to student health records, data privacy and contracting, and public records, as well as novel, but frequently emerging challenges related to COVID-19 pandemic, have significantly increased WWU's need for timely and thorough legal advice. In the past twenty years, there has been no significant increase in legal resources dedicated to WWU. However, in that time there have been significant increases in both state and federal legal and regulatory obligations, as well as significant student and employee growth at WWU. Currently, only 1.5 AAG FTE is funded to advise the entire institution and they are spread too thinly to proactively manage liability risk and respond to all pressing legal issues. The funding devoted to legal services has not kept pace with the growth of the institution.

An example of WWU's growth is its student population. The growth in student enrollment from Fall 2001 (13,522) to Fall 2019 (16,142 pre-COVID) is 19.4 percent. This is a great expansion of student programs and activities that requires risk management. Additionally, full time faculty at the institution increased 25 percent, while other staffing on campus increased 23 percent during this timeframe, increasing the frequency of employment and labor-related requests for legal advice.

Over the last twenty years, WWU has added doctoral degrees to its programs, created locations in Everett, Poulsbo and Bremerton, built or reconstructed ten buildings on campus, added an athletic field complex, and designed numerous new academic offerings. All of the growth has brought commensurate risk management challenges and additional potential for conflict, whether among students within the workplace, or in business and facility operations. It has also resulted in an increased demand for legal advice, which the 1.5 FTE cannot keep up with.

For example, public records requests have continued to increase on campus and have become more prone to result in litigation. In 2016 for example, WWU received 79 requests for records. By 2018, the number of public records requests had more than doubled (176 public records requests were received). Since 2018, the number of requests have continued to remain high. The AAGs assigned to WWU are currently handling two public records lawsuits recently, with one of them pending before the Washington State Supreme Court.

Pursuant to Washington state case law and to recently promulgated federal Title IX laws and rules, a more formal adjudicative hearing process must be available to a student who is accused of a Title IX violation including, but not limited to, sexual harassment, sexual assault, intimate partner violence, stalking, and other forms of sexual misconduct. Implementing the new federal requirements has resulted in WWU needing more legal advice and support, and this increased level of legal support is anticipated to continue as WWU works to comply with Title IX requirements, including the provision of legally required due process to all parties. AAGs are likely to be involved earlier in the process for each Title IX matter, and those matters that proceed to hearing will be more labor intensive and time consuming requiring likely the involvement of two AAGs. One AAG is needed to represent student conduct and/or the Title IX coordinator and present the evidence at each hearing while a second AAG will need to advise the decision maker or adjudicator.

Another consequence of WWU's broad and appreciable growth (which is anticipated to continue) is the significant increase in the number of contracts requiring legal review and analysis. The range of contracts includes everything related to new construction on campus, additional services needed to meet growing demands of students and employee, as well as expanding infrastructure. For example, in 2008 there were 72 incoming contracts. That number has increased almost every year, and by 2019, WWU recorded 1,511 incoming contracts. The attorneys assigned to WWU review all contracts to decrease risk for WWU and the state. The 1.5 AAGs cannot manage the volume of contracts (which will continue to grow), and address all the other legal issues arising at WWU. Without additional legal resources, there is an increased risk that the attorneys will not be able to timely review the contracts, which could expose WWU to more potential liability than necessary.

WWU is submitting a budget request that mirrors this request.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

This proposal seeks to increase the level of legal services needed to provide appropriate level of attention to legal issues and reduce risk management for WWU. The combination of continued growth of WWU both physically and in terms of staff, and escalating legal complexity in higher education requires additional resources to maintain service levels that allow effective risk management.

Detailed Assumptions and Calculations:

This request will add 1.0 AAG FTE and 0.5 Legal Assistant to the Bellingham location of the Regional Services Division. This will increase the number of trained staff needed to meet the ever-growing legal needs of WWU in light of its expansion and growth as well as the increased complexity of legal issues in higher education. The requested additional costs to keep up with the heavy workload will be ongoing and will carry forward in future biennia.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE	1.0	1.0	1.0	1.0	Yes
Object A & B	138	140	140	140	
LA FTE	0.5	0.5	0.5	0.5	Yes
Object A & B	38	39	39	39	
MA5 FTE	0.3	0.3	0.3	0.3	Yes
Object A & B	29	30	30	30	
TOTAL FTE	1.8	1.8	1.8	1.8	
TOTAL A & B	205	209	209	209	

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

How is your proposal impacting equity in the state?

This proposal ensures there is legal service funding to address legal risks concerning areas such as campus sexual assault issues (Title IX), privacy issues relating to student health records, data privacy and contracting, and public records, as well as novel, but frequently emerging challenges related to COVID-19 pandemic. This funding will allow the AGO to provide the additional legal services needed for the WWU and its diverse student population.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington:

- Goal 1: World Class Education
- Goal 2: Prosperous Economy: We are supporting the mission to teach and educate students.
- Goal 5: Contributing to an Effective, Efficient, and Accountable Government

The AGO expects this request will contribute to the achievement of three of the AGO’s **Strategic Plan goals**:

- 1. Priority – Serve the State
 - Goal 1 – Deliver high quality, timely, and efficient legal services.
 - Goal 3 – Proactively engage in risk management efforts to reduce the state’s liability and improve outcomes for the public.
 - Goal 4 – Protect and enhance the financial health and resources of the AGO including optimizing fund utilization and management.
- 1. Priority – Protect the People
 - Goal 3 – Promote good government.
- 1. Priority – Empower our Employees
 - Goal 1 – Enhance our commitment to being an employer of choice by recognizing, celebrating and empowering AGO employees.
 - Goal 2 – Promote diversity, inclusiveness and equality throughout the organization to recruit and retain a high quality, highly skilled, and highly effective workforce.
 - Goal 3 – Ensure employees have the skills and knowledge they need to be successful.
 - Goal 4 – Ensure employees have the tools and work space they need to be efficient and effective.
 - Goal 5 – Promote the health, safety and well-being of all employees in the workplace.

This request supports the AGO Strategic Plan by providing for the legal resources necessary for the AGO to deliver high quality, timely, and efficient legal services to WWU and minimize the university’s risk of liability promoting good government.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A010 Legal Services to State Agencies	405	237	241	241	241
TOTAL		237	241	241	241

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2539: Cases Open at End of Fiscal Year	405	237	241	241	241
TOTAL		237	241	241	241

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Performance Measure 2539: Cases Open at End of Fiscal Year
Target: 25,000 open cases at the end of each FY, reported annually.
Key Divisions: Legal Services Divisions

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Client Billing costs are provided, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
WWU		237	241	241	241
TOTAL		237	241	241	241

Legal or Administrative Mandates:

N/A

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

No

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$156	\$156	\$312	\$156	\$156	\$312
Obj. B	\$48	\$52	\$100	\$52	\$52	\$104
Obj. E	\$28	\$29	\$57	\$29	\$29	\$58
Obj. G	\$2	\$2	\$4	\$2	\$2	\$4
Obj. J	\$3	\$2	\$5	\$2	\$2	\$4

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Dollars in Thousands

ABS031 Agency DP Priority (PL)
(List only the program Policy Level budget decision packages, in priority order)
100 - Office of Attorney General
2022 First Supplemental Budget Session
2022 - 2022 Supplemental

Decision Package Code	Decision Package Title
PL-ME	Juvenile Litigation Representation
PL-MG	Western WA Univ Legal Services
PL-MI	Legal Case Management Infrastructur
PL-MJ	eDiscovery Capacity and Management



Office of Attorney General
2021-23 First Supplemental Budget Session
Policy Level - MI - Legal Case Management Infrastructure

Agency Recommendation Summary

The Attorney General's Office (AGO) is the largest public law firm in the state. The AGO represents the interests of client agencies and defends all cases and claims brought against state agencies, boards, commissions, state officials, and employees. To maximize the limited resources of both client agencies and the AGO, use of a modern enterprise legal matter management system is needed to properly manage case information and documents, and track cases, client advice, and investigations across the agency. The current system requires an upgrade or replacement as the demands on the system continue to increase.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	1.0	10.0	5.5	8.5	3.5	6.0
Operating Expenditures						
Fund 001 - 1	\$27	\$201	\$228	\$435	\$347	\$782
Fund 001 - 2	\$12	\$88	\$100	\$188	\$152	\$340
Fund 111 - 1	\$3	\$20	\$23	\$43	\$35	\$78
Fund 19A - 1	\$4	\$29	\$33	\$63	\$50	\$113
Fund 405 - 1	\$208	\$1,481	\$1,689	\$3,191	\$2,560	\$5,751
Fund 424 - 1	\$8	\$55	\$63	\$118	\$95	\$213
Total Expenditures	\$262	\$1,874	\$2,136	\$4,038	\$3,239	\$7,277
Revenue						
001 - 0393	\$12	\$88	\$100	\$188	\$152	\$340
19A - 0405	\$4	\$29	\$33	\$63	\$50	\$113
405 - 0420	\$208	\$1,481	\$1,689	\$3,191	\$2,560	\$5,751
424 - 0420	\$8	\$55	\$63	\$118	\$95	\$213
Total Revenue	\$232	\$1,653	\$1,885	\$3,560	\$2,857	\$6,417

Decision Package Description

The AGO has a legal matter management platform (LMMP) which is critical to tracking and managing legal operations across the office. The platform tracks more than 20,000 open legal matters at any given time, and thousands of constituent correspondence. The current system has been stable and reliable, allowing the AGO to meet basic needs when managing the legal matters. However, the current LMMP does not allow for additional collaboration for complex cases such as those that require coordination with multiple state agencies, litigation that lasts several years or social and health related cases that can involve many parties. The current platform is an on-premise platform (not a cloud-based solution), and is severely limited. The current system does not meet the level of collaboration and functionality needed today and requires an upgrade or replacement as the demands on the system continue to increase.

The AGO currently has a Maintenance and Support Services (MSS) agreement with Mitrtech who is the publisher of the Law Manager software. In 2006, Bridgeway Software, Inc. acquired Law Manager, Inc. and in 2015, Mitrtech then acquired the company. The MSS agreement includes Error and Malfunction Service support for identified errors or malfunctions in the Software, which materially impairs the overall functionality and operation of the software. The last AGO reported error or malfunction was in 2018, which a software release was provided to correct the issue.

Many of the customizations to Law Manager to meet the specific needs of the AGO, such as Critical Events (docketing), have been developed in-house. These customized features are support internal by ISD. Mitrtech maintains an online technical support portal for routine technical support.

As of August 2021, the AGO has not received an "end of support" notice from Mitrtech. In 2016 Mitrtech provided notice to the AGO that they plan to support and service the software indefinitely and there were no plans to sunset the product. Mitrtech has continued to provide software updates and upgrades to customers as needed, the last maintenance release was in June 2020, typically to address compatibility with newer operating systems and database versions or security related concerns.

Mitrtech also provided notice in 2016 that they would no longer be doing commercial development that would normally be geared towards

attracting new customers and clarified that no current customers would be required to migrate to the other products they were focusing their development on. They continue to have customers who use Law Manger today, but the AGO is not aware of another large public law firm or other Attorneys General offices across the United States who continues to use Law Manager as their primary Legal Matter Management Platform. Many law offices have migrated to cloud based solutions for improved security, office-wide efficiencies and client collaboration.

These new collaboration tools are needed to ensure legal operations within the AGO in a secure and repeatable manner. The modern features of a LMMP include improved internal and external collaboration (including online legal request intake), legal case document management capabilities, automated workflows throughout the various stages of litigation, outside counsel contract management, tracking of court related deadlines (docketing/calendaring), legal time tracking & billing solutions, access to near real-time reporting data and mobile access from a smartphone or tablet.

The AGO's legal services divisions' current LMMP does not allow for collaboration with external stakeholders and was not designed for this functionality. In order to comply with requirements for the practice of law, the AGO must meet stringent standards for protecting confidential information, including various ethical and regulatory compliance requirements. A new cloud-based platform, with advanced security capabilities such as multifactor authentication and other security features, will allow the AGO to provide client agencies and outside stakeholders with improved near real-time information related to the matters the office is representing on their behalf.

In preparation for a court case, the AGO collects a large amount of data, much of it personal and confidential. Exponential growth of information collection fits best with cloud-based "Software as a Service" (SAAS) platforms. These cloud-based SAAS platforms offer a more robust business continuity and data protection solutions that can quickly scale to the AGO's data retention and data availability needs. The AGO also has legal ethical responsibilities pursuant to the Rules of Professional Conduct (RPCs) that regulate safeguarding client property, even during emergencies or disasters.

Additionally, the current LMMP does not store legal case-related documents and they are stored in a separate system. This requires AGO staff to access data from multiple system locations during the day to perform legal processes and track the status of matters. Due to the nature of this, many inefficiencies will be reduced with a newer and automated LMMP that will strengthen information governance practices and reduce human error data risks. This upgrade will also reduce much of the back-and-forth communications between attorney and clients agencies that typically takes place over email. Further, the LMMP will automate processes for outside counsel that the AGO contracts with on a regular basis. Streamlining these processes will result in reducing time spent on data entry by automating time intensive administrative tasks performed today using the tools in a cloud-based LMMP.

The new LMMP contains the following major components:

Matter Management:

Tracks the legal services provided to clients from initiation to completion and optimizes the processes involved in opening new matters. Provides docketing/calendaring tracking of all court-related deadlines, which reduces confusion and reactionary situations based on the many different court schedule requirements. Standardizes legal matter intake and control information collection.

Legal Hold:

Manages notices to preserve documents in the event of pending or reasonable anticipation of litigation.

Legal Case Document Management:

Case related documents would be stored in a central location with delegated access to those authorized. This solution strengthens the processes and policies in place and better ensures compliance with Legal Rules of Professional Conduct (rules that attorneys are legally required to uphold).

Easy management and access to case-related documents and files. This feature also ensures retention of case-related documents are stored with the matter following federal and state retention rules and expire when scheduled. Many non-legal document management systems expire documents based on document date, not the event-based retention of the matter.

Outside Counsel Contract and Billing Tracking:

Automate the execution of contracts, assignments, and other related documents. Provides automated verification of billing expenses in Legal

Electronic Data Exchange Standard (LEDES). Provide real-time access to reporting and contract performance metrics.

Management Reporting:

Provides standard and *ad hoc* reporting to proactively manage legal expenses and budgets. Quickly identify who is involved in legal matters and in what capacity so that employee resources are used where the greatest needs are identified.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

There is no funding in the AGO's base budget for costs included in this request.

Detailed Assumptions and Calculations:

Project Implementation Costs:

Phase 1: Readiness Assessment and preparedness activities:

Contracted quality assurance vendor for 24 months beginning July 2022: \$150,000 (\$75,000/FY).

Project Positions are required from July 2022 through June 2024.

2.0 FTE Management Analyst 5 for 24 months: to review existing business processes and create new efficiencies to legal time tracking, legal invoice creation, outside counsel expense tracking following LEDES (Legal Electronic Data Exchange Standard) and other industry standards. Review existing docketing (tracking of court related deadlines and action) practices, integrate automated calendaring into current critical events practices and policies. Explore document management transition plans to ensure retention and use-case scenarios are addressed.

Phase 2: Implementation and Conversion:

The cost assumptions for SAAS provided, cloud-based LMMP developed from an analysis of Request for Information (RFI) responses provided to the AGO for FY 2023: Implementation/Training: \$450,000 (one-time cost).

Project Positions are required from January 2023 through January 2025 for additional functional requirement implementation and data conversion:

3.0 FTE IT Application Development-Entry to design and develop unique functional requirements that typically would not be included in a cloud-based LMMP. Custom software development workloads, to provide the unique functional requirements not typically included in a LMMP, estimates of software development efforts were done using Agile project estimating techniques.

1.0 FTE IT Architecture - Senior/Specialist to evaluate cloud providers, design architecture, collaborate with OCIO on statewide authentication to legal request portal, security/compliance reviews, and implement the solutions.

1.0 FTE IT Project Management - Journey to provide project management planning, quality assurance, and organizational change management.

1.0 FTE IT Security - Journey for security configuration/monitoring.

1.0 FTE IT Vendor Management - Entry for monitoring technology contracts, service level agreements, and cloud usage-billing reconciliation.

Phase 3: Ongoing costs required to sustain operations:

SAAS vendor fees: FY 2024 and in each FY thereafter: \$2.99 million (including a reduction of \$185,000 in FY 2024 and \$195,000 in FY 2025 for current LMMP expenditures).

Project positions are permanent beginning July 2023 (continuing staff identified in Phase 1 and Phase 2):

1.0 FTE IT Security - Journey for security configuration/monitoring.

1.0 FTE IT Vendor Management - Entry for monitoring technology contracts, service level agreements, and cloud usage-billing reconciliation.

1.0 FTE Management Analyst 5 to act as service owner, which will ensure consistent upkeep of system and policies, and manage evolving business need changes.

FINANCIAL SERVICES: The AGO assumes new work for a Contract Specialist 2 to include, but not limited to assistance with Special Assistant Attorney General (SAAG) business processes, data entry, document tracking, invoicing, quality control and reporting. The AGO Contracts Section is assumed to require 1.0 FTE in FY 2023 for solicitation, and then 0.5 FTE beginning in FY 2024 and in each FY thereafter to maintain the contracts in the system.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
Contract Spec 2 FTE		1.0	0.5	0.5	Yes
Object A & B		93	47	47	
Management Anl 5 FTE	2.0	2.0	1.0	1.0	Yes
Object A & B	233	236	118	118	
IT Appl Dv-Entry FTE		3.0	3.0		No
Object A & B		355	355		
IT Arch Sr Spec FTE		1.0	1.0		No
Object A & B		151	151		
IT Proj Mgmt FTE		1.0	1.0		No
Object A & B		132	132		
IT Security-Journey FTE		1.0	1.0	1.0	Yes
Object A & B		1,264	1,264	1,264	
IT Vendor Mgt-Ent FTE		1.0	1.0	1.0	Yes
Object A & B		98	98	98	
TOTAL FTE	2.0	9.0	7.5	2.5	
TOTAL A & B	233	1,065	901	263	

How is your proposal impacting equity in the state?

Funding this request will allow the AGO to continue to provide excellent legal services across all of Washington State.

Impact is statewide affecting all AGO offices and divisions, and most state agencies through AGO's billing rates.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington: Efficient, Effective and Accountable Government

AGO Strategic Plan:

1-2-1: Improve internal efficiency and effectiveness through the use of technology solutions and data.

1-2-2: Adjust existing software and processes to improve effectiveness and efficiency.

Review, and where appropriate improve, current data collection and use data to effectively assess how well we are meeting our strategic priorities, identify trends, and support decision-making.

Explore options to upgrade and improve systems such as the current matter management system, CCTNs, scheduling requests, and Office 365

2-3-4 Effectively and efficiently advise and defend the state against claims.

3-4-1 Expand mobility to improve productivity.

3-4-2 Implement technology solutions to improve effectiveness.

3-5-1 Be prepared for natural disasters and emergency situations.

Costs are provided, Dollars in Thousands:

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
0011: Antitrust Restitution to the Citizens of the State	424-6	8	55	118	95
0021: HITS Requests from Law Enforcement	001-1	1	10	22	17
2531: Consumer Utility Rate Savings	111-1	3	20	43	35
2533: Total AG Formal and Informal Opinions Issued	405-1	-	114	58	58
2534: Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	001-1	25	181	391	313
2535: Total Successful Commitment and Recommitment Trials	001-1	1	10	22	17
2537: Percentage of Tort Claims that Result in Zero Payout	405-1	10	74	160	128
2538: Recoveries to the Medicaid System	001-2	12	88	188	152
	19A-1	4	29	63	50
2539: Cases Open at End of Fiscal Year	405-1	198	1,293	2,973	2,374
TOTAL		262	1,874	4,038	3,239

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A001 - Administration	405-1		114	58	58
A002 - Civil Commitment of Sexually Violent Predators	001-1	1	10	22	17
A004 - Enforcement of Antitrust Laws	424-6	8	55	118	95
A005 - Enforcement of Consumer Protection Laws	001-1	25	181	391	313
A007 - Homicide Investigation Tracking System	001-1	1	10	22	17
A008 - Investigation and Defense of Torts Lawsuits	405-1	10	74	160	128
A009 - Investigation and Prosecution of Medicaid Fraud and Resident Abuse	001-2	12	88	188	152
	19A-1	4	29	63	50
A010 - Legal Services to State Agencies	405-1	198	1,293	2,973	2,374
A011 - Representing Ratepayers	111-1	3	20	43	35
TOTAL		262	1,874	4,038	3,239

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
000011 - Antitrust Restitution to the Citizens of the State	\$0	\$0	\$0	\$0
000021 - HITS Requests from Law Enforcement	0	0	0	0
002531 - Consumer Utility Rate Savings	\$0	\$0	\$0	\$0
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0
002534 - Direct Restitution Provided to Consumers through Litigation and Complaint Resolution	\$0	\$0	\$0	\$0
002535 - Total Successful Commitments	0	0	0	0
002537 - Percentage of Tort Claims that Result in Zero Payout	0%	0%	0%	0%
002538 - Recoveries to the Medicaid System	\$0	\$0	\$0	\$0
002539 - Cases Open at End of Fiscal Year	0	0	0	0

Performance Outcomes:

Incremental changes are indeterminate.

Performance Measure 0011: Antitrust Restitution to the Citizens of the State

Target: \$1,400,000 in Antitrust related restitution to the citizens of the State per biennium, reported annually.

Key Divisions: Antitrust

Performance Measure 0021: HITS Requests from Law Enforcement

Target: 2,026 requests for HITS data by local, state, and federal law enforcement agencies per biennium, reported quarterly.

Key Divisions: Homicide Investigation & Tracking System Unit

Performance Measure 2531: Consumer Utility Rate Savings

Target: \$40,000,000 of consumer utility rate savings per biennium, reported annually.

Key Divisions: Utilities and Transportation Division

Performance Measure 2533: Total AG Formal and Informal Opinions Issued

Target: 45 AG opinions (formal or informal) per biennium, reported quarterly.

Key Divisions: Administration

Performance Measure 2534: Direct Restitution Provided to Consumers through Litigation and Complaint Resolution

Target: \$11,000,000 returned to consumers through CPR litigation and informal complaint resolution and Lemon Law arbitrations per biennium, reported annually.

Key Divisions: Consumer Protection Division

Performance Measure 2535: Total Successful Commitment and Recommitment Trials

Target: 85% successful SCC commitment or recommitments per biennium, reported annually.

Key Divisions: Sexually Violent Predator Unit

Performance Measure 2537: Percentage of Tort Claims that Result in Zero Payout

Target: 50% of tort claims to result in zero payout, reported annually.

Key Divisions: Torts

Performance Measure 2538: Recoveries to the Medicaid System

Target: \$8,000,000 of biennial recoveries to the Medicaid System, reported annually.

Key Divisions: Medicaid Fraud Control Unit

Performance Measure 2539: Cases Open at End of Fiscal Year

Target: 25,000 open cases at the end of each FY, reported annually.

Key Divisions: Legal Services Divisions

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

N/A

Intergovernmental:

Central Service Model adjustments, Dollars in Thousands:

Client	Fund	FY2022	FY2023	FY2024	FY2025
CSM		208	1,481	3,191	2,560
TOTAL		208	1,481	3,191	2,560

Legal or Administrative Mandates:

As Washington State’s law firm responsible for representing the interests all cases and claims brought against state agencies, boards, commissions, state officials and employees, the legal impact will affect every matter that the AGO is involved with.

Stakeholder Response:

There is no known opposition to this request at this time.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

Reference Documents

[IT Addendum 2022 Supplemental-Law Manager Upgrade or Replacement Effort.docx](#)

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

Yes

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$177	\$905	\$1,082	\$782	\$292	\$1,074
Obj. B	\$55	\$289	\$344	\$246	\$97	\$343
Obj. C	\$0	\$75	\$75	\$75	\$0	\$75
Obj. E	\$26	\$595	\$621	\$2,927	\$2,846	\$5,773
Obj. G	\$1	\$5	\$6	\$4	\$2	\$6
Obj. J	\$3	\$5	\$8	\$4	\$2	\$6

Agency Contact Information

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2022 Supplemental IT ADDENDUM

NOTE: Only use this addendum if your decision package includes IT and does NOT relate to the One Washington project.

Part 1: Itemized IT Costs

To itemize IT costs for this submittal, agencies must complete the imbedded IT Fiscal Estimates Worksheet (Excel workbook) and submit that with their final decision package.



2022 SUPPLEMENTAL
DP Templates IT Adde

When itemizing costs in this workbook, please consider the total cost of the combined level of effort which includes: the associated costs, from planning through closeout, of state, vendor, or both, in order to purchase, acquire, gather and document requirements, design, develop or configure, plan or conduct testing, and complete implementation of enhancement(s) to an existing system.

Part 2: Identifying IT Projects

If the investment proposed in the decision package is the development or acquisition of an IT project/system, or is an enhancement to or modification of an existing IT project/system, it will also be reviewed and ranked by the OCIO as required by RCW 43.88.092. The answers to the three questions below will help OFM and the OCIO determine whether this decision package is, or enhances/modifies, an IT project:

1. Does this decision package fund the development or acquisition of a new or enhanced software or hardware system or service? Yes No
2. Does this decision package fund the acquisition or enhancements of any agency data centers? (See OCIO [Policy 184](#) for definition.) Yes No
3. Does this decision package fund the continuation of a project that is, or will be, under OCIO oversight? (See OCIO [Policy 121](#).) Yes No

If you answered “yes” to any of the above questions, you must answer the questions in Part 3 to finish the IT Addendum. Refer to Chapter 10 of the operating budget instructions for more information and a link to resources and information about the evaluation criteria questions.

Part 3: IT Project Questions

Agency readiness/solution appropriateness

Organizational change management

1. Describe the types of organizational changes expected because of this effort. How has your agency considered these impacts in planning the project and within this funding request? Include specific examples regarding planned Organizational Change Management (OCM) activities and whether or how the requested funding will support these efforts.

The organizational changes expected are overall improvements in security, collaboration and timeliness to client agency's needs related to litigating a matter and client advice. First and foremost, security is a high priority and the AGO is committed to protecting litigation related data. The OCM activities plan include reviewing existing business processes to create new efficiencies to legal time tracking, legal invoice creation, outside counsel expense tracking following LEDES (Legal Electronic Data Exchange Standard) and other industry standards. Additionally, it will include a review of existing docketing (tracking of court related deadlines and action) practices, integrate automated calendaring into current critical events practices and policies. Currently data related to the matter is stored in one system and the documents related to matters are stored in another system and not seamlessly integrated. This effort will explore the document management transition plans to ensure retention and use-case scenarios are addressed with the introduction of the legal case document management component of the legal matter management platform.

Agency technology portfolio risk assessment

2. How does this project integrate into and/or improve the overall health of your agency's IT portfolio? Include specific examples such as system efficiencies, technology risks mitigated, technology improvements achieved, etc.

In preparation for a court case, the AGO collects a large amount of data, much of it personal and confidential. Exponential growth of information collection fits best with cloud-based "Software as a Service" (SAAS) platforms. The use of a cloud-based SAAS platform will improve the overall health of the AGO IT portfolio by offering a more robust business continuity and data protection solutions that can quickly scale to the AGO's data retention and data availability needs. The AGO also has legal ethical responsibilities pursuant to the Rules of Professional Conduct (RPCs) that regulate safeguarding client property, even during emergencies or disasters. The use of a cloud-based SAAS provider better supports the disaster recovery requirements of the AGO Continuity of Operations Plan (COOP).

Solution scale

3. Explain how this investment is scaled appropriately to solve the proposed business problem. Described what considerations and decisions the agency has made to determine the sizing of this investment and why it is appropriate to solve the business problem outlined in the decision package.

The current system has been in place for many years and meets basic needs to manage legal matters, but does not have many of the features of a more modern legal matter management system. Those modern features can include (but not limited to): improved collaboration, document management integration, automated workflows, contract management, electronic billing and even mobile access from a smartphone

In preparation for submitting a decision package, the AGO has completed several activities in advanced. This includes completing a Request for Information (RFI) in late 2018 to understand the pricing and features/functionality available in solutions across the marketplace and develop cost assumptions for service providers. This expenditure information has been used as the assumption for several fiscal notes related to cloud computing.

The AGO has also contracted with a technology-consulting firm that specializes in legal technology for law firms and financial institutions. They have in-depth experience with legal matter management systems used both in private and public laws firms of all sizes. They were contracted to conduct workshops across all AGO practice areas of law and develop functional requirements. The use of their standard methodology aimed to provide a thorough and comprehensive review of the AGO's enterprise legal matter management system. The key work they performed included:

- Capturing the perceptions of current matter management system and current/planned applications that are held by a representative sample of the AGO's attorneys, staff, and managers across all the legal divisions.
- Identifying opportunities for applications, automation, and tools that will improve services to our clients, efficiency, and execution of duties.
- Identifying any opportunities to improve the usage and adoption of a legal matter management system that can be implemented quickly or in a straightforward way

The last phase of the consulting effort was facilitating vendor demonstrations. These demos were part of the effort to continue gathering market research that would be included in a more formal solicitation by the AGO at a future date.

Resource availability

4. How has the agency determined the resources required for this effort to be successful? How does this funding request support that resourcing need? If the agency intends to use existing resources for this effort, how are risks around resource availability being addressed?

The resourcing was determined by evaluating the project from different phases. The phases include: Phase 1 Readiness Assessment and preparedness activities, Phase 2 Implementation and Conversion and Phase 3 Ongoing costs required to sustain operations. These phases are not sequential, but would overlap with parallel activities occurring.

Phase 1 includes resourcing to review existing process and create and/or map process to the cloud based SAAS provider capabilities. Phase 2 includes design and develop unique functional requirements that typically would not be included in a cloud-based LMMP. Custom software development workloads, to provide the unique functional requirements not typically included in a LMMP, estimates of software development efforts were done using Agile project estimating techniques and practices. Phase 3 included the needed resources to manage technical support efforts on an ongoing basis.

Investment urgency

5. With regards to the urgency of this investment, please select **one** of the following that most closely describes the urgency of your investment, and **explain your reasoning**:

This investment addresses a currently unmet, time sensitive legal mandate or addresses audit findings which require urgent action.

Reason:

This investment addresses imminent failure of a mission critical or business essential system or infrastructure and will improve that issue.

Reason:

- This investment addresses an agency’s backlog of technology systems and provides an opportunity for modernization or improvement.

Reason:

Public law firms are routinely targets of malware and phishing that lead to ransomware. In the last 12 months several large public law firms across the United State have been targeted by ransomware attacks that have left attorneys without access to documents needed to representing their clients in litigation matters. Moving to a cloud-based SAAS provider helps the AGO to lower the risk posture.

The AGO currently has a Maintenance and Support Services (MSS) agreement with Mitrtech who is the publisher of the Law Manager software. The MSS agreement includes Error and Malfunction Service support for identified errors or malfunctions in the Software, which materially impairs the overall functionality and operation of the software. The last AGO reported error or malfunction was in 2018, which a software release was provided to correct the issue.

Mitrtech provided notice in 2016 that they would no longer be doing commercial development that would normally be geared towards attracting new customers and clarified that no current customers would be required to migrate to the other products they were focusing their development on. Mitrtech continues to have customers who use Law Manger, but the AGO is not aware of another large public law firm or other Attorneys General offices across the United States who continue to use Law Manager as their primary Legal Matter Management Platform. Many law offices have migrated to cloud-based solutions for improved security, office-wide efficiencies and client collaboration.

- This investment provides an opportunity to improve services, but does not introduce new capability or address imminent risks.

Reason:

Architecture/Technology Strategy Alignment

Strategic alignment

- Using specific examples, describe how this investment aligns with strategic elements of the Enterprise Technology Strategic Plan. Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to: buy don’t build, solutions hosted on modern hosting solutions, solutions promoting accessibility, early value delivery of functionality throughout the project, and modular implementation of project features.

In alignment with Goal 5: Security & Privacy “Strengthen privacy capacity in state and local government”, investments into a new cloud-based, SAAS legal matter management solution provides additional data protection for sensitive and confidential information of the AGO. The solution also improves disaster recovery capabilities in the event of a statewide emergency ensuring that documents and other materials are ready to file to the courts in a moments notices if ever needed.

In alignment with Goal 4: Enterprise Architecture “Advance adoption of modern, cloud-based technologies”, by incorporating an existing, cloud-based, SAAS legal matter management solution conforms to the “buy, don’t build” philosophy and reduces ongoing maintenance risks. Additionally, moving from an on-premise solution with limited development occurring to a cloud-based, SAAS

solution that has active develop that all customers benefit from aligns with both the AGO and WaTech strategic plans.

In alignment with Goal 2: Accountable IT Management “Reduce technical debt” and “Improve project out-comes with better practices”, our phased approach to this project utilizes the modular implementation of functionality over time instead of trying to incorporate a large change all at once. This allows the business processes to migrate to the new systems in a staggered and metered way, with a minimal viable product at first, then adding additional functionality over time.

Technical alignment

7. Using specific examples, describe how this investment aligns with technical elements of the Enterprise Technology Strategic Plan. Examples of technical principles that tie back to tenets of the strategic plan include, but are not limited to: data minimization, incorporating security principles into system design and implementation, publishing open data, and incorporating mobile solutions into systems.

Using a modern legal matter management system aligns with the strategic plan by migrating an aging on-premise system into a cloud-based, SAAS solution. Additionally, security between staff in the AGO and the SAAS solution will allow for new types of secure access, like during disasters, telework situations, and possibly from mobile devices.

Storing data in a cloud-based SAAS solution also removes the need for additional on-site back up and disaster recovery schemes as these solutions have backups and DR as part of the service.

Cloud-based SAAS providers are developing and supporting mobile apps that are designed to provide attorneys and legal staff with tools to manage their legal matters. With these apps, AGO staff will be able to practice law when and where most convenient as long as they have a data connection, eliminating the need to be near a desktop and in turn improving responsiveness. The significant weight is given for the decision for the new legal matter management system regarding the capabilities to provide mobile applications to attorneys and legal staff for accessing the system.

Governance processes

8. What governance processes does your agency have in place to support this project, or what new governance processes will be introduced to accommodate this effort? Examples of governance processes include executive sponsorship and steering, vendor/contract management, change control, quality assurance (QA), independent verification and validation (IV&V), and incorporating stakeholder feedback into decision making processes. Provide examples of how your proposed budget includes adequate funding and planning for governance processes, if applicable.

The AGO has a Project Management and Portfolio governance process in place. All IT projects at the AGO start with a project request intake that identifies a business sponsor at the earlier stages of consideration. An IT Business Analyst then completes an assessment for the project that clarifies the business opportunity, alignment to the AGO Strategic Plan, expected benefits, etc. That is then presented to the AGO Technology Committee for review every quarter and developed into the AGO 18 Month Project plan.

For large projects additional approval is needed from the AGO Operations Committee before the project can move out of the initiation and planning stages. To move beyond the planning stages an

executive steering committee must be identified. The steering committees typically consist of individuals from across AGO representing the different practice areas of law.

Project monitoring and quality assurance would provide regular project status reports and quality assurance reports to the executive steering committee to make decisions on. The decision package asks for funding for independent quality assurance services to be contracted from a qualified vendor.

Interoperability, interfaces and reuse

9. Does this proposed solution support interoperability and/or interfaces of existing systems within the state? Does this proposal reuse existing components of a solution already in use in the state? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

The cloud-based SAAS provider solutions will follow OCIO Security Policies and use all existing authentication systems including Single Sign On (SSO) for improved security. The systems also allow for application programming interface (API) connections. The APIs will be used to the fullest extent possible to allow for reuse in the future. By ensuring that APIs are used as the preferred method of integration, the AGO maximizes the possibilities of integration into other systems within the state. For systems that can't support APIs, secure data transfer systems will be used.

Business/Citizen Driven Technology

Measurable business outcomes

10. Describe how this proposed IT investment improves business outcomes within your agency? Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved as a result of this technology.

Risk mitigation is always a priority for the AGO. From a risk management perspective, there are a number of areas a new legal matter management system can provide risk reduction for including: inconsistent file transfers, ethical wall breaches, information security leakage, confidentiality and potential legal liability, client demands (outside counsel guidelines), regulatory requirements (e.g., HIPAA, HITECH, Dodd-Frank), ransomware protection and client privacy.

Growing volumes of documents across shared drives, with large amounts of duplication and versions, results in higher costs for storage, backup, and maintenance. Although it may be argued that the cost of storage of electronic documents isn't necessarily prohibitive, it is the management, searching and effective use of these documents where all the greatest costs and associated inefficiencies lie.

With more than 20,000 plus open legal matters within the AGO at any time, reliable and secure access to electronic documents is essential to help prevent major consequences from impacting the State of Washington with potential examples such as; (1) the ability to quickly coordinate with other AGO staff is impaired to obtain a court order allowing temporary foster care for children who are suspected of being victims of abuse or neglect (2) documents not accessible from opposing counsel or client could result in a litigation settlement not being advantageous for the State (3) a sexually violent predator could put children and families in Washington communities at risk if documents are not presentable with any of the court systems and (4) a missed court deadline because of docketing issue could result in sanctions against the State with fines potentially incalculable. Although these risks are real and

potential, the AGO has labor intense processes in place to prevent these scenarios, but using the current legal matter management system is impacting our ability to providing legal services in the most efficient manner.

Customer centered technology

11. Describe how this proposed investment improves customer experience. Include a description of the mechanism to receive and incorporate customer feedback. If the investment supports internal IT customers, how will agency users experience and interact with this investment? If the customers are external (citizen), how will the citizen experience with your agency be improved as result of implementing this investment? Provide specific examples.

The system will not be externally available to citizens. The primary day-to-day users of the system are the attorneys, legal staff and administrative staff within the AGO. The functional requirements were primarily developed with these users directly through multiple workshops and interview sessions conducted by the contracted technical management consultant firm. These interviews with the various stakeholder groups identified various other features and functionality desired by the stakeholders in a new system. After completion of the project a new legal matter management committee will be formed to provide feedback on ongoing improvements, enhancement requests and training needs for AGO staff.

Business process transformation

12. Describe how this IT investment supports business processes in your agency. Include the degree of change anticipated to business processes and the expected improvements as a result of this technology. Describe how the business and technology will coordinate and communicate project tasks and activities. Provide specific examples of how business processes are related to this technology and expected improvements to business processes as a result of implementing this technology.

Using a highly-effective and full-featured legal matter management software solution supports the core business of the AGO in providing quality and thorough legal services. Legal matter management systems help keep track of all the cases, client advice and requests to the AGO. An upgrade from the current aging system to a cloud-based, SAAS solution will continue supporting the business processes of tracking cases and required deadlines, dates of advice and what advice that was given. While a change of the system that provides legal matter management will require some changes to the business processes, many of the processes are either court or statutory requirements that won't change. We anticipate automated workflows to help improve the calendaring of tasks and deadlines needed in cases. Having documents with the matters will also improve efficiency when working with a newer system.

The business and technology teams will use task lists, frequent written updates and collaboration meetings to coordinate and communicate project tasks and activities. Project issues will be addressed with possible solutions and escalated to sponsors when necessary. Deadlines on key milestones will be marketed and confirmed with both teams.

Specific examples of business processes related to technology are the calendaring system or docketing for administrative or court deadlines. For example, each claims that are in dispute have specific deadlines required by statute or policy. As there are many claims, keeping track of each claim and the many deadlines requires a robust, near real-time and automatic integrated system with the AGO's

email and calendar client, Outlook. At times, events in the case require moving of some or all the deadlines. The legal matter management system must then communicate with Outlook of each AGO person connected with the case and change the dates to ensure the right deadlines remain on the calendar and change deadlines are reflected in everyone's calendar.

2022 Supplemental IT Decision Package Fiscal Detail Worksheet

* Agency priority request for IT DPs is included in the budget submittal recsum.

Decision Package Information

Expected Fiscal Year to Complete: NA Ongoing Services **Use this sheet to provide budget detail for the entire lifecycle of your project since inception.**

Anticipated Project Budget	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
State Employee Staffing Costs	232,000	1,194,000	1,028,000	389,000	389,000	389,000	389,000	389,000	389,000	389,000	389,000
Non-State Employee Staffing Costs											
Contracted Professional Services		75,000	75,000								
Software Licenses and Subscriptions		450,000	2,805,000	2,795,000	2,795,000	2,795,000	2,795,000	2,795,000	2,795,000	2,795,000	2,795,000
Hardware and Equipment											
Service Level Agreements											
Other	30,000	155,000	130,000	55,000	55,000	55,000	55,000	55,000	55,000	55,000	55,000
	<u>262,000</u>	<u>1,874,000</u>	<u>4,038,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>
Fund Sources											
Fund 001-1 (GFS)	27,000	201,000	435,000	347,000	347,000	347,000	347,000	347,000	347,000	347,000	347,000
Fund 001-2 (GFF)	12,000	88,000	188,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000	152,000
Fund 111-1 (PSRA)	3,000	20,000	43,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000	35,000
Fund 19A-1 (MFPA)	4,000	29,000	63,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
Fund 405-1 (LSRA)	208,000	1,481,000	3,191,000	2,560,000	2,560,000	2,560,000	2,560,000	2,560,000	2,560,000	2,560,000	2,560,000
Fund 424-6 (ARF)	8,000	55,000	118,000	95,000	95,000	95,000	95,000	95,000	95,000	95,000	95,000
TOTAL	<u>262,000</u>	<u>1,874,000</u>	<u>4,038,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>	<u>3,239,000</u>

2022 Supplemental IT Decision Package Fiscal Detail Wor

* Agency priority request for IT DPs is included in the budget submittal recsum.

Decision Package Information

Expected Fiscal Year to Complete:	NA Ongoing Services	Use this sheet to provide historical costs for your IT project for the entire lifecycle since inception.								
Historical Expenditures (Cost)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
State Employee Staffing Costs										
Non-State Employee Staffing Costs										
Contracted Professional Services										
Software Licenses and Subscriptions	99,620	158,048	\$74,715.00	\$123,952.00	\$111,212.00	\$148,283.00	\$151,545.00	\$191,952.00	\$187,207.00	\$160,329.00
Hardware and Equipment										
Service Level Agreements										
Other										
	<u>99,620</u>	<u>158,048</u>	<u>74,715</u>	<u>123,952</u>	<u>111,212</u>	<u>148,283</u>	<u>151,545</u>	<u>191,952</u>	<u>187,207</u>	<u>160,329</u>
Fund Sources										
Fund 001-1 (GFS)	10,710	16,990	8,032	13,325	11,956	15,939	16,291	20,635	20,125	17,236
Fund 001-2 (GFF)	4,177	6,626	3,133	5,197	4,663	6,217	6,353	8,047	7,849	6,721
Fund 111-1 (PSRA)	1,694	2,687	1,270	2,107	1,891	2,521	2,576	3,263	3,183	2,726
Fund 19A-1 (MFPA)	1,392	2,209	1,044	1,732	1,554	2,072	2,118	2,683	2,616	2,241
Fund 405-1 (LSRA)	78,734	124,914	59,051	97,966	87,896	117,197	119,775	151,710	147,959	126,716
Fund 424-6 (ARF)	2,913	4,622	2,185	3,625	3,252	4,337	4,432	5,614	5,475	4,689
TOTAL	<u>99,620</u>	<u>158,048</u>	<u>74,715</u>	<u>123,952</u>	<u>111,212</u>	<u>148,283</u>	<u>151,545</u>	<u>191,952</u>	<u>187,207</u>	<u>160,329</u>

2022 Supplemental IT Decision Package Fiscal Detail Wor

* Agency priority request for IT DPs is included in the budget submittal recsum.

Decision Package Information

Expected Fiscal Year to Complete:	NA Ongoing Services									
Use this sheet to provide estimated maintenance and operations costs for the project once complete.										
Maintenance & Operations Costs	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
State Employee Staffing Costs					389,000	389,000	389,000	389,000	389,000	389,000
Non-State Employee Staffing Costs										
Contracted Professional Services										
Software Licenses and Subscriptions					2,795,000	2,795,000	2,795,000	2,795,000	2,795,000	2,795,000
Hardware and Equipment										
Service Level Agreements										
Other					55,000	55,000	55,000	55,000	55,000	55,000
	-	-	-	-	3,239,000	3,239,000	3,239,000	3,239,000	3,239,000	3,239,000
Fund Sources										
Fund 001-1 (GFS)					347,000	347,000	347,000	347,000	347,000	347,000
Fund 001-2 (GFF)					152,000	152,000	152,000	152,000	152,000	152,000
Fund 111-1 (PSRA)					35,000	35,000	35,000	35,000	35,000	35,000
Fund 19A-1 (MFPA)					50,000	50,000	50,000	50,000	50,000	50,000
Fund 405-1 (LSRA)					2,560,000	2,560,000	2,560,000	2,560,000	2,560,000	2,560,000
Fund 424-6 (ARF)					95,000	95,000	95,000	95,000	95,000	95,000
TOTAL	-	-	-	-	3,239,000	3,239,000	3,239,000	3,239,000	3,239,000	3,239,000



Office of Attorney General
 2021-23 First Supplemental Budget Session
 Policy Level - MJ - eDiscovery Capacity and Management

Agency Recommendation Summary

Discovery is a critical stage of all successful litigation. A pilot program within the Attorney General’s Office (AGO) has been using the electronic discovery software tool, Everlaw, with abundant success. In order to continue providing excellent legal services, the AGO needs to expand the use of the software for all legal divisions. Using a cloud-based, SAAS discovery solution will maximize efficiency and increase cost-effectiveness. Additionally, an FTE devoted to eDiscovery training and management will work with divisions and client agencies to provide training on best practices, risk mitigation and overall discovery support to ensure success of the discovery process.

Fiscal Summary

Fiscal Summary <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Staffing						
FTEs	1.3	3.8	2.55	3.8	3.8	3.8
Operating Expenditures						
Fund 405 - 1	\$796	\$1,269	\$2,065	\$1,269	\$1,269	\$2,538
Total Expenditures	\$796	\$1,269	\$2,065	\$1,269	\$1,269	\$2,538
Revenue						
405 - 0420	\$796	\$1,269	\$2,065	\$1,269	\$1,269	\$2,538
Total Revenue	\$796	\$1,269	\$2,065	\$1,269	\$1,269	\$2,538

Decision Package Description

As the largest public law firm in the state responsible for representing the interests of client agencies, the AGO defends all cases and claims brought against the state agencies, boards, commissions, state officials and employees. To maximize the limited resources of both client agencies and the AGO, use of highly effective, cloud-based SAAS (Software as a Solution) electronic discovery (eDiscovery) tools are needed to properly process the volumes of data from client agencies that may be responsive in litigation – saving the state money from being spent on more expensive eDiscovery tools through vendor contracts.

Discovery is the phase of litigation whereby the parties produce documents requested by the opposing party. Successful litigation depends on being able to produce and review documents efficiently and timely. The party that is able to invest more resources in discovery has a distinct advantage in litigation. For example, the AGO has had cases with over 5 million documents (generally estimated to be around 300 million pages), using six terabytes of storage space to prepare for discovery and trial. Reviewing and processing this amount of information can be costly.

The AGO's legal services divisions' current on-premise eDiscovery tools are insufficient for the size and complexity of many current cases. Historical trending indicates size and complexity will only increase for future cases. Litigation has become increasingly document-intensive and most documents are now electronic (e-mail, employee records, etc.). AGO divisions with legal services funding need tools that are more user friendly, allow for quicker processing of eDiscovery, allow several reviewers to access data simultaneously to perform document reviews before a tight deadline and are available in the cloud. Currently, legal services divisions commonly seek temporary vendor-supported eDiscovery services through competitive procurement contracts, at a higher cost than our current Everlaw contract for non-legal services divisions. Additional functionality that the AGO seeks is de-duplication, native Excel sheet redaction, predictive coding, data visualization, document translation, audio transcription, and collaboration with entities outside our office. These features reduce reliance on higher cost contracting and will facilitate quicker and more thorough discovery reviews.

Everlaw is an industry-standard eDiscovery tool that is cloud-hosted, SAAS and used by many state Attorneys' General Offices and large private large firms. Large multi-state cases have used Everlaw to successfully litigate cases with large amounts of complex documents, email, and Excel workbooks. The National Association of Attorneys General endorses Everlaw. This solution offers all the features detailed above and has easy-to-use features including easy uploading of raw data by any trained legal staff, built-in case analytics and de-duplication, along with vendor support and training during their supported hours. Since this is a cloud-based solution, new industry-standard features will continue to be added so the AGO can attain and maintain a competitive edge with opposing law firms' technology tools and budgets.

The ability to produce documents efficiently reduces costs for the AGO's clients – saving taxpayer dollars. In addition, it allows for more time to review and analyze the State is producing. This ensures the State is not surprised, and can prepare for the opposing party's arguments. Moreover, incomplete discovery production subjects the State to potential liability and sanctions. Just as importantly, efficient discovery allows the State to invest additional time in reviewing, organizing and analyzing document production by the other time in order to uncover key documents.

We anticipate adding AGO legal services divisions to the existing pilot contract with Everlaw, procured through a master services contract managed by the Washington State Department of Enterprise Services and used by non-legal services divisions.

As eDiscovery grows in size and complexity with our client agencies, a dedicated Assistant Attorney General (AAG) and Litigation Support Manager (LSM) are needed to serve as the AGO's discovery lead for legal and discovery processing. These positions (non-technical) questions, to create and deliver eDiscovery risk management training for client agencies and to routinely review and update eDiscovery policies and best practices in conjunction with the AGO Discovery Committee. The risk management training for client agencies will provide clients with the knowledge to provide discovery responses and documents in the format and completeness necessary for the modern requirements of eDiscovery. This training will reduce liability risk associated with incomplete, inaccurate or overly broad document collection. It may also prevent some documents from being reviewed/coded differently than similar documents in the productions. In addition, better review tools will help reduce the time to review the increasing amount of documents.

An Information Technology (IT) Litigation Technology Specialist (IT-LTS) FTE is required to deliver the additional technical support needed to support the additional legal divisions, provide additional guidance on use of eDiscovery tools, and assist in Everlaw system administration.

Assumptions and Calculations

Expansion, Reduction, Elimination or Alteration of a current program or service:

The addition of an eDiscovery training and management program is new to the AGO. The costs for use of Everlaw by non-legal services divisions and the pilot over the last two fiscal years are:

FY 2021 - \$1.9 million

FY 2020 - \$1.3 million

IT support for the pilot was planned outside the current IT budget.

Detailed Assumptions and Calculations:

The cost of Everlaw is calculated by the amount of data that is hosted by Everlaw on its site on a monthly basis. We used industry-standard analysis of our current data and surveyed the Legal Services Revolving Account (LSRA) divisions to determine we should start with 25 TB active data. We estimate this cost at \$1.35 million per biennium (includes tax).

Combined salary and benefit costs for the AAG, LA, IT-LTS, LSM, CS and FA 3 is \$103,000 for FY 2022, \$521,000 for FY 2023 on-going staffing costs would be \$1.04 million per biennium.

Total FY 2022 cost for staffing and Everlaw is \$796,000 (\$103,000 for staff and \$693,000 for Everlaw). Ongoing cost beginning FY 2023 costs are \$1.3 million annually.

Workforce Assumptions:

FTE Detail is provided, Dollars in Thousands:

FTE	FY2022	FY2023	FY2024	FY2025	Ongoing ? Y / N
AAG FTE		1.0	1.0	1.0	Y
Object A & B		138	138	138	
LA FTE		0.5	0.5	0.5	Y
Object A & B		39	39	39	
LSM FTE		1.0	1.0	1.0	Y
Object A & B		118	118	118	
MA5 FTE		0.3	0.3	0.3	Y
Object A & B		29	29	29	
IT LTS FTE		1.0	1.0	1.0	Y
Object A & B		132	132	132	
CS FTE	1.0	0.5	0.5	0.5	Y
Object A & B	81	43	43	43	
FA 3 FTE	0.3	0.3	0.3	0.3	Y
Object A & B	22	22	22	22	
TOTAL FTE	1.3	4.5	4.5	4.5	
TOTAL A & B	103	521	521	521	

Agency administration support FTEs are included in the tables using a Management Analyst 5 as a representative classification.

How is your proposal impacting equity in the state?

Funding this request will allow the AGO to continue to provide excellent legal services across all of Washington State.

Impact is statewide affecting all AGO offices and divisions, and most state agencies through AGO's billing rates.

Strategic and Performance Outcomes

Strategic Framework:

Results Washington: Efficient, Effective and Accountable Government

AGO Strategic Plan: 1-2-2 Adjust existing software and processes to improve effectiveness and efficiency.

Implement collaborative, cloud-based litigation software platforms such as Everlaw to support and scale to clients' expanding discovery needs.

Costs are provided, Dollars in Thousands:

Activity	Fund	FY2022	FY2023	FY2024	FY2025
A.0001 - Administration	405	796	1,269	1,269	1,269
TOTAL		796	1,269	1,269	1,269

Performance Measure	Fund	FY2022	FY2023	FY2024	FY2025
2355 - Other Collateral Connections	405	796	1,269	1,269	1,269
TOTAL		796	1,269	1,269	1,269

Performance Measures	Incremental Changes 2022	Incremental Changes 2023	Incremental Changes 2024	Incremental Changes 2025
002533 - Total AG Formal and Informal Opinions Issued	0	0	0	0

Performance Outcomes:

Performance Measure 2533: Total AG Formal and Informal Opinions Issued

Target: 45 AG opinions (formal or informal) per biennium, reported quarterly.

Key Divisions: Administration

Incremental changes are indeterminate.

Other Collateral Connections

Puget Sound Recovery:

N/A

State Workforce Impacts:

There is no expected impacts to existing collective bargaining agreements, compensation or benefits.

Intergovernmental:

N/A

Legal or Administrative Mandates:

N/A

Stakeholder Response:

There is no known opposition to this request at this time. No impact to non-governmental stakeholders.

Changes from Current Law:

N/A

State Facilities Impacts:

N/A

Reference Documents

[IT Addendum 2022 Supplemental - Everlaw 2021-09-07.docx](#)

IT Addendum

Does this Decision Package include funding for any IT-related costs, including hardware, software, (including cloud-based services), contracts or IT staff?

Yes

Objects of Expenditure

Objects of Expenditure <i>Dollars in Thousands</i>	Fiscal Years		Biennial	Fiscal Years		Biennial
	2022	2023	2021-23	2024	2025	2023-25
Obj. A	\$74	\$393	\$467	\$393	\$393	\$786
Obj. B	\$28	\$128	\$156	\$128	\$128	\$256
Obj. E	\$691	\$743	\$1,434	\$743	\$743	\$1,486
Obj. G	\$1	\$3	\$4	\$3	\$3	\$6
Obj. J	\$2	\$2	\$4	\$2	\$2	\$4

Agency Contact Information

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2022 Supplemental IT ADDENDUM

NOTE: Only use this addendum if your decision package includes IT and does NOT relate to the One Washington project.

Part 1: Itemized IT Costs

To itemize IT costs for this submittal, agencies must complete the imbedded IT Fiscal Estimates Worksheet (Excel workbook) and submit that with their final decision package.



2022 SUPPLEMENTAL
DP Templates IT Adde

When itemizing costs in this workbook, please consider the total cost of the combined level of effort which includes: the associated costs, from planning through closeout, of state, vendor, or both, in order to purchase, acquire, gather and document requirements, design, develop or configure, plan or conduct testing, and complete implementation of enhancement(s) to an existing system.

Part 2: Identifying IT Projects

If the investment proposed in the decision package is the development or acquisition of an IT project/system, or is an enhancement to or modification of an existing IT project/system, it will also be reviewed and ranked by the OCIO as required by RCW 43.88.092. The answers to the three questions below will help OFM and the OCIO determine whether this decision package is, or enhances/modifies, an IT project:

1. Does this decision package fund the development or acquisition of a new or enhanced software or hardware system or service? Yes No
2. Does this decision package fund the acquisition or enhancements of any agency data centers? (See OCIO [Policy 184](#) for definition.) Yes No
3. Does this decision package fund the continuation of a project that is, or will be, under OCIO oversight? (See OCIO [Policy 121](#).) Yes No

If you answered “yes” to any of the above questions, you must answer the questions in Part 3 to finish the IT Addendum. Refer to Chapter 10 of the operating budget instructions for more information and a link to resources and information about the evaluation criteria questions.

Part 3: IT Project Questions

Agency readiness/solution appropriateness

Organizational change management

1. Describe the types of organizational changes expected because of this effort. How has your agency considered these impacts in planning the project and within this funding request? Include specific examples regarding planned Organizational Change Management (OCM) activities and whether or how the requested funding will support these efforts.

This project was previously submitted to the OCIO's office in 2019 and was deemed not to require OCIO oversight via the ITPA process at that time. A new request was submitted to the OCIO to confirm whether oversight is needed for this DP submission or not.

A new electronic discovery (e-discovery) solution will require some minor process changes in the Information Services Division. These changes include documentation and training on how customer support staff will create new cases for trial teams when needed. Training and support for the e-discovery solution are provided by the vendor. Litigation managers will determine the cases that will use the solution. Marketing and notices about the solution will be provided by litigation managers.

Agency technology portfolio risk assessment

2. How does this project integrate into and/or improve the overall health of your agency's IT portfolio? Include specific examples such as system efficiencies, technology risks mitigated, technology improvements achieved, etc.

This project fits within the AGO's IT Portfolio by providing industry-standard e-discovery tools to process and review documents obtained during litigation. These tools allow easy review of large amounts of documents. Technology risks are mitigated by using a vetted and industry-standard solution that is used by every AGOs throughout the US. This common technology allows multi-state litigation to be handled consistently and efficiently.

Solution scale

3. Explain how this investment is scaled appropriately to solve the proposed business problem. Described what considerations and decisions the agency has made to determine the sizing of this investment and why it is appropriate to solve the business problem outlined in the decision package.

The AGO used previous litigation data from the pilot and surveyed users on future use to ensure we built out the right size solution. Considerations reviewed were size of current litigation documents, expected size increases due to industry-standard growth of litigation data, and the number of staff expected to use the system at one time.

Resource availability

4. How has the agency determined the resources required for this effort to be successful? How does this funding request support that resourcing need? If the agency intends to use existing resources for this effort, how are risks around resource availability being addressed?

A current team of IT System Administrators provides data reporting, sign-on and system support for the current pilot, while the vendor will provide case-related support and training. Additional IT support requested with this decision package will provide support for the increased use of the system by additional legal services divisions.

Investment urgency

5. With regards to the urgency of this investment, please select **one** of the following that most closely describes the urgency of your investment, and **explain your reasoning**:

- This investment addresses a currently unmet, time sensitive legal mandate or addresses audit findings which require urgent action.

Reason:

- This investment addresses imminent failure of a mission critical or business essential system or infrastructure and will improve that issue.

Reason:

- This investment addresses an agency's backlog of technology systems and provides an opportunity for modernization or improvement.

Reason:

- This investment provides an opportunity to improve services, but does not introduce new capability or address imminent risks.

Reason: The AGO uses this solution for non-legal services cases and large, multi-state cases currently with other states and the solution provides improved processing and review technologies over other e-discovery solutions.

Architecture/Technology Strategy Alignment

Strategic alignment

6. Using specific examples, describe how this investment aligns with strategic elements of the Enterprise Technology Strategic Plan. Examples of strategic principles that tie back to tenets of the strategic plan include, but are not limited to: buy don't build, solutions hosted on modern hosting solutions, solutions promoting accessibility, early value delivery of functionality throughout the project, and modular implementation of project features.

This solution utilizes a cloud-based, SAAS e-discovery solution that is bought and not built, aligning with the state's vision of more cloud-based solutions. The solution is hosted by an industry-standard vendor using a modern hosted storage solution. There is early delivery of functionality as the vendor hosts an existing SAAS e-discovery solution used by other AGOs throughout the US. As new features are added to the solution, our staff will immediately be able to use the features.

Technical alignment

7. Using specific examples, describe how this investment aligns with technical elements of the Enterprise Technology Strategic Plan. Examples of technical principles that tie back to tenets of the strategic plan include, but are not limited to: data minimization, incorporating security principles into system design and implementation, publishing open data, and incorporating mobile solutions into systems.

This solution reduces data by de-duplicating documents obtained during the litigation process. The vendor utilizes better than industry-standard security for data at rest and in transit. The technology used by the vendor to support this SAAS e-discovery solution aligns with the technical elements of the strategic plan. This solution has been reviewed and approved by the Office of Cyber Security.

Governance processes

8. What governance processes does your agency have in place to support this project, or what new governance processes will be introduced to accommodate this effort? Examples of governance

processes include executive sponsorship and steering, vendor/contract management, change control, quality assurance (QA), independent verification and validation (IV&V), and incorporating stakeholder feedback into decision making processes. Provide examples of how your proposed budget includes adequate funding and planning for governance processes, if applicable.

Inception and execution of this project was made by three AGO executives. Each sit on the governance team and guide the AGO on use and growth of the solution. All medium and high-risk decisions are reviewed by this team. Stakeholder feedback was gathered before settling on this solution and will continue guiding business use of the solution. The proposed budget includes resources for continued governance of the system with dedicated electronic discovery experts in the AGO.

Interoperability, interfaces and reuse

9. Does this proposed solution support interoperability and/or interfaces of existing systems within the state? Does this proposal reuse existing components of a solution already in use in the state? If the solution is a new proposal, will it allow for such principles in the future? Provide specific examples.

Yes, the solution allows use of existing processes and knowledge by IT and legal staff to review documents for litigation.

Business/Citizen Driven Technology

Measurable business outcomes

10. Describe how this proposed IT investment improves business outcomes within your agency? Provide specific examples of business outcomes in use within your agency, and how those outcomes will be improved as a result of this technology.

This investment will provide increased document review and processing tools that will allow litigation teams to review large amounts of documents in document-intensive cases.

Customer centered technology

11. Describe how this proposed investment improves customer experience. Include a description of the mechanism to receive and incorporate customer feedback. If the investment supports internal IT customers, how will agency users experience and interact with this investment? If the customers are external (citizen), how will the citizen experience with your agency be improved as result of implementing this investment? Provide specific examples.

This solution provides industry-standard tools for agency legal teams to process and review documents obtained during legal proceedings. IT has gained feedback from pilot customers through surveys and workgroups to increase the efficiency of the service. Executive feedback is also used to increase efficient use.

Business process transformation

12. Describe how this IT investment supports business processes in your agency. Include the degree of change anticipated to business processes and the expected improvements as a result

of this technology. Describe how the business and technology will coordinate and communicate project tasks and activities. Provide specific examples of how business processes are related to this technology and expected improvements to business processes as a result of implementing this technology.

The solution provides the ability to process and review large amounts of documents for litigation. Communication with support and users is through vendor-provided training and executive memorandums. The program manager and service owner will provide periodic updates on status of use and make changes to existing process based on feedback.

2022 Supplemental IT Decision Package Fiscal Detail Worksheet

* Agency priority request for IT DPs is included in the budget submittal recsum.

Decision Package Information

Expected Fiscal Year to Complete:

Ongoing

Use this sheet to provide budget detail for the entire lifecycle of your project since inception.

Anticipated Project Budget	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2032
State Employee Staffing Costs		521,000	521,000	521,000	521,000	521,000	521,000	521,000	521,000	521,000	521,000
Non-State Employee Staffing Costs											
Contracted Professional Services											
Software Licenses and Subscriptions	675,000	675,000	675,000	675,000	675,000	675,000	675,000	675,000	675,000	675,000	675,000
Hardware and Equipment											
Service Level Agreements											
Other											
	<u>675,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>
Fund Sources											
001-1: General Fund State											
08A-1: Education Legacy Trust Account											
17F-1: Washington Opportunity Pathways											
001-2: General Fund Federal											
001-C: General Fund Medicaid											
415-1: Personnel Services Account											
405-1: Legal Services Revolving Account	675,000	1,196,000	1,196,000	1,196,000	1,196,000	1,196,000	1,196,000	1,196,000	1,196,000	1,196,000	1,196,000
xxx-x: Fund Source XXX											
TOTAL	<u>675,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>	<u>1,196,000</u>

2022 Supplemental IT Decision Package Fiscal Detail Worksheet

* Agency priority request for IT DPs is included in the budget submittal recsum.

Decision Package Information

Expected Fiscal Year to Complete:

Use this sheet to provide historical costs for your IT project for the entire lifecycle since inception.

Historical Expenditures (Cost)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
State Employee Staffing Costs											65,421
Non-State Employee Staffing Costs											
Contracted Professional Services											
Software Licenses and Subscriptions											565,000
Hardware and Equipment											
Service Level Agreements											860,000
Other											
	-	-	-	-	-	-	-	-	-	-	1,490,421
Fund Sources											
001-1: General Fund State											613,000
08A-1: Education Legacy Trust Account											
17F-1: Washington Opportunity Pathways											
001-2: General Fund Federal											
001-C: General Fund Medicaid											
415-1: Personnel Services Account											
405-1: Legal Services Revolving Account											264,421
424-6: Anti-Trust Revolving Account											613,000
TOTAL	-	-	-	-	-	-	-	-	-	-	1,490,421

2022 Supplemental IT Decision Package Fiscal Detail Worksheet

* Agency priority request for IT DPs is included in the budget submittal recsum.

Decision Package Information

Expected Fiscal Year to Complete:

Use this sheet to provide estimated maintenance and operations costs for the project once complete.

Maintenance & Operations Costs	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
State Employee Staffing Costs	395,757	395,757	916,757	916,757	916,757	916,757	916,757	916,757	916,757	916,757
Non-State Employee Staffing Costs										
Contracted Professional Services										
Software Licenses and Subscriptions	565,000	1,190,000	1,190,000	1,190,000	1,190,000	1,190,000	1,190,000	1,190,000	1,190,000	1,190,000
Hardware and Equipment										
Service Level Agreements	860,000	860,000	860,000	860,000	860,000	860,000	860,000	860,000	860,000	860,000
Other										
	<u>1,820,757</u>	<u>2,445,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>
Fund Sources										
001-1: General Fund State	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000
08A-1: Education Legacy Trust Account										
17F-1: Washington Opportunity Pathways										
001-2: General Fund Federal										
001-C: General Fund Medicaid										
415-1: Personnel Services Account										
405-1: Legal Services Revolving Account	490,757	1,115,757	1,636,757	1,636,757	1,636,757	1,636,757	1,636,757	1,636,757	1,636,757	1,636,757
424-6: Anti-Trust Revolving Account	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000	665,000
TOTAL	<u>1,820,757</u>	<u>2,445,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>	<u>2,966,757</u>

Tab D

REVENUE





ABS 029 Summarized Revenue by Account and Source
Office of Attorney General
Agency Level
2022 First Supplemental Budget Session
2022 - 2022 Supplemental

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2022	FY2023	FY2022	FY2023	FY2022	FY2023	
001 - General Fund							
0316 - Dept of Justice - F							
MR - Federal Funds Adjustment - SAKI	1,376	1,567	0	0			
Total - 0316 - Dept of Justice - F	1,376	1,567	0	0	1,376	1,567	2,943
0393 - Health & Human Svc - F							
MI - Legal Case Management Infrastructur	0	0	12	88			
Total - 0393 - Health & Human Svc - F	0	0	12	88	12	88	100
001 - General Fund - Federal	1,376	1,567	12	88	1,388	1,655	3,043
Total - 001 - General Fund	1,376	1,567	12	88	1,388	1,655	3,043
19A - Medicaid Fraud Pen A							
0405 - Fines, Forfeits - S							
MI - Legal Case Management Infrastructur	0	0	4	29			
Total - 0405 - Fines, Forfeits - S	0	0	4	29	4	29	33
19A - Medicaid Fraud Pen A - State			4	29	4	29	33
Total - 19A - Medicaid Fraud Pen A			4	29	4	29	33
405 - Legal Serv Rev Acct							
0420 - Charges for Services - S							
MC - ICWA Legal Compliance	4,525	4,594	0	0			
ME - Juvenile Litigation Representation	0	0	1,533	1,555			
MF - Juvenile Rehabilitation Legal Servi	237	241	0	0			
MG - Western WA Univ Legal Services	0	0	237	241			
MH - Office of Independent Investigation	53	35	0	0			
MI - Legal Case Management Infrastructur	0	0	208	1,481			
MJ - eDiscovery Capacity and Management	0	0	796	1,269			
MK - D.S. v. DCYF	120	0	0	0			
ML - Malone v. DSHS	150	0	0	0			

ABS 029 Summarized Revenue by Account and Source
Office of Attorney General
Agency Level
2022 - 2022 Supplemental
Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2022	FY2023	FY2022	FY2023	FY2022	FY2023	
MN - Sylvia Liang, et al. v. DSHS	0	76	0	0			
MP - College System Benefits Litigation	2,362	3,135	0	0			
MQ - Charter School Commission Litigation	118	120	0	0			
MS - Washington Climate Commitment Act	46	68	0	0			
Total - 0420 - Charges for Services - S	7,611	8,269	2,774	4,546	10,385	12,815	23,200
405 - Legal Serv Rev Acct - State	7,611	8,269	2,774	4,546	10,385	12,815	23,200
Total - 405 - Legal Serv Rev Acct	7,611	8,269	2,774	4,546	10,385	12,815	23,200
424 - Anti-Trust Revolving							
0420 - Charges for Services - S							
MI - Legal Case Management Infrastructur	0	0	8	55			
Total - 0420 - Charges for Services - S	0	0	8	55	8	55	63
424 - Anti-Trust Revolving - State			8	55	8	55	63
Total - 424 - Anti-Trust Revolving			8	55	8	55	63
Agency: 100 ATG - State	7,611	8,269	2,786	4,630	10,397	12,899	23,296
Agency: 100 ATG - Federal	1,376	1,567	12	88	1,388	1,655	3,043
Total - Agency: 100 ATG	8,987	9,836	2,798	4,718	11,785	14,554	26,339
- unknown source title - Z							

MC - ICWA Legal Compliance

The Attorney General's Office (AGO) requests an increase in legal resources for Department of Children, Youth, and Families (DCYF) to satisfy the heightened standards and additional legal elements in cases where the state and federal Indian Child Welfare Acts (ICWA) apply. Based on two Supreme Court rulings, the number of children to whom the Acts apply has significantly expanded, and the Acts' legal elements that DCYF must prove are more demanding.

ME - Juvenile Litigation Representation

This request is to provide funding to the Attorney General's Office (AGO) for representation in Grays Harbor, Asotin, and Walla Walla Counties for new child welfare caseloads as requested by the Department of Children, Youth, and Families (DCYF). Representation was previously provided by the counties' prosecutor offices. This transition will facilitate a more consistent statewide approach and help DCYF achieve significant system reforms adopted by the Legislature, and comply with its federal reporting requirements.

ABS 029 Summarized Revenue by Account and Source
Office of Attorney General
Agency Level
2022 - 2022 Supplemental
Dollars in Thousands

MF - Juvenile Rehabilitation Legal Servi

The Attorney General's Office (AGO) requests funding to support legal services for the Department of Children, Youth and Families (DCYF) Juvenile Rehabilitation (JR). Statutorily changes since JR transitioned from the Department of Social and Health Services (DSHS) to DCYF have increased the size and complexity, and have resulted in a sustained increase in legal service needs, both for advice and for litigation.

MG - Western WA Univ Legal Services

Western Washington University (WWU) is submitting a supplemental decision package requesting funding for additional legal resources and the Attorney General's Office (AGO) supports the request as the need for legal services has increased over time in both the number of requests for legal services and in the complexity of the legal services needed. An additional Assistant Attorney General (AAG) position is requested to meet the expanding workload demand arising from campus growth and development, as well as an increase in complex legal issues requiring more attorney time and resources.

MH - Office of Independent Investigation

The Office of Independent Investigation (OII) is a new office within the Governor's Office effective July 2021. Beginning July 2022, the OII director is authorized to investigate deadly force incidents involving law enforcement. Beginning July 2023, the director is authorized to review and may investigate prior investigations of deadly force, if new evidence is brought forward. The Attorney General's Office (AGO) was not funded for providing legal services to OII.

MI - Legal Case Management Infrastructur

The Attorney General's Office (AGO) is the largest public law firm in the state. The AGO represents the interests of client agencies and defends all cases and claims brought against state agencies, boards, commissions, state officials, and employees. To maximize the limited resources of both client agencies and the AGO, use of a modern enterprise legal matter management system is needed to properly manage case information and documents, and track cases, client advice, and investigations across the agency. The current system requires an upgrade or replacement as the demands on the system continue to increase.

MI - Legal Case Management Infrastructur

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MI - Legal Case Management Infrastructur

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ABS 029 Summarized Revenue by Account and Source
Office of Attorney General
Agency Level
2022 - 2022 Supplemental
Dollars in Thousands

MI - Legal Case Management Infrastructure

The Attorney General's Office (AGO) is the largest public law firm in the state. The AGO represents the interests of client agencies and defends all cases and claims brought against state agencies, boards, commissions, state officials, and employees. To maximize the limited resources of both client agencies and the AGO, use of a modern enterprise legal matter management system is needed to properly manage case information and documents, and track cases, client advice, and investigations across the agency. The current system requires an upgrade or replacement as the demands on the system continue to increase.

MJ - eDiscovery Capacity and Management

Discovery is a critical stage of all successful litigation. A pilot program within the Attorney General's Office (AGO) has been using the electronic discovery software tool, Everlaw, with abundant success. In order to continue providing excellent legal services, the AGO needs to expand the use of the software for all legal divisions. Using a cloud-based, SAAS discovery solution will maximize efficiency and increase cost-effectiveness. Additionally, an FTE devoted to eDiscovery training and management will work with divisions and client agencies to provide training on best practices, risk mitigation and overall discovery support to ensure success of the discovery process.

MK - D.S. v. DCYF

The Attorney General's Office (AGO) seeks funding for litigation expenses for D.S. v. the Department of Children, Youth and Families' (DCYF), a federal case related to DCYF's practice of placing children in congregate care, in out-of-state group care facilities, and holding foster children in hotels and offices. This case alleges DCYF's actions violate the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Fourteenth Amendment of the United States Constitution (privacy and substantive due process), and the Adoptions Assistance and Welfare Act.

ML - Malone v. DSHS

This lawsuit involves the resident population of the Special Commitment Center (SCC) and the alleged violations of their civil rights, including claims of unsafe drinking water and inadequate conditions of confinement.

MN - Sylvia Liang, et al. v. DSHS

The Service Employees International Union 775 sued the Department of Social & Health Services (DSHS) alleging that DSHS has underpaid Individual Providers (IP) since March 2014 on various theories including the contractual duty of good faith and fair dealing and the minimum wage act. The case is complex in that it may involve over one-hundred thousand individual client-provider pairs. Trial is scheduled to begin February 6, 2023 and discovery is ongoing.

MP - College System Benefits Litigation

This request is to fund defense of employee benefit class action lawsuits against the State Board for Community and Technical Colleges (SBCTC) and the State of Washington. The same law firm on behalf of classes of similarly situated part-time college employees filed three lawsuits. Two lawsuits, Wolf v. State Board and Rush v. State, allege denial of retirement benefits administered under the SBCTC Retirement Benefit Plan. The third suit, Rush v. State, alleges denial of sick leave benefits as specified under RCW 28B.50.4893. This request provides staff and funding to defend Washington State in this complex litigation.

ABS 029 Summarized Revenue by Account and Source
Office of Attorney General
Agency Level
2022 - 2022 Supplemental
Dollars in Thousands

MQ - Charter School Commission Litigation

This request is to support the Charter School Commission's (Commission) request for additional legal services allocation in anticipation of litigation challenging the Commission's authority to regulate charter schools. The Commission's legal services allocation is insufficient to meet its day -to-day legal services needs and does not take into account litigation costs. The Commission overspent the 2019 -21 allocation by more than 20 percent and was given a reduced legal services allocation for 2021 -23 Biennium. A robust defense is paramount to ensure that the regulatory framework that was enacted through the Initiative process and by the legislature maintains its integrity.

MR - Federal Funds Adjustment - SAKI

The Attorney General's Office (AGO) requests an increase to its federal authority to allow the AGO to continue to clear the backlog of untested kits in the Federal Sexual Assault Kit Initiative (SAKI), collect DNA owed by felons, and to further unresolved sexual assault related investigations. There is no impact to State funds.

MS - Washington Climate Commitment Act

The Attorney General's Office (AGO) received \$170,000 in billing authority for the enacted legislation Second Substitute Bill (SSB) 5126. The AGO's fiscal note identified that it would take a total of \$284,000 to implement the legislation and Department of Ecology (ECY) and Department of Natural Resources (DNR) will be billed for these legal services. The AGO remains confident in its initial assumptions. Successful implementation of complex, critical legislation will require sufficient funding for legal resources. AGO is requesting the additional \$114,000 in billing authority.

Proposed Fee Changes

Not Applicable

Working Capital Reserve

No Changes to Report

Revenue Transfer Reconciliation Statement

Not Applicable

Tab E

**OTHER
REQUIRED
INFORMATION**



Central Service Model Fund Split Adjustment

No Changes to Report

Puget Sound Action Agenda

Not Applicable

